



A GUIDE TO

BRAND PROTECTION

PRODUCED IN
CONJUNCTION WITH

BRISTOWS



A guide to brand protection

The British Brands Group is a not-for-profit membership trade association. It champions brands and represents the collective interests of its members (brand owners) on areas affecting their ability to create, build and sustain strong brands. These bring strong benefits to consumers, society, companies and the wider economy.

This brochure highlights the importance of brands to companies and the need to protect them if these assets are to be preserved and grow. It outlines practical steps that everyone in a company can take to ensure that a brand maintains its vital distinctiveness and is not unscrupulously exploited and damaged by others.

The information contained here is intended for general guidance only. It is correct at publication, immediately after the UK's decision to leave the European Union. However the UK framework for brand protection can be expected to change once the UK has left and this Guide will then be re-published.

The brochure is produced with the generous support of Bristows, a law firm with specific, acknowledged expertise in the area of brand protection. Bristows is an associate member of the British Brands Group and further details on the firm can be found in Annex B.

British Brands Group
100 Victoria Embankment London EC4Y 0DH
Telephone 01730 821212
info@britishbrandsgroup.org.uk
www.britishbrandsgroup.org.uk

Contents

3	The importance of brands
4	Why brands need protecting
5	Intellectual property – what is it?
6	Trade marks
7	Copyright
8	Designs
9	Patents
9	Unfair competition/Passing off
10	Domain names
10	Trade secrets/Confidentiality
11	Look out! Taking action
12	Brands in the digital age
13	Brand management and marketing
13	New brands
13	Using trade marks
14	Useful contacts
15	Annex A Glossary
15	Annex B Bristows LLP – profile
18	Annex C Reporting brand infringements

The importance of brands

What is a brand?

In understanding what brands are, it is useful to consider their component parts:

- **Consumer-focused**
Brands only thrive by meeting the needs, expectations and aspirations of consumers.
- **Consistency**
Consumers are safe in the knowledge that the brand will meet or exceed their expectations every time.
- **Widely available**
Most brands are widely available, from John O'Groats to Land's End, in supermarkets and village stores.
- **Distinctive difference**
Successful branded products stand out from the crowd. They are distinct from other similar products.
- **Continuous improvement**
As consumer tastes change and competition shifts, brands must strive for continuous innovation and improvement to survive.

One definition of a brand is provided by John Murphy, founder of Interbrand:

"A brand is a complex thing. Not only is it the actual product, but it is also the unique property of a specific owner and has been developed over time so as to embrace a set of values and attributes (both tangible and intangible) which meaningfully and appropriately differentiate products which are otherwise similar."

From a consumer's perspective, brands often evoke strong rational and emotional responses and have been described as 'a powerfully held set of beliefs by the consumer'¹.

¹ Frank Auton, The Marketing Council 2000

Why are brands important?

Brands play a vital role in our lives, our society and our economy. They are important in many different ways:

- **They are important to consumers**
Brands provide consumers with confidence and reassurance. They offer choice and relevance to specific needs. They are convenient and deliver quality and value.
- **They are important to your company**
Brands are your company's prime asset and the foundation of the business. They are the source of revenue and profitability and the key to future prosperity. They are the reason consumers choose you over your competitors.

Brands are your company's prime asset and the foundation of the business. They are the source of revenue and profitability and the key to future prosperity.

- **They are important to society**
Because brands are distinctive, they are the essence of competition. Competition provides a continuous spur to innovation, enhancing the quality of our lives and building a multi-choice society.
- **They are important to the economy**
The economic impact of brands goes beyond jobs, output and exports. Brand companies innovate more than non-brand companies, contributing more to economic and employment growth.

Brands matter – to shoppers, producers, traders, and the country. They are worth nurturing and protecting.

Why brands need protecting

Successful brands develop strong relationships with their consumers. Millions of pounds are invested in their success. This very success attracts plagiarists and thieves, keen to ride off and profit from the brand at minimal cost and risk to themselves.

As brands are your company's most important assets, damage to them damages your company's revenue, reputation and profitability.

