



NAMES, TRADEMARKS, PATENTS AND OTHER REGISTRATIONS

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Business names, trademarks, patents and registrations are vital considerations for start-ups – Capworth Advisory can advise businesses in the London and Kent area.

Choosing A Business Name

Your business name is an ideal starting-point for building a brand, which can help you to forge a strong identity in the marketplace.

You might want to draw up a shortlist of several possible names. Before settling on your first choice, you should check your ideas on internet search engines, in local telephone directories and trade journals, and with the Trade Marks Register, in order to ascertain whether anybody else is already using the same or a very similar name.

Conducting such checks could help you to avoid legal disputes later on.

It is recommended that you take legal advice before using your new business name, as there are laws governing the use of certain words and expressions, and the disclosure of details of ownership.

If you are setting up a new company there are additional rules and restrictions which apply to the name choices. For example, by law nearly all company names must end in either 'Limited', 'Unlimited' or 'Public Limited Company' (or their respective abbreviations).

Trademarks

A trademark is a sign or symbol which clearly distinguishes your goods or services from those of other organisations. A trademark can include both words and images.

Having a trademark means that only those licensed to do so can trade under your chosen symbol, allowing you to protect the reputation of your business and how it is perceived by the public. It is therefore a valuable marketing tool.

Registering your trademark will offer you protection in the event that somebody else tries to use your trademark to pass off their goods and services, and means that you can more easily take legal action against anyone who uses an equivalent mark on their similar goods and services.

To register your trademark, you must send an application form (and fee) to the Trade Marks Registry. Once approved, your trademark will be recorded on the register in due course.

Patents

If you want to safeguard an invention, and prevent other parties from copying or using it without your permission, you can apply for a patent.

A patent gives the inventor the right to the exclusive use of an invention, and the right to take legal action and claim damages against others who infringe the invention. It lasts for a maximum of 20 years, and can be bought, sold, hired or licensed.

In order to qualify for a patent, an invention must relate to the composition, construction or manufacture of a substance, article or apparatus; or with an industrial type of process. The invention must be new and innovative. You should avoid disclosing your invention to third parties, or making commercial use of it, before your application is made, as this could invalidate the process.

To obtain a patent, you must first file a full disclosure of the invention with the UK Intellectual Property Office. This includes information on everything that is needed to carry out the invention. The Intellectual Property Office will carry out a search in order to check that the invention is new and innovative.

The application will then be published, and examined in detail to determine whether it meets legal and formal requirements, and is technically sound.

Any objections must be overcome before a patent can be granted. You will need to pay fees for processing your application, and renewal fees later on.

A UK patent does not have effect abroad, and to obtain protection in other countries you need to first obtain clearance from the UK Intellectual Property Office.

Other Registrations

As well as registering your business name, you will have to determine whether your business needs a PAYE scheme or to be VAT registered.

We Can Help With These Registrations.

If you are a start-up business in the London and Kent area, Capworth Advisory can provide advice on registrations, business names and trademarks. Contact us for more help.

