



## Protect your Duffin®

If you think you have invented a word or phrase for your newest food creation then take a warning from the recent problem that Bea Vo of Bea's of Bloomsbury faced.

In 2011 Bea created a “duffin”, a cross between a muffin and a doughnut. Bea published the recipe in her cookbook in September 2011 and sold it in all four of her shops from April of that year. Unbeknown to her, independently Starbuck's pastry supplier on 3 July 2013 applied to register the word as a trade mark and started selling their own “duffin”. This gave it the right (in theory) to launch an infringement claim against Bea's for using the word “duffin”.

Bea Vo was quoted in the Guardian, 8 October 2013, as saying “I never thought I would be put into a position like this. I never trade marked the name “duffin” because I didn't think it was necessary. We are a tiny independent – can we afford to fight this trade mark and any future cease-and-desist letter? No.”

An originator of a word can challenge a trade mark but this is a costly and time-intensive process. If you invent a word, apply to register it as a trade mark as soon as you can. Registration gives the owner the exclusive right to use the trade mark in respect of the goods and services covered by the registration, making it much easier to fight those that subsequently use the same (or similar) name in respect of the same (or similar) goods and services.

The trade mark registration procedure is relatively straight forward and doesn't cost the earth. So don't let an inspired creation go unprotected.

If you want any further details on these issues please contact me.

### Aisha Dickson

This article is not intended to be a full summary of the law and advice should be sought on all issues.

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