



Pinnacle TMS

"The Trade Mark Specialists"

PO Box 1035, Gymea, NSW 2227, Australia

ABN: 32 143 288 920

T 02 95204366 M 042 555 8867

E info@pinnacletrms.com.au

www.pinnacletrms.com.au

Focusing on assisting businesses owners

- Own and protect your brand
- Increase the value of your business
- Save thousands of dollars on legal fees
- Avoid being sued for trademark infringement and losing your business

FAQs about brand protection

1. I have registered a business name. Doesn't that mean I own that name?

Registering your business name is a government requirement, but it does **not** mean you own the brand.

Consider the case of Janet (not her real name) who had been in business for eight years when she received a letter from a lawyer saying she was infringing the trademark of their client. After fighting the case for six months, and spending many thousands of dollars in legal fees, she finally had to concede and virtually start her business afresh with a new name.

2. I am a small business. Is my brand really worth protecting?

This may not seem an issue if you are a start-up, but when you come to sell your business and realise your assets, part of what you will be selling is your brand. You work hard to build your reputation and it will have worth – but only if it is protected.

3. How can someone steal my brand?

Stealing a brand is not as uncommon as you think, and if you are exporting products you have to be particularly vigilant.

Brand theft occurs where one party establishes a brand but another party acquires rights to the brand (in bad faith). Not all trademark disputes are brand theft — many involve disputes between parties acting in good faith. The case of UGG boots, a dispute that nearly bankrupted at least one manufacturer, is one such example and you can read about it on Wikipedia.

However there are cases where people knowingly abuse trademark laws. Brand theft can make a legitimate brand owner essentially an infringer in using its own brand and is all the more dangerous because it is done through perfectly legal means. The costs of fighting brand theft are high, so the best defence is to reduce the risk of it happening.

4. I have heard the high costs and time involved in registering a trademark mean this is really something only big businesses can afford.

You can do it yourself, and all you pay are the government fees - but there is a lot to learn – and yes it can be expensive and take years if you get it wrong. Engaging a lawyer is an option, but is certainly more expensive and they may not have extensive experience in trade mark registration. Their hourly rate has to cover a whole range of overheads such as office rental in prime locations and specialist legal officers across a range of expertise.

However a trademark specialist like Pinnacle TMS has one speciality and reduced overheads. This means they are able to offer a cost effective service with the depth of 25 years of experience and knowledge required to protect your brand both in Australia and overseas.

5. How much will this service cost?

The cost will be different for each business or brand name, so we are happy to chat with you to work out a fixed fee for your needs. Remember, we can save you thousands of dollars by helping you avoid being sued for trade mark infringement and, once registered, there are **no further fees to pay for 10 years**.

6. What is the process and when do I pay?

There are three stages to registering a trade mark.

- Stage 1 fee covers undertaking the necessary research to make sure there is no impediment to trade marking your brand (so you don't get sued for trade mark infringement), identifying what type of application should be filed and what classes should be covered. Importantly, we provide the wording to go in each class so your mark is not over or under protected. This means you don't pay for what you don't need.
- Stage 2 fees cover the cost of *filing* the best application for your business;
- Stage 3 fees cover registration of the brand about 5 months after filing.

Our fees are fixed so you know up front what you are paying over the 7-8 month period and cover all government fees, Pinnacle TMS fees and GST.

7. How do I find out more?

Suzanne Harrington has been a specialist in trademarking for 25 years. In her previous roles at top tier law firms, she managed trademark portfolios for companies such as Optus, Qantas and American Express in Australia and around the world. Now you can read her tips in her **Amazon #1 best-selling book *Trademarking your Business: Trademark Secrets: 21 Tips to Keep Your Brand Safe*** available at <http://www.amazon.com/dp/B00AMAN9WY>

To get started ...

Call or email Suzanne Harrington today for a confidential discussion

Tel: mob 042 555 8867 or landline 02 9520 4366

Email: Suzanne.Harrington@pinnacletms.com.au

1 July 2016