

# COMPLETE IP NEWS

Issue 1

March/April 2007

*"Be Intellectual—protect your property!"*

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## Welcome to the first Issue of Complete IP News!

**Welcome to the first ever issue of our newsletter. We hope that you enjoy the read and that we help you learn something new today.**

**Previously you will have received some basic information from us to let you know what it is we do. Now we hope to provide you with nothing more than some interesting facts and stories that have come about during our normal course of trade.**

**If you do not wish to receive further issues, please let us know now on 1300 365 715**



**You will learn what the differences are between trademarks, designs, patents and copyright. These four areas of intellectual property are things we have all heard of, but what exactly are they?**

**Keep your eyes out for future issues that will have stories about importing and exporting, investments and costs, franchising, copyrighting and disputes. Plus, from time to time we will open advertising spots for FREE.**

### Did you know?

For as little as 40¢ per day you can register a trademark, which will protect your name, logo or slogan throughout all of Australia for 10 years! This gives you the right to stop others from copying your branding. After the first 10 year period, maintaining your rights can cost less than 15¢ per day!

## How much does it really cost?

Federal trademark registration is the only Australian registration that offers the owner the exclusive right to the name, logo or slogan that is registered.

Not only will you have exclusive rights to use the name, you will have the right to stop others from using it, or you could licence use to other parties for a fee.

Including government fees, professional charges and taxes your brand become fully registered for less than 40¢ per day. Not a high price to pay to ensure your trademark is actually yours.

Not to mention, future licensing of your brand could put this 40c a day, and more, back into your pocket!

## What is Intellectual Property?

According to the dictionary, it is intangible property that is the result of creativity (such as patents or trademarks or copyrights).

Intellectual property generally covers trademarks, designs, patents and copyright. It is original material that has been 'invented' by the owner and material that they wish to maintain as their own.

The registration processes in place ensure that ownership is clear and accessible to any party wanting to know if rights have been claimed to that particular material.



When registering a business or company in Australia, it often goes unknown that there are registrations available that further protect your business.

It is often thought that business or company name registration protects the name in question. This is not the case. Unfortunately, advisors or government departments don't often tell you to register a trademark - a pity as it is the most secure form of protection for your name.

## What are the differences between Trademarks, Designs, Patents and Copyright?

Here we won't quote the dictionary for definitions, we will tell you in easy to understand terms.

A **trademark** can be a name, logo, slogan—even colour or smell—that distinguishes your goods and services from other traders. i.e. Your company name & logo, a tag line you use, brand names of products you manufacture, the colour of your packaging etc.

A **design** is the shape and configuration of a product. For example, if you manufacture furniture and design a new piece, the way that piece looks becomes an Industrial Design.

A **patent** is the way something works and is not normally 'seen' by a viewer.

**Copyright** applies to works that are more detailed—songs, artworks, patterns etc and is automatic! You don't have to apply for copyright protection. If you know the work is original, you can claim the copyright.

A great example of these different types of "IP" is a photocopier—the brand name is the trademark, the way it looks a design, the way it works is a patent and the user manual can be copyrighted.

**"if you have a business, you most likely have at least one trademark!"**

## I think I have a trademark, what do I do now?

If you have a business name, that is unique and thought of by you, then you have a trademark that is worth protecting! As trademark registration is Australia wide, you could stop people using the same name throughout all states and territories. Business name registration does not give you this right!

Without trademark registration, someone else could open a shop next door with almost the identical name and start selling almost identical goods or services and get away with it!

**Would you want this to happen to you???**

Contact us today on 1300 365 715 or visit [www.australiantrademarks.com.au](http://www.australiantrademarks.com.au) to find out how we can help make sure your names remain your own.

# In a dispute, won't the big guys with money still win?

The simple answer is **NO**.

If your trademark is approved by the government office, it may be opposed by a third party who believes you are not entitled to registration. It is true, that this can be a time consuming and costly exercise to fight it.

However, if you have a true belief in your branding and are willing to fight for it, perseverance pays off.

Just one example we want to tell you about is the "David and Goliath" battle of "Tim the Yowie Man" vs. Cadbury Schweppes.

Already, by his name, you have probably connected the problem Cadbury Schweppes had was Tim's use of the name Yowie as it is also the name of a chocolate they manufacture.

Cadbury Schweppes tried to block trademark registration of "Tim the Yowie Man",

on the grounds that it would create confusion in the marketplace due to the reputation of their confectionary, the "Yowie" chocolate.

After a legal fight, which took about 3 years, Tim won the right to continue using his name. The hearing officer determined, after all sides had been heard, that it was unlikely such a confusion would occur in the marketplace. They awarded Tim the right to continue use.

This is just one example of where 'one guy' has gone up against a large company and prevailed. It is a prime example of why money does not always equal power, and why we as the 'Davids' of the world should not be frightened of standing up for our rights!

## FREE WEBSITE ASSESSMENT—HOW MANY TRADEMARKS DO YOU HAVE?



### Special Offer

Until the 30th April 2007 we are offering **FREE** website assessments. Simply complete the form and return so that we can review your website and advise of any/all trademarks you may be using without even realising it.



Complete and return this form by **30th April 2007** and we will assess your website and report to you any trademarks you may be using—or, if that's not applicable, simply tick the type of information you wish to receive and we will send it to you within one business day of receiving your form.

- Please send the process for registering a trademark in Australia
- Please send fees for registration of a trademark in Australia
- Please send information for registering a trademark overseas
- Please conduct an assessment to find the trademarks I use on the following website:

www. \_\_\_\_\_

By Email:  By Post

Contact Name: \_\_\_\_\_

Company/Business Name: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone: \_\_\_\_\_

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