

Ten rules for good trademark management

1. Protect the mark in the relevant geographic regions

When you register a trademark in Norway, the protection you obtain is limited to Norway. You should, within a short time of filing your Norwegian application, decide whether you also ought to apply for protection for your mark in other countries. If you file an application abroad within six months of filing your Norwegian trademark application, you will have the same priority abroad (filing date) as in Norway.

2. Register the mark as a domain name

To avoid conflicts, it is advantageous to register your own trademark as a domain name as quickly as possible and before others do so.

3. Designate someone to be responsible

Designate someone in your company to be responsible for establishing guidelines and control systems to ensure that your trademark rights are not diluted, diminished or put in danger of being cancelled due to non-use. The person responsible should monitor the market and react to infringements of your trademark rights.

4. Use the ® or ™ symbol or highlight the mark

Your trademark is your exclusive property. You should use the ® symbol to draw to the attention of customers and competitors that the mark is registered and belongs to you. If the trademark is not registered in all the countries in which it is used, you may use the ™ symbol.

5. Do not alter, abbreviate or change the grammatical form of the mark

A trademark may be diluted if it is not used correctly. Always use the trademark as an adjective (not a noun), with a capital initial letter and in the singular. Thermos, nylon and gramophone are examples of marks that have lost their status as trademarks and have become part of our common lexicon.

6. Monitor the mark

You should monitor your mark to find out if others register trademarks or domain names that may be confused with your mark. You will then be able to react quickly against infringements of your mark and avoid costly litigation. A trademark watch agreement may be entered into with Zacco.

7. React to infringements

If you do not enforce your trademark rights, you will run the risk of your exclusive right ceasing to exist due to laches, or of it being diminished or diluted over time.

8. Renew the mark

Provided you renew your trademark every tenth year, trademark protection in principle lasts forever. Remember that the domain name must also be renewed. Establish a system to ensure that renewal fees are paid before the due date.

9. Seek assistance if necessary

You should seek professional assistance if you are unsure as to whether you are using your mark correctly. Zacco can assist in drawing up guidelines for correct use of the mark. Our attorneys can also provide assistance if you are accused of infringing the trademark rights of others.

10. Consider further protection when the mark has become known

When your trademark has become known in the market, you will have succeeded in building a brand. To safeguard your goodwill values, you should at this stage consider further protection such as registration of a logo or word mark, registration of new variants of the mark and/or in additional countries of use.