



**OFFICE FREYLINGER**  
PATENT AND TRADEMARK ATTORNEYS



TRADEMARKS

# TRADEMARKS

You probably use a trademark daily without knowing it. You are investing to promote your company and its products and/or services. This investment has to be protected through a registered trademark.

## WHAT IS A TRADEMARK?

- The name of a product or service;
- The company's brand: its name, its logo.

The trademark is a fundamental element in a company's strategy. By enhancing and protecting the value of its trademark, the company can maintain existing or acquire new market share. The trademark is a vital instrument for communicating with the public. A trademark does not just identify the origin of goods; it also establishes a relationship with the consumer, based on trust and reputation.

## A TRADEMARK IS THEREFORE:

- a signature enabling your clients to recognise your product or your service;
- a sign distinguishing your company from its competitors;
- your company's image;
- a way to create customer loyalty;
- an asset that must be protected.

**YOUR TRADEMARK IS A PRECIOUS ASSET THAT NEEDS PROTECTION AND VALORISATION!**

## WHY APPLY FOR A TRADEMARK?

A trademark is legally protected only after application and registration before the competent authorities. Even if a name has been used for many years, this use does not create a trademark right unless the name is registered. Third parties may therefore use such a name, and even apply for a trademark for it, which may then be used against the prior user.

**NO APPLICATION = NO PROTECTION**

The use of a name, in almost all the countries of the European Union, does not confer any rights without a trademark registration to support it.

To be registered, a trademark has to be distinctive, i.e. it must not be:

- generic, deceptive or descriptive, i.e. lacking of distinctive power; this criteria has to be assessed in relation to each trademark;
- identical or similar to the rights of a third party; preliminary searches may assess the risk in adopting a new name.

## OPPOSITION PROCEDURE

Oppositions are administrative, quick and cost effective proceedings to enforce trademark rights and protect a trademark. Such proceedings are open to third parties in order to protect their prior trademark rights, after publication of a new trademark application.

## WITH THIS TRADEMARK YOU WILL BE ABLE TO:

- prevent third parties from commercially using your trademark, or trademarks creating a likelihood of confusion for identical or similar products or services, and initiate legal actions;
- assign your trademark or confer licences and obtain royalties;
- capitalise your commercial and advertising expenses.

## TRADEMARK WATCH

A trademark watch will enable you to be kept informed of the publication of younger trademarks, which are identical or confusingly similar, to protect your trademark and your investments in the trademark registration, but also the firm's image as conveyed by the trademark.

## OBLIGATION OF USE

An actual and serious use of the trademark is required to maintain it. If the trademark is not used, it may be subject to a cancellation action for non-use.

## OFFICE FREYLINGER PROPOSES TO:

- determine whether a trademark may be registered;
- carry out searches to reveal potential prior rights;
- handle applications up to registration;
- advise on possible infringement, drafting and engaging infringement, opposition and cancellation proceedings in the trademark offices and before the specialised trademark courts;
- help you in all other aspects in relation to your trademark and other intellectual property rights.

Please contact us for additional information or documentation.