



Australian Government

IP Australia

29 September 2022

Protecting your business with trade marks

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Acknowledgement of Country

IP Australia acknowledges Aboriginal and Torres Strait Islander peoples of Australia. We acknowledge the Traditional Custodians of the lands on which our agency is located and where we conduct our business.

We pay our respects to ancestors and Elders, past, present and emerging. IP Australia acknowledges Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

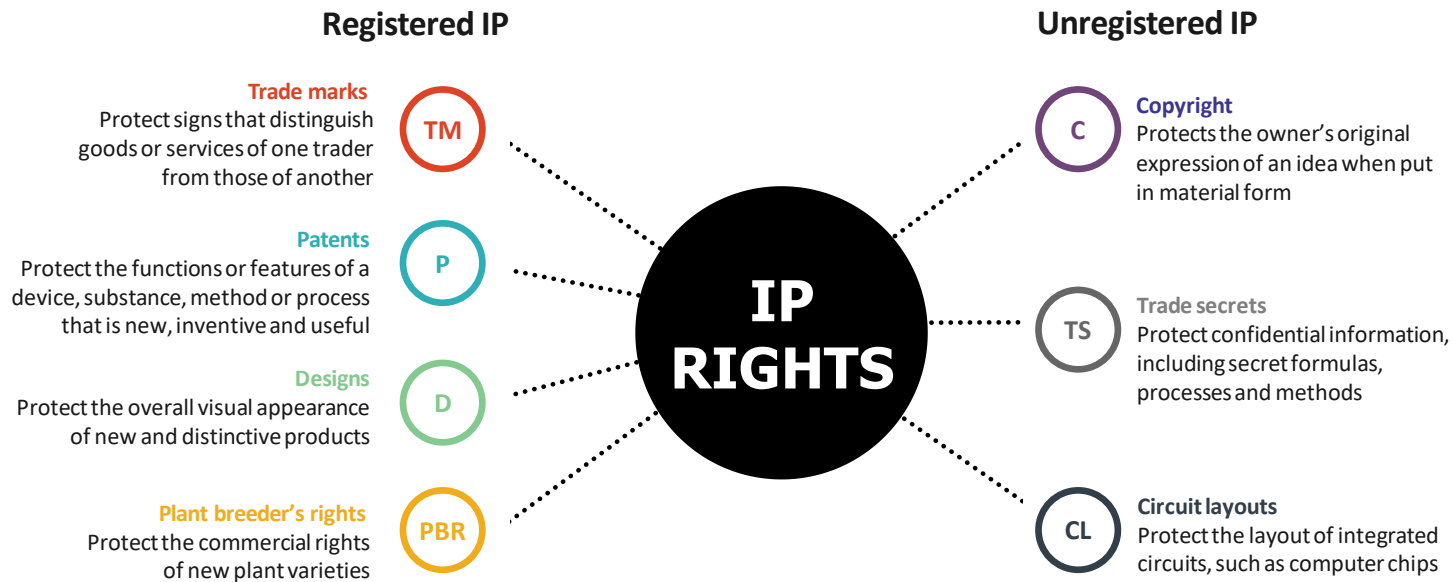
What is intellectual property?

Any time you create something new and original, you are creating IP



Australia's IP laws provide a legal framework to protect your creative ideas through IP rights





Registered IP Rights

- give you the exclusive right to determine who can use your IP and how it can be used
- give you the opportunity to sell, license, promote or develop your product while limiting competition for set periods
- reduce the chance of your idea being replicated and passed off as those of a rival trader
- can be sold for financial gains





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What are trade marks and why might I want to register mine?

