

CASE STUDY

AOQ logo Registration

Dealing with IP Australia

Biography

- Craig is the President of Australian Organisation for Quality Inc and sits on the Council Australian Organisation for Quality (SA) Inc. He has been employed in positions of quality management and business improvement where he worked with functional areas to assist them in the improvement of their systems and process. He enjoys working in strategy rollout and business planning. He uses knowledge management, Six Sigma and Lean methodologies as an effective method to improve the understanding of business improvement philosophy. More recently, Craig has entered the consultancy market and in this role aims to improve businesses in various industries and sizes.

General Definition and origin of trademarks

- a word or symbol
- immediate identification
- It inspires trust, admiration, and loyalty with a *perceived level of quality*.
- Originated in the Middle Ages
- Counterfeiting of trademarks soon followed.

Importance of a Trademark

- General public identifies the mark with the provider.
- Equates the mark with the reputation
- Frequently be the most valuable asset.
- Frequently taken for granted because the owner doesn't know any better.
- Brand recognition and brand integrity more important than ever.
- Registering ensures trademark integrity

Background to AOQ Inc. Logo Registration

- The AOQ corporate logo was developed in 1993
- had been used since then under established rules up to now.
- In 2005 there was discussions held at one of AOQ council meetings to register the logo.
- No action was taken

IP Australia & AOQ Inc. Legal Position

- Unlike a business name, a registered trade mark can provide legal protection for your brand
- Copyright on the other hand is also a form of protection but is not related to the use of your brand
- Australian Organisation for Queensland Incorporated registered a logo

Trademark registration protection

- Once a trade mark is registered, it is protected in all Australian states
- trade marks must be registered in each country in which you want protection
- can reduce the risk of others subsequently adopting conflicting marks
- you do not automatically acquire rights in a trade mark just by starting to use it

Ramifications of poor management of our past opportunities

- AOQ Inc was very close to losing the mark which was developed in 1993
- It was AOQ Inc and the federation that had developed the reputation
- Trademarks and the registration and legal processes are complicated
- an IP law firm was likely to be our only opportunity

Register your trademark

- Whilst using an IP Lawyer is more expensive, this would be my recommendation
- You can be assured of following process and utilising preformed rapport existing with IP Australia

Use your trademark properly

- Understand proper use of your trademarks and service marks
- Use your trademark directly on the subject goods
- Just using it in advertising is not enough to preserve trademark rights
- Set apart your trademarks from the surrounding text

Keep your trademark registration up to date & Watch others

- Trademark paperwork and renewal are sometimes hard to track
- Preserve your trademark you need to be responsible about staying informed
- Frequent checking with the IP Australia about trademark laws is wise
- Ensure that your trademark is being used correctly, and is not being infringed upon

Why is it important to register a trademark.

- You acquire a mark in Australia by using it, not by registering it.
- Registration has everything to do with enhancing the rights already granted by virtue of using the mark.

Conclusion

- AOQ Inc. would like all of its members to ensure that they adequately consider their position.
- Each of the points raised in this case study directly relate to one or more lessons learned by AOQ Inc
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References

- www.ipaustralia.gov.au
- Australian Organisation for Quality Inc Archives

