

# TOP FIVE LEGAL TIPS FOR REBRANDING

## Mini Guide

Certified



Corporation

# Rebranding is a big step for any organisation

The benefits of a rebrand extend far beyond a smart new logo or colour scheme. Your rebrand could tie in with your company ethos, the tone of your communications and many other things.

Our branding and trade marks team guides clients through their rebrand process. We help you plot your course, evaluate risks and avoid potential major pitfalls, whilst remaining positive, 'can-do' and commercial. There are a number of legal points that need to be considered to successfully complete a rebrand, and we are here to help.

In this 'top tips' note we set out five key things you need to think about as you embark on your new rebrand journey.

# #1 Be distinctive

## Make sure your name is distinctive

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A creative agency may tell you your choice of name should make you stand out from the crowd. But there's a balance to strike if you also want something that 'does what it says on the tin', so that people can see your name and immediately tell what you do.

It's important the second consideration doesn't overshadow the first. This isn't just a marketing point though, because names that describe what an organisation does are difficult to protect under trade mark law. The best names are often those which convey a message about you, but are not directly descriptive. We can help you navigate this tricky area.



## #2 Do your checks

### Check your new brand is free to use

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Once you have a name you're happy with, it's crucial you check you're not stepping on another's toes. If someone else has trade mark rights (either registered, or unregistered but acquired through use) in the same or a confusingly similar name, they can block your use and possibly even pursue you for compensation.

One approach that can work well is to start by running basic 'preliminary' searches against a shortlist of names with a view to identifying 'knockouts'.

Once you're ready to commit in principle to a given name, that's the time carry out more in-depth searches. Specialist trade mark lawyers like our team can help with this.



## #3 Register your brand

### Trade mark registration

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Once you have established that the new brand is free to use, you should apply to register it as a trade mark, which will provisionally protect it against imposters (subject to registration ultimately being granted).

You should certainly look to ‘trade mark’ the new name, and there may be a good case for protecting logos and straplines too.

You also need to remember to register the necessary domain names and social media handles you want to use.

## #4 Think about copyright too

### Trade marks are not the only kind of IP that help protect your brand

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If you have had new graphics created as part of your rebrand process, then these are likely to be protected by copyright.

However, you will not own those rights unless they are transferred to you – the default position is that copyright is owned by the work's creator, or their employer.

Copyright protection can provide a useful layer of extra protection, which may include your 'brand' in a broader sense – website designs, slide decks and lots of other things. However, you will not be able to rely on this unless you hold the rights.

# #5 Think global

## Overseas

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Once you've filed your first trade mark application, you have six months to extend your protection to any other territories you're interested in. You should look to protect your brand in any country in which you are likely to have significant activity. If you do not, then it is possible that someone else will.

Trade mark protection is acquired on a country-by-country basis, but there are some shortcuts that allow you to apply to register in multiple countries via a single filing – we can help you navigate these.

For more information contact the

## Trade marks team



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As a purpose and values driven firm we show commitment to our clients, our people, the environment and society. We see it as our purpose to create a positive impact. The impact we have on our people, our communities and our planet does more than inform our work – it gets us up in the morning.

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