

## ARTICLE

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## **Developing of a trademark and its protection**



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We have written a number of articles on the importance of trademark protection. Most often we are approached with logos that have already been developed and even used for a long time and our task is to ensure that this intellectual property object is registered so that in case of possible infringement by unfair parties, the owner will be able to enforce his rights. It happens that this is difficult to do, since even at the application stage we see that the designation shall be refused legal protection or negligible scope of rights which will be granted while entering the trademark in the State Register. What might be the difficulty?

Difficult situations in obtaining legal protection for a trademark arise when it lacks distinctiveness, may mislead consumers or infringe the rights of the third parties. When considerable sums of money and time have been invested in the development of a logo, production has started and there are consumers and possibly infringers, it is, to put it mildly, unpleasant to find out that you cannot protect your creation in a legal way and may even be infringing the rights of others. What to do? You may have to stop using a trademark, use a different one, and make an additional investment in the development of a new logo. It is much easier to think about the legal protection of a trademark before you create it, let alone use it.

How are logos created? A producer of a product or service comes up with the idea of launching a new product on the market. A group of specialists commissioned who study the market, identify the target audience, calculate options for the project, using various tools and coordination choose the idea for the logo: the name, approximate symbol and the

concept.

Then designers start their work based on the customer's idea in a decent design, taking into account new trends in graphics and logo design. Ultimately, based on the approved design, a brand book and a full package of identity cards from business cards to the corporate identity of the premises and the employee clothing and etc. are prepared. It is possible to enter the market beautifully accompanied by fanfare advertising, HOWEVER... It is quite possible that when lawyers submit documents for trademark registration, seven months later, when the logo was presented at the market, lawyers receive a refusal to grant legal protection...

We offer to avoid the risk of trademark refusal and to eliminate expensive steps of creating a futile logo from different specialists. Our company offers a new package of services from development to registration of a trademark that meets all the requirements of the Trademarks Law.

This package of services includes the following:

- Developing a draft of a trademark with distinctive feature;
- Checking whether a trademark is similar or identical to other trademarks or designations with legal protection for similar goods and services;
- Preparation of the final logo from the proposed options;
- Filing an application for trademark registration and doing paperwork related to the application until obtaining a trademark certificate.

As a bonus, we can always offer advice on prompt action in the event of trademark infringement, as well as on the entry of a trademark into the Customs Register of Intellectual Property of the Republic of Kazakhstan.

We can ensure legal protection of your trademark from the moment of its development. Our team of professionals with extensive experience are ready to help you with this!