



DON'T BE A FOOL “TRADE MARK” YOUR TOOL



WHAT IS A TRADE MARK?

- ❖ A trade mark is a sign that distinguishes product or services from other product or services
- ❖ It grants exclusive rights to its owner
- ❖ It must be capable of being represented in a way that is clear precise easily accessible and objective
- ❖ It must be distinctive
- ❖ The sign must be capable of being represented graphically



- ❖ On 2011 Forbes evaluated Google's Trade Mark as worth 42.8 billion dollars

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Not a "fool"

- ❖ Trump Applied For A Trade Mark For "Make America Great Again" In November 2012
- ❖ And it was registered in October 2015
- ❖ The trade mark is specifically for "political action committee services"

Picture of Mr. Trump: © Patrick T. Fallon Bloomberg/Getty



WHY IT IS IMPORTANT TO HAVE A TRADE MARK?

- ❖ Providing guarantees regarding the quality and safety of products
- ❖ Enabling indirect exploitation
- ❖ Preventing unauthorised exploitation



A Bar at the Folies-Bergère, Édouard Manet



TRADE MARK PROTECTION

- ❖ National
- ❖ European (EUIPO)
- ❖ International (WIPO)



HOW TO REGISTER

- ❖ Goods and services
- ❖ Nice classification
- ❖ Example: Champagne in class 33 and Beer in class 32
- ❖ What can and cannot be registered



TRADE MARKS WHICH CANNOT OBTAIN REGISTRATION

Absolute grounds for refusal, examples:

Non-distinctive, suggestive or descriptive

❖ For example: MINI as denoting "very small or tiny", MEGA as denoting "big"

Contrary to public order or morality

❖ Corona and Coronita

Relative grounds for refusal:

❖ Identity and similarity to a previous registered trade mark for identical or similar class of goods and services



WHEN YOU DON'T REMEMBER TO REGISTER



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TOO BUSY TO REGISTER - PINTEREST

- ❖ Social media service Pinterest was launched as a business in the US in 2010
- ❖ Applied to register the word PINTEREST at the US Patent and Trademark Office (USPTO) only in 1 March 2011 – got the registration in May 2012
- ❖ The company was getting ready to expand into the European market when Premium Interest filed for EU trade mark (CTM) PINTEREST in January 2012
- ❖ Same troll company also applied to register the trade mark Pinterest in Australia, New Zealand, Brazil, Turkey, Malaysia, South Korea, India and Japan
- ❖ Pinterest failed to oppose the EU trade mark registration of Premium Interest, so the later got the trademark in 2014



DON'T BE LIKE PINTEREST

- ❖ Pinterest sorted out it's trade mark issues in Europe in 2015, but for a while Pinterest could not use it's name as a trade mark in EU
- ❖ The company had received over 200 million \$ of funding from investors in Autumn on of 2013 – were the investors happy?
- ❖ We can only wonder about the amount of money and effort spent because of sloppy IPR strategy or lack of any - BAKER MCKENZIE represents Pinterest, and they aren't cheap
- ❖ So pay attention and register your trade mark(s) properly



IS REGISTERING A TRADE MARK WORTH IT?

- ❖ If you don't register your trade mark, it can become a commodity – it is very hard to show that you have an exclusive right to a non-registered trade mark
- ❖ And someone else can register your trade mark and in the worst case you have to buy it from them
- ❖ In a dispute you need lawyers – the good ones bill more than 300 euros per hour
- ❖ Registering a basic trade mark in Finland will set you back 200-300 euros
- ❖ European trade mark costs ~850 euros and will protect you in the EU area
- ❖ So you do the math



THANK YOU