

# Brands, Company Names

Brands (formerly referred to as “trademarks”) are a means of designation for products and services. Brands enable the differentiation in the competitive world between one’s own product or service and those offers from competitors. The following come under consideration as brand forms:

- a) Word brands (e.g., “BOSCH”, “Persil”)
- b) Picture brands (e.g., the Puma company springing puma)
- c) Word-picture brands (e.g., the BAYER cross)
- d) Three-dimensional forms (e.g., the Rolls Royce radiator figure)
- e) Tonal brands (e.g., the Bayern 3 ID melody)
- f) Colors, color combinations (e.g., the Deutsche Telekom colors, gray/magenta)
- g) Numbers and number combinations (e.g., 4711)

Brand registrations are evaluated by the German Patent and Trademark Office for their ability to be protected. This inspection essentially concentrates on the objective suitability of the brand to exercise a designation function. In contrast, it is not evaluated whether such a brand has already been entered for someone else. In order to avoid the danger of collision that accompanies this situation, an investigation of the already existing brand entries should be conducted prior to registration.

Virtually all of the countries of the world also have similar or comparable regulations for the protection of brands. Beyond this, there are two supranational brand associations which enable the party registering the brand to cover a number of countries with a single registration.

- a) The so-called International Registration of the brand. A prerequisite for this is a domestic brand, e.g., a German brand registration. This can be registered for a number of countries without the necessity of separate registration for each respective country.
- b) The Common Trademark, for which the Office for Harmonization for the Domestic Market is responsible for registration. This is related to a brand with uniform effectiveness for all of the nations of the European Union.