



ARE YOU UP TO THE MARK?

You've created ways of differentiating your products and services from the competition with attractive and enviable trade marks.

So how do you make them work for you?

It's simple! Mark your products or services with the symbol ® or ™.

WHY?

Firstly, marking highlights that a trade mark belongs to you. It sends the message that you are aware of the value of your IP and that you will not brook copying, acting as a deterrent against unauthorised use.

DON'T GO GENERIC

It also prevents you from falling into the trap of allowing your mark to become the generic name for the very products or services that it is intended to distinguish itself from. There is a long history of trade marks losing their power because their owners have allowed trade marks such as "escalator", "velcro" and "trampoline" to become part of the common language.

STAND OUT FROM THE CROWD

Additionally, marking a trade mark makes it stand out from the text or artwork that surrounds it, and draws attention to it. This has the advantage of reinforcing the connection in the minds of the public between a trade mark and its owner. Repeated use of a marking symbol can jar by interrupting the flow of text, and so, alternatively a simple footnote can indicate that a particular mark is a [registered] trade mark of [named proprietor].

REGISTRATION

You can protect trade marks and their exclusivity by way of registration. A mark used in the form in which it's registered and in relation to the goods or services for which it's registered, should be marked with the superscript ®. However, it can be an offence to indicate that a trade mark is registered, if it isn't.

TRADE MARKS

It's also possible to mark your trade mark with the superscript ™, whether the mark is registered or not. This symbol has no legal meaning in the UK, but clearly shows that a mark is being used as a trade mark. This mark can be used before an application is filed, while an application is pending, or while you endeavour to make a mark distinctive through use.

MARKET EXTENSION

It's often the case that a trade mark is used in territories where it's not protected. If your market extends beyond the scope of your trade mark protection, then it's good practice to use the symbol ™ on your products or packaging. This helps to avoid having to design different packaging for various markets, and protects against inadvertent wrongful use of ®. This is particularly relevant for websites advertising to multiple markets.

**The Murgitroyd team can help you devise a trade mark strategy for your business:
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