

TRADEMARKS

WHAT DO I NEED TO KNOW ABOUT TRADEMARKS?

- **What it is:** A trademark is a brand name, a slogan or even a logo. You use a trademark to make your business recognisable and stand out from your competition.
- **What it means:** When you register a trademark, no one else can use it, or even use something that is too similar, and if they do, you can take legal action against them.
- **Why you need it:** If you don't have a registered trademark and someone copies you or uses something similar, the law might not go in your favour.

WHEN MUST I REGISTER A TRADEMARK?

- **How you do it:** You can register your trademark with the CIPC, who have the records of every trademark ever registered in South Africa.
- **When to do it:** You should do this as soon as your business is registered, to prevent others from registering your business name, logo or slogan as their trademarks.
- **What happens next:** Once registered the CIPC will then give you a certificate of registration. This certificate gives you ownership over the registered trademark and exclusive rights to use it.

HOW LONG DOES A TRADEMARK REGISTRATION LAST?

- **You're protected for life.** You can protect your trademark forever as long as you renew the registration every ten years and pay the renewal fee.
- **You need to stay up to date.** Trademarks that are not re-registered will eventually fall away and become available to someone else.

SHOULD I REGISTER MY TRADEMARK OVERSEAS?

You may benefit from registering your trademark overseas if you want to:

1. **Stand out internationally.** If you're operating online your products are likely to reach a global audience. You'll want this audience to recognise your branding, but you'll also want to be the only business operating under that branding.
2. **Protect yourself against counterfeiters.** If you don't register your trademark overseas you could be vulnerable to counterfeit-operators who will profit off your name and reputation.
3. **Make sure your trademark isn't compromised.** Your trademark can be compromised through your manufacturing supply chain. For example, if you're manufacturing your product overseas, your manufacturer or even their subcontractors could use your name and branding to profit from their relationship with you.

On the other hand, if you're manufacturing your product locally and only planning to sell it locally (for now), a local trademark should do the trick until you start looking for international growth opportunities.