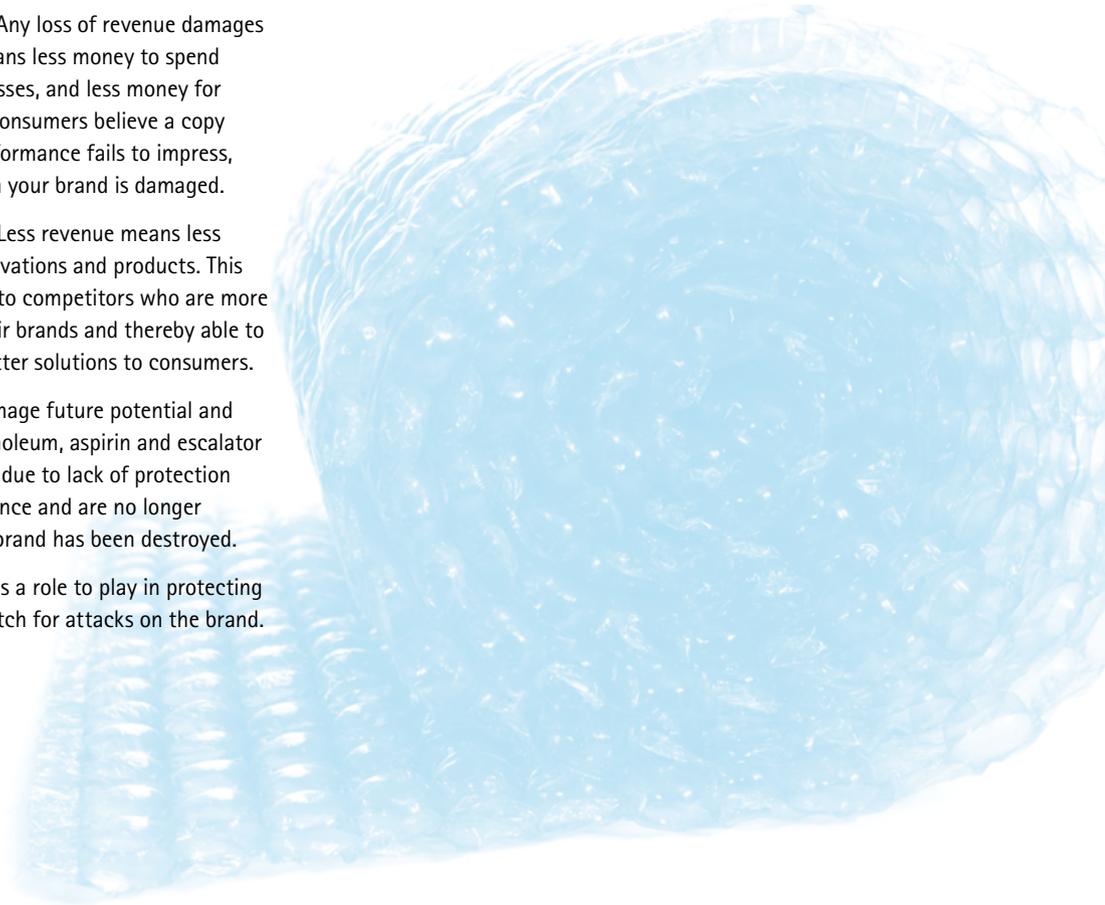
Damage takes many forms. Any loss of revenue damages your competitiveness. It means less money to spend on quality people and processes, and less money for building the brand. Should consumers believe a copy comes from you and its performance fails to impress, their confidence and trust in your brand is damaged.

It is not just damage today. Less revenue means less investment behind new innovations and products. This increases your vulnerability to competitors who are more successful at protecting their brands and thereby able to invest more in delivering better solutions to consumers.

Attacks on brand equity damage future potential and value. Take brand names. Linoleum, aspirin and escalator were brand names once but due to lack of protection have become common parlance and are no longer distinctive. Their value as a brand has been destroyed.

Everyone in the company has a role to play in protecting brand value and keeping watch for attacks on the brand.

As brands are your company's most important assets, damage to them damages your company's revenue, reputation and profitability.



Intellectual property

What is it?

Intellectual property rights provide legal protection for some of the most important aspects of a brand. They protect, for example, the name, logo, label designs, packaging shapes, advertising, slogans, domain names, and sometimes the product itself. Even sounds and smells can be protected if they are distinctive.

These rights are essentially preventative in effect – they prevent a third party doing something they would otherwise be able to do. Their purpose is to encourage investment and innovation and to discourage copying.

Intellectual property may be bought, sold, mortgaged or leased just like tangible property such as land. This is usually called 'assigning' or 'licensing' and can be an important business opportunity and source of income.

Rights tend to be national, with every country having its own laws (although there are exceptions, such as the European Union trade mark, which provides protection in all EU member states). Owning a right in one country does not necessarily mean the right is held in another country.

The main rights associated with brands are:

- Trade marks (registered or common law)
- Copyright and database rights
- Designs
- Patents
- Unfair competition/passing off
- Trade secrets/confidentiality

Although not an intellectual property right, domain names on the internet provide important signposts to the brand, requiring careful management.



COPYRIGHT

What is copyright?

