

Copyright in Trade Marks

The trade mark application which we have just filed on your behalf incorporates/consists of a device, i.e. a pictorial or graphic element that is not simply plain numbers and/or letters. This note is to draw your attention to the importance of copyright in connection with device marks.

It is likely that there is a copyright in the device part of your trade mark. If so, you should ensure that you actually own that copyright. Although you may be entitled to use the mark (e.g. by virtue of the fact that you commissioned its design), that does not necessarily mean that you own the copyright and there may be occasions when this failure to own the copyright will be of disadvantage to you.

Especially in cases where a device mark has been commissioned, it is often extremely difficult to ascertain at a later date who owns the copyright. We therefore recommend that you take the necessary steps to ensure that you are the copyright owner and that you can prove it should that become necessary.

If you need further advice, please contact us.

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