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IP Toolkit No. 1

Practical Guide for SMEs on Trademark & Digital Branding in Philippines



Intellectual Property Office

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BRAND DEVELOPMENT

FUN FACT

The Power of Brand Recognition



Why did Nike drop its name / lettering "Nike" from its swoosh logo, leaving only the iconic *swoosh*?

Common Trademark Mistakes Made by SMEs

Many small businesses unintentionally put their brand at risk. Here's how:

❌ Not Registering the Trademark

"I already have a logo, so I'm safe."

Not quite!

- Cannot sue for infringement - without official registration
- Limiting to common-law passing-off* (first-to-use).
- Passing-off is harder to prove—especially online—and slower, costlier to enforce.

➡️ Enforcing your rights can be more **costly, slower, and uncertain**.

⚠️ Copying or Clashing with Existing Brands

"That name sounds cool—let's use it!"

Many SMEs choose names **too similar** to big brands — knowingly or not.

Eg. i-AppleFix for a phone repair store.

➡️ Leads to **legal trouble**, rebranding costs, and damage to reputation.

🔁 Inconsistent Branding Across Platforms

"Different name here, different logo there—it's all the same lah!"

Different brand names, logos, or styles across website(s), Instagram, & Shopee confuses customers and weakens brand recall.

➡️ Complicates ability to protect and prove trade mark use.

🌐 Expanding Online Without Trademark Protection

"I'm going global... but forgot to protect my name overseas."

Trademarks are territorial –

Register before entering new markets/countries; or others (on marketplaces/social media) will file first.

In civil-law countries (e.g., China, Thailand, Indonesia), rights only arise on a **first-to-file** basis (not first to use) — registration is essential.

➡️ Leads to loss of rights in target markets, forced rebranding, blocked sales, and increased legal costs to recover the brand name.

🗂️ Poor Record-Keeping of Brand Assets

" I know where all our logos are —no need to document/track them."

No clear list of what brand elements exist, when they were created, or who owns them.

Trademark is owned by company, but domain names or social media handles are registered under an individual (e.g., staff, founder, freelancer).

➡️ Leads to confusion when enforcing rights, applying for registration, or negotiating deals.

Risk of losing control if individual leaves or disputes arise.

Create & Maintain a Digital Brand Asset Log

Think of it as your brand's "insurance policy" — a centralised record that helps you manage, monitor, and protect your digital presence.

What to Include in Your Brand Asset Log

Asset Type : Details to Record

Logos: File versions, formats, usage rights, last update.

Domain Names: Registration info, expiry dates, registrar access.

Social Handles: Username, platform, date created, login credentials.

Storefronts: Shopee, Lazada, TikTok Shop URLs, admin contacts.

Hashtags: Branded campaigns, date launched, purpose

Track Expiry & Renewal Dates

Every registered trade mark has a **validity period** (e.g. 10 years in the Philippines).

➡️ Missing a renewal can mean losing your registered rights.

✅ Keep a calendar of:

- Trademark application number and registration number
- Filing, Registration and expiry date
- DAU deadlines
- Grace period for late renewal
- Who is responsible to renew
- Jurisdiction (country/region)

Monitor Licensing & Usage Terms

- Licensee/licensor name and contact details.
- Track the **duration** of the licence
- Record **geographic limits** and **scope of rights**
- Set **review/renewal dates and DAU dates**
- **Agreement start and end dates**

➡️ **Avoid**

- Overuse, misuse, or expired agreements that appear valid.
- Situations where TM is still being used **under expired or outdated licensing terms**, leading to **unauthorised use** that appears legitimate.

Know Where Your Trademarks Are Used

Keep a log of:

- Countries where marks are registered.
- Platforms where your brand appears (e.g. Shopee, IG, FB)
- Logos/versions in use (colour, black & white, simplified).
- Evidence of use (screenshots, links)
- Proof of Use (dated screenshots, URLs, product photos, promotional materials).

✅ Supports renewals, enforcement, and international filings

Pro Tips

✓ Store it in a shared but secure folder (e.g. Google Drive, Notion, or Airtable).
✓ Assign one person to update it regularly.
✓ Add screenshots or links as evidence of online use.
✓ Sync with your trade mark registrations for legal alignment.
✓ Good documentation = easier enforcement + licensing opportunities.
✓ ***Suggestion: Use Excel, Airtable, or Notion to build a live, sharable IP register.***
📝 ***Bonus: If you're ever audited, pitching to investors, or handling IP disputes — this log becomes gold!***

Secure Your Digital Trademark Footprint

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🌎Claim Your Domain Name Early

e.g. www.brandname.ph

✅ Buy your brand domain **before someone else does**, even if your site isn't ready.