Copyright protects the skill and labour involved in creating original literary or artistic works, among other categories of creative endeavour, preventing their unauthorised copying.

There are many aspects of a brand where copyright protection may be available:

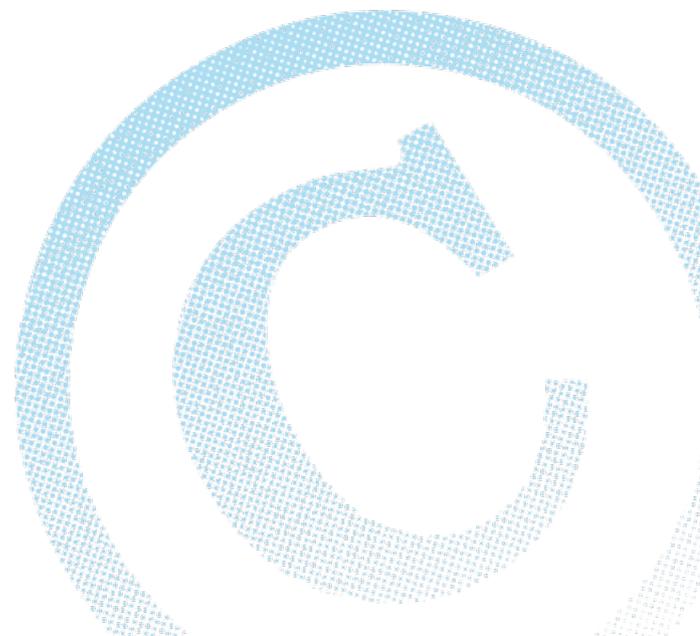
- logos
- labels and packaging
- brochures and advertising
- logos and pictures
- jingles

In Europe, copyright is acquired automatically as soon as the creator records the work in a permanent form. Copyright ownership may be indicated by showing the © symbol, followed by the year the work was first published, plus the name of the copyright proprietor eg. © 2004 British Brands Group.

Time limit on protection: 70 years after the death of the creator in the EU.

BEST PRACTICE

- If an outside supplier originates any creative work, ensure that the copyright in their work is transferred to you. This requires a legal document called an 'assignment'. Arrange this when the work is commissioned.
- In any merchandising of copyright material, include measures to control how the licensee uses your copyright material in the agreement, and monitor his actual use.
- Where possible include 'sleepers' in copyright works. These are small, deliberately included but imperceptible mistakes, such as double spacing between words. These can be valuable later on in proving that copying has taken place.
- Look out for copying, and take action immediately if you discover any (see **Taking action**).



TRADE MARKS

What is a registrable trade mark?

It is a sign that identifies a particular brand with its manufacturer or owner, and distinguishes it from other brands and products. A trade mark must be distinctive, i.e. capable of serving as a "badge of origin", to qualify for registration. Descriptive trade marks or those that are customary in the relevant trade will not usually qualify for registration.

Representation on the register

European Union trade marks: changes to the law mean that from 1 October 2017 there will no longer be the need for trade marks to be capable of graphical representation, provided that the mark can be represented in a way which enables the authorities and public to determine the clear and precise subject matter of the protection. Guidance suggests that this may be achieved through use of appropriate technology (e.g. sound files made available online).

UK trade marks: the UK position will be brought in line with the changes at the European Union trade mark level at some point prior to 14 January 2019.

These changes should make it easier to register 'non-traditional' marks, such as motion marks, holograms and sounds.

A trade mark may be:

- names/words
 - letters and numbers
 - slogans
 - logos and pictures
 - colours
 - packaging shapes
 - sounds
- Ford; Cadbury**
VAT 69
Gillette 'the best a man can get'
the **Nike** swoosh;
the **Bovis** hummingbird
copper and black (**Duracell**)
the **Toblerone** chocolate bar
the **Direct Line** jingle

To show that a sign is legally protected and registered, the ® symbol may be featured. This warns others that it is your property. Using it incorrectly is a criminal offence.

If a sign is used as a trade mark but is not yet registered or is even unregistrable, the TM symbol may be featured, which shows that the right is being claimed.

An alternative to both ® and TM is * with a footnote explaining what the right is and the company claiming it, eg: '**Kodak** is a [registered] trade mark of...'

A trade mark may only be registered if it meets the criteria set out in each country's laws. Generally, trade marks must be distinctive and non-descriptive.

Time limit on protection: none, as long as renewals are carried out (usually every 10 years).

