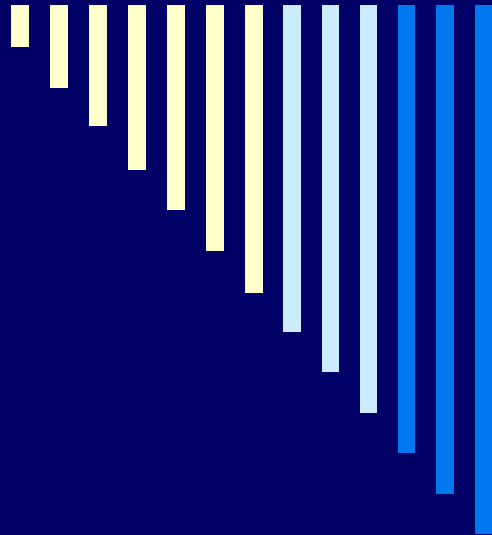
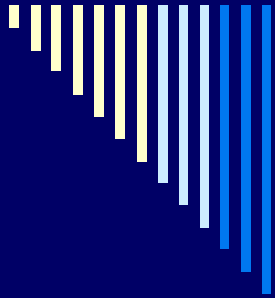


e|MARKS PROJECT



International Workshop on “IPR, Strategy & IP Search Practices”

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G.S. KOSTAKOPOULOS
& ASSOCIATES Law Firm

The Importance of Preliminary Search for Registering Trademarks and Industrial Designs

PRESENTATION BY
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Introduction

- Intellectual property is generated through intellectual or creative activity.
- It includes patents, trade marks, copyright and designs.

This presentation analyses the importance of preliminary search for registering trademarks and industrial designs.



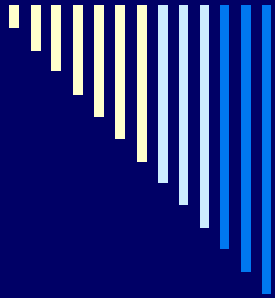
Trademark

- ❑ A trade mark is a sign, which can distinguish your goods and services from those of other traders.
 - ❑ A sign includes words, **logos**, pictures or a combination of these.
 - ❑ You can use your trade mark as a marketing tool so that customers can recognize your products or services.
 - ❑ As such, it can be a very valuable asset for your business.
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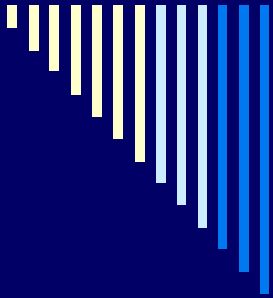


Use of Trademark

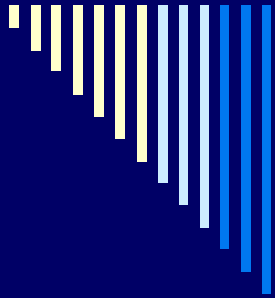
- If you have a registered mark, you have the right to use it for the goods and services in the **classes** for which it is registered.
 - You also have the legal right to take action against anyone who uses your mark or a similar mark.
 - To be registrable, your trade mark must be:
 - distinctive for your goods and services
 - not the same as (or similar to) any earlier registered marks.
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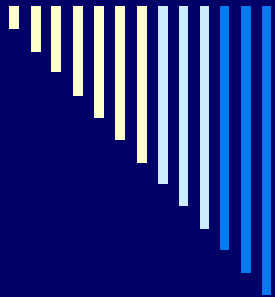
- ❑ IP offices will object to words, logos, pictures or other signs which are unlikely to be seen as a trade mark by the public.
- ❑ For example, marks which describe your goods or services or any characteristics of them; terms that have become customary in your line of trade; terms that are not distinctive or a combination of these.
- ❑ The IP offices will also not accept marks which are offensive, against the law, deceptive or contain specially protected emblems.



- ❑ **In some countries, like Greece, after filing an application, an examiner officer** checks your application and sends you a report explaining the results of the examination or any objections.
- ❑ If the IP office has objected to your application, you can contact the examiner to discuss possible ways forward.
- ❑ If you are unable to overcome the objections, you can withdraw the application.
- ❑ If no objections are raised, or you overcome all of the objections, your application will be advertised in the Trade Marks Journal.



- Your application may also be objected to by the owner of an earlier mark, which is considered to be confusingly similar to your trade mark.
 - In this case you may be liable for the costs of the opposition and your mark will not be registered.
 - But, if an application is straightforward and does not have any objections raised against it, a trademark will be registered without additional cost or further delays.
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So, for all these reasons, it is necessary before applying for a trademark to proceed to a preliminary search to ensure that your trade mark is not similar to any earlier trade marks.

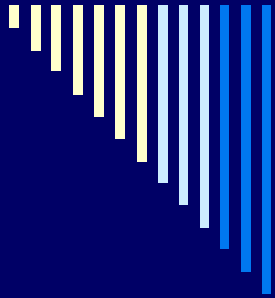
Then, if you are thinking of applying for a trade mark, a patent attorney can give you confidential advice on whether your mark would be acceptable. He will also search and notify you of any earlier filed marks which are likely to be confused with your trademark.



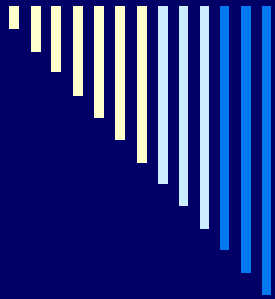
INDUSTRIAL DESIGN

- Design relates to the physical appearance of an item or part of it, and can apply to industrial as well as handicraft items.
- Contributory features to a product's appearance include:
 - . Lines/ contours/colours/shape/texture/material

Registered design offers protection throughout the country in which an application is filed.



- To qualify for any of these rights, your design must be:
 - new – which means that it must not be the same as any design which has already been made available to the public. And
 - individual in character – which means that the overall impression the design gives the **informed user** must be different from any previous designs.
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- Also you can't register your design if:
 - it's more than 12 months since the design was first publicly disclosed;
 - the design is dictated only by how the product works; or
 - the design includes parts of complicated products that cannot be seen in normal use; it is offensive; or it involves certain national emblems and protected flags.
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Should you apply?

- ❑ Before making your application, you must be sure that your product is not already registered.
 - ❑ **Patent attorney search service**
 - ❑ The patent attorneys can search if your design is the same as an existing registered design. They will tell you whether they think any registered designs could give the same overall impression as your design.
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Why use this search?

- There are two different types of expert searches:
 - **Image search** - this will check whether your design or somebody else's is similar or identical to any existing registered designs.
 - **Proprietor search** - to identify any registered designs owned by an individual or company. This can give you an insight into your competitors' designs.
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CONCLUSION

- Your IP is one of your most valuable business assets. It can increase your competitiveness and contribute to your business success and allow you to make the most of its value.
 - You must remember that if you fail to protect your IP it may put your business at risk. If you do not look after your IP rights, others can take advantage of your competitive edge.
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