✅ Consider variations like .com, .ph, .net, and .store.

🔒 Lock Down Your Social Media Handles

e.g. @brandname on Instagram, TikTok, Facebook, X.

✅ Consistent handles = easier for customers to find you.

✅ Prevents others from **pretending to be your brand**

✅ **Reserve the name now - e**ven if you're not active yet.

🎯 Match Branding Across Platforms

✅ Maintain **consistent names, logos & taglines** across your website, social media & marketplaces (Shopee, Lazada, TikTok Shop etc.).

✅ **Builds recognition & goodwill** to strengthen your trademark protection.

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👀 Monitor for Impersonators or Misuse

Fake websites, parody accounts, typo URLs (e.g. brandnme.com).

⚠These can damage trust and scam your customers.

✅ Report and take action quickly — easier when your name is registered.

🗂️Tie It Back to Your Trademark Strategy

Did you know?

Use your website ·domain and social media handle as proof of trademark use.

💼 Capture timestamped screenshots of website URL and social media profiles showing your trademark in use—proof of use for disputes or enforcement.

Takeaways

• Create strong digital ID + proof of use underpins all trademark rights.
• Do trademark search early – check similar names before filing or launching brand to avoid conflicts.
• Search in key markets – cover Philippines and any countries where you plan to sell or expand in the next 3–5 years.

Secure domains and social handles early; if your exact brand name is taken, add a descriptive word to stand out. If "Kopi" is taken, use a variant like KopiPH or KopiCafe.

TRADEMARK PROTECTION AND ENFORCEMENT

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Protecting Your Brand Online

Monitoring Online Misuse

Why Monitor?

- **Spot counterfeits and copycats** using trade name, brand name, logo, or packaging.
- Detect **brand misuse on social media** – including impersonation accounts, fraudulent promotions, or misuse of your IP in fake ads.
- Identify **unauthorised sellers** on e-commerce and social media.
- **Protect customer trust** and your brand reputation.

What to Watch For

- **Product listings** with your brand name or logo without permission.
- **Fake online stores** using your brand name on Shopee, Lazada, or FB etc.
- **Copied photos** or descriptions taken from your official pages.
- **Ads** pretending to sell your products.

How Can SMEs Monitor

- **Search your brand regularly** on popular platforms (Shopee, Lazada, Facebook, Instagram).
- **Use online alerts or tools** to get notifications of suspected infringement.
- **Check customer reviews** for mentions of fake products.
- **Establish a complaint mechanism/email address** to receive reports of suspected counterfeit products/ sellers from customers.
- **Spreadsheets** – Keep a simple log of suspicious sellers.
- **Track marketplace flash sales** to see if suspiciously low-priced products with your brand appear.
- **Public Business Registration Database** - Identify infringing trade names



Even small businesses can do basic monitoring for free. Consistent checks can stop problems early and save your brand's reputation.

Enforcing Your Brand Rights Online

How to Respond to Infringement

Platform Takedown Process

Step 1: Collect Evidence

- Collect evidence of infringing products/sellers
  - Take screenshots of the counterfeit product listing include date and time if possible.
  - Save the URL (link) of the seller page or product listing.
  - Identification information of the seller/store if possible.
- Obtain copies of trademark registration certificates

Step 2: Report to Platform

- Submit complaint form and supporting evidence via Platforms' IP portal or other available channels:
  - Shopee's IP Portal
  - Lazada's Rights Owner Portal (ROP)
  - Facebook/Instagram Brand Protection

Step 3: Follow Up

- Closely monitor **response or email**.
- **Document** the result (e.g., listing removed, seller warned).
- Save all **confirmation emails** for your records.

Escalating to Legal Enforcement

When do SMEs Need to Escalate?

- When **same seller keeps copying** your brand even after takedowns.
- If there are **multiple linked seller accounts** (a network of fakes).
- If **counterfeit products** show up in **physical shops or markets**.

What Can SMEs Do?

✅ **Send a formal warning letter** *(Cease-and-desist)*
- Clarify your IP rights
- Request to stop infringing activities
- Warn of potential legal consequences

✅ File **complaints to competent authorities** for more deterrent actions

***Consider consulting with** local IP agents or lawyers to obtain initial advice on potential enforcement actions.*

Key Takeaways

Even small businesses can act to protect their brand online

- Renew trademarks on time to keep protection active.
- Keep registration and product verification records handy.
- Follow simple takedown steps to remove fakes.
- Save all evidence and track responses.
- Seek local IP advice if problems persist.
- Keep contact list of IP agents for quick escalation.
- Consult SME Helpdesk or trusted advisors when in doubt.

