

Trademarks

Trademarks or logos can be a name, design or even a colour, but to receive protection they must be registered in the particular class or classes of goods or services that they will be used.

Creative trademark or logo designs are also automatically protected by copyright as an artistic work.

Registration can be renewed every 10 years provided the trademark is still actively being used in trade.

Where disputes arise (particularly with cross border trading companies using the same names, identification), the courts usually decide on a case by case basis. e.g.

- Cadbury's succeeded in a dispute with Nestle, in securing rights to a particular shade of Purple for Milk Chocolate products only.
- Orange Mobile Phone Network disputed 'easy's' proposed launch of 'easyMobile' using the colour orange but failed mainly because they didn't specify a shade and both companies had established history and reputation connected with the colour. [.http://news.bbc.co.uk/1/hi/business/4281845.stm](http://news.bbc.co.uk/1/hi/business/4281845.stm)

Trademarks or logos should never be copied or used without permission unless the use falls under a legal exception. In addition to copyright infringement, the owning organisations may regard the use as false affiliation or detrimental to their business or reputation.

For further information and advice go to the [Intellectual Property Office \(IPO\)](#) website

For general copyright advice, contact [Kate Vasili](#)