

The house marks

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If we hear about a house mark, we can have the idea that it is meant to distinguish a product from a country, however, this does not correspond to its definition since what house brands really identify is a set of products, this means that, this trademark appears on all or most of the company's products because in some way it is like a seal for them.

In this sense, house marks provide a certain advantage to companies in general, since in some cases consumers tend to relate the brand to factors such as the guarantee or quality that the product can offer, and this can increase if the house brand has its base on a trademark that has been used for a long time or also if it is based on other factors such as a product with notable success or the name of a store that has some recognition or success among the consuming public.

It is well known, that the use of the brand plays an important role and the brand itself gains a special positioning over time, taking into account the use of it in products and services. In that sense, a good option for companies is that they decide to choose a name that resonates with consumers and that it has a scope to more products and services related to the brand.

In this way, the house brand will have greater recognition if it is a famous commercial brand that belongs to the company and has a certain time and position in the market.

The difficult task for companies will be when they do not have a solid name or that has been used for a long period of time in this case the company will have the task of inventing a name that can generate some impact, whether the name does not have a special meaning or that suggests in any way the products in which the brand will be used, it being important that in this choice you avoid choosing descriptive terms.

The concept of house brand has been brought up in prejudicial interpretations of the Andean community in which the following has been indicated:

¹ "A house mark is understood to be the distinctive sign that identifies a range of products or services that come from the same manufacturer, the particularity of which is that said distinctive sign identifies the business or company name. It is like the seal that distinguishes a certain business, and is placed on the products or services to make the consumer aware of the common origin of all of them. For example, Toyota Motor Corporation, an automobile manufacturer, uses the name TOYOTA as a house mark "in the identification of its automobile line, such as TOYOTA RAV4, TOYOTA PR / US, TOYOTA LAND CRUISER, among others. The house mark, is usually used in addition to other distinctive signs of the same company, but it can also be used as an individual trademark to identify products or services"."

¹ Process 470-IP-2015

Likewise, in the preliminary ruling interpretation indicated above, the consulting Court (Fifth Chamber Specialized in Administrative Litigation of the Superior Court of Justice of Lima) questioned whether a house mark should be excluded in a comparative examination, against which The Court of Justice of the Andean Community made it clear that when making the comparison between the signs, no decomposition of the elements that make them up should be made, and the analysis should be carried out on the basis of the particular circumstances of the specific case, and of according to the evidence in the file and the established rules of interpretation.

In this sense, it was determined that when carrying out the comparative examination of the conflicting brands, the house brand should be analyzed jointly with the other elements that make up the sign.

In this way we can conclude that house marks can give an advantage by having greater recognition or standing out more among others, due to their validity in the market which makes the consumer public remember them, being a good alternative for companies if they want to have more attention, however, this does not imply that they have a special or differentiated treatment since they are still part of the corresponding analysis in a registrability exam.

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