

Why register a trade mark?

For a modest cost, registering a trade mark protects your investment in that mark and offers these additional benefits:

- You gain the exclusive right to use the trade mark throughout New Zealand to promote the goods and/or services that it covers.
- You can use the ® symbol with the trade mark to show others that it is a registered mark.
- The legal protection for a registered trade mark will deter others from trying to imitate your brand or benefit from its success.
- Your mark is registered on the publicly searchable IPONZ trade mark database. Other businesses intending to register the same or a similar trade mark can see that your mark is protected.
- You can sue for infringement if a business or person uses the same or a ‘confusingly similar’ mark on the same or similar goods/services.
- The registration process helps to ensure that you will not infringe on the rights of a similar registered mark.
- Once your mark is successfully registered, you are protected from others claiming you may be infringing their mark.
- A registered trade mark adds value to your business in the form of ‘goodwill’ that can increase substantially over time as the mark becomes established in the market.
- As your registered and protected property, you can sell or assign the trade mark to another person or business, or license its use to other parties

What happens if I don’t register?

You are not legally required to register your trade mark to use it. However, by not registering your mark you stand to lose out on the legal protection and other benefits listed above. An unregistered mark is also harder to protect because you must rely on the law of passing off or take proceedings under the Fair Trading Act. Such actions can be more difficult to prove and can involve lengthy and costly litigation.

By contrast, registering a trade mark gives you a monopoly under the Trade Marks Act 2002. With stronger legal protection, you can sue for infringement if someone else uses the same or a ‘confusingly similar’ mark for the same or similar goods or services in which the mark is registered.

Frequently asked questions on trade marks

For more information on trade marks, see the [frequently asked questions](#) section.