



Australian Government

BSBIPR403 Protect and use brands and business identity

Release: 1

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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	2.1 Identify sources of information and advice regarding protection of brands and business identity 2.2 Evaluate the role of intellectual property professionals in the trademark application process 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 2.4 Identify processes required for lodging a successful trademark application 2.5 Identify process for international trademark registration 2.6 Participate in a trademark application and provide relevant information to the intellectual property professional for trademark application, if applicable
3 Monitor the market and protect and use trademarks	3.1 Identify and review organisational policies and procedures to protect and use the trademark correctly 3.2 Identify and establish processes to use own and others' trademarks for business growth 3.3 Monitor the market for possible trademark infringements 3.4 Pursue appropriate measures to protect trademarks against infringements, if required, using appropriate professional advice 3.5 Ensure that procedures are followed to maintain the organisation's trademarks including payment of renewal fees as required 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 3.7 Identify and review organisational policies and procedures to prevent infringement of others' trademarks

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	- Researches and analyses complex texts, including legislation and workplace procedures, to identify relevant information for the organisation - Monitors and reviews organisational policies and procedures to ensure compliance with legislative requirements
Writing	1.6, 2.6, 3.1-3.3, 3.7	- Summarises research findings relevant to the organisation - Records information in accordance with organisational and legislative requirements - Reviews and updates organisational policies and procedures and processes to protect the organisation's intellectual property and to ensure compliance with legislative requirements
Oral Communication	2.6, 3.4, 3.6	- Obtains or provides advice using language and terminology appropriate to audience - Uses listening and questioning skills to obtain or clarify information
Navigate the world of work	1.2, 3.1, 3.5-3.7	- Identifies and complies with legislative requirements associated with own role - Implements, monitors and reviews policies and procedures to ensure organisational compliance with legislative requirements
Interact with others	2.6, 3.4, 3.6	Follows accepted communication practices when seeking or providing advice trademarks
Get the work done	1.1-1.6, 2.1-2.6, 3.1-3.4, 3.7	- Plans, organises and implements tasks needed to ensure compliance with organisational and legislative requirements - Systematically gathers and analyses information to decide on action needed to prevent or address infringements - Uses digital technologies to access and record information

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

Code and title current version	Code and title previous version	Comments	Equivalence status
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>

Assessment Requirements for BSBIPR403 Protect and use brands and business identity

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Performance Evidence

Evidence of the ability to:

- review and interpret information to determine the context and need for brand and identity protection in the organisation
- use various sources to gather information about trademarks, brand protection and the trademark applications process
- participate in the application for a trademark using correct applications process
- establish processes to use own and others' trademarks
- monitor the market and the application of organisation's procedures for possible trademark infringements and recommend actions to address risks and infringements
- communicate information about trademarks and relevant policies and procedures to others
- identify the need for training on trademarks and implement training as appropriate.

Note: If a specific volume or frequency is not stated, then evidence must be provided at least once.

Knowledge Evidence

To complete the unit requirements safely and effectively, the individual must:

- outline the legal context for trademarks with reference to relevant Australian and international legislation, treaties and guidelines
- outline organisational policies and procedures relevant to trademarks and brand protection
- outline options for commercialisation of trademarks and potential benefits for the organisation
- identify different ways to protect trademarks
- outline the trademark application processes including definitions of registrable trademarks
- identify various sources of information and advice on trademark protection
- explain processes that can be used to monitor the market for infringements against own trademarks.

Assessment Conditions

Assessment must be conducted in a safe environment where evidence gathered demonstrates consistent performance of typical activities experienced in the regulation, licensing and risk – intellectual property field of work and include access to:

- relevant legislation, regulations, standards and codes
- relevant workplace documentation and resources
- case studies and, where possible, real situations
- interaction with others.

Assessors must satisfy NVR/AQTF assessor requirements.

Links

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