

# The Difference Between Trade Mark Registration & Company Registration

## Background

It is important to understand the fundamental and significant difference between registering a company name at Companies House versus registering a trade mark for your company name, or a brand name, at the UK or EU Intellectual Property Office.

Below, we look at **8 key points** you should know about the differences.

## 1. Registering at Companies House does not protect the business name



Registration of a company name at Companies House will not prevent a third party from using a virtually identical company name, and registering it at Companies House.

For instance, if you were to register your company name as JOE BLOGGS Ltd, that registration cannot be used to prevent a third party from subsequently registering a competing company as JOE BLOGGS UK Ltd etc.

This is why the Companies House register is cluttered with virtually identical company names distinguished from one another only by incredibly small differences.

Companies House simply makes a literal assessment on whether exactly the same name is already registered; therefore, adding a space here, or a "UK" there, in the company name may be sufficient to allow a competitor to register a company name which is highly similar to your own.

## 2. Registering a domain name does not provide adequate protection

In the same way that Companies House registrations do not prevent others from adopting a virtually identical company name; registering a web and/or email domain does not provide any trade mark protection.



### **3. A trade mark registration is required**

In order to avoid the above problems you must consider applying to register a trade mark for your company name.

A trade mark registration provides a monopoly right on the name which can be legally enforced against competitors using the same business name, or a business name which is confusingly similar, in any way (whether that be in a web domain, on a physical product, or in another company name).



A very well developed body of law exists surrounding trade marks which allows the owner of a trade mark registration to enforce their monopoly against third parties making any commercial use of a competing trade mark that is the same or confusingly similar.

For this reason, although trade mark registrations do cost more to obtain than company registrations and domain names, they nevertheless provide significantly broader and commercially useful legal protection.

### **4. First to file a trade mark wins**

In addition to the above, if a third party were to file a registered trade mark application for their company name before you (depending upon circumstances) they may be able to force you to change your company name.

### **5. Trade marks can be obtained internationally**

Since the registration of a company name is tied to the formation of a legal entity in the UK it is not possible to obtain any protection outside of the UK by forming a limited company. However, every country in the world has a trade mark registration process which is open to anyone looking to protect a company name or a brand without any requirement for establishing a legal entity overseas.

### **6. Trade marks can be recorded as assets**

Unlike a company name registration at Companies House, a trade mark registration can become a valuable and identifiable company asset which can be licensed, sold or transferred. Companies often have more value residing in their trade marks than in their physical assets.



## 7. Trade marks can protect sub-brands

Registering a company name at Companies House is tied to the registration of a legal entity and so it will only cover to registered entity name. However, trade marks can be used to register the core brand plus any sub-brands. For example, Apple is a core brand, and iMac is a sub-brand.

## 8. The reverse is true

Registering a business name at Companies House does not provide any trade mark protection. Similarly though, registering a trade mark does not guarantee that any particular business name is available for registration at Companies House.

Therefore, when setting up a new brand and company you should consider trade mark registration and company name registration together.

## Can we help you?

Please **contact Meena Murrin** for further information or to arrange a free initial consultation.



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