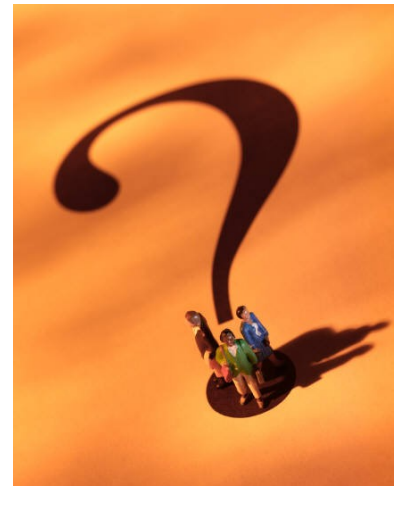


5 Reasons Your Trademark Wasn't Accepted – Part Three:

So we've covered the issues of generic and conflicting trademarks, which are the most common reasons why your trademark application may not be accepted by the government department. The third in this series is one of the not-so-common problems...

Reason 3. Your Trademark is likely to deceive or cause confusion.
This probably sounds scarier than it actually is. A trademark can be difficult to register where use of the trademark could be misleading to consumers. This would generally happen because of some meaning or implication the trademark has in context of the goods or services being claimed, for example:

- Character of the goods and/or services including their composition, nature or other properties
- Quality or quantity of the goods and/or services
- Geographical origin of the goods and/or services e.g. Use of a geographical location in relation to wine.
- Intended use or purpose of the goods and/or services
- Connection in the mind of the buying public with a person or organisation e.g. Phonewords, domain names and use of a celebrity name.



Trademark Tip:
Keep proof of your ownership of Domain Names and/or Phone Words handy to easily overcome the objection discussed in this issue.

Character and Intended use of the goods and/or services – If a trademark includes a term that describes particular goods/services that is not covered in the classes applied for, the trade mark may be considered misrepresentative. Purely as an example, an application for "Mermaid Hand Cream" would attract this type of rejection if the class specification didn't actually include "hand cream", as it's deceiving consumers into buying something other than what the label suggests is in the package.

Geographical origin – Indicating a geographical location in your trademark would suggest that your goods are sourced from or made in that location – it would be considered confusing or deceptive if they in fact weren't. A good example is wine; certain countries, regions or localities are known for their quality, reputation or characteristic, which is attributable to the wine having originated from there. To indicate a location in a trademark for wine that does not come from that region would obviously be deceptive. If the goods do originate from the location indicated, you would be able to overcome an objection but you may be required to include an endorsement such as, "It is a condition of registration that the trade mark will only be used in respect of wines produced predominantly from grapes grown in the <..... > area."

Connection with a person or organisation – If a trademark includes phonewords or domain names, deception and confusion is likely to occur if you are not the owner or authorised user. Overcoming this is relatively easy; all you need to do is prove you are the owner of said phoneword/domain name. Using the name of a famous person in your trademark would be deceptive if you have not obtained their permission to do so, as it would appear to the public that this person is endorsing your goods and/or services.

When Word Gets Out
"You took the time to explain, and did what you say you were going to do. Happy customer!"
Hans Ten Bruin, Director Professional Publishers Pty Limited

To avoid set-backs in your trademark application process, like the ones outlined above, consult a trademark professional before filing your application. It could actually save you money, rather than costing you, as some objections can be avoided altogether by addressing them before an application has been filed - someone experienced in trademarks would be able to give you the information you may not otherwise know.

Complete IP Wins!



Complete IP recently entered CBS Interactive's Best Beginnings Award 2011 - a competition designed to promote and encourage small businesses... And we won!

A very big thank you to everyone who voted for us and CBS Interactive and BNET for running the competition. It was a pleasant surprise to see at the end of the voting period that we had achieved the most votes out of all the entries! And to be chosen from the finalists by the BNET editorial panel to be the recipient of the marketing and advertising prize.

Want More?
Got questions about any topic covered in this newsletter? Or would you like to book a speaker on the subject of business & IP? [Please contact us>>](#)



As we say goodbye to 2011 and get ready to welcome the New Year, at CompleteIP we are also saying goodbye to one team member and welcoming another!

After 5 years of great service our senior consultant, Jacqui Pryor is moving on. But rather than leaving us altogether, Jacqui will be providing her trademark services to Complete IP from her own office through a contractor arrangement.


We are delighted to announce that Wendy McMahon has joined the CompleteIP team. Wendy is an experienced administrator and is overseeing accounts, we look forward to showing her the trademark ropes!

And as the year winds down, it's timely to reflect on the past as we move into the new year. Five years ago we launched Complete IP with a dream to offer benchmark client service, with excellent advice and value to our clients.

Watching our clientele grow each year has given us the encouragement that we are getting this right - thank you for that. We love the warmth and depth of relationship that many of you have brought to us over the years, and we thoroughly appreciate your support.

From everyone at Complete IP, we wish you all a wonderful, warm and safe break.

Our Clients: Congrats On Registration!



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