

TRADEMARK ESSENTIALS CHECKLIST

BRAND PROTECTION ACTION CHECKLIST

USE THIS CHECKLIST TO IDENTIFY THE
BRAND ASSETS THAT MATTER MOST, SPOT
POTENTIAL GAPS, AND DETERMINE YOUR
NEXT STEPS.

DISCLAIMER

This Trademark Essential checklist is provided by The Fashion Law Africa Summit (TFLAS) for educational and informational purposes only. It does not constitute legal advice and should not be relied upon as a substitute for advice from a qualified trademark or intellectual property lawyer.

Trademark requirements vary by jurisdiction. Please seek professional legal advice for your specific circumstances.

1. Start With Your Brand

Your brand is more than your logo. Think about the elements your customers actually recognize and associate with your business.

- Brand name
- Logo
- Product or collection names
- Slogans or taglines
- Packaging or other distinctive brand elements
- Other consumer-facing brand assets

My 3 most important brand assets:

My 3 most important brand assets:

1. _____
2. _____
3. _____

2. Know What You're Protecting

Different types of intellectual property protect different things.

Ask yourself:

- ☐ Am I trying to protect a brand identifier?
- ☐ Am I trying to protect an original creative work?
- ☐ Am I trying to protect a new invention or potentially novel design?
- ☐ Am I unsure which type of protection applies?

Trademark ≠ Copyright ≠ Patent

If you're unsure, that's a signal to get professional advice rather than assuming one form of protection covers everything.

3. Don't Assume You Own Your Brand

Check which of these you currently have:

- ☐ Business registration
- ☐ Domain name
- ☐ Social media handles
- ☐ Trademark application
- ☐ Trademark registration

Important:

Having a business registration, domain name or social media handle does not automatically mean you own the name as a trademark.

What do I currently have?

What do I still need to investigate?

4. Before You Invest More — Search

Before putting significant money into a new name or brand identity:

- ☐ Search the name online.
- ☐ Search for similar names, not just identical names.
- ☐ Search relevant trademark databases.
- ☐ Look at businesses operating in related areas.
- ☐ Consider where you currently operate and where you plan to expand.
- ☐ Record anything that looks potentially similar.

Potential conflict I found:

Name: _____

Where I found it: _____

Why it concerns me: _____

5. Similar Doesn't Mean Safe

One of the biggest mistakes is assuming:

“It’s not exactly the same, so I’m fine.”

Trademark analysis can consider similarity, not simply identical names or logos.

Before moving forward with a name, ask:

- ☐ Does it look similar?
- ☐ Does it sound similar?
- ☐ Could customers think the businesses are connected?
- ☐ Are the businesses/products related?
- ☐ Am I relying only on the fact that the spelling is different?

If you’re unsure, pause and investigate before investing further.

6. Think Beyond Your Current Market

Your protection strategy should reflect your growth strategy.

Consider:

- ☐ Where do I operate today?
- ☐ Where do I currently sell?
- ☐ Where do I plan to expand?
- ☐ Which market is most important for my next stage of growth?

7. Prioritize Your Protection

You may have multiple names, logos, collections and products.

You don't necessarily have to tackle everything at once.

Rank your priorities:

Priority 1 _____

Priority 2 _____

Priority 3 _____

Why is #1 the most important?

8. Audit Your Brand

Where does your primary brand name currently appear?

- ☐ Website
- ☐ Social media
- ☐ Product labels
- ☐ Packaging
- ☐ Lookbooks
- ☐ Wholesale materials
- ☐ Press materials
- ☐ Events/activations
- ☐ Other: _____

Is your branding being used consistently?

- ☐ Yes
- ☐ No
- ☐ I'm not sure

9. Don't Forget Your Collections & Signature Products

Think beyond your company name.
Are there names that could become valuable brand assets?

- Collection names
- Signature products
- Product lines
- Taglines
- Other recurring names

Names I should investigate:

1. _____

2. _____

3. _____

10. Build a Protection Timeline

NOW

- Identify my priority brand assets.
- Conduct an initial search.
- Identify potential conflicts.
- Identify my priority markets.

NEXT

- Determine what type of IP protection may apply.
- Determine which assets require professional review.
- Consider whether a professional trademark search is appropriate.
- Develop a filing strategy.

ONGOING

- Monitor how my brand is being used.
- Keep records of my brand use.
- Watch for potentially confusingly similar brands.
- Revisit my protection strategy as my business grows.

My Brand Protection Snapshot

Brand: _____

Primary asset to protect: _____

Other important assets: _____

Current market: _____

Growth market: _____

Potential conflict identified:

☐ Yes ☐ No ☐ Unsure

Professional advice needed:

☐ Yes ☐ No ☐ Unsure

My next action:

Target date:

WHAT YOU'RE BUILDING

Your brand is an asset.

The earlier you understand what makes it valuable, the better positioned you are to protect it as your business grows.

Use this checklist as a starting point, continue asking questions, and seek professional advice when needed. One final question:

If my brand became significantly more valuable tomorrow, what would I wish I had protected today?

Start there.