



Background

A crucial decision in starting a new business or venture is to select its business name(s). Word(s), phrase(s) or symbol(s) will in time become your identifying mark(s), the badges of origin of your goods or services in the marketplace.

You need to select a name that is not already registered and/or being used as a trade mark by any other company or individual and not too close to what others are using or (if the same as or close to) to choose it with your eyes open.

Through a trade mark search, identical or similar or otherwise relevant trade marks **registered** or pending in the relevant jurisdiction(s) can be identified. A trade mark search can also reveal identical or similar or otherwise relevant **unregistered** trade marks.

Note that the existence of not only a prior existing identical mark but in many cases also a similar mark can found an infringement claim.

Benefits

A trade mark search can: -

- Determine whether the use of your proposed trade mark would clash with a third party's legal rights in an identical or similar trade mark. This is important if you want to avoid claims being brought against you for trade mark infringement.
- Save you money by helping you decide whether to go forward with a particular trade mark application or not, as once an application is filed legal fees and official fees are all non-refundable.

Examples of searches available in most countries

Search 1 – Identical Search

The results of this search will alert you to potentially conflicting **identical** marks that are already on the relevant national register or for which an application has been made.

This search will not alert you to potentially conflicting:-

- **Similar** marks covering **identical or similar** goods or services.
- **Identical or similar** marks covering **dissimilar** goods or services.
- Registrations or applications in any other territory worldwide.
- **Unregistered** rights that may exist in any territory worldwide.

Search 2 – Identical / Similar Search

The results of this search will alert you to potentially conflicting **identical or similar** marks that are already on the relevant national register or for which an application has been made.

This search will not alert you to potentially conflicting:-

- **Identical or similar** marks covering **dissimilar** goods or services.
- Registrations or applications in any other territory worldwide.
- **Unregistered** rights that may exist in any territory worldwide.

Search 3 – Unregistered Trade Mark Search

This search will consist of: a company name search, a domain name search, an internet search and a search of relevant trade literature. This search will also provide you with brief background information about the owners of the prior marks revealed. Should additional information be required, a tailored report can be prepared at further cost.

Note that no search for use within the marketplace is 100% accurate and all uses of unregistered trade marks in the marketplace can never be guaranteed to be found.

Timescale and costs

Trade mark searches usually take up to 7 days to complete from the date of request. If you require an urgent trade mark search, please let us know and we will do our best to accommodate your request (at an additional charge).

If you are interested in conducting a search, please advise us specifically which country you wish to conduct the search in and we will provide you with a quotation soonest.

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