

DIFFERENT 'TYPES' OF MARKS

... AND HOW TO USE THEM



INTELLECTUAL PROPERTY

This information is intended to serve as a guide only, is in some aspects simplified for ease of communication and does not take into account complexities that may exist in particular circumstances. In all cases specific legal advice should be sought from an appropriately qualified IP attorney or lawyer.

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Digital marketing experts estimate that most Americans are exposed to around 4,000 to 10,000 ads each day. (Forbes, August 2017)

OVERVIEW

- Distinctive signs
 - Trade Marks
 - Collective Marks
 - Certification Marks
 - Geographical Indications
- Case study
- “Parking Lot” lessons from Australia and New Zealand















<

Ester

SYDNEY, AUSTRALIA



Fire and smoke with a touch of finesse

On the pass

Mat Lindsay

Style of food

TRADING NAME

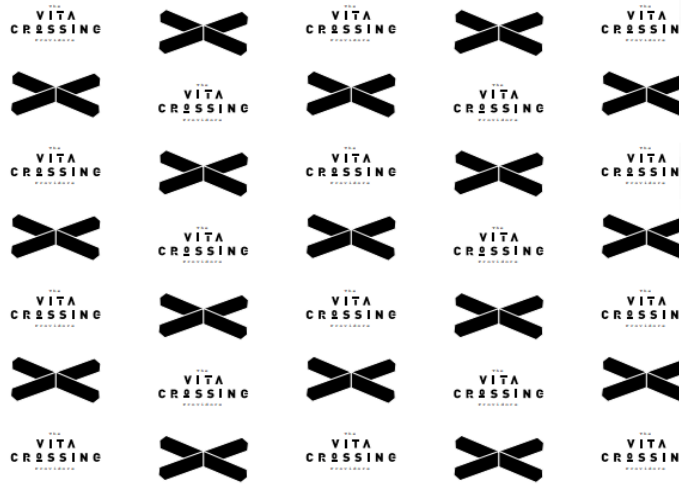
WOLLOMBI
ORGANICS

TRADE MARK



THE
VITA
CROSSING
PROVIDORE





Number

1464903

Words

VITA CROSSING

Status

● **Registered:**
Registered/protected

Priority date

15 Dec 2011 (Filing)

Classes

29, 31, 32, 33

Kind

Word

COLLECTIVE MARK



Newsletter
Australian Institute
of Ecological Agriculture

No. 12 | May 2019

**Become a
member today**

Inside



Editorial

"There are moments when troubles enter our lives and we can do nothing to avoid them. But they are there for a reason. Only when we have overcome them will we understand why they were there."

Quote from writer Paulo Coelho

CERTIFICATION MARK



GI ?



Wollombi

Village in Australia

Wollombi is a small village in the Hunter Region of New South Wales, Australia. It is within the Cessnock City Council LGA, situated 29 kilometres southwest of Cessnock and 128 km north of Sydney. To the south is the village of Laguna, to the east, the village of Millfield and to the north, the village of Broke. [Wikipedia](#)

Weather: 9 °C, Wind SW at 3 km/h, 88% Humidity

Location: 128 km (80 mi) N of [Sydney](#); 80 km (50 mi) W of [Newcastle](#); 29 km (18 mi) SW of [Cessnock](#)



Wollombi Organics
OGA CERTIFIED ORGANIC 1414A
PO Box 429
Leichhardt, NSW. 2040
Phone 02 95646210

INVOICE No70
DATE: 12th June 2017

Customer Billing Address:

Customer Delivery Address:









