

## CG Intellectual Property - October Bulletin

Local Business that offer goods or services to their customers and clients frequently engage in marketing designed to differentiate their business or products and services from that of their competitors. The most common way to try to differentiate products or services is by way of trademark, design, logo, look and feel, advertising – anything that lets potential customers know who they are and why they are competitive. We have all experienced the impact of this product or brand differentiation. Why do we choose a particular brand of toilet paper over another? What is it about that pasta sauce bottle that we like so much? Is it the special squeeze bottle for that honey that keeps us coming back for more?

Trade practices laws encourage small business to get into the market and inhibit any attempt by big business to keep those smaller players out. We encourage all business to take advantage of intellectual property laws which can potentially allow them a monopoly over the use of whatever distinctive indicia they might use to set them and their business apart from all others.

It is these sorts of distinctive indicia that business is increasingly reliant upon as a way of catching the attention of customers in an often over-saturated market. You might call these distinctive indicia the "Got-Ya" of a particular product. This "Got-Ya" might include for example one or more registered or unregistered trademarks (which can, of course, include any word, shape, sound, colour or smell, or even combinations of those), design components, texture, and other factors.

Under Australian laws, various rights attach to original product "Got-Ya" and afford the owner of those rights some protection for the "Got-Ya", giving the owner remedies against other parties who would appropriate that same or very similar "Got-Ya" for themselves. However, in order to strengthen the rights of the owner of the original product or image, consideration should be given to applying to register a trade mark (image or mark), a design (appearance) or patent (process, device, or method).

If your business has a particular product or service that contains a key element that sets it apart from your competitors, then considering taking advantage of Australian intellectual property laws could be the most powerful step taken by your business.

If you want to find out more about intellectual property, and learn how to identify the intellectual property within your business, then register now to attend the Clifford Gouldson Lawyers seminar on IP, being held this Thursday at 8.00am, at Gips Events, 120 Russell Street, Toowoomba. You can register for free by contacting Selina Algate at [selina@cglaw.com.au](mailto:selina@cglaw.com.au) or by phoning 46882188.

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