



PLOUGMANN VINGTOFT®

# THE ENTREPRENEUR'S mini guide on Trademarks

With a trademark registration, you can secure the sole rights to distinctive features that characterize the products or services your company offers. Common examples of what can be registered as trademarks are: names, slogans, and company logos.

With a trademark registration, you protect the features current and potential customers associate with your brand.



# What can I register as a trademark?

**You can protect several types of brand features.**  
**Below are some examples;**

## **Word marks**

Letters forming a word or a pronounceable abbreviation. For example, LEGO® and CARLSBERG®.

## **Figurative marks**

Logos – with or without words. For example, the well-known apple depicted on the logo of APPLE®, and the four interlocking rings affiliated with AUDI®.

## **Three-dimensional marks/product packaging marks:**

Trademarks where the shape or packaging of the product constitute the characteristics of it.

For example, the hourglass-shaped bottle from COCA-COLA® or the mountain peaks from TOBLERONE®.

## **Sound marks**

Signature tunes or jingles such as the notes of the McDonald's jingle "I'm lovin' it".

## **Colour marks**

In some cases, colours can be registered as trademarks. This is the case for the red colour on GRUND-FOS® pumps, and the brown and gold colour scheme associated with UPS® mail trucks. However, it is usually difficult to get the sole rights to a specific colour.



# Why should I register my trademark?

## **It is an effective way to strengthen your position**

A strong and recognizable brand is one of the most effective ways to stand out from the crowd and raise customers' brand awareness. Further, when you succeed in positioning your brand well on the market, it is valuable to have the sole rights to it.

## **You create publicity around your brand**

When applying for a trademark registration, you create public awareness of your rights to the brand in question. Should anyone else want to establish a brand similar to yours, it is easy for them to see that some brand features are already applied for.

## **You stand stronger against copycats**

A trademark registration is solid proof of ownership to a trademark. With a trademark registration, you have the upper hand in a potential conflict with someone who has copied your brand.



Photo: Adobe Stock

## **How do I register a trademark?**

### **Step 1: Clarify your options**

First of all, you need to make sure that your idea isn't already registered as a trademark. Start with Google and move on to the different trademark databases (e.g. USPTO, EUIPO). Moreover, it is also a good idea to check if the name is available as a web domain. Thorough research gives you an idea of whether it is possible for you to protect your trademark and whether you have close competitors.

### **Step 2: Plan a strategy**

Who should own the trademark rights? In which countries are you going to register the trademark? Do you need to register more than one trademark – and if so, what are your priorities?

### **Step 3: Write and submit your trademark application**

In your application, you must state your name and address as well as the goods and/or services your trademark covers. The latter is called an inventory.



# The three trademark claims

Regardless of what you want to protect, there are three criteria that are to be met before the authorities will take a trademark application into account.

1

## **The mark must be more than descriptive**

Make sure the mark is not descriptive or similar to a commonly used symbol, e.g. you cannot get exclusive rights to the word "PEAR" for pears or a depiction of a cow for milk products.

2

## **The mark must not be misleading or contrary to current legislation**

You cannot get exclusive rights to the word "BANANA" if you sell oranges. Words like BANK or PHARMACY can only be part of your trademark if your company is approved as a bank or pharmacy by the relevant authorities.

3

## **The mark cannot make use of official symbols**

Unless you have authorization to do so, you should avoid official symbols as part of your trademark e.g. coats of arms or the characteristics of international organizations, such as the EU flag with a circle of stars on a blue background.



# What are the costs and how long does it take?



The price of a trademark registration depends on the scope of the protection. At the Danish Patent and Trademark Office, you can find an [indicative price calculator](#).

In Denmark, you can expect a timeframe of 8-12 weeks before an application is processed. If it “goes through” and you obtain a trademark registration, your trademark protection applies from the application date.



Photo: Pexels

## Do you have more questions or need help?

If you have reached this point, it may very well be because you think trademark protection is relevant for your business. Feel free to contact Plougmann Vingtoft's trademark experts if you have further questions or want to book a free, non-committal introductory meeting.

Plougmann Vingtoft's experts can assist you with preliminary examinations, strategic counselling as well as application and registration. Further, they can help you evaluate whether you need additional protection of your intellectual property rights in terms of design registrations and patents.

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