

Session 101.1 Management of Trademarks

JANE BURLEY

THE BODY SHOP INTERNATIONAL plc





THE BODY SHOP®

External Protection

- Register trademarks – budget – inform management on any risk factors
- Maintain accurate records
- Continual review of market
- Enforce IP rights
- Include IP Protection in all relevant commercial documents

Internal Protection

- Intellectual Property Policy
- Close collaboration with creative areas of the business
- Copy Approval Process
- Educate the work force - Brandwatch



**Once a trademark,
not always a trademark.**

They were once proud trademarks, now they're just names. They failed to take precautions that would have helped them have a long and prosperous life.

We need your help to stay out of there. Whenever you use our name, please use it as a proper adjective in conjunction with our products and services: e.g., Xerox

copies or Xerox financial services. And never as a verb: "to Xerox" in place of "to copy," or as a noun: "Xeroxing" in place of "copying."

With your help and a precaution or two on our part, it's "Once the Xerox trademark, always the Xerox trademark."

Team Xerox. We document the world.



The image shows a collection of various products and services, each with its name written on it. The items include: SKIATOR, TERM POLINE, CUBE STEAK, NEW OCTANE, RSP, ROSENE, COGNAC, LANDIN, and TO TO. The items are arranged in a grid-like fashion, with some items appearing to be part of a larger set of products.








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FORM 1 PPH HEL 1 Doc. 202 2005-11-08 P3


国家工商行政管理总局商标局
地址: 北京市西城区三里河东路8号 邮政编码: 100820


邮政编码: 200065 北京市崇文区东八条胡同27号 宋德平 110105640509045	 200909 12	发文日期: 2005年9月9日 发文编号: ZC47458195L 代理文号:
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申请日期: 2005年6月27日 申请号: 4745819 类别: 35
申请人: 宋德平 110105640509045

注册申请受理通知书

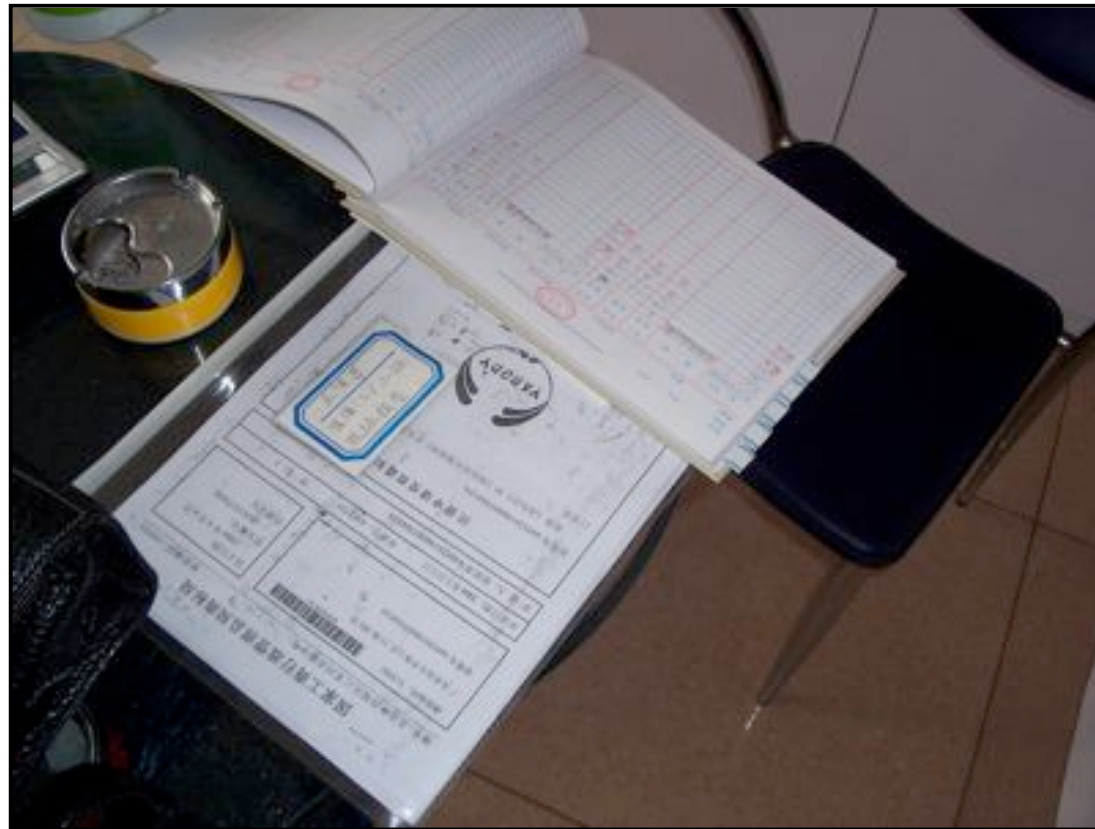
宋德平 110105640509045:
根据《商标法》和《商标法实施条例》有关规定, 此商标的注册申请我局已受理。





