

Appleyard Lees[®]
Intellectual property law

Trade mark
detailed searches

Innovation | Branding | Strategy | Solutions

Trade marks

Detailed searches

Before adopting a new trade mark or moving into a new market, we recommend conducting clearance searches. A detailed search can identify whether another party's existing rights could prevent your use or registration of the mark. If uncovered early, risks can be addressed with minimal disruption or delay, avoiding wasted time and investment.

We understand that issues surrounding trade marks can be complex. Keeping your commercial goals in mind, we assess your particular circumstances, without using technical jargon. Ultimately, we support you to make business decisions with confidence, based on a strategy calculated to achieve registration of your mark, which avoids legal disputes.

Search

- Official Trade Mark Registry
- Trade mark checked against relevant classes of goods and services
- Search results presented, with details of potentially relevant marks
- May contain many - often hundreds - of marks

Evaluate risk

- Level of legal risk assigned
- Low - finding of infringement unlikely
- Moderate - both parties have equal chance of success
- High - finding of infringement likely

Optional further research

- To understand whether competitors own earlier marks
- To clarify commercial implications
- For unregistered rights and non-trade mark rights, including:
- In-use searches: if, and how, a trade mark is being used
 - Domain names and company names: whether a domain/company name is registered
 - Registered designs: to identify logos registered as designs outside of trade mark registry

Analyse results

- Search results analysed, in the context of your business and industry
- Marks presenting the most serious threat identified, following established legal principles regarding likelihood of confusion

Strategy

- Appropriate & bespoke
- Options for mitigation or removal of obstacles identified
- May include further searches, in-use investigations, new filings or tactical oppositions and invalidity proceedings

"Risk" refers to the legal or technical risk, that is, the likelihood that the proposed mark would be found by a UK court to infringe the trade marks as stated in the report. It does not reflect whether there will be an objection, which varies depending on the attitude of the trade mark owner to conflict, the value of the registered trade mark, and even whether the owner will become aware of the proposed mark in use.

Trade marks

Trade mark search limitations

Whilst we can guide you on the legal risk identified during the search, no search is exhaustive. The main limitations of our search service are listed below.

Search limitations

Scope	Our advice is based on the articulated scope of the search. Changes to the proposed mark or goods or services may necessitate additional searches.
Technical scope	Unless stated otherwise, a search will include registered and pending trade marks relevant to the UK. However, searches in other territories can be arranged.
Rights arising through use and other non-trade mark rights	Unless stated otherwise, our searches are restricted to the trade mark registers only. We do not look at what is in use in the marketplace nor for other non-trade mark rights which can block the use or registration of a trade mark. We cannot search for copyright or unregistered design right.
Accuracy	Errors and omissions in the official records and/or in the commercial database are rare but do occur from time to time. We obviously cannot be responsible for those errors.
Delay	There may be a short delay before details of newly filed trade mark applications appear on the database, so very new applications may not have been considered. Please refer to the search results report for the date when the relevant database was searched.
Priority rights	Trade marks filed overseas and which have a priority right can block the use and registration of a trade mark in the UK. Our searches will not identify priority rights.

How can we help you?

For more information, visit appleyardlees.com, contact your usual Appleyard Lees professional, or call us.

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