

NAME THAT NAME!



TRADEMARKS, TRADENAMES AND DOMAIN NAMES— WHAT YOU SHOULD KNOW

It is easy to get confused between the terms trademarks, trade names, and domain names. Although you are likely to use each of these in your business, the rights that they afford vary considerably. It is important to know the difference!

VIVE LA DIFFERENCE!



Trademarks (i.e., brands) identify the source of a particular product or service, by distinguishing the products or services of one from those of another. Trademarks can be words, designs/logos, or combinations of both. In some countries, smells, colors, or sounds can also function as trademarks.

In many jurisdictions, you can register a trademark for the goods/services for which you use your mark. If so, you can stop someone else using an identical or similar mark for the identical or similar goods.



HOWEVER,
TRADEMARK RIGHTS
ARE TERRITORIAL
IN BASIS, SO
REMEMBER TO
REGISTER IN ALL
JURISDICTIONS
WHERE YOU INTEND
TO USE YOUR
TRADEMARK!



DOMAIN NAMES

A domain name identifies an Internet address so that users can locate the website of a business or person. They are vital to many businesses but, in most jurisdictions, registration of a domain name on its own does not give any rights to prevent someone else using a similar domain name or trademark.

TRADE NAMES

A trade name is a commercial name used by a business in its commercial activities. A company's trade name may be its official corporate name or another name that it chooses to use (e.g., a DBA ("doing business as") name, fictitious name, or assumed name). And, depending on the context in which it is used, a trade name may also function as a trademark for the company's products or services.



If over time you develop a reputation and goodwill through the use of your trade name, in some jurisdictions you may acquire rights on an unregistered basis in your trade name to prevent someone else using a trade name or trademark that is too similar to your own. However, the rights granted can vary considerably depending upon the jurisdiction and such actions are often very expensive. If your trade name qualifies, consider registering it as trademark. A trademark practitioner will be able to advise you about this.



DO YOU WANT TO KNOW MORE?



SCAN TO LEARN MORE.