BEST PRACTICE

- Choose new trade marks carefully (see **Brand management**).
- Clear any new trade marks before you use them to make sure they are not already in use by others. If you don't, you may be stopped from using them, even forcing you to withdraw your product after launch (see **Useful contacts**).
- Register your trade marks. It makes it much easier to prevent others using them and acts as a 'keep off the grass' notice (see **Useful contacts**).
- Make sure you use your trade marks correctly (see **Brand management**).
- Control the use of any trade marks you licence to maintain the connection between the trade mark owner and the product itself.
- If you discover any of your trade marks being misused, take action immediately (see **Taking action**).

DESIGNS

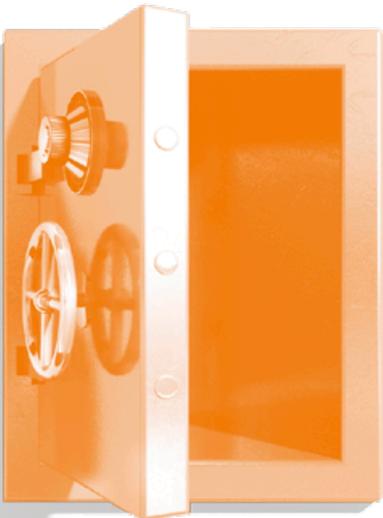
Protection of designs varies between countries. In the UK and EU protection is available under Registered Designs and Unregistered Design Right.

Registered designs

Registered designs are available to protect the appearance of the whole or part of the product. This includes not just a product's shape but also its packaging, including logos and typographical arrangements. Registered designs can be extremely valuable where the appearance of a product and/or its packaging is important to consumers.

To be registerable the design must be both novel and have individual character. That is to say it produces a different overall impression to consumers from existing designs.

Time limit on protection: up to a maximum of 25 years for both EU and UK registered designs, subject to renewals being carried out.



Unregistered Design Right

Unregistered rights arise automatically but can be difficult to enforce as it is necessary to prove that the design which is supposed to have been copied is properly the subject of design right protection, that you own it, and that the alleged infringer copied your work rather than creating the item independently.

Unregistered design right protects the three-dimensional elements of a design, giving automatic protection against close copying. Two different types of unregistered design right co-exist: a national right and an EU right.

Time limit on protection: 3 years for the EU right, 15 years maximum for the UK right (or 10 years from first commercial availability in some instances).

BEST PRACTICE

- Apply for design registration as soon as possible and in any event within 12 months of publicly disclosing the design. 'Publicly' means disclosure to anyone, even the trade, outside your company.
- For Unregistered Design Right, record the design in a design document or make a prototype to the design to obtain protection. Note on the drawing or model the author, date, circumstances in which the work was created and details of any subsequent modifications. Keep these records in a safe place and note their existence in a database or index.
- Ensure your rights are acknowledged and protected in any merchandising agreement. Monitor how they are used.
- Look out for copies of your designs, and take action immediately if you discover any (see **Taking action**).

PATENTS

Patents provide protection for inventions of products or processes. To be patentable, the product or process must be new (that is, not previously published) and innovative, although this can be an improvement to an existing idea as long as it is not obvious. Patent protection is not available for methods of doing business or methods for presenting information.

The patent prevents others from making, using or selling the innovation and so is a source of competitive edge.

Time limit on protection: Patents are granted for up to 20 years. The patent must describe the invention clearly enough for competitors to be able to use the invention after this period.

BEST PRACTICE

- Keep ideas confidential until you have filed a patent application.
- Mark all drawings, notes, correspondence and meeting notes with third parties as 'confidential'.
- Before filing, only disclose to third parties under an obligation of confidence to you.
- If you commission work that includes an invention, endeavour to obtain outright all patent rights, rather than taking a licence.
- Look out for any infringement of your patents, and take action immediately if you discover any (see **Taking action**).

UNFAIR COMPETITION/PASSING OFF

There may be situations when trade marks, copyright, or patents have not been infringed but where legal action may still be taken.

In the UK, if consumers are misled by representations (which can be oral statements or implied statements such as similarly designed packaging) into thinking one product is made by or approved by another, then action may be taken under the law of passing off.

A typical example is 'look-alike' packaging. These products are so similar in appearance to a competitor's brand that consumers may mistake them for the genuine article or believe them to be otherwise connected with your product.

Most continental European countries provide further protection to brand owners under the law of unfair competition – it can apply when a consumer associates the goods of a third party with the goods of a brand owner, for instance if they have similar packaging. This right does not exist in the UK at present.

BEST PRACTICE

- Look out for any competitor (or any company) suggesting a connection with your company where none exists, and take action immediately if you discover one (see **Taking action**). If you fail to do so, you may lose the distinctiveness of your brand.
- Be aware that laws vary widely from country to country so always take local law advice.
- Preserve any evidence of confusion. Ensure that your customer helpline records any instances of consumers calling with an enquiry about a product belonging to a competitor.

