



Intellectual property is increasingly valuable and important to protect. Here are some key tips for securing and protecting your intellectual property rights.

## Trade marks

- **Search** availability before using a new business name, product or service name, logo or slogan – can avoid trade mark ownership or infringement disputes.
- **Apply** for trade mark registrations for business names, product and service names, logos and slogans being used, preferably before first use – trade mark registration provides a limited monopoly over the trade mark for the selected goods/services, and a potential defence to infringement of another trade mark registration.
- Logos (but not names or slogans) may also be protected by copyright without registration.
- **Apply** for a business name registration for any business name being used – compulsory unless your name is the same as your company name, personal name or names of business partners.
- **Apply** for domain name registrations you want to use or similar domain names which others might use in bad faith, preferably before using the trade mark in public.

## Patents/designs

- **Search** availability before developing a new invention or new product or packaging design – can avoid patent or design infringement disputes.
- For any new invention or product or packaging design, consider **applying** for a patent or design registration – can provide a limited monopoly over the invention or product design.

## Third party involvement

- If involving a third party in the development of a new invention, product design, copyright work or trade mark, ensure you first **contract** regarding ownership and/or confidentiality – can avoid ownership disputes or invalidation of a future patent or design registration due to your disclosure.

## Other countries

- Consider countries in which your products will be sold/manufactured and services provided. Search availability and **apply** to register any trade marks, patents and designs in those countries.
- Consider **applying** to register any copyright – not compulsory but possible in some countries e.g. USA and China. In practice, registration is necessary in China.

## Maintenance of IP rights

- For trade marks, **retain** evidence of first use and ongoing use (ideally with dates). For copyright, patents and designs, **retain** evidence which demonstrates creation date, process of creation and identity of creator – often necessary in ownership or infringement disputes.
- **Use** your registered trade marks, otherwise registrations may be revoked.
- Consider **use** of notices relating to your registered or unregistered trade marks, copyright, patents and designs.
- **Lodge** notices with Australian Border Force to monitor imports that infringe your trade mark registrations or copyright.
- **Search** periodically for infringement of your intellectual property rights. For example, monthly monitoring for trade mark applications that infringe your trade mark registrations.
- **Diarise** dates for payment of registration renewal fees – due every ten years for trade marks, every one or three years for business names, yearly for patents, and after five years for designs.
- **Update** any change of address with IP Australia for your registrations.

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