

## Intellectual Property Promotion Trade Mark Protection in the Bailiwick of Guernsey

### CONSIDERING TRADE MARK PROTECTION IN THE BAILIWICK

The following information is provided as an aid to clients wishing to inform themselves about obtaining trade mark protection in the Bailiwick of Guernsey. It is not intended as definitive legal advice and should not be relied upon as such. The interpretation of intellectual property legislation is a matter about which the Office of the Registrar of Intellectual Property cannot advise. Clients and interested parties should seek the professional legal advice in order to form their own view on compliance with the relevant legislation.

#### Why register a trade mark?

For protection under the trade mark law if....

- You have invested time and money in developing a logo or strap line to represent your business organisation or group eg. 'Should have gone to Specsavers'
- You have an image/logo or words that distinguish your business from your competitors eg. Nike 'tick' graphic
- Your business or organisation has a strong brand or reputation which has been built up and established over a long time eg. Kleinwort Benson
- You have goodwill or intangible assets that you may wish to value and represent in your company accounts and a registration would help to define/ identify them
- You have created a business, product or concept that is represented by a logo or identifying word eg. KODAK and you want to show that you own the trade mark in a way that competitors, associates or other interested parties can see on display.
- You think that an un-registered logo or identifying word is unfairly confusing or taking unfair advantage of a logo or name that you have owned and used
- You have a product or service that is unique and distinctive and you want to have a legal monopoly right to use the term
- You need to take legal action against anyone who is using your trade mark without your permission
- You have considered the common law action of 'passing off' because someone is using your mark without your permission and would like to get the benefits of registered protection
- You may want to sell, franchise, license or exploit your trade mark right within the structure of formal legal protection