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Local Government Resource Review

The government is currently carrying out a review of local government resources in the light of the principles of localism.

The first phase of the Review considered the way in which local authorities are funded, with a view to giving local authorities greater financial autonomy and strengthening the incentives to support growth in the private sector and regeneration of local economies.

It looked at ways to reduce the reliance of local government on central government funding, increase local accountability and ensure that the benefits of economic growth are reflected in the resources authorities have.

The review included consideration of changes to the business rates system, and focus in particular on:

a) The optimum model for incentivising local authorities to promote growth by retaining business rates, while ensuring that all authorities have adequate resources to meet the needs of their communities and to deliver the commitments set out in the Spending Review
b) The extent to which these proposals can set local authorities free from dependency on central funding

Lambeth Town Hall

c) Considering how to fund authorities where locally raised funding would be insufficient to meet budget requirements and control council tax levels, as well as councils that do not collect business rates, such as upper tier authorities, recognising that some parts of the country are currently more dependent on government funding
d) Reviewing the scope for greater transparency and localisation of the equalisation process
e) The position of councils whose business rate yield would be significantly higher than their current spending
f) How to ensure appropriate protections are in place for business, within a framework of devolving power to the lowest level possible
g) How to deliver Tax Increment Financing proposals against a context of greater retention of business rate revenues
h) How various aspects of the business rate system, including business rate revaluation and reliefs, should be treated
i) Examining the scope for further financial freedoms for local authorities, while standing up for and protecting the interests of local taxpayers
j) The wider implications of rates retention for related policies, including the work of the Commission on the Funding of Care and Support and the Government's other incentive schemes (the New Homes Bonus and the commitment to allow communities to keep the business rates for renewable energy projects)

The Review took account of the responses made to the questions in "Local growth: realising every place's potential". It conducted extensive engagement with interested parties, including businesses of all sizes, to ensure that all views and perspectives are taken into account.

Following the announcements at the Spending Review and through introduction of the Welfare Reform Bill the Government will localise Council Tax Benefit, the Review considered the design of the new scheme (to be launched in 2013-14) and what flexibilities local authorities should have to help keep overall council tax levels down.

On 19th December 2011, the government published a summary of responses to this consultation and the government response to this consultation, that set out how the business rates retention scheme will operate.

The legislative framework required to introduce the business rates retention scheme is being taken forward within the Local Government Finance Bill that was introduced in parliament on 19th December 2011.

The second phase of the Local Government Resource Review commenced in April 2012 and focuses on Community Budgets. It will be taken forward in parallel with the continued roll out of these Budgets.

Business Rates Retention

Instead of business rates going straight into the Treasury coffers, local authorities will now keep a proportion of their business rates.

But the reality is that some wealthier authorities earn more in business rates than they used to receive from the current formula grant. While there are other authorities that earn much less. So Government is levelling the playing field through a mixture of "top-ups" and "tariffs".

Instead of business rates going straight into the Treasury coffers, local authorities will now keep a proportion of their business rates

Once underway the scheme allows councils to keep 50% of the additional funds they generate

In the first instance, Government will calculate a funding level for every local authority for 2013/14. Should a local authority receive more in business rates than its funding level then Government will pocket the difference (the "tariff").

This will be used entirely to "top up" local authorities that receive less than their funding level. Government intends that this will be fixed for seven years.

Once underway the scheme allows councils to keep 50% of the additional funds they generate. But without adjustment the scheme would be weighted towards richer authorities. This is because, for a comparatively small investment in growth, councils with a large amount of business property can gain large increases in their revenue. Whereas hard-pressed councils that put a lot in would get comparatively little out. For example, in an authority with business rates income of £100million and funding level of £50million, a 5% increase in business rates income produces a 10% increase in income compared to its funding level. A local authority with a different rate base (£10 million) and the same funding level (£50 million), would find the same 5% increase in rates income only produces a 1 per cent increase in income compared to its funding level.

So Government is evening up the odds to encourage enterprise in councils whatever their resources. Where a council's increase in revenue outstrips the increase in its funding level Government will again take the difference through a levy. So if an authority grows its rates by 2% and its funding level growth is 4%, it will get to keep 2% of that growth.

However, this money will still be ploughed back into local authorities. In this case it will be used as a shock absorber to protect other authorities that see their income drop to a particular level, for example, as a result of a big business going under. Government has consulted on where between 7.5% and 10% this level should be set. The consultation deadline was 24th September 2012.

