



OVERVIEW

What is a
trademark?

Basics of
Trademarks

How to
build a
brand?

Types
of
marks

Legal
protection
of marks

Trademark
management



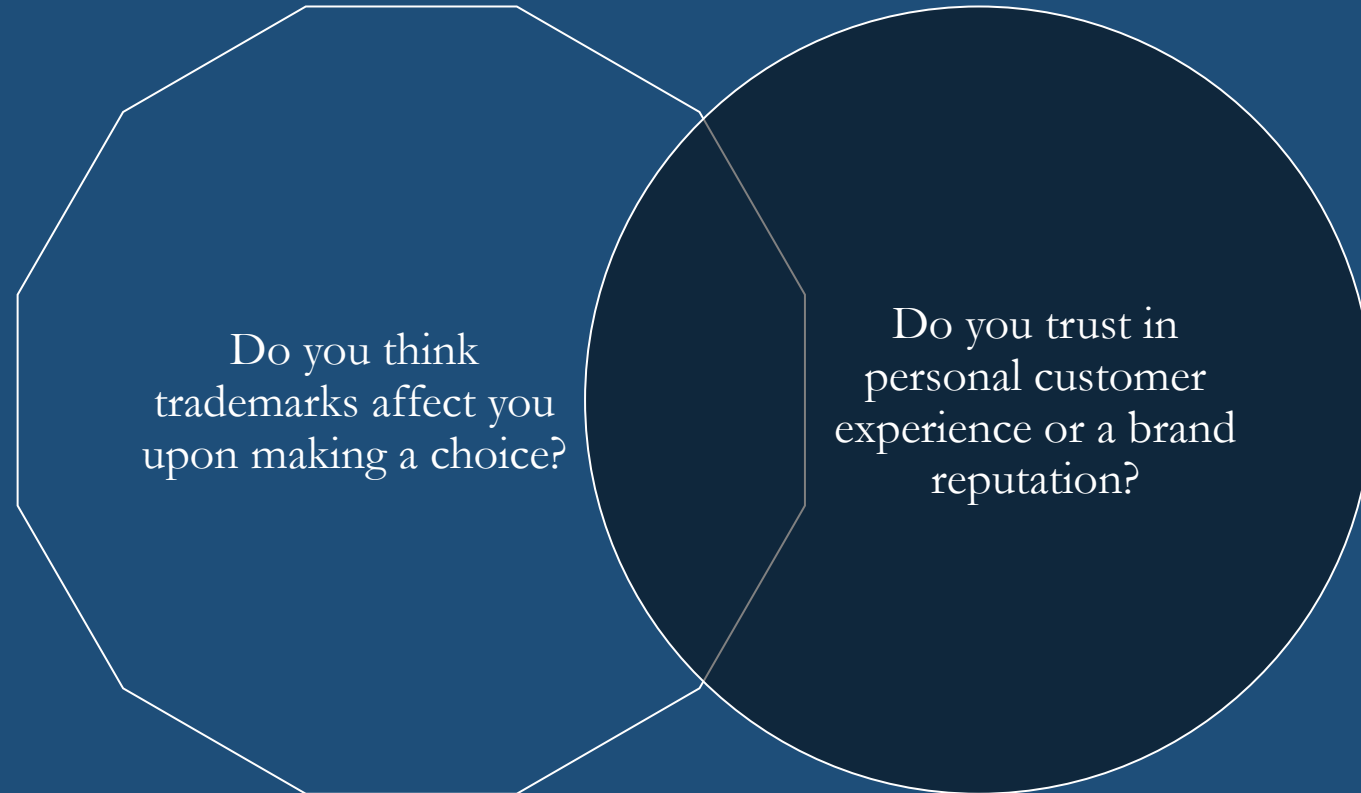
What is a trademark?



A trademark and a service is a designation registered in the prescribed manner, which serves to distinguish goods and services of certain legal entities and individuals from similar goods of other legal entities and individuals.

