

TRADE MARKS: NAMING REGIMES

What is the difference between a domain, business name, company name and trade mark?

Many people assume that simply registering a company name, business name or domain name gives exclusive rights in that name. In fact, only a trade mark registration does this.

The regulations surrounding business, company and domain name registrations differ from trade mark registrations, and each type of registration is administered by a different body. Each type of registration also serves a distinct purpose.

All legally incorporated entities will have a **company name**. However, a company may choose to trade under a name other than its registered company name.

Business names are registered trading names.

Domain name registration provides an exclusive right to use a website address. Registration of a domain name does not give the owner any proprietary rights to that name separately from the website address.

A **trade mark** registration provides its owner with the exclusive right to use or licence use of the trade mark in respect of the goods or services identified in the registration. A valid trade mark registration can be used to stop other traders from using the same or a similar name in respect of the same or similar goods as are covered by the trade mark registration. A trade mark registration is also a saleable asset.

It is important to ensure a domain or trading name (whether it be a company name or a separately registered business name) does not infringe a registered trade mark.

A name may be available for registration as a company, business or domain name, but a trade mark owner can act against a company, business or domain name owner if it uses a name in relation to goods or services that are the same as or close to those already covered by a trade mark registration.



FIND OUT MORE

We recommend that you speak with one of our Attorneys regarding your IP protection needs. There is no obligation and no fee for an initial meeting. We will advise the required steps and costs involved. Please contact us for more information.

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