BOROBI



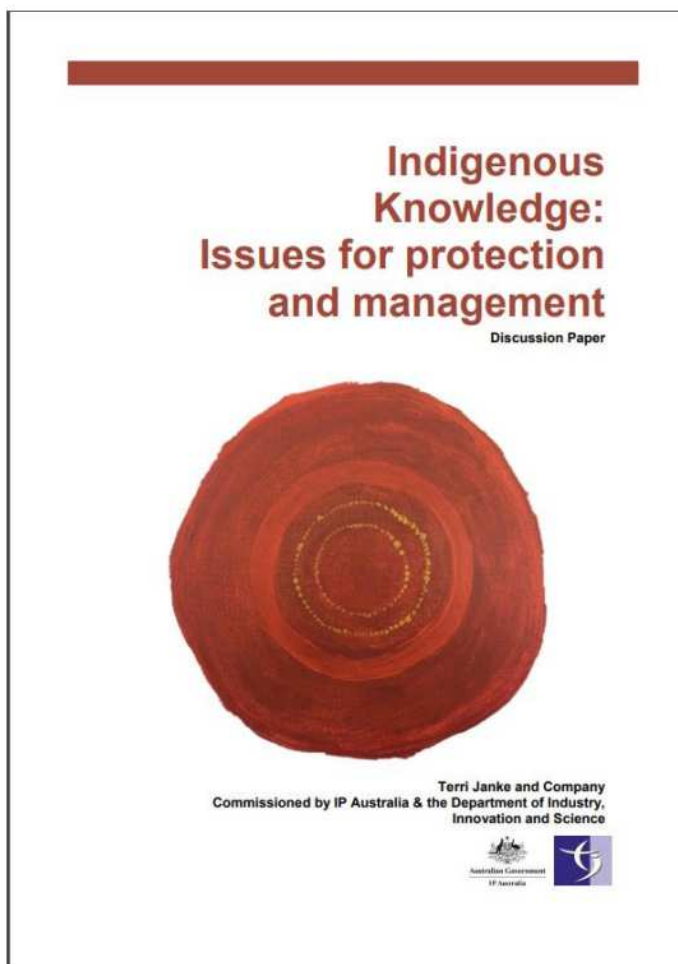


Australian Government
IP Australia



Commercial use of Indigenous Words and Images

- Prevent registration of offensive trade marks and designs
- Require the free, prior and informed consent of traditional owners to use culturally significant words and images in registered trade marks or designs
- An online database of culturally significant words and images which cannot be used in a registered trade mark or design without permission



Maori Trade Marks

- Quarterly meetings
- Maori marks are sent to the committee unless they are covered by existing policy – e.g. KIWI marks
- “Offence not mild distaste”
- Meaning of word in another language does not avoid offence
- Principles of “Tapu”, “Mana” and “Noa”.



Goods: "butter" (1893)



Goods: "ale and stout" (1914)



Goods: "Worcester sauce,
pickles and chutney" (1927)



Goods: "cigarettes" (1931)

	Accepted	%	Refused	%	Total
2018	548	90%	64	10%	612
2017	358	92%	32	8%	390
2016	286	96%	13	4%	299
2015	286	95%	15	5%	301
2014	240	98%	4	2%	244
2013	201	96%	9	4%	210

CERTIFICATION MARKS

**LABEL OF
AUTHENTICITY**



CERTIFICATION MARKS AND PROTOCOLS



TERRI JANKE AND COMPANY
LAWYERS & CONSULTANTS

Stamping out Fake Arts



- Fake Arts Harms Culture, Indigenous Art Code, Arts Law Centre of Australia and Copyright Agency Campaign
- *ACCC v Birubi*: misleading and deceptive case, Competition and Consumer Act 2010.
- *Competition and Consumer Amendment (Exploitation of Indigenous Culture) Bill 2017 (Cth)* – Bob Katter Bill
- Government Inquiry in the growing presence of inauthentic Aboriginal and Torres Strait Islander 'style' art and craft products and merchandise sale across Australia



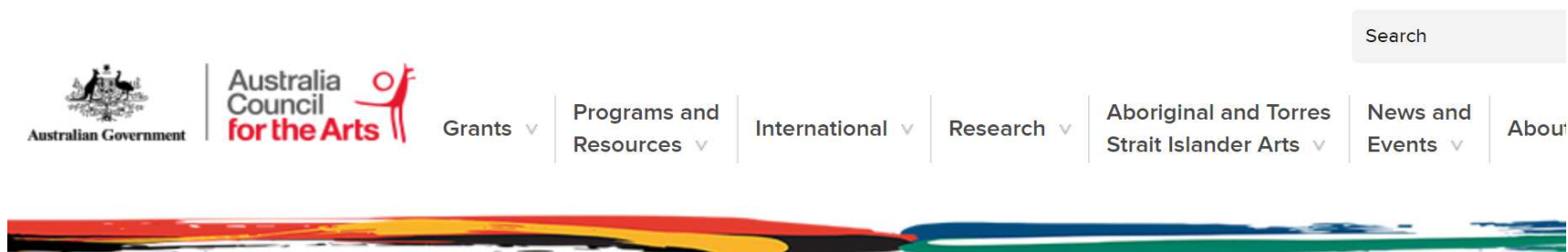


TERRI JANKE AND COMPANY
LAWYERS & CONSULTANTS

True Tracks Protocols







Home > About Us > Corporate Policies & Frameworks > Policies > [Protocols for working with Indigenous artists](#)

Our Structure

Careers

Co-investing with the Australia Council

Annual Reports

Corporate Policies & Frameworks

Cultural Engagement Framework

Policies

Freedom of Information

Protocols for working with Indigenous artists

Service Charter

PROTOCOLS FOR WORKING WITH INDIGENOUS ARTISTS

Applicants working with Indigenous Australian artists, who are funded by the grant assessment panels of the Australia Council, are required to adhere to the Indigenous Cultural protocol guides published by the Council as a condition of funding.

