



MEMBERSHIP, GROWTH & DIGITAL TRANSFORMATION

Brand and IP Protection: Registering Your Name Doesn't Protect Your Brand

Entity registration and trademark protection are entirely separate systems. Most boards assume they're the same

Many boards believe their association's name is legally protected simply because the organisation is properly registered, as an incorporated association or a company limited by guarantee. It is a common misunderstanding, and it leaves an association's actual brand, its name, its logo, the names of its signature programs, meaningfully less protected than most boards assume.

Which rules apply to your association?

The law depends on how your association is set up. A **company limited by guarantee** follows the Corporations Act 2001 (Cth) and its constitution. An **incorporated association** follows its state or territory associations Act and its rules. A **registered charity** also follows the ACNC Act and the ACNC Governance Standards, and some Corporations Act rules are replaced for charities that are companies. Check your own governing documents, and get advice before decisions with legal consequences.

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Two Entirely Separate Government Systems, Often Confused

Registering your association's legal name, whether through ASIC as a company or a state or territory incorporated associations register, does not give the organisation intellectual property rights over that name. A registered trade mark, administered entirely separately through IP Australia, gives the clearest exclusive rights to a brand. Without one, an association may still have some options, such as passing off or misleading conduct claims, but these are slower, more expensive and less certain. An entity name registration confirms who legally owns the organisation and identifies it to regulators and the public. It does not stop another organisation from adopting a similar brand name or logo for a different purpose. ASIC checks only for identical names, so a similar name can usually be registered by another entity. An association can have held its properly registered legal name for decades and may have only limited and costly legal recourse if another organisation adopts a strikingly similar brand identity, unless the actual brand, not just the entity name, has been separately registered as a trademark.

What This Means For Signature Programs And Content Assets

This distinction matters most for the valuable brand assets an association builds over time beyond its own name, a signature course, a named certification program, a flagship conference brand, or a distinctive content series. These assets frequently represent years of reputation and member trust, and none of that investment carries automatic legal protection simply because the association itself is properly registered. A board investing meaningfully in building a distinctive program or content brand should treat trademark registration for that specific asset as a governance decision, not an afterthought.

A Real Fraud Risk Worth Flagging To Your Finance Team

Once a trademark application is filed, the applicant's details appear on the public register, and IP Australia itself has issued direct warnings about a documented scam pattern connected to this: overseas entities monitoring new trademark listings and sending official-looking but entirely fraudulent invoices for supposed international registration, renewal, or protection services, often referencing bodies with names deliberately similar to patent and trademark offices. This connects directly to the fraud prevention discipline discussed earlier in this series: any invoice referencing trademark or intellectual property services arriving unprompted deserves the same segregation-of-duties scrutiny this series has already recommended for unusual payment requests generally. IP Australia advises confirming any official notice by logging into its Online Services; its official emails come from @ipaustalia.gov.au addresses.

- Understand precisely that your association's registered legal name and any trademark protection are two entirely separate things, administered by different government bodies for different purposes.
- Identify which of your association's brand assets, name, logo, signature programs, content series, warrant dedicated trademark registration given their value and the reputational investment behind them.
- Search the existing trademark register before adopting any new significant program or brand name, avoiding both infringement risk and the discovery that a preferred name is already unavailable.
- Treat any unsolicited invoice referencing trademark, patent, or intellectual property registration or renewal services as a fraud risk requiring verification, connecting directly to the fraud prevention discipline discussed earlier in this series.
- Budget for trademark registration and renewal as a deliberate governance decision for your association's most valuable brand assets, rather than assuming existing entity registration already covers this ground.

An association's brand, built carefully over years through the reputation of its actual work, deserves protection that matches the investment behind it. Assuming that protection already exists simply because the organisation itself is properly registered is a quiet governance gap that only becomes visible the day someone else's use of a similar name or logo actually causes harm.

This is one of the practical governance topics built into our Association CEO course, alongside the papers, tools and frameworks that turn the principle into your board's actual practice. [Explore the course](#)

Annie Gibbins

Founder and CEO, Nexus Leadership

BOARDROOM ACTION WORKSHEET

Brand and IP Protection: Registering Your Name Doesn't Protect Your Brand

Turn the resource into evidence, a decision and an accountable next step. Keep the completed record in your association's approved board records system.

1 What is the issue or decision?

State the governance question in one clear sentence.

2 What evidence do we already have?

Record the facts, source documents and stakeholder evidence available now.

3 What evidence is still needed?

Identify the legal, regulatory, financial, member or operational information still required.

4 What is the agreed next action?

Capture the owner, timeframe and how the matter will return to the board.

Action owner	Review date	Board decision or resolution

General education, not legal, financial, tax, clinical or governance advice. Confirm specifics at the relevant primary source or with your own qualified adviser. Nexus Leadership is operated by Lipstick Consulting Pty Ltd · ABN 15 619 120 482.

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Turn governance principles into practical board action.

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