Adrian Waite

Local Government Finance Bill

The Local Government Finance Bill is currently going through the Parliamentary process and further line by line examination considering amendments to the bill will be continued on 10th October 2012.

The Local Government Finance Bill takes forward proposals designed to encourage local economic growth, reduce the financial deficit and drive decentralisation of control over local government finance.

The Bill amends existing legislation to change how non-domestic rates are distributed to local authorities. (Clauses 1 to 7). To do this, the government are inserting a new schedule (7B) in the 1988 Local Government Finance Act that sets out the parameters of how that new system will work, including:

- How total business rates should be split between central and local government
- A duty on billing authorities to either pay a "tariff" to, or receive a "top up" from, Central Government; and for billing authorities to make payments to upper tier authorities. This will balance funding across local authorities to ensure they all start on a stable footing and enable upper tier authorities to be included within the new system
- That the "levy" on disproportionate growth and "safety net" payments will be handled via a separate single account, and that decisions about how these will be set will be taken in regulations
- Allowing for authorities to retain in full the rates growth in designated Tax Increment Financing (TIF2) and Enterprise Zone areas
- That local authorities can choose to form "pools" and can then be treated as a single authority under the scheme.

The Local Government Finance Bill takes forward proposals designed to encourage local economic growth, reduce the financial deficit and drive decentralisation of control over local government finance

The existing legislation sets out how non-domestic rates are collected and then redistributed and requires the payment of Revenue Support Grant. Since much of this is no longer needed under the new localised retention scheme, Schedule 2 (enacted by Clause 2 of the Bill) makes the necessary amendments to existing legislation so that they are not contradictory and changes the requirement to pay Revenue Support Grant to a power to pay Revenue Support Grant.

Other clauses, such as Clause 3 and 4 also make changes to existing legislation. Clause 3 removes the requirement for the Secretary of State to pay additional grant to local authorities, as this is no longer used, and Clause 4 makes changes to the Greater London Authority Act 1999 so that the Secretary of State no longer has to pay a grant to the GLA, but can do so should there be a need.

Clause 5 is needed to give effect to Schedule 3 that reflects some of the changes needed to bring about the rate retention scheme. Schedule 3 ensures that the existing legislation continues to apply to Wales.

The Bill also requires local authorities to establish a council tax reduction scheme by 31 January 2013

Clause 6 will amend a drafting error in the 1988 Local Government Finance Act. The High Court have determined that the current drafting of a section creates a loop-hole whereby serviced apartments being let by a free-holder are not subject to the same rules as other serviced apartments which are let out for short periods of "non-domestic" usage. This clause will correct that error.

In light of the Government's drive toward transparency, they have included a clause that will allow the publication of information about collection and distribution of non-domestic rates to be done electronically.

The Bill also requires local authorities to establish a council tax reduction scheme by 31 January 2013. There is provision in the Bill to allow the Secretary of State to amend the date upon which the scheme must start.

Schedule 4 sets out details of what reduction schemes should contain and how they should be developed. It also enables the Secretary of State to prescribe in regulations how some elements of local schemes should operate; this provision will be used to prescribe the scheme for low-income pensioners, to ensure their support is not reduced as a result of this reform.

The Bill makes minor technical changes to elements of the council tax system. This includes:

- Replacing the empty dwelling exemption with a discount, the level of which can be set at the local level (clause 9)
- Setting an "empty homes premium" that can be charged on properties that have been empty for more than two years (clause 10)
- Making the mortgagee (the lender) responsible for paying the council tax when a property is repossessed (clause 11)
- Enabling local authorities to publish council tax information on their websites rather than in paper format.

Adrian Waite

Local Services Support Grant

The Local Services Support Grant is a general grant allocated directly to local authorities as additional revenue funding to areas. It is allocated according to specific policy criteria rather than general formulae. The Local Services Support Grant is paid as un-ring-fenced funding under Section 31 of the Local Government Act 2003. As un-ring-fenced funding, there are no terms and conditions attached to its payment and councils have the freedom to use it to meet their locally identified priorities. The grant is administered and paid by the Department for Communities and Local Government through 12 monthly payments, starting in April 2012.

