AD.IP
مكتب أبوظبي للملكية الفكرية
ABU DHABI INTELLECTUAL PROPERTY UNIT

UNDERSTANDING THE TRADEMARK SPECTRUM

TRADEMARKS COME IN MANY SHAPES AND SIZES.

TYPES OF TRADEMARKS

WORD MARKS
A name or title without graphic elements.





FIGURATIVE MARKS
Two-dimensional logos, words in a graphic design, shapes, and specific colours associated with those.

3D MARKS
Iconic three-dimensional product shapes.





SOUND MARKS
Jingles or sounds that act as an identifier.

COLOUR MARKS
A colour or combination of colours associated with a particular brand.



IN ADDITION, YOU CAN REGISTER TRADEMARKS IN 3 WAYS

TYPES OF TRADEMARKS REGISTRATION

INDIVIDUAL MARKS
Distinguish the goods and services of one particular company from those of another.



COLLECTIVE MARKS
Distinguish the goods and services of a **group of companies or members of an association** from those of competitors. They are often used to identify products that share a certain characteristic.

CERTIFICATION MARKS
Indicate that a product has fulfilled certain standards. They're signs of supervised quality and create consumer trust.

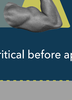


Most importantly, not all trademarks are born equal.

A trademark's efficiency and level of protection depend on its **strength** - its ability to distinguish itself from others.



A **strong trademark** makes your products or services swiftly and prominently recognisable.



A **weak trademark** is harder to protect because it doesn't clearly distinguish your goods or services from those of competitors.

Assessing this strength is critical before applying for trademark registration.



STRONG

Fanciful
Coined words with a meaning tied solely to the product or service they represent.

No other company can make a reasonable claim to the name.

Kleenex was trademarked in 1924. The word just alludes to its cleaning function and is unique to the napkin.

Pepsi, invented as "Brad's Drink" in 1893, was trademarked in 1902 to allude to the digestive enzyme pepsin.

Arbitrary
Real words used as trademarks without any direct connection to the goods or services.

Consumers will immediately recognise them in the right context.

Apple was trademarked in 1976. A fruit shop named "Apple" wouldn't infringe on its rights; a company selling electronics would.

Amazon was founded in 1994 as Cadabra but the name was changed to evoke the biggest river in the world.

Suggestive
Real words used to suggest or hint at a quality or characteristic of the product without explicitly stating it.

Suggestive marks require a leap of imagination from consumers but are still considered distinctive.

Jaguar, introduced in 1935, aims to associate the luxury sports car brand with feline qualities.

Netflix, originally a DVD rental service, marries the terms "net" and "flix" to imply online streaming services.

Descriptive
Words that directly describe an ingredient, quality, characteristic, function, feature, purpose, or use of the good or service, or that are merely complimentary, such as "best" or "quality."

Descriptive trademarks are generally not granted trademark protection unless they gain distinctiveness over time.

An imaginary "Best Ice Cream" trademark wouldn't be eligible for protection.

Generic
Common terms used to name products or services.

A brand named "Shoe" or "Bicycle" couldn't be registered as a trademark and wouldn't qualify for protection.

Fanciful trademarks can be "genericised" if they are so popular that they become synonymous with the products.

Escalator, Zipper, and Aspirin once were trademarks but, over time, became genericised and lost their protections.

Put your marks on a "health maintenance programme" to remind the public they're not generic names!

WEAK



Innovate with Confidence.
Protect your IP.