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May 7, 2009

5th insight

Want to set your company apart from the competition? We'll show you how. Your business will never be the same.

5 TIPS FOR TRADEMARK SUCCESS

A company's brand can be the most valuable asset that a company owns. According to the World Intellectual Property Office, the NIKE trade-mark is estimated to be worth \$12 billion (US)! But a trade-mark can become worthless if it is not adequately protected.

HERE ARE 5 TIPS THAT WILL HELP YOUR COMPANY PROTECT ITS BRAND.

Tip 1: What can be protected under Canadian trade-marks law?

In Canada, a trade-mark can be a single word, a group of words, a group of numbers, a slogan, a logo, or any combination thereof. Non-traditional trade-marks, such as holograms and colors, can also be protected. A trade-mark also extends to certification marks and distinguishing guises. Ultimately, a trade-mark must be visual to be protected in Canada.



Register your company's trademarks to protect your brand.

advantages. A trade-mark registration:

- is *prima facie* evidence that you own the trade-mark
- garners Canada-wide protection
- grants the trade-mark owner the exclusive use of the trade-mark in Canada in respect of the wares and services
- has unlimited renewable 15 year registration periods

A common law trade-mark, on the other hand, has more limited geographical protection. In the event of a trade-mark dispute, the common law trade-mark owner must prove its rights to the trade-mark and also the scope of protection garnered by the trade-mark.

Tip 3: Can anything be registered as a trade-mark?

No. The Canadian *Trade-marks Act* contains some restrictions. The following are



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5TH BUSINESS RECEIVES INTERNATIONAL RECOGNITION

May 7, 2009 - 5th business is proud to announce their Honours achievement at the 19th International Astrid Awards. With a French-language direct mail campaign crafted for NSK Canada, 5th business takes home the award for a unique and eye-catching direct mail

examples of what cannot be registered as a trade-mark in Canada:

- a word that is primarily merely a name or surname
- the name of the wares or services in any language
- a trade-mark that is confusing with a registered trade-mark

Tip 4: How do I keep my trade-mark rights?

Canada is a use it or lose it jurisdiction. A trade-mark registration is valid for 15 year unlimited renewable periods. However, if your company stops using the trade-mark its rights to the trade-mark could cease and the trade-mark registration could become invalidated. "Use" of a trade-mark is a technical term within the Trade-marks Act. Thus, your company's use of the trade-mark must satisfy the statutory requirements, otherwise the trade-mark could be invalidated. Here is a check-list to ensure your company is using its trade-marks properly:

- Is the trade-mark being used as a trade-mark, not a noun?
- Is the trade-mark displayed in a manner that sets it apart from the rest of the text?
- Is the proper trade-mark indicia (@ v. ™) being used?
- Is the trade-mark consistently used?
- Are records of evidence of trade-mark use maintained?

Tip 5: Police others

You know your company's marketplace, industry and competitors better than anyone. Be vigilant of who is using which trade-mark. Is it similar to your company's trade-mark? Could the public be confused? Are there known instances of confusion? Are you consistently asserting your company's rights to its trade-marks? The more lax you are in protecting your company's trade-marks, the less distinctive the trade-mark becomes.

Guest contributor: Ashlee Froese, Associate, Trade-mark Agent, Keyser Mason Ball LLP.

Recessionary Marketing: Business Seminar



5th business has teamed up with the Mississauga Board of Trade to host a presentation to provide proven insights on how to protect and grow share position through marketing. Stuart Lewis, President of 5th business, will share critical strategies to benefit business growth with recessionary branding and advertising.

Date: May 19, 2009

Place: Mississauga Board of Trade Office,
701-77 City Centre Drive

Time: 7:30 am - Continental Breakfast, Event Registration
8:00 am - 9:00 am - Presentation

E-mail: jstewart@mbot.com

Phone: Julie - 905.273.3532

5 Ways to Make Your Website a Lead Generation Machine!



Like just about everyone else who's forked over a fair sized chunk of their year's marketing budget to achieve a killer online presence, you're looking forward to a rush of new sales, right?

Bad news: it isn't going to happen. And that doesn't mean your website isn't good - it's more likely because your website's been left to go it alone.

The simple truth is that for most businesses, a website is a sales tool, not a sales vehicle. So if you want to dramatically boost sales and see your website as an ideal place to find new prospects, you need to incorporate the same techniques used in face-to-face selling to make them convert. That, of course, begins with prospect follow up.

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