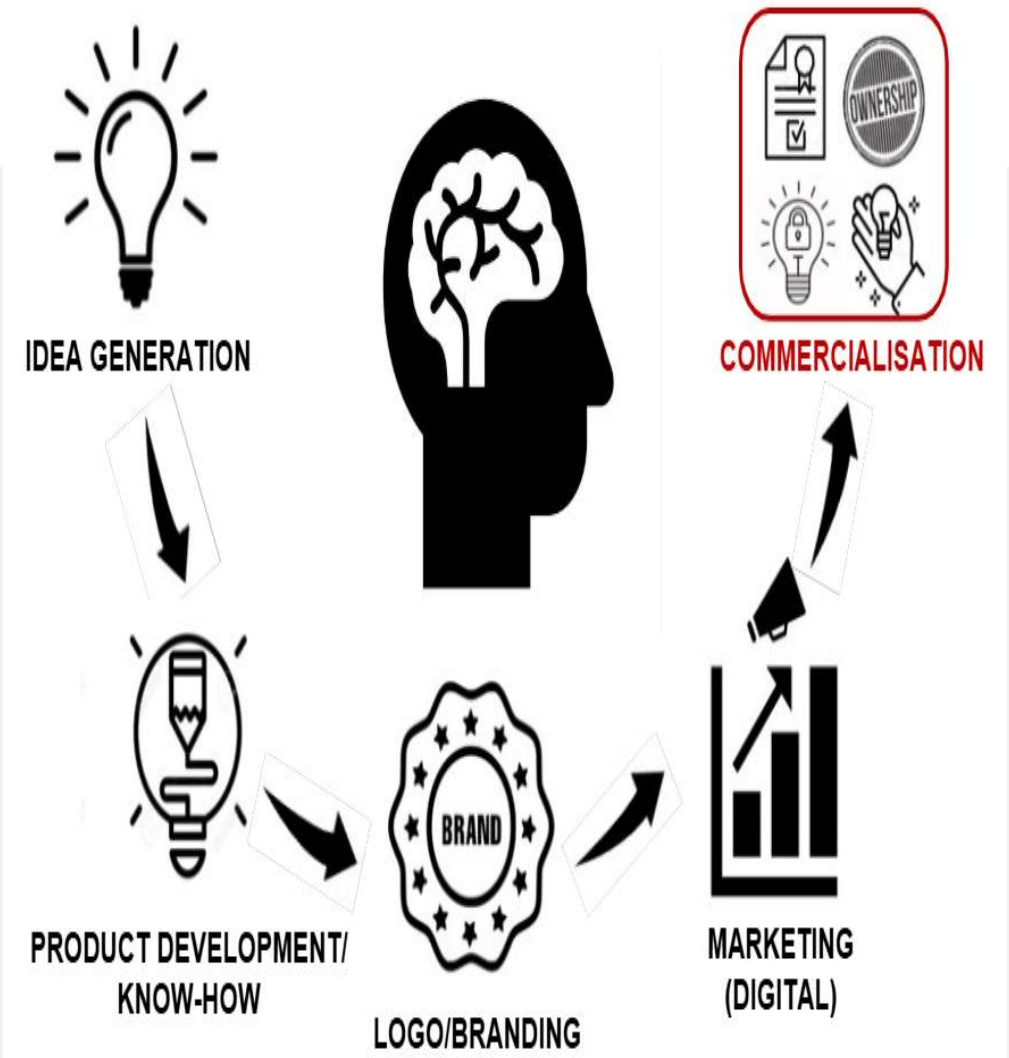
What you can do while waiting for platform response

- **Monitor listings daily** to check if infringing posts reappear under new seller names.
- **Record ongoing evidence** (new links, screenshots, chat history) to strengthen follow-up reports.
- **Inform customers via social media** (without naming infringers) that only official pages or stores sell genuine products.
- **Prepare escalation materials** (e.g., warning letter draft, list of IP agents) so action can be taken quickly if needed.

