

# Trade Marks 101: The Essentials

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and Victor Ng\*\*

The purpose of this month's article is to provide some basic information about Trade Marks. It answers some common questions, such as:

- What is a trade mark?
- Is registration necessary?
- What can be registered?
- What about business names?

**What types of things can be registered as a trade mark?**

Almost anything. A trade mark can be letters, words, phrases, slogans, logos and pictures. Even smells, sounds and shapes can be registered.

For example, McCain Foods has registered these marks in relation to its

**Does my trade mark give me rights overseas?**

No, an Australian registered trade mark only gives you protection in Australia. Because of some international conventions,



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### What is a trade mark?

A trade mark is something which distinguishes one trader's goods or services from those of another. For example, when you look at the 'Golden Arches' you think of McDonald's not Hungry Jack's.

### Do you have to register a trade mark?

No. It's not compulsory to register your trade mark but registration is a very, very good idea. Here's why -

How would you feel if a competitor adopted a brand name that closely resembled yours?

What if your logo (or something very similar) started showing up on a competing product?

Registration gives you the exclusive right to use your trade mark in respect of the registered goods and services. Enforcement (i.e. stopping others from using similar marks) is usually simpler and cheaper if a mark is registered.

frozen foods:

MCCAIN  the sound: "Ah McCain \*PING\* you've done it again"

### But I already have a business name registration?

Only a registered trade mark gives you a proprietary interest in your mark. You do not get any property rights in business names, company names or domain names.

A registered trade mark is legal property that you can sell or licence to other people.

### How long does registration last?

Trade marks are registered for 10 years. Renewals are for 10 years and there is no limit on the number of renewals. So, provided you keep using your trade mark and paying the renewal fee, your registration can last forever.

however, an Australian registration can form the basis of overseas trade mark applications. Under certain circumstances, a convention country will recognise the filing date of your Australian application.

### Conclusion

This article has attempted to provide a brief overview of some of the common features of Trade Marks. If you have any questions or would like further information, please feel free to contact us.

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## Melbourne: Doncaster Mosque Goes Solar

After some months of consultation, a fantastic new union between Zamzam Environmental Sustainability Program (ZESP), Doncaster Masjid and Clear Solar was born. This great partnership aims to involve the Muslim community with action against human influenced climate change.

The program - which will commence in the next few weeks - will include an Environment Open Day at the mosque with information sessions from special guest speakers from the local community as well as government. This will give the community grounding in what is happening to the planet and

what needs to be done about it. The open day will include the launch of the Green Roof program, which aims to install a 5kW solar system, FREE for the mosque, enabling a reduction in carbon emissions not to mention economic benefits.

It is hoped that this program will be an effective way for the Muslim community to forge a path forward as an example to other communities. A spokesperson told Crescent Times: "We see it as our right and privilege to take immediate action in order to ensure intergenerational equity for our children and grandchildren."

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## Future Profiles And Investigations By Crescent Times:

\* Islamic Education Down Under (From September 2010)

\* Islamic Finance Down Under (From November 2010)

\* Reverts Down Under: their stories, struggles and achievements (From January 2011)

\* Islamic Leadership Down Under: The issue of unity, effective leadership and how to best represent all Aussie Muslims (From March 2011)

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**Editor-in-Chief**