



DUKESONS
BUSINESS LAW

MORE ON PROTECTING BUSINESS NAMES

Trade Marks - Shapes

There is a growing awareness in business proprietors of the need to protect intellectual property, including names, brands, logos etc. All sorts of things can be trade marked. "Words" and "logos" are obvious. But so long as they can be described, things like sounds, smells and shapes can be trade marked.

In a recent case in Australia, an applicant tried to register the shape of a house. The problem was that the shape, a series of houses, was pretty functional. How could the shape of a house distinguish goods or services of the applicant from goods or services provided by competitors? Remember, this was not a logo, but a shape. The more functional a shape, the less likely it is to be registered. Which is not to say that it may not be worth trying to register a shape (or sound or smell etc).

On a more mundane level, many business now realise that registration of their marks (particularly words or logos) can offer a layer of protection that is of value. In a world where, particularly because of the electronic age, it is easy for some generations who don't understand property rights or for low lifers to rip others off, anyone with a brand, slogan, logo etc that they consider to be of value should consider having it registered.

If you have not taken any steps to protect your names, brands, logos etc, please contact me if you would like advice and assistance in that regard or if you need assistance with any legal issues in relation to your business.

If you would like to receive updates on business law by email, please send me your contact details.

This update provides general information only and does not constitute legal advice. If you want legal advice on any of these issues, please feel free to contact me.