

Article Information

Author: Andrea Pane

Service: Corporate & Commercial, Franchising

Do I really own my brand?

Commercial partner, Andrea Pane looks at some of the tricky issues around brand ownership for franchisors.

This is a question you want to be asking before you start franchising and not when it's too late!

You may think that registering your business or company name and your graphic designer handing over your logo or slogan is enough...but is it?

Maybe...but in franchising maybe is not good enough.

You want to make sure your brand is protected. Not just for your sake, so that you can deal with the copycats that will inevitably pop up, but also for your franchisees. They will invest their own money and effort into building your brand and so you have an obligation to them to make sure it's protected. And importantly for you, as your chain grows so will the value of your brand and when you go to sell any buyer will expect you to have it properly protected.

Is registering your name enough?

In my experience you would not be alone if you think that by registering your business or company name you own it.

Registering a business or company name is a government requirement and does not really add any value. You actually own your name just by using it.

What you can do to better protect your name is register it as a trade mark.

What about your logo and slogans used in the franchise chain?

Whoever created your logo or slogan will own the copyright. Usually this will be your graphic designer.

You should have them transfer the copyright to you. It's best to do this when they first hand over the design as it may be difficult to track them down later.

For copyright to be properly transferred there are certain requirements under the law which need to be met. For the same reasons you register your name as a trade mark you should also register any logo or slogan you and your franchisees use as a trade mark.

To find out more, contact [Andrea Pane](#).