



**Australian Government**

# **BSBIPR403 Protect and use brands and business identity**

**Release: 1**

## BSBIPR403 Protect and use brands and business identity

### Modification History

Release	Comments
Release 1	This version first released with BSB Business Services Training Package Version 1.0.

### Application

This unit describes the skills and knowledge required to protect and use brands and other business identities as trademarks. It covers identifying the need for trademark protection, lodging a successful application, monitoring and protecting the trademark, and using the trademark commercially.

It applies to individuals who are involved in work with marketable applications across a variety of work environments.

No licensing, legislative or certification requirements apply to this unit at the time of publication.

### Unit Sector

Regulation, Licensing and Risk – Intellectual Property

### Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
<i>Elements describe the essential outcomes.</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
1 Identify the need for protection of brands and business identity	1.1 Research what constitutes a registrable trademark in Australia 1.2 Identify the legislative requirements governing trademark protection 1.3 Identify other forms of trademark protection 1.4 Identify existing or potential trademarks within organisation or scope 1.5 Explore the benefits, costs and risks of trademark registration and other forms of trademark protection 1.6 Make recommendations to develop and use trademarks with commercialisation potential

ELEMENT	PERFORMANCE CRITERIA
2 Identify and initiate application process for trademark protection	<p>2.1 Identify sources of information and advice regarding protection of brands and business identity</p> <p>2.2 Evaluate the role of intellectual property professionals in the trademark application process</p> <p>2.3 Search databases of existing registered and pending trademarks and investigate any use of unregistered trademarks to ensure the proposed trademark does not infringe on another party's existing trademark</p> <p>2.4 Identify processes required for lodging a successful trademark application</p> <p>2.5 Identify process for international trademark registration</p> <p>2.6 Participate in a trademark application and provide relevant information to the intellectual property professional for trademark application, if applicable</p>
3 Monitor the market and protect and use trademarks	<p>3.1 Identify and review organisational policies and procedures to protect and use the trademark correctly</p> <p>3.2 Identify and establish processes to use own and others' trademarks for business growth</p> <p>3.3 Monitor the market for possible trademark infringements</p> <p>3.4 Pursue appropriate measures to protect trademarks against infringements, if required, using appropriate professional advice</p> <p>3.5 Ensure that procedures are followed to maintain the organisation's trademarks including payment of renewal fees as required</p> <p>3.6 Ensure all employees are aware of the importance to the organisation of the protection and proper use of trademarks, and implement training if required</p> <p>3.7 Identify and review organisational policies and procedures to prevent infringement of others' trademarks</p>

## Foundation Skills

*This section describes language, literacy, numeracy and employment skills incorporated in the performance criteria that are required for competent performance.*

Skill	Performance Criteria	Description

Reading	1.1-1.5, 2.1, 2.3-2.6, 3.1-3.3, 3.7	<ul style="list-style-type: none"> <li>Researches and analyses complex texts, including legislation and workplace procedures, to identify relevant information for the organisation</li> <li>Monitors and reviews organisational policies and procedures to ensure compliance with legislative requirements</li> </ul>
Writing	1.6, 2.6, 3.1-3.3, 3.7	<ul style="list-style-type: none"> <li>Summarises research findings relevant to the organisation</li> <li>Records information in accordance with organisational and legislative requirements</li> <li>Reviews and updates organisational policies and procedures and processes to protect the organisation's intellectual property and to ensure compliance with legislative requirements</li> </ul>
Oral Communication	2.6, 3.4, 3.6	<ul style="list-style-type: none"> <li>Obtains or provides advice using language and terminology appropriate to audience</li> <li>Uses listening and questioning skills to obtain or clarify information</li> </ul>
Navigate the world of work	1.2, 3.1, 3.5-3.7	<ul style="list-style-type: none"> <li>Identifies and complies with legislative requirements associated with own role</li> <li>Implements, monitors and reviews policies and procedures to ensure organisational compliance with legislative requirements</li> </ul>
Interact with others	2.6, 3.4, 3.6	<ul style="list-style-type: none"> <li>Follows accepted communication practices when seeking or providing advice trademarks</li> </ul>
Get the work done	1.1-1.6, 2.1-2.6, 3.1-3.4, 3.7	<ul style="list-style-type: none"> <li>Plans, organises and implements tasks needed to ensure compliance with organisational and legislative requirements</li> <li>Systematically gathers and analyses information to decide on action needed to prevent or address infringements</li> <li>Uses digital technologies to access and record information</li> </ul>

## Unit Mapping Information

Code and title current version	Code and title previous version	Comments	Equivalence status
BSBIPR403 Protect and use brands and	BSBIPR403A Protect and use brands and	Updated to meet Standards for	Equivalent unit

<b>Code and title current version</b>	<b>Code and title previous version</b>	<b>Comments</b>	<b>Equivalence status</b>
business identity	business identity	Training Packages	

## Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=11ef6853-ceed-4ba7-9d87-4da407e23c10>