DOMAIN NAMES

Domain names are the unique addresses that identify, and permit access to, specific web sites.

It is important that domain names are selected with care and registered.

Ensure that a proposed domain name is not already held by someone else.

As with new trade marks, a new domain name should be cleared with a search for other parties' trade mark rights before use, unless they are a word wholly descriptive of your product (e.g. petfood.com).

Establish a centralised policy for clearing and tracking your domain names.

Develop a policy towards cybersquatters. Action outside the courts is available through ICANN for a 'top level' domain name (eg. .com, .net, .info, .org) or through Nominet for '.uk' domains. Both offer a quick and relatively cheap service.

TRADE SECRETS/CONFIDENTIALITY

Novel and unique formulations may be protected by trade secrets. Whereas patents and registered designs require disclosure in return for a limited period of exclusivity, trade secrets can be kept secret forever. An example is the **Coca-Cola** drink formulation.

Material cannot regain confidentiality once the secret is out.

BEST PRACTICE

- The confidential material has to be treated with great care and made available on a need to know basis. Ensure it is marked "Confidential", and use confidentiality agreements and monitor access to the information.
- Take action if you discover that there has been any unauthorised dissemination of the secret.

Look out!

Successful brands rely on people keeping a look out for infringements.

Keeping a look out protects the brand's sales, safeguards its reputation with consumers, maintains the brand's distinctiveness and ensures its competitive edge.

WHAT TO LOOK OUT FOR

PARASITIC COPIES

These imitate the packaging of a familiar brand, looking so similar that consumers think that it is the brand or is at least made by the same company. They free ride off the brand's reputation.

COUNTERFEITS

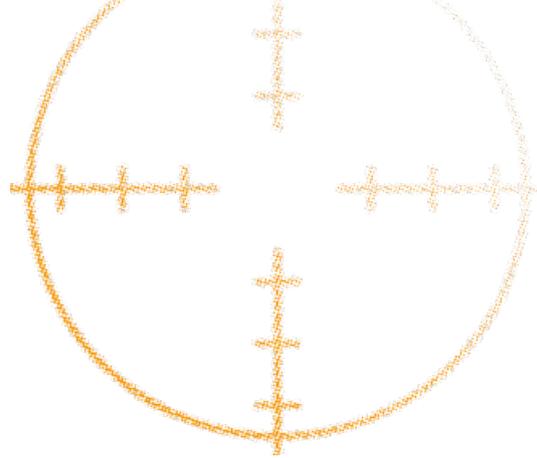
The packaging is usually a complete and direct copy of the original.

SUBSTITUTION

Traders, in particular online, might offer brand names as suggested search terms yet when the products are displayed as a result of the search term being used, substitute comparable products are offered instead of the brand name products.

FAKE MERCHANDISE

Your brand may feature on a wide range of items, such as umbrellas, T-shirts and hats. Such items may be carrying your brand name or logo without consent. Full legal action may not be appropriate in all circumstances and it is best to seek legal advice before taking any further action.



WHERE TO LOOK

Infringers may be operating in any place of commerce. Shops, market stalls, newspapers and magazines, sales brochures and mail-order catalogues are all popular with those who may seek to exploit your brand.

The internet is another place to monitor carefully. Cybersquatting is only one problem area. Look out for competitors that are using your brand in metatags (the words on a website screened by search engines), 'suck sites' that damage the reputation of your brand, and copycat sites.

Taking action

If you spot any infringement of your company's intellectual property rights, it is important to take action quickly to protect the value of the brand.

To take action:

- Gather all the information you can about the infringement, without arousing suspicion. Make a sample purchase, keep the receipt, note prices and promotional displays, along with the time and date.
- Note anything that is said by the salesman.
- Alert your legal department to the infringement or, if you do not have a legal department, alert the company secretary or company's firm of solicitors to the infringement.

Annex C provides a template for gathering information.

Brands in the digital age

PROTECTING YOUR BRAND ON SOCIAL MEDIA - PARODY AND FAN ACCOUNTS

Social media offers brands great potential to engage effectively with consumers and can play an important role in a brand's success. However, despite the rewards, social media is not without its risks, and it is important to ensure that your brand is adequately protected online.

Both Facebook and Twitter have 'Parody, commentary and fan account policies' in place. These require users to ensure that the account does not mislead third parties into believing that the user is affiliated with the account's subject. The guidance provided suggests the inclusion of the word 'parody', 'fake' or 'fan' to achieve this.

Facebook and Twitter have systems to enable brands to file 'impersonation' complaints. If on investigation it is found that an account does not comply with the platform's parody policy then the platform may suspend or permanently terminate the user's account.