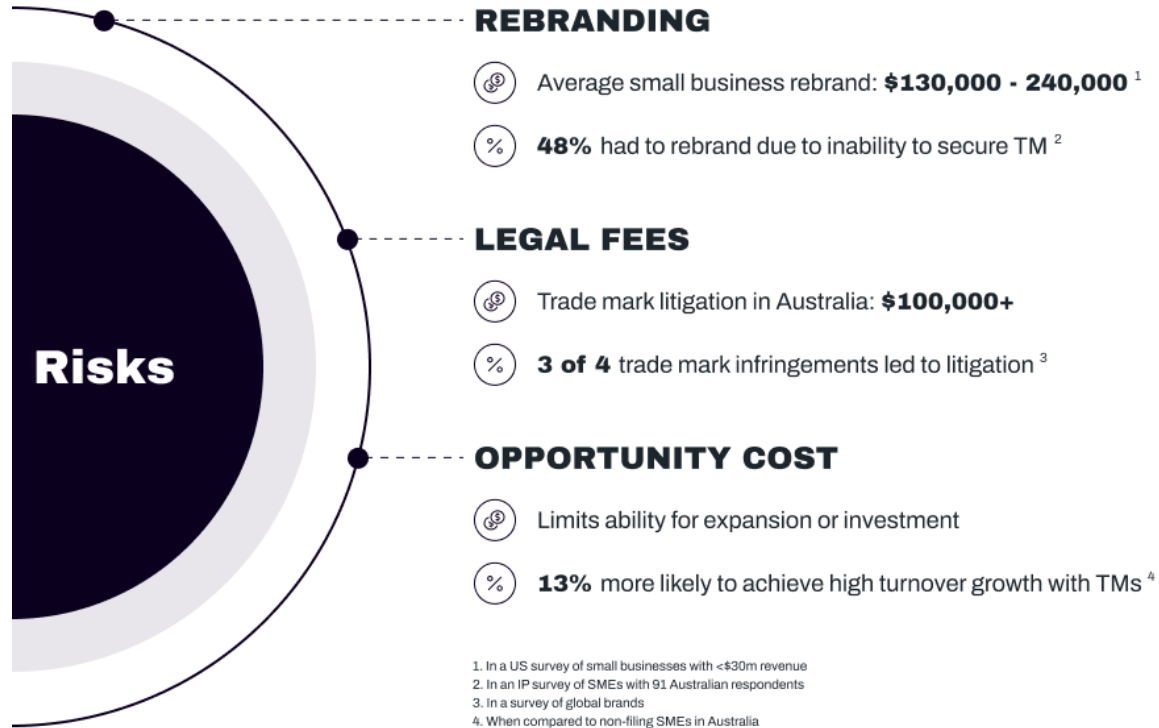
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**A trade mark helps
customers differentiate your
products or services from
those of your competitors**





Commercial risks of not getting a trade mark



3 quick ways a small business can protect their brand with a registered trade mark



