BRAND PROTECTION

Trade Mark Registrations

Why a registered company name gives no brand protection, and how to secure a UK trade mark from search to certificate.

A registered company name stops another company using the same name at Companies House; it does not stop anyone trading under it. A UK trade mark does, across the goods and services you register it for, for ten years at a time and renewable indefinitely.

Why a company name is not a trade mark

Incorporating "Northbridge Joinery Ltd" reserves that name on the Companies House index, and nothing more. It does not give the company exclusive rights to "Northbridge" as a brand.

- **Company name.** Stops an identical name being registered as another company. The Company Names Tribunal deals with "opportunistic" names, but only between companies.
- **Domain name.** First come, first served. It proves nothing about ownership of the brand.
- **Unregistered rights.** A business can sue for passing off, but must prove goodwill, misrepresentation and damage. That is slow, expensive and uncertain.
- **Registered trade mark.** A property right from the filing date. Infringement turns on the register entry, not on proving reputation, and the mark can be sold, licensed or used as security.

The practical risk runs both ways. A client can build a brand for years and find a competitor has registered it first, or receive a cease-and-desist letter because the name they incorporated already belongs to someone else's registration. A search before incorporation is the cheapest point to find out.

What can be registered

A trade mark is any sign that distinguishes your goods or services from someone else's and can be shown clearly on the register. In practice, most applications are for:

- **Word marks** — the name in plain text. Broadest protection, because it covers the word in any font, colour or logo.
- **Logos and stylised marks** — the name as designed, or a device with no words. Protects that presentation.
- **Slogans, colours, shapes and sounds** — possible, but harder to get accepted and better handled by a specialist.

The Intellectual Property Office (IPO) will refuse marks that:

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- simply describe the goods or services (“Manchester Bookkeeping” for bookkeeping in Manchester)
- are generic or customary in the trade
- are laudatory on their own (“Best”, “Premier”, “Quality”)
- are deceptive, or include protected emblems, flags or hallmarks without consent

Invented or unrelated words register most easily and are the easiest to enforce. If a client’s preferred name is descriptive, a distinctive logo may get it onto the register, but protection will then sit in the logo, not the words.

If you want both the word and the logo protected, file them as separate applications. The UK used to allow up to six minor variants in one “series” application; the IPO has announced it is withdrawing series filings for new applications, with the switch-off date still to be confirmed.

Classes and specifications

A trade mark is registered for specific goods and services, grouped into 45 classes under the international Nice Classification: classes 1 to 34 are goods, 35 to 45 are services. Protection extends to those goods and services and to similar ones, not to everything.

The specification is where most self-filed applications go wrong:

- **Too narrow** and the mark will not cover the way the business grows. A bakery registering only for “bread” leaves cakes, cafés and online sales exposed.
- **Too broad** and the mark is more likely to be opposed, and parts of it can later be cancelled if unused for five years.
- **Vague wording** draws an objection. The IPO’s pre-approved terms avoid that.

Common classes for owner-managed businesses:

CLASS	COVERS
9	Software, apps, downloadable content
25	Clothing, footwear, headwear
35	Retail, advertising, business management and administration
36	Financial, insurance and property services
41	Education, training, events
42	Software as a service, IT and design services
43	Restaurants, cafés, accommodation
45	Legal and certain personal services

Each extra class adds to the official fee, so the specification is a cost decision as well as a legal one. Cover what the business does now and what it plans to do within the next two or three years.

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Searching before you file

The IPO does not refuse an application because a similar mark is already registered. It tells the earlier owner, and leaves it to them to oppose. A clearance search is the only way to know the risk before paying the fee and printing the stationery.

A proper search checks:

1. The UK trade mark register, including EU marks that were converted to UK rights after Brexit, for identical and similar marks in the same or related classes.
2. The Companies House index and live trading names.
3. Domain names and social media handles.
4. Unregistered use in the market — an earlier trader can still oppose on passing-off grounds.

The IPO's own search is free and useful for an identical-name check. Judging whether a similar mark in a related class is a real conflict takes experience: "Northbridge" for joinery and "Northbrige" for kitchen fitting would likely clash; the same names for joinery and accountancy probably would not.

The IPO also offers a **Right Start** application, which splits the fee in two: half up front, then the balance only if the examination report is clear enough to proceed. It is useful where the client is unsure whether the mark will pass examination.

The IPO process and timeline

An unopposed UK application is typically registered around three months after filing.

1. **File online.** The filing date is the date your rights will run from once registered.
2. **Examination — around 2 weeks.** The IPO checks the mark is registrable and the specification is clear, and searches for earlier similar marks. Any objections come in an examination report, with 2 months to respond.
3. **Notification.** If earlier similar marks exist, their owners are told about your application.
4. **Publication — 2 months.** The application appears in the Trade Marks Journal. Anyone can oppose in this window, which a would-be opponent can extend to 3 months by filing a notice of threatened opposition.
5. **Registration — about 2 weeks after publication ends.** If no one opposes, the mark is registered and a certificate issues. Protection is backdated to the filing date.

If an opposition is filed, the timetable changes entirely. The parties can agree a cooling-off period to negotiate, which is how most oppositions end. A defended opposition is a contested proceeding before the IPO tribunal, with costs risk, and needs a specialist.

Fees

IPO fees rose on 1 April 2026, the first trade mark increase since 1998. The official fees are now:

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ITEM	OFFICIAL FEE
Standard online application, first class	£205
Each additional class	£60
Right Start application, first class	£250 (£125 up front, £125 to proceed)
Right Start, each additional class	£60 (£30 + £30)
Renewal, first class (every 10 years)	£245

A three-class application therefore costs £325 in official fees. Our fees for searching, drafting the specification and filing are on top, and quoted per matter.

Source: IPO trade marks timeline

After registration

A registration lasts 10 years from the filing date and can be renewed every 10 years for as long as the fee is paid. Three things keep it worth having:

- **Use it.** A mark not genuinely used for the registered goods or services for five continuous years can be cancelled for non-use, in whole or in part.
- **Own it in the right name.** Register in the name of the entity that trades or holds the brand. A mark held by a director personally, or by a dormant company, complicates sales, licences and group restructures. If ownership changes, record the assignment at the IPO.
- **Watch the register.** The IPO only notifies you of later conflicting applications for a limited period. A watching service, or a periodic search, catches copycat filings while they can still be opposed.

Use the ® symbol only once the mark is registered, and only for the goods and services it covers. Using ® on an unregistered mark is a criminal offence; ™ has no legal status and can be used at any time.

Outside the UK. A UK mark covers the UK only. Since 1 January 2021 it does not extend to the EU, which needs an EU trade mark from the EUIPO. Protection in other countries can be built from the UK application through the Madrid system, provided the international application is filed within six months to keep the UK filing date.

How we help

Filing a UK trade mark is not a reserved legal activity, and most straightforward applications never need a lawyer. We handle the filing end to end for your clients:

- an identical and similar-mark search across the UK register and Companies House
- advice on word mark versus logo, and drafting the specification in IPO-approved terms
- filing with MTM as the UK address for service, so IPO correspondence comes to us, then responding to routine examination objections and tracking to registration
- recording the mark in the right entity and diarising the renewal

We pair it naturally with incorporation: check the name before the company is formed, then register the brand once it is.

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Where our role stops. If a search shows a real conflict, an application is opposed, or a client receives an infringement letter, we refer to a chartered trade mark attorney and stay involved on the company side. Contested proceedings are specialist work and we say so early.

How MTM can help

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