

**Motive pentru care brandul ar trebui protejat juridic.**

Intr-o piata din ce in ce mai competitiva, jucatorii dezvolta tot mai multe idei si aloca investitii pentru a-si identifica produsele si serviciile.

In practica insa, uneori entuziasmati de cresterea valorii brandului (*etiquette-a, logo-ul, slogan-ul etc.*) care identifica produsul /serviciul in piata, se pierde din vedere ca acesta devine realmente o tentatie pentru concurenti, de a prelua fara drept, in tot sau in parte, beneficiile unui brand gata creat, si care a dobandit deja o valoare de piata, in loc sa aloce efortul in a-si crea propriul brand.

De aceea, utilizarea unui brand intr-o piata, poate deveni nerentabil daca nu este inregistrat la oficile pentru proprietate intelectuala (P.I.), avand in vedere ca, in cazul in care se nastre un conflict cu alta marca sau alt brand chiar neinregistrat, procedurile de solutionare a prioritatiilor legale sunt, de regula, costisitoare si de lunga durata, aproximativ 3-5 ani, perioada in care brandul poate suferi o scadere a valorii de piata, tocmai pentru ca situatia judica a acestora este incerta.

Asadar, pentru brandurile noi, ce sunt create si atribuite unui produs/ serviciu ce urmeaza sa fie lansat in piata, este necesar, mai intai sa se faca o cercetare documentara pentru a nu intra in conflict cu marci identice sau similare, si deci pentru a preveni un eventual conflict cu o marca deja inregistrata.

**Reasons why the brand should be legally protected**

In an increasingly competitive market, players are developing more and more ideas and investing in identifying their products and services.

In practice, however, sometimes excited by the increase in brand value ( etiquette, logo, slogan etc), that identifies the product/service in the market, it is lost sight of the fact that it really becomes a temptation for competitors to take over without right, in whole or in part, the benefits of a ready-made brand, which has already acquired a market value, instead of devoting the effort to creating its own brand.

Therefore, the use of a trademark in a market may become unprofitable if it is not registered with the offices of Intellectual Property (IP) given the fact that, in the event of a conflict with another trademark or other unregistered trademark, the procedures for solving the legal priority are, as a rule, expensive and long-lasting, approximately 3-5 years, the period in which the brand can suffer a decrease of the market value, precisely because their legal situation is uncertain.

Therefore, for new brands, which are created and assigned to a product/service to be launched on the market, it is necessary, first, to do a documentary research in order not to conflict with identical or similar brands, and therefore to prevent a possible conflict with an already registered trademark.

Ulterior, dupa verificari, se va putea solicita inregistrarea marcii cu protectie pentru pietele geografice unde urmeaza sa activeze produsele/serviciile respective.

Pentru brandurile existente in piata care nu au parcurs inca procedura de inregistare a marcilor, este util, de asemenea, o cercetare documentara a brandului ce se intentioneaza a se inregistra ca marca, pentru a se analiza in ce masura marca este distinctiva fata de alte marci din piata, dar si pentru a analiza daca marca, in forma folosita deja, eventual chiar devenita notorie intre timp, nu este inregistrata de catre un concurent.

In contextul actual, in care multe dintre businessuri, sunt mai mult sau mai putin nevoie sa se reinventeze, sa-si modifice produsele si serviciile sau sa aduca altele noi pentru a se adapta la situatia prezenta de piata, devine cu atat mai importanta apararea drepturilor privind bradurile, pe de o parte, pentru ca eforturile alocate pentru crearea altor produse/servicii (timp, buget etc) noi vor fi consistente, iar pe de alta parte, ca in momente mai putin calme sub aspect economic, ca cel in care ne aflam, tentinda competitotilor este mai mare de a incalcare drepturile proprietatii intelectuale.

O dovadă clară a atenției acordate protecției juridice a mărcii este faptul că, in 2019 la EUIPO (Oficiul Uniunii Europene Pentru Proprietate Intelectuala) , anul in care acesta a implinit 25 de ani de la infiintare, s-a inregistrat cererea de marca cu numarul doua milioane.

Subsequently, after verifications, it will be possible to request the registration of the trademark with protection for the geographical markets where the respective products/services are to be active.

For existing brands in the market that have not yet gone through the trademark registration procedure, it is also useful a documentary research of the brand that is intended to be registered as a trademark, to analyze the extent to which the trademark is distinctive from other trademarks from the market, but also to analyze if the brand, in the form already used, possibly even become notorious in the meantime, is not registered by a competitor.

In the current context, in which many businesses are more or less forced to reinvent themselves, modify their products and services or bring new ones to adapt to the current market situation, it becomes even more important to defend their rights regarding brands, on the one hand, because the efforts allocated for the creation of other new products/services ( time, budget etc) will be consistent and on the other hand, as in less calm moments economically, like the one we are in, the tendency of competitors is greater to infringe intellectual property rights.

A clear proof of the attention given to the legal protection of the trademark is the fact that, in 2019 at EUIPO ( European Union Intellectual Property Office), the year in which it celebrated 25 years since its establishment, was registered the

trademark application with the number  
two millions.

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