

Brand Takeaways

- Devise a clever brand name that is not directly descriptive of your product or service.
- Check that the name is safe to use.
- Register the name as a trade mark.
- Monitor your market and deal with any instances of infringement as soon as possible.

Can I register my trade mark, if so, how?

To register a trade mark, you must apply to the Intellectual Property Office of New Zealand (IPONZ), which will examine your application to determine whether it qualifies for registration. If your trade mark qualifies, and if nobody opposes your application, your trade mark will be registered and can remain so indefinitely (provided you pay your renewal fees).

There are certain restrictions on what can be registered as a trade mark. For example, IPONZ may refuse to register your trade mark on the grounds that it is descriptive of the goods and/or services for which registration is sought (e.g. the word CHOCOLATE would not be eligible for registration as a trade mark for 'chocolate' products).

You may also encounter difficulties registering a trade mark if it is considered to be similar to an existing registered trade mark, which is registered for identical or similar goods and/or services to those of interest to you, where your use of the trade mark is likely to cause confusion.

Our IP team can advise with regard to whether your trade mark can be registered. Ideally, you should consult with your advisor before you make an investment in your brand, to make sure it can be protected and that you are not in danger of being stopped by another trader with prior rights to the trade mark.

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Our People



Scott Moran
Partner, Wellington
+64 4 499 3280
s.moran@DuncanCotterill.com



Ruvini Rendle
Associate, Wellington
+64 4 499 3280
r.rendle@DuncanCotterill.com



Chris Bradley
Partner, Auckland
+64 4 309 1948
c.bradley@DuncanCotterill.com



Andrew Oh
Associate, Christchurch
+64 3 379 2430
a.oh@DuncanCotterill.com



Richard Raymond
Partner, Christchurch
+64 3 379 2430
r.raymond@DuncanCotterill.com



Rebecca Morgan
Associate, Christchurch
+64 3 379 2430
r.morgan@DuncanCotterill.com



Neil Scott
Partner, Sydney
+61 2 8267 3800
n.scott@DuncanCotterill.com



Katrina Sutich
Senior Solicitor, Wellington
+64 4 499 3280
k.sutich@DuncanCotterill.com

More information?

Visit www.DuncanCotterill.com

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