

FROM BASS BEER TO BRAND VALUE: 20 FACTS ABOUT TRADE MARKS

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A strong trade mark is more than a name or logo. It helps customers recognise your business, gives you rights that can be enforced, and can become a valuable commercial asset. This guide highlights 20 practical points for businesses to consider when choosing, protecting and managing trade marks in the UK and overseas.

Trade marks are often the first IP right a customer encounters, appearing on packaging, websites, invoices, social media and investor materials.

1. WHERE IT ALL BEGAN



The first UK trade mark - Trade Mark No. 1 - was registered on 1 January 1876 for the Bass red triangle. It remains in force today. Whether or not the famous story of a Bass employee queuing outside the Registry on New Year's Eve is true, the mark is a useful reminder that a simple, distinctive sign can have remarkable staying power when it is properly protected and maintained.

The Bass red triangle remains a useful reminder that simple, distinctive signs can have lasting commercial value when properly protected.

2. HOW MANY TRADE MARKS ARE FILED IN THE UK?

Figures published by the UK Intellectual Property Office ('UK IPO') show that UK trade mark applications reached a record high in 2025, surpassing 200,000 applications for the first time. Applications increased by 17.3% to 203,194, showing how central brand protection has become to business strategy.

203,194 applications in 2025 **17.3%** increase from 2024 **Record high** first year above 200,000

3. WHAT IS A TRADE MARK?

Trade marks are all around us: on the coffee cup in your hand, the app on your phone, the car on your driveway and the trainers by the door. They are not limited to words and logos. In the right circumstances, a trade mark can also be a slogan, shape, colour, sound, movement or another sign that identifies one business's goods or services and distinguishes them from those of another.

A single icon, colour scheme or product shape can be enough for customers to recognise a brand instantly.

4. THE BEST KIND OF TRADE MARK

The strongest trade marks are usually distinctive rather than descriptive. Invented words, unusual combinations and memorable signs tend to be easier to protect because they point clearly to one commercial source. OXO is a good example of a short, striking and highly distinctive brand name.

A coined or unexpected name may need more marketing at first, but it is often easier to protect and defend.

5. WHAT SHOULD I AVOID?

Avoid names that simply describe what you sell or the service you provide. Words such as “fresh”, “fast”, “eco”, “premium” or “best” may sound attractive from a marketing perspective, but they can be difficult to register because other traders may legitimately need to use the same language. Marks may also run into difficulty if they are misleading, offensive, generic or otherwise fall within one of the legal grounds for refusal.

6. WORLDWIDE PROTECTION

There is no single “worldwide” trade mark. A UK registration protects your mark in the UK only. However, there are filing routes that can make international protection more efficient. For example, a European Union Trade Mark can cover all EU Member States, while an International Registration can be used to seek protection in multiple countries through a central filing system. The key point is to prioritise the markets that matter most to your business.

For online businesses, overseas interest can arrive quickly, so key markets should be considered before launch.

7. GOODS AND SERVICES

A trade mark application must specify the goods and services to be protected. These are organised into 45 classes. The classes selected help determine both the scope of protection and the filing costs, so it is important to choose them carefully.

8. WHY SPECIFICATIONS MATTER

The specification is the list of goods and services covered by the application. It defines the scope of protection and cannot be broadened after filing. If important goods or services are missed, a further application may be needed, adding cost and complexity.

The specification is effectively the boundary around the brand, so it should be accurate, practical and future-focused.

9. SEARCHES

A clearance search is not compulsory, but it is a sensible first step. It can help identify earlier rights before money is spent on filing, branding or launch activity. It may also reduce the risk of objections, disputes and costly rebranding later.

10. OTHER THIRD-PARTY CONSIDERATIONS

Brand risk is not limited to identical trade marks. Earlier unregistered rights, company names, domain names, designs, copyright and passing off can all be relevant. A broader risk review can help identify issues before they become expensive problems.

A wider review can help identify risks beyond the register, including trading names, domains and marketplace use.

11. TRADE MARK COSTS

Trade mark filing costs are relatively modest when compared with many other forms of intellectual property protection - and often far lower than the cost of having to rebrand. Filing early can therefore be a cost-effective way to protect brand value, reduce risk and support future growth.

12. SERIES MARK APPLICATIONS

The UK is unusual in allowing “series” mark applications. A series application can include up to six marks in one filing, provided the marks are very close variations of each other and differ only in non-distinctive ways. The UK IPO applies this test strictly, and the series mark system is expected to be discontinued as part of its digital transformation programme.

Series marks can be cost-effective, but only where the differences between the marks are minor and non-distinctive.

13. FILING AN APPLICATION

A UK application is filed at the UK IPO and then examined. The UK IPO considers whether the mark is distinctive, whether the goods and services are acceptable and correctly classified, and whether there are earlier rights it should notify to the parties. If objections are raised, there may be an opportunity to respond before the application is accepted or refused.

14. OPPOSITION

Once accepted, a UK application is published for opposition. This gives third parties up to three months in which to object before the mark registers. For brand owners, this is also a reminder that monitoring new filings can be just as important as filing your own applications.

15. REGISTRATION

If no opposition is filed, or any opposition is resolved, the application will proceed to registration. Registration gives the owner a clear legal right and can make future enforcement more straightforward.

177,093 registrations in 2025 **7,579** oppositions filed

16. DURATION

UK trade marks can last indefinitely. They are renewable every ten years, provided the renewal formalities are completed. However, registration should still be actively managed, as a mark may be vulnerable if it was invalidly registered or has not been used.

17. USE REQUIREMENTS

Use matters: if you do not use your trade mark, you may lose it. A UK registration can become vulnerable to cancellation if it is not used for a continuous five-year period for all or some of the registered goods or services post registration. It may also be harder to enforce a mark that is vulnerable to cancellation.

Keep dated examples of use as you go; evidence is much easier to collect contemporaneously than reconstruct later.

18. WATCH NOTICES

A watching service helps identify later applications that may be too close to your brand. This gives you an opportunity to act within the relevant deadline, rather than discovering a potential conflict after the other mark has already registered.

19. ENFORCEMENT

A registration can make enforcement simpler, faster and more cost-effective by giving the owner a clear statutory right to rely on. Unregistered rights may exist in some circumstances, but they are often harder and more expensive to prove, with no guarantee of success.

20. BRAND VALUE

A registered trade mark is a business asset. It can be sold, assigned, licensed, used as security and included in a business valuation. For growing businesses, a well-managed trade mark portfolio can therefore support investment, expansion and exit planning.

Clear ownership, renewal and use records can support investment, expansion and future sale planning.

Need help protecting your brand?

IP Asset can help you choose, clear, file, monitor and enforce your trade marks in the UK and internationally.

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