
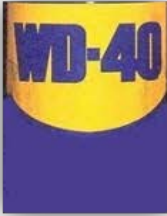



ILCT Intellectual Property Handbook

Trademark 101: The Basics

What is a trademark?

A trademark is a type of Intellectual Property (IP) asset, it is simply a word, symbol, design or any combinations that represent your company's name, products and/or services. There is a wide range of trademarks. As the owner, you may design your trademark to represent your products or services. Examples of commonly seen trademarks are shown below.

Example 1	Example 2	Example 3
		
Description: Huawei and Device Mark Owner: Huawei Technologies Co. Ltd. Sector: Telecommunications Equipment	Description: WD-40 Word Mark Owner: WD-40 Company Sector: Chemical Compound	Description: Monster Energy with Device Mark Owner: Monster Energy Company Sector: Energy Drink



Should I register my trademark?

Short answer, YES! It is a good idea to register your trademark, by registering you will be able to claim legal ownership and exercise your exclusive rights over your trademark. Notwithstanding, there are also numerous advantages once you registered your trademark, few examples are discussed below.

I). Brand Protection & Development

Let's face it, it is not easy building your own brand, let alone protecting it. Your brand is essentially the core asset of your business. Trademark registration will help to prevent others from unlawfully copying/using your trademark. Moreover, registration will also provide safe space for brand expansion, as well as, bolstering consumers/investors' confidence over your brand.

II). Intangible Assets

Did you know that a registered mark can be sold or licensed? Generally, reputable trademarks are very attractive to potential buyers. By registering your trademark, it tells the buyers that your trademark is secured and not subject to copycats.

In addition to selling your mark, you may choose to “license”. Simply put, you may grant “*temporary rights/temporary usage*” to others for using your trademark. Under this method, you will be able to gain income via licensing, this is called “*royalty fee*”. There are few options to grow your business via IP assets, and licensing is one of such.

III). Global Recognition

One important fact, you need to register your trademark in specific country that you intend to sell your products or services. For example, if you would like to operate your business in the US, Thailand and China, you must register your trademark in each of these countries separately to be granted exclusive rights.

In essence, trademark gains strength as it become widespread. The more consumer recognition the stronger your trademark will become.

NEWSLETTER



advocates
&
solicitors

Trademark Related Symbols

Symbol 1	Symbol 2
“Registered” Symbol	“Trademark” Symbol

The above two symbols represent the status of a trademark and its level of protection. The symbol “R or ®” shows that your mark is fully registered under the law. Whereas, the symbol “TM or ™” shows that you are using this mark but it is not yet registered, most used “TM” as a way of notifying others that this is their mark. With this being said, misused of these symbols can result in penalties. Thus, be mindful of your usage.

To sum up

As discussed here, there are many advantages to owning a fully registered trademark. While some are still on the fence about investing in their trademark, DON'T BE! The investment you will be making is small compared to risks of not registering at all. Although, it is possible to directly register your trademark with respective Intellectual Property Offices (e.g. DIP, USPTO or EUIPO) by yourself, but it is more advisable to seek an assistance from experts to ensure a smooth process.

In this globalized world, Intellectual Property assets, such as: trademarks and patents are critical to your business. If used properly, these assets will be invaluable. Trademark acts as your brand, represents your business reputation and provides real legal tools against misuse.

Are you interested or would like to know more about trademarks? Please contact: ipgroup@ilct.co.th to receive consultations on your trademark or other intellectual property rights, our experts are ready to assist you.

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