TM CHECKER - SIMILARITY

Similarity is based on several factors, but it all comes down to making it easier for consumers to identify the brand they're looking for.

When we are comparing two trade marks we are looking at whether it would be confusing for consumers if both those trade marks were being used in the market. Let's look at a few examples.

Sometimes having different letters can influence the result in different ways. If you compare Tigerlullaby and Tigerlulubi these would be considered too similar because they look similar and sound identical, which might confuse customers. But if we look at Tigerlullaby versus Tigerlily, even though it's still a couple of different letters they look and sound significantly different.

Adding a common word won't necessarily make them different enough either. In this case the word Australia is quite generic so the identity of the trade mark still relies on Tigerlullaby. But if the second word significantly changes the meaning then they are more likely to be different enough. Receiving a similarity warning doesn't mean you can't apply but there are a few options that you could consider.

You could try editing your trade mark details. Use TM Checker to research similar trade marks that already exist in the market.

You could also seek professional advice. If you feel your trade mark is different enough you could decide to apply anyway. This option will cost money since an IP Australia employee would be making a full assessment.

Find out more by visiting the IP Australia website.