The protocol guides are available free on the Council website:

[Music: Protocols for Producing Indigenous Australian Music](#)

[Writing: Protocols for Producing Indigenous Australian Writing](#)

[Visual Arts: Protocols for Producing Indigenous Australian Visual Arts](#)

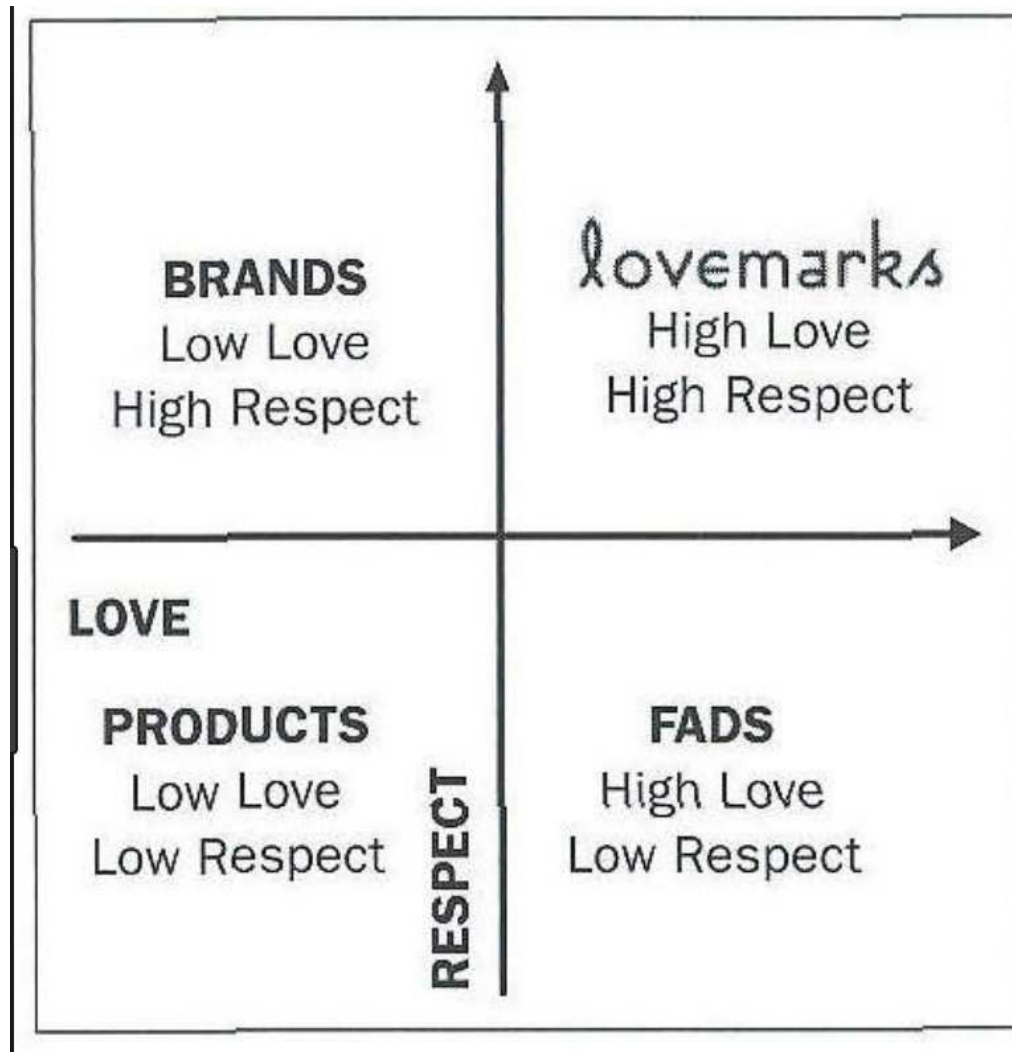
[Media Arts: Protocols for Producing Indigenous Australian Media Arts](#)

[Performing Arts: Protocols for Producing Indigenous Australian Performing Arts](#)

KA MATE HAKA



KEVIN ROBERTS:



LINKS FOR MATERIALS

<https://www.ipaustralia.gov.au/about-us/news-and-community/news/indigenous-knowledge-issues-protection-and-management>

<https://www.iponz.govt.nz/about-ip/maori-ip/maori-advisory-committees/>

<https://www.ala.org.au/wp-content/uploads/2018/05/Terri-Janke-ICIP-Presentation-27March2018.pdf>

<https://www.mbie.govt.nz/business-and-employment/business/intellectual-property/haka-ka-mate-attribution-act-guidelines/>

<https://www.australiacouncil.gov.au/about/protocols-for-working-with-indigenous-artists/>

<http://www.terrijanke.com.au/indigenous-art-protocols>

<https://indigenousartcode.org/fake-art-harms-culture/>

<http://www.saatchikevin.com/loemarks/future-beyond-brands/>