上海市商标代理业协会







Treatments

恬靜薰衣草重建髮膜
Lavender Essential Oil Herbal Extracts Mash Hair Tips Treatment Mask

薰衣草精油，能滋潤秀髮和髮根，加強保護，深層營養，能滲透到髮絲內部，利用其天然精油滋潤秀髮和髮根，平衡頭皮，並可擊退空氣化學物質及毛燥、分叉、給予最佳保護，讓頭髮強壯，頭髮更顯有光澤、透氣性，具有涼、潤膚護色功能。

使用方法：取適量塗於髮上停留10-15分鐘，再以清水沖洗即可。建議每周配合洗髮使用，效果更佳。



浪漫玫瑰重建髮膜
Rose Essential Oil Herbal Extracts Mash Hair Tips Treatment Mask

玫瑰精油，含有天然植物精華，加強髮絲，深層營養，能滲透到髮絲內部，利用其天然精油滋潤秀髮和髮根，平衡頭皮，並可擊退空氣化學物質及毛燥、分叉、給予最佳保護，讓頭髮強壯，頭髮更顯有光澤、透氣性，具有涼、潤膚護色功能。

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Circle of Life Aroma Jar

Original design copied by BSI

9938 items destroyed in land fill

Total cost to the business -
£200,000.00



Designer claims the Body Shop copied burner

By JOSHUA ROZENBERG
LEGAL EDITOR

THE Body Shop has been accused of bringing bad karma on itself by copying a designer's incense burner without permission.

Lawyers for Peter Wylly, an award-winning designer, announced yesterday that he had issued proceedings in the Patents Court against the international retailer, which has a long-standing commitment to human rights.

When Mr Wylly complained, The Body Shop told him it was not in the habit of infringing the intellectual property rights of others.

Its decision to obtain and sell products similar to his was "entirely unintentional and appears simply to have been caused by a lack of communication within what is a large organisation". Mr Wylly

designed his "Kool Karma" aromatherapy oil burner in 1968. In the style of a Fifties abstract sculpture, the circular ceramic burner enables oil to be heated over a "tea-light" candle. The designer sold 100,000 of them to The Body Shop in 1999 before the retailer stopped placing orders, telling him that the product was not selling.

This summer, he noticed that The Body Shop was selling a scaled-down version of his design, made in Taiwan.

He was told that the smaller product, the Circle of Life Aroma Jar, had been one of their top sellers over the past two years. It was still on sale last month, priced £10.

Accepting liability for infringement, The Body Shop offered to pay Mr Wylly 35p for every jar sold outside the United States and Mexico. He is now asking the court to order the company to hand over the entire profits it has made from selling the item.

Mr Wylly, 36, said: "It's very rare for a designer to come up with an innovative yet commercial design. So it was very damaging when The Body Shop pulled out of my supply agreement with them."

"I hardly expected to find my designs still selling two years later in Body Shop outlets all over the world."

Mr Wylly's solicitor, Robin Fry from Beachcroft Warrington, said: "All creative professionals are very sensitive to plagiarism and piracy."

Lawyers for The Body Shop said their client was willing to withdraw the incense burner from sale and destroy remaining stocks.

Mr Wylly's clients include The Couran Shop, Habitat and Romeo Gigli. He said he had yet to receive any apology from The Body Shop.



Peter Wylly and the burners

IP POLICY

We will respect the Intellectual Property rights of others and rigorously protect our own. We recognise that consistent and proper use of our intellectual property is fundamental to our ability to build our brand reputation and to our ability to successfully defend ourselves against those who would copy us.

The style and manner of use of our primary brands will be consistent throughout the business and across all facets of our business (retail, at home, e-commerce, mail order etc.) Our primary brands are the word mark THE BODY SHOP and the POD device. These are registered in all trading countries and in many other countries as well. The new branding is the subject of trademark registrations in all trading countries and in many other countries also.

THE BRANDWATCH RULES

To protect a trademark it should be used as registered, it cannot be –

a) possessive:

“The White Musk® range new line extensions”

– NOT –

“White Musk’s new line extensions”

b) plural:

Ask about our new ranges in any of The Body Shop® stores near you

– NOT –

Ask about our new ranges in any of The Body Shops near you

Always use a trademark with a generic term.
Trademarks should not be split over two lines.

Make it clear that we are referring to a trademark with either an ® symbol, or a TM placed by the mark.

The Body Shop®



THE BODY SHOP®

White Musk®

Spa Wisdom™

Oceanus™

Love Your Body™

Moisture White™

The Body Shop At Home™

Wise Woman™







Award Winner 'NOT MY JOB'



Working together


THE BODY SHOP



The Body Shop International plc – Intellectual Property Policy.

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For new products we will endeavour to use ingredient led names rather than “coined” names to minimise the need for searching and registration. Where a non generic name is proposed it must be searched to ensure it does not already belong to someone else. No application for registration of a new trademark, patent, or design right will be made without the consent of the CEO.

If a name we have already registered comes up for renewal it will only be renewed if it is still being used by the company.

All intellectual property rights in anything created for the company by a third party should be the property of BSI and assigned to BSI from the very start of the project.

All contractual arrangements entered into by the company should be protective of the Company’s Intellectual property rights.

All employees and franchisees should be familiar with the company’s Brandwatch programme and its rules. New employees should see the Brandwatch programme as part of their induction programme. The Brandwatch rules should be followed by all employees to ensure maximum protection for our brands through correct use.