

## Trade Marks Procedures

### 1. LEGISLATION/ENTERPRISE AGREEMENT/POLICY SUPPORTED

*Intellectual Property Laws Amendment (Raising the Bar) Act 2012 (Cth)*

[Brand Communications Policy](#)

### 2. IMPLEMENTATION PRINCIPLES

- 2.1. As a risk management measure, intellectual property related to the Curtin University brand which is of significant monetary or strategic value is protected by being trade marked. Such intellectual property includes but is not restricted to marks (including names), logos and designs.

### 3. PROCEDURAL DETAILS

#### 3.1 Proposals for trade marking

- 3.1.1 Only marks, logos and designs consistent with the Brand Identity Guidelines or the Brand Hierarchy may be trade marked.
- 3.1.2 Areas wishing to obtain a trade mark will submit to the Chief Marketing Officer (CMO), endorsed by the relevant Executive Manager, a proposal addressing the matters in Schedule 1.
- 3.1.3 The Chief Marketing Officer will provide expert advice to the relevant area on the need for the specific trade mark requested.
- 3.1.4 If the area decides to continue with the application, the Chief Marketing Officer will forward the submission to Legal and Compliance Services for a cost estimation, which will be provided to the Executive Manager.
- 3.1.5 The Executive Manager will consider and may approve the expenditure. Legal and Compliance Services will manage the trade mark application process to completion and will inform the area of the result.

#### 3.2 Requirements to trade mark

- 3.2.1 A mark, logo or design may be deemed by the CMO to be of such strategic or monetary value or risk to the University that it should be trade marked. Areas responsible for the mark, logo or design, once notified of this by the CMO, will:
- (a) submit to the CMO the information in Schedule 1; and
  - (b) pay for costs incurred in trademarking.
- 3.2.2 University Marketing will liaise with Legal and Compliance Services to manage the trademark application process.

#### 3.3 Register of trade marks

University Marketing will maintain a register of all trade marks related to the Curtin University brand.

### 4. RESPONSIBILITIES

Responsibilities as set out in section 3.

### 5. SCOPE OF PROCEDURES

These procedures apply to all Curtin staff and campuses.

### 6. DEFINITIONS

(Note: Commonly defined terms are located in the [Curtin Common Definitions](#). Any defined terms below are specific to this document)

A **trade mark** is a right that is granted for a letter, number, word, phrase, sound, smell, shape, logo, picture and/or aspect of packaging. A registered trade mark is legally enforceable and gives the owner exclusive rights to commercially use, licence or sell it for the goods and services that it is registered under.

## 7. SCHEDULES

Schedule 1: Requirements for trade mark registration proposal

## 8. RELATED DOCUMENTS/LINKS/FORMS

[Brand Hierarchy](#)

[Brand Identity Instructions](#)

[Brand Communications Policy](#)

[Risk Management Procedures](#)

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<b>Policy Manager</b>	Vice President, Corporate Relations
<b>Approval Authority</b>	Vice President, Corporate Relations
<b>Review Date</b>	1 <sup>st</sup> April 2020

### REVISION HISTORY

Version	Approved/ Amended/ Rescinded	Date	Committee / Board / Executive Manager	Approval / Resolution Number	Key Changes and Notes
New	Approved	24/06/2013	Vice President, Corporate Relations and Development	EM1316	Unconditional
	Administratively Updated	06/10/2015	Director, Legal and Compliance Services	EC 76/15	Executive Manager Title Changes
	Amended	03/05/2016	Vice President, Corporate Relations	EM1613	Formally Reviewed No Changes
	Amended	04/07/2016	Vice President, Corporate Relations	EM1641	Policy Contact changed; link in Schedule 1 added

## Schedule 1

# Requirements for trade mark registration proposal

A proposal for trade mark registration will include:

- (a) What is to be trade marked (mark, logo, design etc.);
- (b) The owner of the item to be trade marked;
- (c) A description of the business relating to the item to be trade marked;
- (d) Categories/classes for registration (if known);
- (e) How the proposed trade mark links to the University's Strategic Plan;
- (f) A commitment to fund the process of obtaining a legal trade mark, including the cost centre to be charged; and
- (g) The relevant area contact officer.

A brief template is available from University Marketing. Please submit a request at <https://brand.curtin.edu.au/requests/>