DOMAIN NAME DISPUTES

Brands may encounter domain names that make unauthorised use of their trade marks. ICANN has adopted the Uniform Domain Name Dispute Resolution Policy (UDRP), based on recommendations from the World Intellectual Property Organisation (WIPO). A UDRP complaint can be filed with WIPO in respect of infringing .com, .net and .org domain names (among others) and offers a cheaper and quicker way of taking infringing domain names out of use than issuing court proceedings.

Nominet, the official registry for .uk domain names, also operates a Dispute Resolution Service (DRS). To make a successful complaint using the DRS, a complainant must

prove the relevant domain name either:

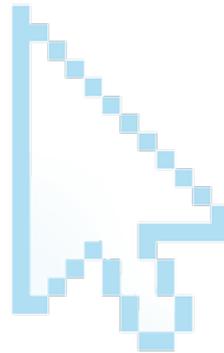
1. Took unfair advantage of or was unfairly detrimental to its rights at the time of registration or acquisition; or
2. Has been used in a manner which took unfair advantage of, or was unfairly detrimental, to its rights.

PROTECTING YOUR BRAND ONLINE

The Internet provides great opportunities for marketing. However its openness and anonymity can allow third parties to 'hijack' legitimate brands, whether it be through counterfeit goods or unauthorised use of trade marks through substitute selling.

Steps brands can take against infringing acts online:

1. Report IP infringements to the relevant online platform. For example, eBay operates the 'VeRO' procedure to enable rights holders to report potentially infringing listings. eBay will then undertake its own investigation of the complaint and can act to prevent continued infringement.
2. Consider taking action against the intermediary. Where a platform's complaints procedure has been exhausted, a rights holder may consider taking legal action against the intermediary (e.g. a search engine, online marketplace or even an internet service provider) whose service is being used for the relevant infringing act. There are certain defences that can be raised by intermediaries which may mean that the only remedy the courts will grant is an injunction to prevent continued infringement. However, where the defences do not apply, the rights holder may also be able to claim financial compensation from the intermediary if the intermediary is directly or indirectly liable for the infringement.



Brand management and marketing

NEW BRANDS

The most important right associated with a new brand is likely to be its trade mark.

It is wise to plan brand protection and include specialists who can advise you early in the brand development process.

Choose strong trade marks. These are less likely to be copied by others, will add value to the brand and are easier to enforce. A strong trade mark is distinctive, so avoid:

- Descriptive words (eg NATURAL SOUP);
- Laudatory words (eg FINEST; SMOOTH; QUALITY);
- Common surnames (eg BROWN'S; FIELDING'S);
- Geographical names (eg LONDON).

The strongest brands, and the strongest trade marks, are truly distinctive, such as **Marmite** and **Levi-Strauss**. Names, words, slogans, logos, graphics, label designs and bottle shapes may all be registrable as trade marks.

Once you have a shortlist of possible trade marks (and it is wise to have a selection, in case some are already registered), two further stages will make them legally enforceable:

- 'Searching' to ensure they are not already registered;
- 'Registering' them, to protect them.

Specialist help is recommended for these two stages (see **Useful contacts**).

USING TRADEMARKS

Trade marks need to be used consistently and correctly if their value and protection is to be maintained. If used incorrectly, a brand name can become generic. This is what happened to 'linoleum' and 'escalator'.

There are some golden rules in using trade marks properly:

- Distinguish the trade mark within text, using CAPITALS, italics, bold, 'inverted commas', underlining or colour;
- Trade marks are proper adjectives (eg. a **Mars** bar), not nouns (eg. fit a **Velux** is incorrect) or verbs. However, they should not be used as descriptive adjectives (eg. use 'the distinctive flavour of **Nescafé** coffee', not 'the distinctive **Nescafé** flavour');
- Use the generic name of the product or service with the trade mark (**Castrol** oil);
- Do not corrupt a trade mark, personalise it (eg. **Guinness** is pleased to announce...), or hyphenate it;
- Avoid the possessive form of the trade mark (eg. **Cuprinol's** promise) unless it is registered in this form (eg. **McVitie's**);
- A trade mark should not be made plural if it is singular, and vice versa;
- Keep strictly to the house style and the guidelines appropriate to the brand.

A USEFUL TEST...

...when using trade marks in advertising or other text, see if the sentence still makes grammatical sense if the trade mark is removed. If it does, it is likely the mark is being used correctly.

