

TRADE MARK, DOMAIN NAME AND COMPANY NAME WATCHING SERVICES

Registering a trade mark is often only the first step to protecting your trade mark rights. The next step is the enforcement of your rights: owning a registered trade mark entitles you to launch trade mark infringement proceedings. An important component in any brand protection strategy is the monitoring of potential infringements of your trade mark rights.

Monitoring services are made up of four key components; trade mark watching, domain name watching, company name watching and competitor watching. These services can be provided on a fixed annual fee basis, providing you with certainty of protection and enabling you to budget for the year ahead and not have any surprises on costs. You do not have to put all the watches in place and can simply 'mix and match' to your specific needs.

Trade Mark Watching

A trade mark watch service monitors the publication of potentially conflicting trade mark applications for brands identical or similar to your own and can cover the whole globe or be restricted to a specific country or region, enabling you to maintain monopoly rights in your brand and image. Trade mark watches can cover words, logos and even colours.

The principal Trade Mark Offices typically do not stop a conflicting trade mark application from proceeding through to registration. The UK and OHIM (Community Trade Mark) follow this procedure so it is more important than ever that you are aware of any similar and identical trade mark applications.

Putting a trade mark watching service in place can be viewed as an insurance policy for your brand. Instead of being alerted to a problem once a trade mark has been registered, you will be taking the proactive approach of dealing with any problems before they impact too heavily on your business and the reputation of your brands.

Any conflicting trade mark application would have to be challenged via trade mark opposition proceedings if the applicant is not willing to amend or withdraw the conflicting application.

Domain Name Watching

A domain name watch monitors the filing of potentially conflicting domain name registrations covering domain names which are identical or similar to your brands. A domain name watch usually covers all top level country code domains such as .com and .co.uk.

A domain name watch often highlights infringing use of your brands and identifies third parties who are making money from forming an association with your brands in the eyes of the consumer. Any conflicting domain name registration would have to be challenged via domain name proceedings if the applicant is not willing to assign the conflicting registration.

Company Name Watching

A company name watch monitors the incorporation of any companies with names similar to your company name or brands in the UK.

Any conflicting company name registration would have to be challenged via a company name adjudicator action or through Companies House or the courts if the applicant is not willing to change the conflicting company name.

Competitor Watching

A competitor watch can monitor for the filing of all trade mark applications in the name of a particular competitor. Such a watch is of value from a marketing prospective in that the filing of trade mark applications is often the precursor of a brand launch.

Additional charges beyond watching

Any trade mark opposition, domain name action or company name action which results from watches would generally be charged on an additional fixed fee basis. Our attorneys always aim to be clear on costs with you. They will also offer an opinion on your chances of success in any action.