



JonJu Tech Ltd.

(Read the JonJu's 'Disclaimer' (end of document) before using/reading this document)

WP type: Business

Date: 5th February 2021

Title: Trademarks

Contents

Quick Learn	2
Key Actions/Advice	2
Rigour	3
Further Investigation	3
Disclaimer.....	3
Definitions.....	4

Without Prejudice



JonJu Tech Ltd.

(Read the JonJu's 'Disclaimer' (end of document) before using/reading this document)

Quick Learn

- Make sure that there is confidence in the award of the trademark before too much is invested in website design, i.e. there must be reasonable confidence in the trademark before branding (see Branding and Brandpacks link below). This is a balance of risks because trademarks take months to approve and issue, and it could be that a company simply cannot afford the delay in branding (particularly the website).
- Funds allowing, it is better to have professionals make and manage the application for a trademark (see link under Further Investigation for patent attorney). Brace for a bill of about £2,000 to £3,000 as at the date of this WP.
- The risk is not that a conflicting trademark exists, but that trade takes place for some time without any of the parties being aware a trademark contention exists, and then an onerous lawsuit follows that demands the reappropriation of monies earned to the benefit of the claimant and re-branding is necessary for the defendant. This circumstance can destroy a business.
- The scope and meaning of trademarks are widely misunderstood. Many think it is just to do with the similarity of images, but it is as much about words as images: in fact, the words are arguably more important as the following bullet point explains. **The purpose of trademarking is to remove confusion over the identity of companies involved in the same market sector, from the perspective of a potential customer.** The images themselves can be quite dissimilar, but an electronics company with a product by the trademarked name of Synergy might well object to another company in the same field having a product called SY Energy, regardless of the images used.
- The words used in a trademark are more important because it is far more likely that others have chosen similar words or initials than they have a similar image. Furthermore, an image is easy to tweak or change, words less so. Apple has done this well with an image (bitten apple) that has nothing to do with computers and in no way relates to Apple's core business, other than by the brand it has now established. Make the image 'word and letterless' to best avoid contention with trademarks. There is no requirement for the image to have meaning or association with the product. What meaning does a bitten apple have in relation to Apple's products? Yet it is one of the most famous trademarks in the world.
- Larger companies challenge trademarks on principle when the challenges may be quite weak. Do not abandon hope because a trademark is challenged and decide the steps to follow in conjunction with a patent attorney.
- It is necessary to obtain a trademark in the country of origin before applying for such abroad (patent attorney can/will give advice on this).
- Having had a professional help with the selection of the initial trademark (probably words), a robust description and identification of all the classes has been done. This makes application for other trademarks for the same business straightforward and it may be considered reasonable to make amateur applications (effectively divide the cost by ten)

Key Actions/Advice

- Balance the risk of a trademark challenge against the state of development of the Brandpack and the Brand itself (see links below). Delay Brandpack development until the risk is acceptable.
- Use a professional to make the trademark application or follow the amateur trademark application guidelines below if the budget is limited and the risk acceptable.
- Protect the words upon which the brand is based as a priority.
- When searching for a patent attorney or assessing the quality of the work received from one, consider using the guide diagram in the Rigour section.



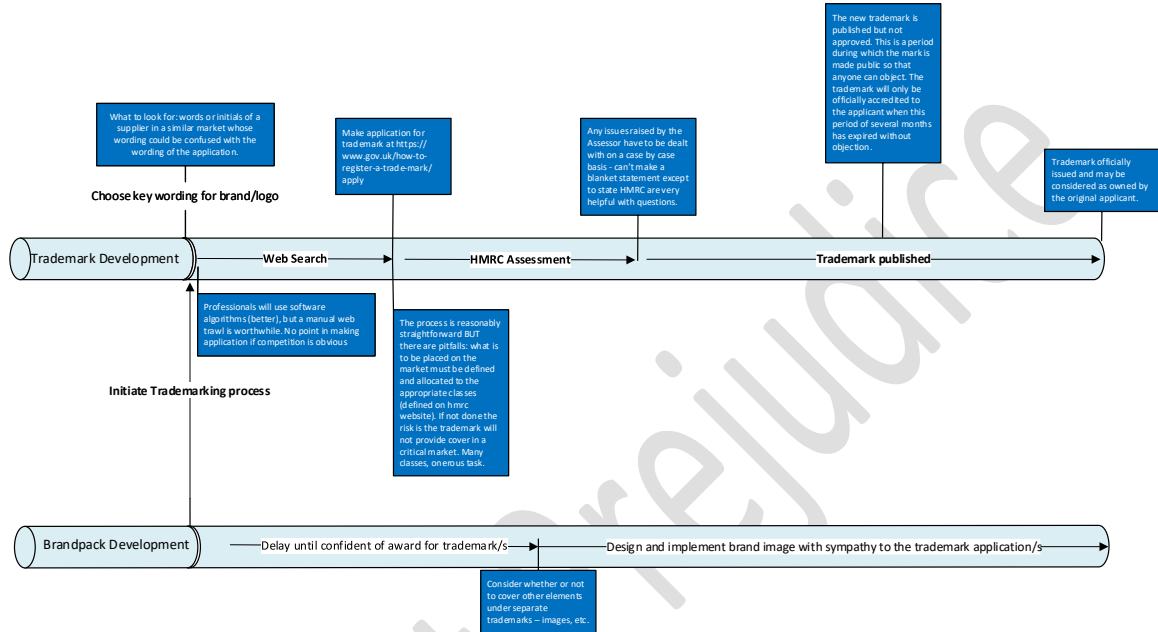
JonJu Tech Ltd.

(Read the JonJu’s ‘Disclaimer’ (end of document) before using/reading this document)

Rigour

The title of ‘Rigour’ is somewhat of a misnomer, the following being predominantly a means of establishing a trademark without the aid of a professional – doing it on a shoestring.

Trademarks are never invincible, but ones developed in conjunction with legal professionals (patent lawyers) are far more likely to be robust. If the funds are available use an attorney.



Further Investigation

Patent attorney specialising in trademark applications: <https://www.dehns.com>

HMRC UK Trademark applications: <https://www.gov.uk/how-to-register-a-trade-mark/apply>

Law for Small Businesses for Dummies, Clive Rich, is a good basic reference. There are guidelines that can help with assessment in this book.

HMRC Trademarking website – lots of advice online.

Disclaimer

The information in this WP is provided on an ‘as is’ basis and no responsibility whatsoever is accepted by the JJ for the accuracy and/or validity of the information herein.

Any reliance placed on the content of this WP is entirely at the reader’s risk.

No promise or warranty in respect of any use of the content of this WP, including mistakes or omissions, is offered to its reader by JJ. No legal responsibility is accepted by JJ for any loss, consequential or otherwise, damage, monetary burden, or reputational decline, that might be suffered using the WP’s contents.



JonJu Tech Ltd.

(Read the JonJu's 'Disclaimer' (end of document) before using/reading this document)

Definitions

BLE: Bluetooth Low Energy

ESD: electrostatic discharge

FMEA: failure mode and effect analysis

JJ: JonJu Tech Ltd

PCB: printed circuit board without components assembled on it

PCBA: printed circuit board with components assembled on it

Production Release (PR): date at which production is launched without any involvement or supervision from a design authority.

SLEEP: a low current condition that a device can be put into to reduce its requirement for current, and hence longevity if powered by a battery.

WP: white paper

Without Prejudice