

Trademark Watching

To safeguard their trademark rights, brand owners need to identify and promptly take action against trademark infringement. Novagraaf offers several monitoring services to identify infringement in its early stages.

With such a vast number of trademarks filed globally every year, it can be a challenge for brand owners to identify potentially conflicts in trademark applications in their key markets.

Novagraaf's dedicated watching department offers a range of specialist trademark watching services to help you both monitor and enforce your trademark rights cost-effectively.

What is trademark watching?

Trademark watching is an automated service that monitors trademark registries for potentially infringing trademark applications by third parties. The service is designed specifically to alert brand owners with existing prior rights, so that they can meet the necessary deadlines for submitting objections ('oppositions') to challenge such registrations.

Oppositions are short and rather inexpensive procedures that make it possible to prevent the registration of a potentially conflicting trademark. However, these objections need to be filed promptly – usually within as little as 30 days from publication of the potentially infringing trademark.

Trademark watching is also important when it comes to acting against conflicting use and/or applications more widely (e.g. bad faith applications), and for building up evidence of misuse to be used when acting against such conflicts.

It can also be a useful way to generally monitor what competitors or third parties are doing, even if you do not intend to take action. For instance, by watching a competitor's trademarks, you may be notified of a new application in a different industry vertical or jurisdiction.

Which type of watching service is right for you?

Trademark watches for potentially conflicting applications monitor for applications covering marks or devices (e.g. logos) that are visually or phonetically identical, and/or confusingly similar.

The results are reviewed by an attorney and provided with a short or detailed opinion, depending on the mark in question. This analysis of the findings is based on the attorney's knowledge of your prior rights and the likely impact on your business.

By pre-assessing the results in this way, we can ensure that you do not receive pages and pages of watch notices, but instead only the important conflicts which we recommend that you review.

However, it is also possible to organise for trademark watches 'without opinion' if attorney analysis is not required.

Which rights should you watch?

The scope of a trademark watch will be determined by the number of brands and/or registers that are monitored. For example, a watching service could cover just a single core trade name or multiple brand assets, and it could cover a single country, all countries in Europe or even be extended worldwide.

The larger the watching parameters, the greater number of results however, so it's important to work with a provider that can tailor the results to meet your exact needs.



Finding the right support

As critical as trademark watching is, many companies put off trademark watches, as so many services in this area tend to result in volumes of unsorted, unmanageable and often irrelevant data that needs to be sifted through by the brand owner.

At Novagraaf, we understand the pressure this places on in-house teams, so we have designed our services to ensure that customers receive prompt and useful watching results.

By predefining the scope of all watching work in advance – for example, goods or services, competitors, markets or word elements to look out for – we focus search results on only the most important assets and/or markets.

In addition, our trademark watch with opinion services consolidate and analyse results for you, so that you receive clear and insightful data that will assist with decision making, and with the important notifications and deadlines highlighted for your attention.

Who we are

For more than 130 years, Novagraaf has been helping iconic brands and innovative organisations around the world drive competitive advantage. One of Europe's leading IP consulting groups. Novagraaf specialises in the protection and global management of IP rights, including trademarks, patents, designs, domain names and copyright. Headquartered in the Netherlands, Novagraaf has 18 offices worldwide and a powerful network of more than 330 specialists. Part of the Questel group, Novagraaf is unique in its ability to provide tailored legal advice, efficiency-gaining administrative services and practice commercial insights across the full lifecycle of IP rights.

Get in touch

To find out more or for specific guidance and advice about trademark watching, please contact us at customerservice@novagraaf.com.