



## **Importance of Trademark Protection**

*By: Nick Celani*

An intellectual property attorney will often tell you that trademark protection is something that every business, regardless of service or industry, should have. Instead of merely reciting the benefits of registering a trademark, I would like to share some personal experiences about how different things are in a country that lacks laws designed to protect trademarks.

Two months ago, I was in China. When China joined the World Trade Organization, it was required to create some sort of intellectual property law. Although China did do so, it is still learning how to properly enforce it. Consequently, many instances of trademark infringement in China have been going unpunished.

Gucci and Louis Vuitton purses can be bought for less than twenty dollars in China. Shirts with any kind of logo can be found for under four dollars. North Face jackets, which retail anywhere from \$100-\$300 in America, can be found for less than \$30 in China.

These goods demonstrate the need for a trademark system where the marks are vigorously enforced. The downside for a trademark owner in such a country as China is that first, the manufacturer loses money from not being able to sell their name. Any purse can carry lipstick; but, if the name "Gucci" is on one, it may be worth hundreds of dollars more to consumers. Trademark infringers keep this money without any of the costs of promoting the name. Second, while many rip-off items are similar in appearance, they often lack in quality. One cannot find a difference by looking at a Chinese-made Rolex, but it may keep terrible time. Such items are dangerous to manufacturers because their high quality goods may be confused with the cheap substitute and turn off potential consumers.

To prevent a similar situation from happening in America, businesses must protect their goods and services with marks and make sure to vigorously enforce their rights. Businesses who fail to do so do not have to go to China to find counterfeiters; they will find them right in their own neighborhoods.