— The Law of the Republic of Uzbekistan on Trademarks and Service marks and Appellations of origin

HYPOTHESIS



BASICS OF TRADEMARKS

- ◆ Generally, a mark is a visible **DISTINCTIVE** word, letter, numeral, drawing, picture, shape, colour, logotype, label or a combination of one or more of these. The design of a logo may be an abstract design, stylization or simple reproduction of everyday objects or images. It is possible to get trademark rights over common words or phrases under certain circumstances.
- ◆ An increasing number of countries consider a single colour, a three-dimensional sign (shape of a product or packaging), an audible sign (sound), an olfactory sign (scent or smell), a moving image, a hologram, a taste or a texture of a product to be a mark.
- ◆ A mark is protected **BY ITS REGISTRATION** as a mark under the relevant trademark law or, in some countries, also **THROUGH ITS USE** as a mark in the marketplace.
- ◆ **REQUIREMENTS FOR REGISTRATION** a. The trademark must be distinctive. For a mark to be considered distinctive, it should either: i. Be inherently distinctive ii. Have acquired distinctiveness through its use as a mark in the marketplace which helps it to acquire a secondary meaning as a mark.

LET'S WATCH A VIDEO!

<https://www.youtube.com/watch?v=2aHcfcadJW4>

HOW TO BUILD A BRAND?

BRAND VALUES IN THE WORLD

Ranking	Brand	2020 Brand Value	YoY % Change	Country	Sector
#1	Amazon	\$220B	17.5%	United States	Retail
#2	Google	\$160B	11.9%	United States	Tech
#3	Apple	\$140B	-8.5%	United States	Tech
#4	Microsoft	\$117B	-2.1%	United States	Tech
#5	Samsung	\$94B	3.5%	South Korea	Tech
#6	ICBC	\$80B	1.2%	China	Banking
#7	Facebook	\$79B	-4.1%	United States	Media
#8	Walmart	\$77B	14.2%	United States	Retail
#9	Ping An	\$69B	19.8%	China	Insurance
#10	Huawei	\$65B	4.5%	China	Tech



Walmart



中国平安
PING AN
金融 · 科技





RULES IN SELECTING A BRAND

- ◆ A brand identity should clearly support business goals and objectives. Are there any basic rules to build a new brand? While selecting or creating a new mark one has to consider a wide range of issues that may be linked to factors such as the relevant languages, culturally determined meaning of colors, technical requirements for printing or digitizing a mark, and, of course, all the legal requirements that arise out of the relevant trademark law(s) and practice(s) in the relevant territory or territories.

WIPO Panorama course Module 2. Trademarks and Industrial designs

FIVE POINT CHECKLIST TO CREATE OR SELECT A MARK

Legal requirements

- Verify whether the proposed mark meets all the absolute grounds or legal requirements for registration as a mark.

Language requirements

- Make sure a proposed word mark is easy to read, spell, remember, retrieve, and is suitable for all types of advertising media

Trademark search

- Do a trademark search to make sure that it is not identical or confusingly similar to existing marks in the relevant category of products

Connotation

- Make sure the proposed marks do not have any undesirable or negative connotations in any of the relevant languages in the domestic or export markets.

Domain name

- Confirm the availability of the corresponding domain name (i.e., internet address).

