



US Pop Star Attempts to Stop Aussie Designer



Well known singer, Katy Perry, has opposed the trade mark of an Australian fashion designer with the birth name of Katie Perry (Australian Perry), who has produced a fashion clothing line in her own name.

Australian Perry launched her fashion designs, which includes luxury lounge wear, two years ago and has been trading under that name online and through local markets ever since. Last week she expanded her business by opening her first retail store near Sydney. Australian Perry lodged a trade mark application last September for her fashion label 'Katie Perry'. However, she has recently received a letter from the singer's Australian lawyers asking her to cease and desist using the name Katie Perry on her fashion label.

Popstar Perry launched to fame last year with the release of her number one single "I Kissed a Girl" and will tour Australia in August this year. Many singers expand their business outside of just singing and performing to include cosmetics and clothing lines, amongst many other items. It is likely that singer Katy Perry may expand her empire in the future to include her own clothing line.

However, Australian Perry has vowed that she won't go down without a fight and plans on providing evidence to support her trade mark application. As it stands, it maybe that Australian Perry has created enough of a reputation with her name, in the fashion and clothing industry, in order to have her trade mark registered. However, she will still need to prepare and submit evidence to support this. If Australian Perry had lodged her trade mark application two years ago when she commenced her business, then it maybe that the trade mark would have been registered before the singer was famous. This could have meant that Australian Perry could have stopped the popstar from selling any potential fashion lines with the name "Katie Perry" in Australia.

This is a timely reminder of the importance of protecting a trade mark from the very outset of the business. The intellectual property of a business is one of its most valuable assets. Unfortunately, too many people only realise its value when it is too late. It is a common misconception that registering a business name is enough to protect you. However, a trade mark is the only option that gives proprietary rights. If you have not already registered your trade mark, but have established a reputation in the market place prior to a new business using a similar name, then there are still options available to you. If you are in any doubt, it is always recommended that you to speak to a legal professional who can assist you with any enquiries you may have regarding intellectual property and your business.

Practical Tips for Businesses:

- Take time to look at your business and identify what intellectual property it may have.
- Register your trademarks, patents and designs so that they are protected.
- Remember: prevention is the best protection.
- Seek early advice if someone has used your intellectual property.

For assistance with all your intellectual property needs, email us at info@msslawyers.com.au or visit our website www.msslawyers.com.au. Alternatively, contact our professional team at our Gold Coast or Brisbane office.

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