Real-World Branding Lessons for Filipino MSMEs

Case	What Happened?	Key Lesson for MSMEs
Mang Inasal vs Similar "Inasal" Chains (Ongoing)	As **Mang Inasal** expanded nationwide, smaller eateries adopted similar names and branding using "Inasal," leading to confusion and enforcement concerns.	✅ **Register early — first-to-file matters.** Even common food terms become protectable when combined with distinctive branding.
Jollibee Mascot & Brand Imitations (Ongoing cases)	Businesses used bee mascots, red/yellow colour schemes, and similar layouts resembling **Jollibee Foods Corporation**, triggering enforcement actions.	⚠️ **Trade dress matters.** Colours, mascots, and store design can infringe — not just the name.
Potato Corner vs Copycat Kiosks	Independent snack kiosks adopted yellow branding and similar product concepts to **Potato Corner**, prompting brand protection measures.	❌ **Concept copying is risky.** Strong trademarks + franchise control protect scalable growth.
Sunnies Face Brand Overlap Issues (2020–2022)	Beauty brand **Sunnies Face** faced scrutiny and brand overlap concerns during expansion into related categories.	⚠️ **Choose distinctive names before expanding.** Brand conflicts often arise during growth.
Marketplace Counterfeits of Local Beauty Brands	Brands such as **Human Nature** encountered counterfeit listings on online platforms, requiring takedown actions.	✅ **Protect your trademark before selling online.** Platforms act faster when you have registered rights.

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Turn You Brand into a Business Tool

🔑 A trade mark isn't just legal protection — it's a gateway to business growth through strategic use.

Commercialisation

Commercialisation means using your registered (or registrable) trade mark to generate income.

Transforms your brand:

Logo → **Valuable Asset**

(can be licensed, franchised, or partnered with others)

Examples of commercialisation:

🔑 Charging fees for others to use your brand (licensing)

🔑 Expanding through brand franchises

🔑 Monetising online collaborations or affiliate branding

Ways to Monetize Your Brand Identity

Marketing & Promotion

"Always secure written contracts to protect your brand."

→ This keeps it consistent with the other boxes, and shows

LICENSING

Let others use your brand (name/logo) on their products for a fee.

Example: A local coffee shop licenses its logo to a mug maker in exchange for royalties.

FRANCHISING

Clone your brand/business model — sell your trade mark, concept, and business system (name, recipes, operations) —to partners.

Example: A bubble-tea stall sells franchise rights so others can open "YourBrand Tea" outlets

ONLINE PARTNERSHIPS

Team up with bloggers, influencers or complementary brands for co-branded content

Example: A craft bakery/clothing brand works with Instagrammers for co branded campaigns/launches. (Love Bonito)

CO-BRANDING & RESELLER ARRANGEMENTS

Work with retailers or event organisers to feature your brand.

Example: A juice brand teams up with a gym chain to sell "YourJuice at FitGym" bottles.

E-COMMERCE COLLABORATORS

Selling via curated marketplaces or through white-label brand partnerships to reach new customers.

Example: A skincare SME sells your product line under a popular health-beauty store on Shopee. (Skin Inc)

TRADEMARK ASSIGNMENT

Sell your trademark rights outright for cash.

Example: A food stall assigns its "YumYum Bites" mark to an investor to fund a second outlet.



LOVE, BONITO





Trademark Assignment

Marketing and Promotion is another lever SMEs can pull.

Use digital ads, social media, and influencers to increase visibility and brand value.

Tip: Always use a simple agreement outlining fees, duration and quality standards so brand stays protected as it grows.

Licensing Basics

What is a trademark license, how it works, and common terms

TM Licence

A legal agreement where the **owner (licensor)** allows another party (**licensee**) to use the trade mark, usually in exchange for payment.

How it works:

- Can be **exclusive** (only 1 licensee) or **non-exclusive** (many)
- Used for **expanding reach** without giving up ownership
- Gives the licensee legal rights to use the brand under agreed terms.

Simple Checklist for SMEs:

◆ **Clauses to include in the contract:**

Parties - Who is the licensor and licensee?

Scope of Licence - What mark is licensed, and for what use?

Territory - Where can the mark be used (e.g., Philippines only)?

Duration - Start and end dates, and renewal terms

Fees / Royalties - Flat fee, % of revenue, or combination?

Quality Control - Brand guidelines the licensee must follow

Termination Clause - Conditions to end the agreement

Ownership Statement - Confirm that trade mark ownership remains yours

Dispute Resolution - Negotiation or Arbitration – requiring disputes to be settled through negotiation or arbitration before going to court.