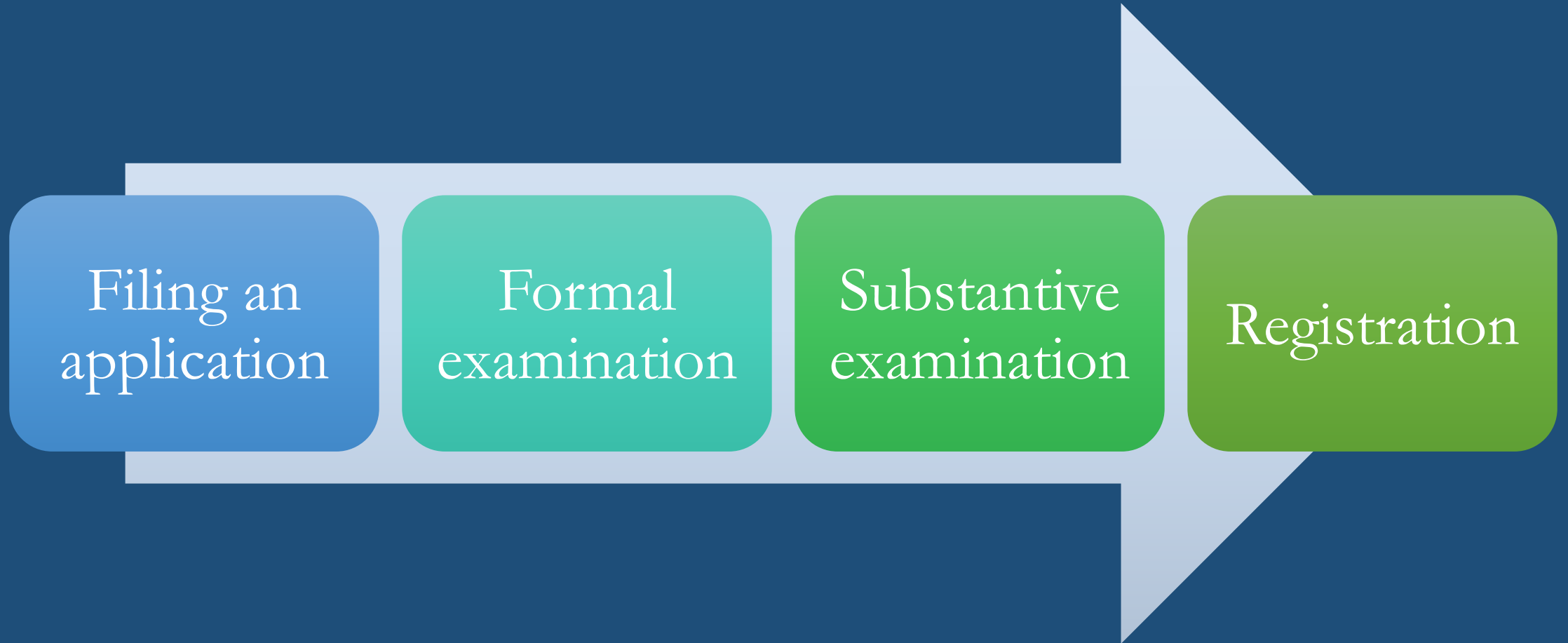
TYPES OF MARKS



LEGAL PROTECTION

HOW TO PROTECT
A TRADEMARK?

BASIC STEPS FOR REGISTRATION





TRADEMARK MANAGEMENT

- ◆ *Improper use of a trademark may result in its loss that is, making it a generic term that is no longer distinctive of a particular manufacturer's product or provider's service. In the past, this has happened to many leading trademarks, which became synonymous with the product. To avoid this, always use the trade mark in association with a generic description of the product*
- ◆ *This will ensure that consumers become aware of the trade mark nature of the mark, and do not consider it to be a generic description of the goods. This is especially important rule for patented products that are sold for a long period without competition. If this is not done, there is a real danger that once the patent expires, the trade mark may become a generic name.*
- ◆ *For example, 'ESCALATOR' was once a trademark. However, its improper usage by the trademark owner and the public led to the term 'escalator' mean any moving stairs, and thus it went into the public domain. ASPIRIN, CELLOPHANE, FRIGIDAIRE, and GRAMOPHONE are other examples of well known trademarks that have come into common usage in such a way that they have lost their identification and differentiating function.*

SOME EXAMPLES OF TRADEMARK INFRINGEMENTS







Thank You!

Rahmat!

Спасибо!

ありがとうございました!

Дякую!