Useful contacts

General

For general advice and information on intellectual property, trade marks, patents, designs, and copyright:
The IPO
Concept House, Cardiff Road, Newport,
South Wales NP10 8QQ
0300 300 2000 | enquiries@ipo.gov.uk
www.ipo.gov.uk

Trade marks

To obtain a list of specialists:
Institute of Trade Mark Attorneys
ITMA Office, 5th Floor, Outer Temple,
222-225 Strand, London, WC2R 1BA
020 7101 6090 | tm@itma.org.uk
www.itma.org.uk

Yellow Pages or online search under 'Trade Mark Agents'

For information on the EU trade mark: EU IPO web site:
<https://euipo.europa.eu/ohimportal/en/>

Copyright

For general information:
The British Copyright Council
2 Pancras Square, London N1C 4AG
020 7582 4833 | info@britishcopyright.org

To obtain licences to photocopy material:
The Copyright Licensing Agency
Barnard's Inn, 86 Fetter Lane,
London EC4A 1EN
020 7400 3100 | cla@cla.co.uk
www.cla.co.uk

Patents

To obtain a list of specialists:
The Chartered Institute of Patent Attorneys
95 Chancery Lane, London WC2A 1DT
020 7405 9450 | mail@cipa.org.uk
www.cipa.org.uk

Yellow pages or online search under 'Patent Agents'

Internet

To register 'top level' (eg. .com/.net/.org) sites:
www.networksolutions.com

Disputes ('top level' domain names):
www.icann.org

To register .uk sites:
www.internic.co.uk

Disputes (.uk):
www.nominet.uk

Brands and Branding

British Brands Group
100 Victoria Embankment, London EC4Y 0DH
01730 821212 | info@britishbrandsgroup.org.uk
www.britishbrandsgroup.org.uk

Counterfeits:
The Anti-Counterfeiting Group
PO Box 578, High Wycombe,
Buckinghamshire HP11 1YD
01494 449165
www.a-cg.org

Annex A: Glossary

EU trade mark	European Union trade mark. This trade mark covers the countries of the European Union
ICANN	Internet Corporation for Assigned Names Et Numbers
IP	Intellectual Property
IPR	Intellectual Property Rights
EUIPO	European Union Intellectual Property Office (based in Alicante, this administers the European Union trade mark)
®	Denotes a trade mark is registered
TM	Denotes you are claiming the mark as yours, although you may have no registered rights in it

Annex B: Bristows

LAWYERS FOR BUSINESSES THAT CREATE AND INNOVATE

Bristows is a London law firm serving innovative companies and industry leaders around the world. They offer a full service that is commercial and practical.

IP

Consistently ranked among the world's top IP firms, Bristows has taken the lead on many of the cases and deals that have shaped today's IP industry.

Bristows' clients seek advice on protecting and extracting value from their most valuable assets – their inventions and ideas, their name, their reputation, their secrets and their designs.

The commercially minded IP team is made up of lawyers whose legal knowledge is backed by powerful technical and industry experience, enabling them to advise on the most complex IP issues.

Brand & design protection

Bristows has extensive experience protecting companies' brands, designs, trade marks and copyrights, and helping clients to capitalise on these assets through licensing, merchandising and sponsorship.

They offer one of the most highly regarded "one stop" trade mark services in the profession. The dispute resolution team at Bristows advises on everything from trade mark infringement and "unfair competition" claims through to software copyright and design of electronic components and the increasingly complex areas of database management and digital rights management.

Acting for leading UK and global brands, Bristows consistently advise clients in relation to anti-counterfeiting campaigns and trade mark, design, passing-off and domain name disputes.

Copyright and digital media

As technologies and the various forms of media continue to converge, Bristows offers advice on a multi-disciplinary approach to digital media projects.

Bristows' team advises on all legal aspects of doing business online, from questions of online liability to search engine licensing and the legal issues associated with online advertising, user generated content and social networking sites.

Bristows is known for its work in both contentious and commercial copyright matters. Helping to protect and enhance the value of copyright assets, Bristows' clients include a global internet search engine, leading independent music publishing houses, publishers of high-end fashion magazines, one of the UK's largest cinema chains, a newspaper group, broadcasters, popular TV program producers and the largest global music industry association.

Patents

A world leader in IP, Bristows has been at the forefront of many of the patent cases that have shaped modern patent law since the firm's founding in 1837.

Our clients range from start-ups to pharmaceutical and electronics multi-nationals. They seek our advice on protecting and extracting value from their most valuable assets – their inventions. We also help these clients to defend patent infringement claims and challenge the patents of competitors.

Our patent litigation team is made up of lawyers whose specialist legal knowledge is backed by powerful technical and industry experience, enabling us to master and succeed in the most complex cases. From turbochargers to telephone systems and from microprocessors to life-saving drugs, we understand how to exploit or avoid patent rights through litigation and alternative dispute resolution around the globe.