✅ ***Tip: Always register written agreements — avoid handshake deals.***

CASE STUDY: SME Brand-Building Journey of Mang Inasal

Mang Inasal

Registered Trademarks & IP Portfolio

Started as a **local Iloilo chicken restaurant (2003)**
Registered its **brand name, logo, and store identity** early
Built strong brand recognition before national expansion
✓ Trademark registration secured exclusive rights
✓ Enabled enforcement against imitators
✓ Strengthened brand value prior to acquisition

IP Commercialisation & Expansion

Franchised outlets nationwide
Standardised recipes, store format, branding
Later acquired majority stake by **Jollibee Foods Corporation**
IP rights allowed:
Smooth franchise scaling
Brand control across regions
Increased enterprise valuation before sale

Business Success – By Strategically Managing IP

Grew from 1 outlet to **600+ stores**
Trademark became a major business asset
Acquisition demonstrated that IP increases exit value

SME Takeaway

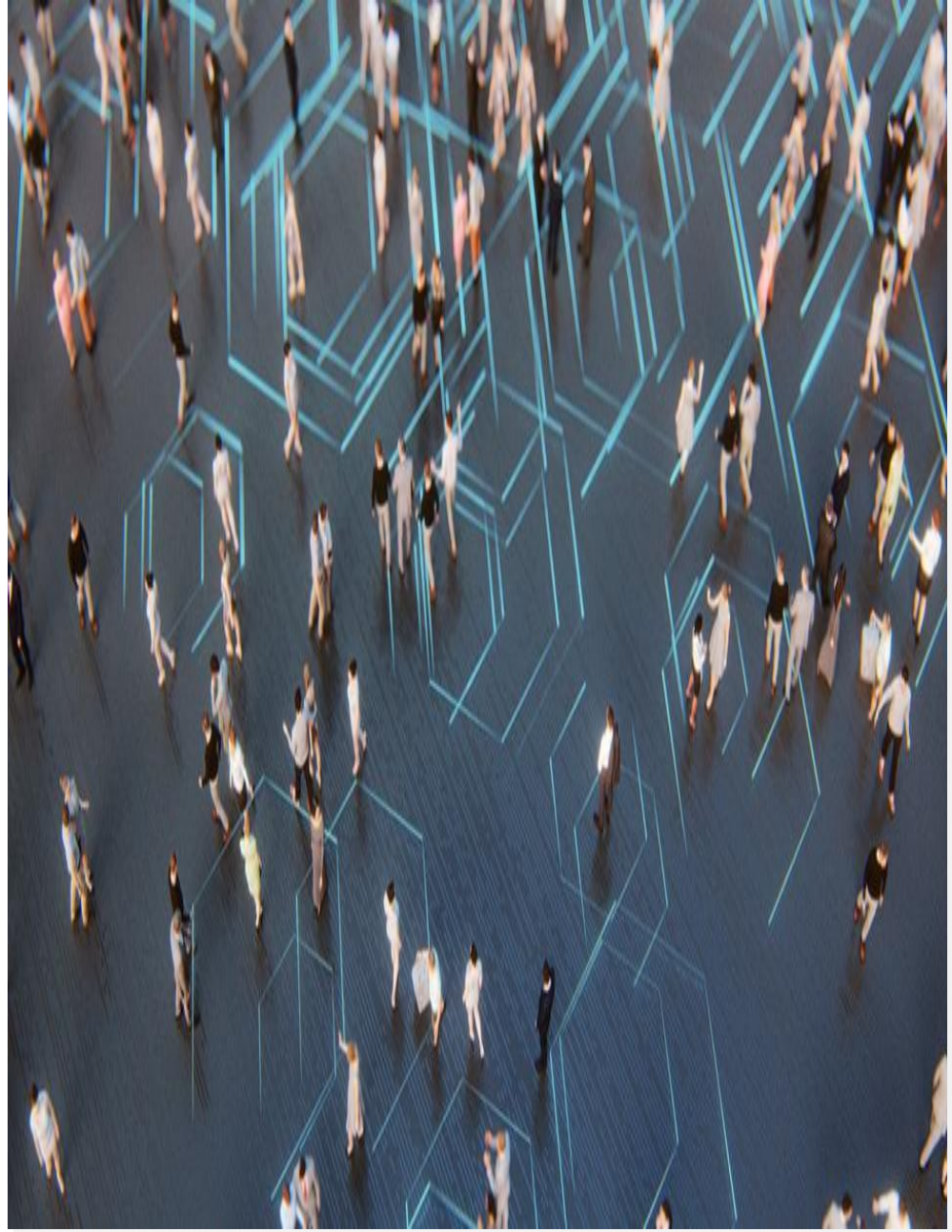
Register your brand early — it becomes your most valuable business asset

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