



SHEPHERD+ WEDDERBURN



TRADE MARK USAGE

shepwedd.com

Trade Mark Usage

The primary role of a Trade Mark is to designate the origin of a product or service. Trade Marks should be used in a manner that reinforces their distinctive character and highlights their significance as a designation of origin.

Correct use of your Trade Mark is of particular importance when a mark has descriptive connotations or when a mark is to be applied to a novel product.

Distinctive character

Where the Trade Mark appears in an unstylised format, you should display the mark Trade Mark in title case (at least) and preferably in block capitals:

Incorrect: evian
Correct: EVIAN or Evian

The Trade Mark should wherever possible be used in a combination with an appropriate descriptive term. This is to prevent the Trade Mark being referred to in a descriptive sense:

Incorrect: VOLVIC is refreshing
Correct: VOLVIC water is refreshing
OR

Incorrect: Find refreshment with PERRIER
Correct: Find refreshment with PERRIER water

The Trade Mark should never be used in the possessive form as follows:

Incorrect: HIGHLAND SPRING'S success
Correct: The success of HIGHLAND SPRING water

Marking

The ™ symbol indicates to others that you are aware of and willing to defend your Trade Mark rights. The ® indicates that the mark is registered. It is a criminal offence to use the ® unless the mark is registered.

As such, where an unregistered Trade Mark appears (whether in stylised or unstylised format) it should display the symbol:

Incorrect: SAN PELLEGRINO
Correct: SAN PELLEGRINO™

Once the Trade Mark achieves registration the ™ symbol can be upgraded to an ®:

Incorrect: STRATHMORE
Correct: STRATHMORE ®

Assertion of proprietary rights

Your promotional material and website should include clear statements of ownership and rights to use your IP assets.

The website terms and conditions for use should include a clause setting out your IP rights as detailed overleaf.

Your Company Limited owns all intellectual property rights in and to this website and the products and the promotional material displayed in it including text, images, graphics, logos, layout, look and feel, animations, software, Trade Marks, and other material underlying and forming part of this website and/or the services.

MUDDY WATER ® is a Trade Mark owned by **Your Company Limited**. Except where otherwise specified, any word or logo to which the ™ or ® symbol is attached is also a Trade Mark of **Your Company Limited**. No use may be made of any of these Trade Marks without our prior consent in writing.

The following statements of ownership should also be displayed on each page of your website and also on any printed material:

© **Your Company Limited 2014**

MUDDY WATER ® is a Trade Mark owned by Your Company Limited.

Any third party Trade Marks used on your own website should be accompanied by an appropriate acknowledgement of ownership, such as:

CLEARWATER ™ is a Trade Mark of Their Company Limited.

Please note this guidance provides you with general principles.

We would be happy to review any website or printed material and provide specific advice.



Applying basic guidelines is important to protect the value of all Trade Marks.



For more information on Trade Mark Protection please contact:



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