

An Annual Audit of Your Brands Will Be a "Plus" for your Business

Amundsen Davis Intellectual Property Alert
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When people hear the word "audit," they too often think of something negative - like tax audits or financial audits. However, regular "audits" of your trademark assets will pay off in a positive way for your business. In our constantly changing global marketplace, your branding needs are evolving too. Stay ahead of the competition by conducting regular trademark audits to ensure proper protection of your valuable brands.

Trademarks are often the most valuable assets a business owns. Brands are integrally identified with your business and its goodwill. As your marks become more highly recognized over time as indicators of quality, they become critical to increased sales of your products and services.

Because today's economy is global, most businesses are manufacturing and selling products and offering services in multiple countries. Consequently, it is important for every brand owner to understand what they need to do to protect their marks in all jurisdictions where the marks are used. As your business grows geographically, it is important to know what action needs to be taken to protect your company's valuable trademark assets.

Trademark laws are jurisdictional and vary from country to country throughout the world. Common law rights based on trademark use are recognized under British-based legal systems, such as in the United Kingdom, the United States and Canada. However, a majority of jurisdictions around the world are governed by civil law systems.

Under a civil law system, trademark rights are based on registration, not use. In those jurisdictions, the ability to both use and enforce your rights in a mark depends upon whether you are first to file for registration of the mark in that jurisdiction. Consequently, particularly in civil-law jurisdictions, it is important to register your brands early on so that you are in a position to use your marks and enforce your trademark rights in those jurisdictions.

Periodically, it is helpful to review the current geographical scope of your business to evaluate whether or not your brands are properly protected in all the jurisdictions where advisable.

PROFESSIONALS

Elisabeth Townsend Bridge
Partner

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Answering the following questions will help you assess what is needed:

1. Where are your products currently manufactured and labeled with your marks?
2. Where are your products or services currently advertised and sold under your marks?
3. Are license or distribution agreements in place to address the ownership of the marks and quality control issues?
4. What are your market/geographic goals for further business expansion?

In a changing global marketplace, it is a plus for your business to invest your time and resources in protecting your brands and company goodwill wherever you do business.

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