

Case: Myths about intellectual property

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Myths about intellectual property

The difficulty of understanding what intellectual property is became the ground for the appearance of a number of myths. The examples of incorrect understanding of the intellectual property right are described below.

Myth №1

Company A produces and sells bread under the brand XXXXXXXXXX. At the same time another company B produces and sells the same bread under the same brand name. Company A started selling bread back in 2008, whereas company B received the certificate stating its right to possess the brand XXXXXXXXXX only in 2009. Company A mistakenly assumes that it has all the rights to produce and sell bread XXXXXXXXXX as it started doing so first. In reality, company B is a registered right holder of the XXXXXXXXXX trademark. The proof of such is the XXXXXXXXXX trademark certificate. Company B has the right to forbid the company A to sell bread under “Granule” brand.

Myth №2

A company producing sports equipment has registered a trademark Zoom in Kazakhstan in 2009. However, there exists a webpage www.zoom.kz belonging to an individual, Mr. Ivanov, since 2007. Ivanov mistakenly assumes that since he initially registered the webpage he has the rights to it. In reality, the company, as an owner of the Zoom brand, has the right to prohibit an individual to illegally possess such domain and sue such domain for itself.

Myth №3

Company A produces and sells non-alcoholic carbonated drinks under the brand XXXXXXXXXX. Company A registered XXXXXXXXXX trademark. Company B produces and sells chewing gums and candies. Company B registers the brand XXXXXXXXXX. Company A mistakenly assumes that it is an exceptional right holder of the XXXXXXXXXX brand and, thus, has the right to prohibit the company B to produce and sell chewing gums and candies with the same name. In reality, the trademark certificate applies only to a particular goods or service type. Goods and services are classified under the international classification of goods and services system. This classification is approved by the agreement between the countries-participants of a diplomatic conference in Nice as of June 15th, 1957. For instance, non-alcoholic carbonated drinks will be assigned to class 34, and chewing gums – to class 33. These are different classes, for which two separate trademark certificates are required.

All the cases are fictional, any similarities are accidental.