



The Essentials of Trademark Protection and All you wanted to know about Collective Marks and How to Obtain one

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Points of discussion

What are trademarks and why are they important for businesses?

What are collective marks?

How to protect collective marks?

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The function of trademarks

- Purchasing decision
 - ➔ What makes you buy?
- Sign
 - Quality
 - Characteristics
 - Origin
 - Reputation

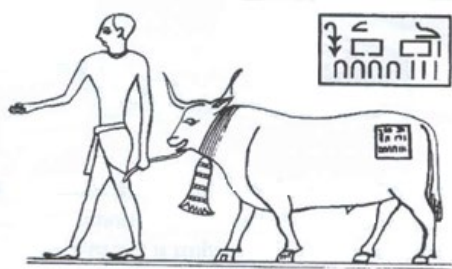
What is a trademark?

- A **sign**
- Which is **distinctive**
 - capable of distinguishing the goods or services of one company/seller from those of others



Ancient trademarks

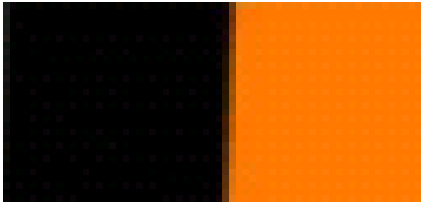
- used to mark goods as “badges of origin”
 - told customers who to return to if they wanted more / to complain
- Indication of trade origin: essential function



Signs that can be registered as trademarks

ZFORT 501

IKEA



Why are trademarks important for businesses?

- ❖ Effective communication tool
- ❖ Valuable asset
- ❖ Indefinitely renewable

Why is it important to protect trademarks?

Trademark protection grants to the owner an **exclusive right** to

- USE the mark
- PREVENT
 - unauthorized use by third parties
 - use of a confusingly similar mark

Why are trademarks important for businesses?

Benefits of trademark protection:

- ❖ Exclusive rights
- ❖ Return on investments
- ❖ Strengthen brands
- ❖ Positive image
- ❖ Reward

Why is it important to protect trademarks?

If not protected:

- No exclusive rights
- No legal means to object
- Lower quality of products / lower priced copies => damaged reputation
(company and products)

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Collective marks

- Distinguish G/S of the members of an **association** from those of non-members
- additional features:
 - common quality
 - geographical origin
 - other characteristics set by the association
- Owned by the group
- Used by its members

How does a collective mark work?

- Use **regulations**:
 - persons authorized to use
 - criteria for membership
 - conditions of use
 - sanctions against misuse
 - particular features/qualities of the products
- Control by association

Collective marks: cooperation at all stages

- Creation of an association
- Set of products characteristics and quality standards
- Establishment of use regulations and sanctions for non-compliance
- Common marketing and communication strategy

Benefits of collective marks for businesses

- Distinguish G/S:
 - stand out in a crowded marketplace
 - larger market presence
- Reduce the costs
- Exclusive rights: prevent others from using confusingly similar signs

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How to protect collective marks?

Like other trademarks, through registration:

- ❖ Intellectual Property Registrar's Office – Antigua and Barbuda
- ❖ Trademark application – form / fees
- ❖ Comply with the Trademarks Act requirements

Criteria for trademark protection

Registrable signs should be:

- distinctive
- not misleading/deceptive
- not contrary to morality or public order
- not infringing third parties right

Application for registration

- General requirements
 - name and address of the applicant
 - mark
 - list of goods or services
- Regulations of use

After registration

- ❖ 10 years duration
- ❖ Renewable for periods of 10 years
- ❖ Obligation of use

Success story – Peru “*Mantecoso*” cheese (Andes)



- 1998: association of cheese makers
- Objectives:
 - Market the product in the main distribution network
 - Preserve the quality and prevent others from taking advantage of the name
 - Operating under a collective mark: “*Poronguito*” granted in 2000
- Business results:
 - Local dairy farmers organized to increase their market **reach**
 - New **tools** to market the cheeses and run small businesses
 - Name **recognition** and demand have increased dramatically
 - Collective action has increased **business** and economically benefited all dairy farmers and cheese makers

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