



Why registering a trade mark in Ireland should be a non-negotiable in your business plan

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All founders are aware of the value of their business's physical assets such as stock, equipment, and real estate, and are keen to protect and safeguard these assets by taking out insurance policies to mitigate any potential financial loss. However, most founders are unaware of the importance of protecting what is often their most valuable asset - their brand, or "intellectual property".

Research shows that approximately 70% of a typical company's worth lies in intellectual property, such as trade marks. For instance, [Forbes listed Apple as the world's most valuable brand in 2024](#) with an annual revenue of US\$260.2 billion and brand value of US\$241.2 billion. It is apparent that now more than ever an intellectual property protection strategy should be a top priority for a founder wishing to safeguard their brand and a large percentage of the value of their business.

| Trade marks

The majority of intellectual property assets fall into one of four categories: trade marks, patents, copyrights, and trade secrets. For the purpose of this article, we are focusing on trade marks.

A trade mark is a distinctive word, logo, phrase, or combination of these elements that identifies and distinguishes your products and / or services from the goods and / or services of your competitors. If your business is currently operating with a distinctive brand name / word, logo, slogan or tagline, there is a good chance that it is eligible for trade mark registration.

The main prerequisite to registering your mark is that it must feature some unique element that is not found in any other existing registered trade mark and is capable of distinguishing good and / or services of your business from those of other businesses.

| Why should I register a trade mark?

Trade mark registration is a key tool in unlocking and safeguarding the true value of your business's

brand for many reasons, namely:

- it will solidify the business's reputation by creating a sense of reliability and trust among your customers
- it can increase the value of your business and is attractive to investors
- it will provide legal evidence of ownership and exclusive use of a mark, allowing the proprietor to take infringement proceedings before the court against anyone who attempts to infringe or copy your mark. Such legal registration of your mark therefore acts as a deterrent to competitors from counterfeiting, damaging, or unfairly profiting from your brand
- an Irish company can in some instances claim capital allowances for capital expenditure incurred on trade marks against its income sales that derive the greater part of their value from the use of the trade mark. There are also grants available to off-set against the cost of registering your trade mark at European level
- once a trade mark is registered, it can be licenced to business partners at a premium, which in turn generates revenue
- similarly, registered trade marks can be sold or transferred to another party for value should you wish to eventually sell or close your business or split off a product line

Founders should not underestimate the true value that a name or a logo adds to their business. These are the prime identifiers of the brand. To truly realise a brand's value, trade mark registration is essential.

How Ogier can help

Interested in registering a trade mark or wish to discuss your business's intellectual property generally? Our Corporate and Intellectual Property team have extensive experience in all areas of intellectual property and provide a bespoke and seamless service. Please contact one of our team via their contact details below.

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