

Trade Mark Watching Service

Accepted trade mark applications are published by Trade Marks Offices in each country in their Official Journal. The purpose of the publication is to give adequate notice of acceptance of the mark to anyone who may wish to oppose its registration. In reality, very few people other than trade mark attorneys and searchers review Official Journals and it would be prohibitive for a business to conduct its own review. Further, it is no longer the case that a trade mark owner can rely on a country's Trade Marks Office to reject later applications for similar trade marks. In some jurisdictions, such as in the European Community, the Trade Marks Office will not object to an application on the basis of earlier identical or similar marks; rather, it is up to owners of earlier marks to police the Register and take necessary action against later filed similar marks.

There is therefore a need for a service that reviews and reports to trade mark owners selective information from Trade Mark Official Journals around the world. This service is known as a Trade Mark Watching Service.

There are three types of Trade Mark Watching Services, all of which provide valuable information to a trade mark owner or parties interested in a particular market or industry.

1. The first type of watch monitors the progress of a specific trade mark application. In most cases, this would occur where the owner of a trade mark is aware of an application for a similar trade mark. Since trade mark applications cannot be opposed until they are accepted, a watch on the application will monitor its progress. As soon as the application is accepted and an opposition deadline has been set, the trade mark owner will be informed so that opposition proceedings can commence.
2. The second type of watch provides information on a specified trade mark related activity; for example, new trade mark applications covering a specific range of goods and/ or services or new trade mark applications filed by a specific competitor or group of competitors. This type of watch is often used by market leaders to keep informed of the activities of competitors and of new entrants, and to keep abreast of marketing and branding trends.
3. The third type of watch is a more comprehensive search of Trade Marks Registers in one or many countries and locates and reports accepted applications for similar trade marks. The reports are then reviewed for relevance and selective action can then be taken to either initiate opposition proceedings, enter into a co-existence arrangement and/or monitor a trade mark application.

All three trade mark watching services discussed above are available in Australia and other countries for a reasonable cost.

Please contact us if you would like further information on how a watching service can protect your trade mark.

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