


TT Intellectual Property Guidance

Given the history and success of the TT races, the Department understands that people and businesses will wish to refer to the event. The Department also appreciates that intellectual property is a technical area of law and there may be questions about the use by third parties of TT and its associated branding. As such, we have put together these guidelines to address some of the most common questions.

What is a trade mark? A trade mark can consist of letters, words and logos that distinguish the goods or services of one entity from those of another company.

The Department's Trade Marks. The letters 'TT' on their own and the logo, , are registered trademarks which are owned by the Department. The Department also owns various other trade mark registrations including TOURIST TROPHY, RAMSEY and MANX GRAND PRIX FESTIVAL.

Why does the Department protect its trade marks? The Department is obliged to protect its trade marks for three key reasons:

1. to maintain the value of the TT brand and generate commercial income;
2. to protect the rights of those to whom licences have been provided
3. to ensure that the name TT and the logo do not become generic.

By protecting the TT's intellectual property, the Department is able to encourage commercial partners (such as our official licensees) to invest in the races, bringing tourism and economic benefits to the Isle of Man. For example, the revenue generated from the licenses which are in place with our partners is invested back into the races to maintain the high quality of racing and safety facilities as well as attracting high profile talent to ensure that the TT remains a leading motorcycle event in the racing calendar.

Use of TT by third parties. No use of the name TT or the associated branding should be made by any third parties without the consent of the Department.

Reference to the races using the letters TT - but not the logo - may be made for non-commercial purposes, provided the use of 'TT' is in a purely descriptive capacity. In particular, if you use TT it must not suggest that you are offering a product or service that is in any way being promoted as being 'official' merchandise or otherwise authorised or licensed by the Department and as long as you are not generating revenue from the use of the trade marks.

If any reference is made to the TT in a descriptive manner, the reference to TT should include the ® symbol and be accompanied by a notice that "*TT is a registered trade mark of the Department of Economic Development (a Department of the Isle of Man Government)*".

What is objectionable? It is not possible to provide an exhaustive list of all objectionable uses but, put generally, the Department will object to the following (except when provided by an official licensee):

- use of the logo,  ;

- use of the letters TT or the logo for commercial purposes, such as on products or packaging (e.g. on clothing or other merchandising);
- use of the letters TT in a domain name or company name;
- trade mark applications consisting of or including the letters TT;
- any other use of the Department trade marks which suggests that a product or service is in any way official, authorised, licensed or otherwise connected to the Department or its licensees.

Common misconceptions.

- *Letters, such as TT, cannot be protected as trade marks.*
- *The letters TT are in the 'public domain' and can be freely used by all.*

- *It is fine to use the letters TT, as long as you don't use the logo, .*

The letters 'TT' on their own are registered trademarks which are owned by the Department Accordingly, any unauthorised use of the letters TT (other than in a purely descriptive manner) will constitute infringement.

- *It is not infringement if we co-brand a product, such as [our brand] + TT.*

This creates the impression that the product is official, authorised or licensed by the Department. As such, it is not permitted.

- *It is not infringement if we include a disclaimer stating it is "not official".*

The use of a disclaimer will not mean that the use of TT or its associated branding will be acceptable and disclaimers cannot be used to avoid infringement of the Department's intellectual property rights.

As a responsible brand owner, the Department undertakes vigorous activities to police and enforce its trade marks including, but not limited to, taking down counterfeit products from online marketplaces and opposing conflicting trade mark applications.

Questions

If you are unsure about whether your use of intellectual property rights is permitted, you can get in touch at ttbranding.ded@gov.im. Details of the Department's Policy may also clarify your questions and is available with an application form at www.gov.im/about-the-government/departments/economic-development/tourism/. Please note, however, that we cannot provide you with legal advice and you may need to obtain independent legal advice for specific issues.