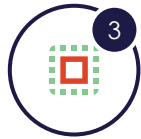
1 Google ad-words

Stop a competitor using your TM in ad-copy



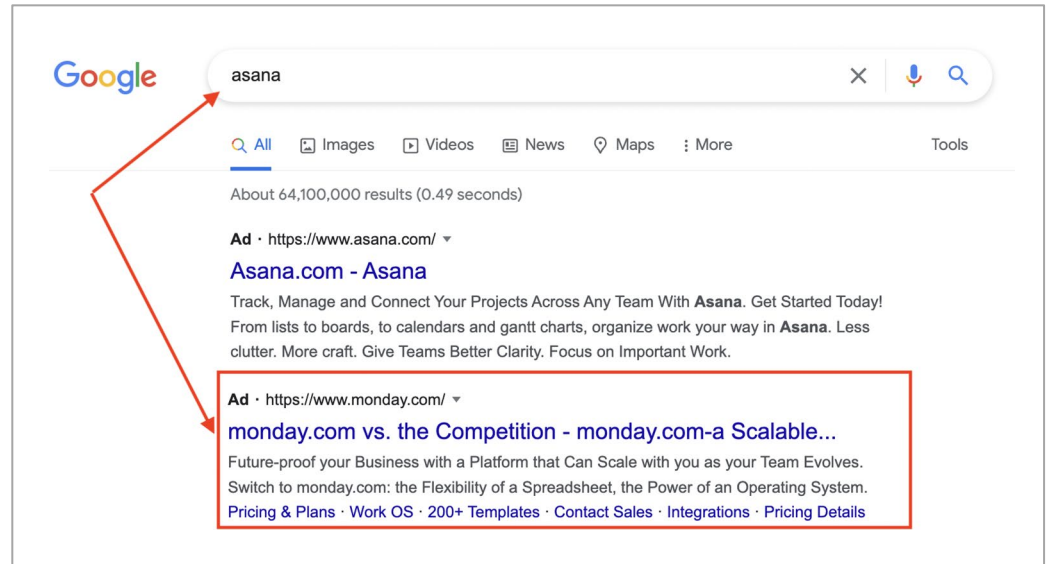
2 AU domain removal

Remove a URL using your trade mark



3 Customs border

Protect physical items infringing your trade mark from being imported





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What do I need to know about trade marks?

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Goods and Services: What is relevant for my business?

- What do your customers pay you for? What are you offering your customers or the general public?
- What's your area of trade as a business? Do you provide specific goods, services, or both?
- What are the relevant goods and services for which you'd like protection?

Goods and Services: Tips

- Both pros and cons to applying for a broad range of G&S vs a narrow range of G&S
- You will be protected for G&S that are similar to those you have selected
- Choose G&S you're offering now or will do soon
- G&S are categorised by classes: cost of application is based on the number of classes

Similarity of TMs

- Your trade mark needs to be **different** to existing trade marks that have similar goods & services



Different trade marks
Similar goods & services



Venture capital firm

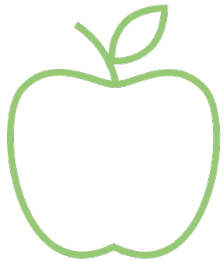


ANTLER
Luggage

Similar trade marks
Different goods & services

Distinctiveness of TMs

- A trade mark must be capable of distinguishing your goods or services from those provided by others
- Everyday language and symbols should remain open for all to use



Apple is a **generic or everyday term** if you intend to sell fresh fruits



Apple was **successful** with their computer equipment and software trade marks

Distinctiveness of TMs: Tips

- **Avoid applying for TMs that:**
 - Describe your goods or services: e.g. FRESH OYSTERS for seafood
 - Describe the quality of your goods or services: e.g. TASTY FRESH OYSTERS
 - Describe the place your goods or services are from: e.g. AUSSIE OYSTERS
 - Consist of a common surname: e.g. SMITH'S OYSTERS
 - Consist of common words in your industry: e.g. KILPATRICK



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**Important details to
consider when applying**

TM

When is the right time to apply?

- When you're ready
- Before going to market - security, avoid costly rebrand

or

- After going to market - more confidence with name choice



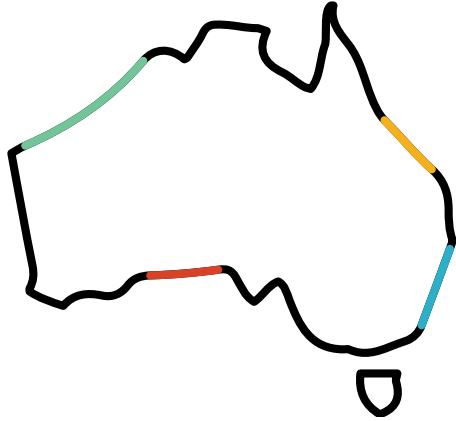
Once you apply, it takes at least 7.5 months for your TM to become registered



Protection initially lasts for ten years, but can be renewed



Fees are payable at different stages



An Australian trade mark only
gives protection in Australia



If your trade mark is being
copied without your permission,
it is up to **you** to take action

Q&A



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Check your trade mark for free



Checking a trade mark only takes a few minutes



If you decide to apply, it can cost as little as \$330



A trade mark lasts 10 years

[Click here](#) or scan the QR code to get started



TM Check

Our [TM Check tool](#) makes it easy for businesses to check for similar trade marks and complete the application process in minutes.



Scan me to get started



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For further information and resources, visit our website at:
<https://www.ipaustralia.gov.au/>

If you have any questions, you can always contact our team:
outreach@ipaustralia.gov.au

Contact us



1300 65 1010 (9am-5pm)



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