



# Trade mark

A trade mark is something that identifies the goods or services of a manufacturer or seller, and makes it possible for consumers to recognise the goods or services immediately.

A trade mark can include several elements, including:

- a word,
- a phrase,
- a letter,
- a number,
- a sound,
- a smell,
- a shape,
- a logo,
- a smell,
- a picture
- an aspect of packaging,

or any combination of several of these.

For example, the word Vegemite is a trade mark. See if you can identify an example of each of the other possible elements above that can be part of a trade mark.

A trade mark is a legal right that is given to the owner. It means that nobody else can identify their product in the same way, or in a way that seems to be the same and causes confusion or uncertainty about whose product it is.

If a trade mark is registered with Intellectual Property Australia it means the owner's legal right to that trade mark is protected. It is theirs alone to use.

Some things are not allowed to be trade marks, such as things which are so common that letting one person would be unfair. For example, you could not trade mark the word 'plumber', as this would mean no other plumber could use that word. Another example might be 'lemon-scented', as so many things can have that quality.