Contact details

For further information about the IP advice that Bristows can provide, please contact:

Paul Walsh, Partner

Email: paul.walsh@bristows.com

Jeremy Blum, Partner

Email: Jeremy.blum@bristows.com

Bristows LLP

100 Victoria Embankment, London, EC4Y 0DH

020 7400 8000

www.bristows.com



Brands & design protection

For over 175 years, Bristows LLP has taken the lead on many of the cases that have shaped the IP world. Businesses ranging from start-ups to multinationals seek our advice on protecting and extracting revenue from their most valuable assets - their inventions and ideas, their name, their reputation and their designs.

Our lawyers have extensive experience in protecting companies' brands, designs, trade marks and copyrights, and helping clients to capitalise on these assets through licensing, merchandising and sponsorship. We also offer one of the most highly regarded "one stop" trade mark services in the profession.

Our dispute resolution team advises on everything from trade mark infringement and "unfair competition" claims through to software copyright and design of electronic components and the increasingly complex areas of database management and digital rights management. With the increasing global nature of IP rights and disputes, we have built up an impressive team of international specialists and regularly take the lead role in cases across multiple jurisdictions.

Acting for leading UK and global brands, we consistently advise clients in relation to anti-counterfeiting campaigns and trade mark, design, passing-off and domain name disputes. Representing companies across all major sectors, our team has particular expertise in assisting consumer products, pharmaceutical, media, information technology and travel and leisure businesses.

www.bristows.com

Annex C: Outline reporting form for businesses to use to monitor their own brands

REPORTING BRAND INFRINGEMENTS

Product copies and unauthorised or mis-used brand names cost the company money and may damage future sales and reputation. Often, legal action can be taken to protect the company's interests but this is only possible with prompt, accurate, detailed information.

If you become aware of any copy or brand mis-use, this form will help you report it. A checklist and guide to the information required is provided. Thank you for your help in safeguarding the brand.

Your details

1 Reported by	2 Country
3 Town	4 Location
5 Telephone no.	6 E-mail

Copy product found/brand name used

7 Our product and style	8 Copy product
9 Brand name used	10 <input type="checkbox"/> © <input type="checkbox"/> ® <input type="checkbox"/> TM
11 Price	12 Volume of products on sale
13 Manufacturer + address	
14 Distributer + address	

When, where and how was the product/brand found?

15 When	16 Where
17 Verbal description	
18 Written description	
19 Are the sellers our customers?	
20 Any other information	

EXPLANATORY NOTES

- 1–6** These boxes are self-explanatory. They provide a means whereby you can be contacted if further information is needed.
- 7** Our product and style: What is the product being copied or the brand name being mis-used?
- 8** Product: What is the copy product description?
- 9** Brand name used: What is the brand name on the product that you have found?
- 10** © ® TM : Please tick the boxes as appropriate if the product carries these symbols.
- 11** Price: How much does the product in question cost? Is it available at a discount for volume purchases?
- 12** Volume of products: This is essential information. Are there just a few copies on a market stall? Or is there a warehouse full of product? The number of copies found may determine the legal response.
- 13–14** This is essential information which you should try to establish. If you are simply buying the product from a shop/stall, please enter these details in Box 15.
- 15** When: When did you see/purchase the product?
- 16** Where: Give the name of the shop, trade fair or place where you saw/purchased the product.
- 17** Verbal description: How was the product/brand name described to you by, for example, a sales person?
- 18** Written description: What was the wording in any sales literature, leaflets, catalogues, etc.?
- 19** Are the sellers our customers: Do they sell any genuine products from our company? If so, please indicate which ranges.
- 20** Any other information: This is for any information you feel may be of value such as copies or mis-uses of other manufacturers' brands.

OTHER IMPORTANT POINTS TO REMEMBER

- a** Never try to lead the seller into making a false statement about the origin of the product.
- b** Never reveal the company you work for.
- c** Always try to buy a sample of the product and, if circumstances permit, buy more than one sample.
- d** Always get a receipt.
- e** Always try to obtain as much information as you are able to without arousing suspicion, but never say anything that is untrue.
- f** Never accuse the seller of any wrong-doing.

British Brands Group - membership

The British Brands Group is a membership organisation, with member companies varying in size (two thirds have a UK turnover under £50 million).

The Group champions brands and focuses on matters that can be tackled effectively through collective action. Working collaboratively through the Group, in addition to acting individually, brand owners are better able to act with more efficiency and effect than would otherwise be possible.

To find out more and to join the Group, please contact:

John Noble, Director

jn@britishbrandsgroup.org.uk

01730 821212

or visit:

www.britishbrandsgroup.org.uk/grocery#applynow

