

Trademarks and MSMEs: Building Resilience through Strategy

Trademarks are integral to the life cycle of brands. Despite declines in global trademark filings last year due to the economic impact of COVID-19, trademarks are integral to leveraging capital growth in Micro, Small and Medium Enterprises (MSMEs). As the pandemic continues to affect most MSMEs vitality, the use of an effective trademark strategy can be helpful in building resilience in markets. In this note, I discuss two ways to re-position how MSMEs engage with their trademarks in Sint Maarten and globally, towards resilient outcomes. These strategies pertain to (i) monitoring trademarks in digital platforms to mitigate cybersquatting and (ii) incorporating trademarks' use into brand sustainability practices.

Increasingly, more MSMEs are shifting to digital platforms whether through online stores, the integration of software applications as aspects of their product/service offering, or by having a general website presence. Cybersquatting can adversely impact the value and reputation of MSMEs' trademarks. As there is a direct relationship between an MSMEs domain name, its product/service offering and its trademark, cybersquatting can be debilitating to MSMEs. Notwithstanding resource constraints, businesses will likely find it beneficial to monitor and action suspected misuse of their domain names.

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In the context of trademark strategy, MSMEs will likely find it beneficial (other things being equal) to consistently ensure that their registered mark attaches to the goods or services for which they have been registered. Trademarks can be expunged for non-use – this strategy helps to mitigate such occurrences. The practice of incorporating a “use” strategy as part of your overall business strategy helps to leverage the sustainability of your brands in local and in overseas markets.

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How MSMEs re-orient their trademark strategies during turbulent times can either make or break their brands. A sound trademark strategy is a step towards resilience.

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19/08	WIPO: Thinking Internationally about IP & ADR	Virtual
22/09 - 23/09	INTA: 2021 Brand Resilience: Risk, Recovery, and the Future of the Brand Practitioner Conference	Virtual



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