

TRADEMARK, COPYRIGHT AND PATENT REGISTRATION GUIDE

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WHAT IS A TRADEMARK?

A trademark is a letter, word, name, signature, numeral, device, brand, heading, label, ticket, shape, color, aspect of packaging or a combination of these, which is used in the course of a business or trade to distinguish a person's goods or services from those of others.

IDENTIFYING TRADEMARKS

Commonly-used symbols to identify a trademark are ® and ™. The two symbols have different indications.

- ® refers to a registered and therefore protected trademark pursuant to trademark laws.
- ™ is merely a symbol used to identify that the mark is being used as a trademark by the owner. It however does not denote that the mark is registered and protected under trademark laws.

BENEFITS OF A TRADEMARK REGISTRATION

Although it is not compulsory to register a trademark for your goods and services, a trademark gives you, the owner, the rights that enable you to

1. control the use of the sign and
2. add value to the goods or services provided.

If a mark is not registered, the owner/user can only rely on the common law protection against imitation and infringement.

However, 1) the proof of the use of the mark over a substantial period of time and 2) goodwill or reputation of the owner resulting from the mark may be difficult.

A trademark grants the owner of the mark statutory monopoly and priority claims beyond Singapore.

The owner of the trademark may benefit in various ways:

- Barring others from copying it and benefiting from its market value
- Quality assurance for your customers
- Branding through mark recognition
- License for commercial use to third parties

HOW TO REGISTER A TRADEMARK

A trademark must be distinctive and distinguishes the goods or services of the owner from similar goods or services from other traders.

A trademark application is generally rejected if the mark does not have a distinctive character, i.e. descriptive marks, which describe a quality, quantity, value, intended purpose or geographical origin, or marks that are common to the trade, contrary to public policy or morality, deceptive, identical or similar to an already registered mark or well-known marks.

The process of a trademark registration includes:

- Submission of trademark application
- Examination of formalities
- Trademark search
- Examination of trademark
- Publication
- Opposition proceedings
- Registration

Helpful Links:

[Company Registration](#)

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[Accounting](#)

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[Offshore Incorporation](#)



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