



SCHOOLWEAR
ASSOCIATION

Factsheet for head teachers

How to protect your school identity

The design of your school badge is valuable. This fact sheet gives you a basic introduction to protecting it as a trademark. For a step by step guide on registering a trademark, go to the government's intellectual property website www.ipo.gov.uk and follow the link for "Trademarks". To the best of our knowledge, the information in this fact sheet is correct at the time of going to press but as with all intellectual property matters, you should seek appropriate legal advice.

Key Facts

- Registering a trademark online costs £170
- The fee is not refundable even if your application is refused
- Trademark applications typically take three to four months to be approved

Copyrighting your school's logo

The lowest level of protection is for the school to post itself a copy of the logo in an unopened envelope. The Royal Mail posting date would prove in law that the logo was in use on that date. This is considered a form of copyright on the artwork, which would invalidate any attempt by another party to register the logo as a trademark without the school's permission.

Obtaining a trademark for your school's logo

To strengthen protection, the school can register its logo as a trademark itself or if it has a dedicated uniform supplier, it may authorize them to do so.

To obtain a trademark, visit www.ipo.gov.uk and follow the links on the left hand menu.

You can register your logo in various classes. There is a definitive list on the website. The most common class for school logos is 25 - Clothing. Please be aware, to trademark the use of your logo on other products, for example bags, there are different classes, and registering for each additional class is charged at £50.





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Applications take up to 15 days to be processed

After the trademark has been accepted, it will be placed in a journal for a minimum of two months before it is approved. School logos that represent a specific coat of arms or religious symbol can prove a lot more difficult as these need to be verified by an independent council, and your trademark application will often be refused if the symbol is in historic or common use.

What to do if your trademark is being infringed

The school or its approved supplier should send a letter by recorded delivery to the infringer notifying them of the registered trademark. The infringer then destroys its stock, sells the items to your approved supplier or donates it to you. If the infringer ignores the request, you - or your approved supplier - can bring a case against them.

Obtain as much proof as possible. Are the items concerned available on a website? If so make a purchase of the product and keep a dated record of the transaction. If the items are available in a store, make a purchase, and obtain a receipt. If you can get a picture or video of the items being sold in the store, this will also help.

Once you have your evidence, notify your local Trading Standards office, who will conduct their own investigation. Usually, the infringer will be warned of the consequences if they continue to sell the products, and this will be enough to stop the sale of the items.

If the unauthorised activity continues, obtain as much further proof as you can and contact the local Trading Standards team. They will usually carry out a test purchase where their own investigators will go to the store and attempt to purchase goods with the infringed trademark.

If they are successful, they will almost immediately seize goods for evidence in their case.

You or your supplier will then be asked to provide a witness statement. The Trading Standards team will advise you on this. It may also involve inspecting the seized goods and noting down the infringements. The process of infringing trademarks is considered a criminal act, which means you are not able to cancel proceedings against an infringer at this stage. You are also able to launch your own civil action against the infringer, with appropriate legal advice.

