

Trading Standards

10.1 Trading Standards

Any new business setting up needs to be aware of Trading Standards particularly if they are offering goods or services to the public or other businesses. According to the Trading Standards office in Shropshire there are currently 70 Acts of Parliament and 900 regulations, supported by 50 Codes of Practice and thousands of standards relating to the quantity, quality, price, description and safety of most goods and services. Trading Standards officers are there to help you understand the ones that affect your business. They provide free advice and can supply Guidance Notes and Leaflets.

Trading Standards Offices can be located through your local authority. You can also search the Trading Standards Central website (*see Useful Organisations, page 44*) to find your local office by running a search on the Welcome Page, using your postcode.

10.2 Trade Marks

Trade marks are used to distinguish the product of a particular trader. To register your trade mark The UK Patent Office says it needs to be:

- distinctive for the goods or service for which you are registering
- not deceptive, or contrary to law or morality
- not similar or identical to any earlier marks for the same or similar goods or services.

The application fee to register a trade mark is currently £200. This is for one class of goods or services, if you need to register more than one, then it costs an additional £50 per class.

If your trade mark is rejected and any subsequent appeal is also turned down, you lose your application fee and will have to start again. You can make your application through a specialist solicitor who will handle the whole thing or The UK Patent Office have a Search and Advisory Service which for £82.25 (2004 price) will provide you with information on whether or not your application is likely to be successful.

Once you have submitted your registration application to The UK Patent Office they aim to send out an examination report, indicating whether or not your trade mark is acceptable, within 2 months of the application. There is no indication that using the Search and Advisory Service shortens this part of the process.

The full registration process actually takes 9 months to complete. The reason it takes so long is that after the initial search, if no problems materialise, the trade mark is published in the Trade Marks Journal, others can then see it and they have three months to lodge an objection.

Applications can be tracked via the Patent Office website.

Registration lasts 10 years, after which it needs to be renewed. The same fees apply as before, currently £200 for one class and £50 for each additional class.

A trade mark is legally described as “intellectual property” so it can be sold on to another company, but it is essential to get specialist legal advice or speak to a patent agent. See useful organisations below.

Using the initials TM on a trade mark doesn't indicate that it is registered. Only when confirmation has come through, in the form of a Registration Certificate, can you use either the ® symbol after the trade mark or the letters RTM.

More detailed information is available on The UK Patent Office website (*see Useful Organisations, below*). They also give information on registering a European Community Trade Mark.

There is currently no worldwide trade mark registration but some countries have signed up to the "Madrid Protocol" system which is administered by the World Intellectual Property Organisation (WIPO) in Geneva.

Useful organisations

Trading Standards Central

Providing information for consumers, businesses, schools, advice and information centres, community organisations, local councils, business support agencies and trade associations. On-line guidance leaflets are also available. Search this site for your local Trading Standards Office.

Website: www.tradingstandards.gov.uk

Trading Standards Institute

Representing Trading Standards professionals in local authorities, business and consumer sectors and in central government.

Website: www.tsi.org.uk

The UK Patent Office

Responsible for intellectual property in the UK. For all information, application forms and guidance on registering a trade mark or on registering a patent.

Website: www.patent.gov.uk
Tel: 0845 950 0505
Fax: 01633 813600
Email: enquiries@patent.gov.uk

The Chartered Institute of Patent Agents (CIPA)

Professional examining body for patent agents in the UK.

Website: www.cipa.org.uk
Tel: 020 7405 9450
Fax: 020 7430 0471
Email: mail@cipa.org.uk

Institute of Trade Marks Attorneys (ITMA)

The professional body for trade mark attorneys in the UK.

Website: www.itma.org.uk
Tel: 020 8686 2052
Fax: 020 8680 5723
Email: tm@itma.org.uk

World Intellectual Property Organisation (WIPO)

An international organisation helping to protect the rights of creators and owners of intellectual property worldwide.

Website: www.wipo.int

WIPO Information Center in Geneva

Tel: 41 22 338 9111
Email: information.center@wipo.int