The Local Services Support Grant is the payment mechanism for a number of (the relatively few) funding streams not funded through formula grant - such as Transition Grant. They help support and protect local service. These are allocated by Government Departments to individual councils. They will be paid in a single payment each month throughout the year, to reduce the number of transactions between central and local government. The funding is un-ring-fenced - so councils can decide how they wish to use he funding - and there is a stable flow of income.

The government has introduced a new grant when they have just reduced the number of funding streams in the Spending Review.

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This is part of the Government's policy on streamlining, as it draws together a range of funding streams into a single, un-ring-fenced grant. The majority of grants have been rolled into Formula Grant or the Early Intervention Grant. They are rolling in of around £4billion of grants in 2010/11 into the un-hypothecated formula grant by 2014/15, resulting in the number of separate core grants for local government reducing from over ninety to fewer than ten.

There are, however, a small number of funding streams that do not suit these approaches. Seven of these will be paid through Local Services Support Grant.

There were 61 funding streams paid through Area Based Grant in 2010/11. There were only seven funding streams paid through Local Services Support Grant in 2011/12.

As part of Government's simplification of funding to local authorities, announced in the October Spending Review and implemented in the Local Government Finance Settlement, many of the funding streams previously paid through Area Based Grant have transferred to Formula Grant, transferred into Early Intervention Grant or ended. Given these changes, it was decided to discontinue Area Based Grant.

The seven Local Services Support Grant funding streams amounted to £309.421million in 2011/12, compared with £179.434million in 2010/11. The increase is mainly due to the introduction of Transition Grant.

The Regulation of Oligopoly in the European Union

Oligopoly is one of the most difficult and controversial areas of European Union competition law to regulate. In this area of competition law two key questions arise frequently; what problems are encountered in the regulation of oligopolies? And; how adequately have these been addressed by the European Union's competition law?

Firstly we must examine the concept of an oligopoly market and how in practice oligopolies work. Monti describes an oligopoly as a way; *'by which firms in a concentrated market might in effect share monopoly power'*[1], Freeman goes on to tell us that; '*[an] Oligopoly is an intermediate market structure, between the two extremes of monopoly and perfect competition'*[2]. Furthermore, Haupt notes that; '*oligopolistic dominance may occur if there are only a few competitors in a specific market making their strategic decisions by considering the prospective conduct of their rivals*[3]*. In such cases, there is a non-co-operative strategic interaction between the members of the oligopoly without any agreement or other form of collusive conduct'*[4]. It must be noted however, as Callery comments; 'Oligopolies *are not necessarily* unlawful *creatures...It is their abuse which is condemned'*[5], this is a key problem in the regulation of anti-competitive behaviour within an oligopoly market.

Oligopoly is one of the most difficult and controversial areas of European Union competition law to regulate

Abuses of the dominant market position can occur because as Albaek, Mollgaard and Overgaard observe; *'firms in an oligopoly collectively have an interest in coordinating their actions to reduce total supply and increase the price level so as to increase expected profits'*[6]. Moreover, Frederic observes that; *'In an oligopolistic situation each firm, acting independently, knows that its actions will have an impact on the market, and will, therefore, invite a reaction from its competitors'*.[7]

The argument against oligopolies is that the structural organisation of the market in which the oligopoly is formed are such that the undertakings will not compete with one another on price and will have little incentive to compete in virtually any other way. Furthermore as Whish comments; *'they will be able to earn supra-competitive profits without entering into the type of collusion agreement or concerted practice generally proscribed by competition law'*[8]. In a competitive market if an undertaking reduces its price there will generally be little or no effect on its competitors, and therefore the competitors will not have any need to respond.

However, in an oligopoly market the cut in price would be so devastating in that it would take so many customers from the other competitors that it would quickly lead to the other competitors in the market lowering their prices to match the cut. This same effect can also be seen in unilateral price rises in an oligopoly market and, because of this oligopolists as Jones and Sufrin observe; *'recognise their independence and realise without needing to agree to do so, that the most efficient course of conduct is for them all to set their prices at a profit maximising level'*[9].

This type of behaviour in an oligopoly market causes serious problems for competition law regulators, as Monti tells us; *'What is particularly worrying from the perspective of competition law enforcement is that the firms need not even communicate with each other to fix prices'*[10]. This is an even larger problem in a market that is highly transparent as this will make it easier for firms to monitor what their competitors are doing.

As discussed earlier this type of behaviour can be described as tacit collusion. The difficulty that faces the EU Commission in regulating tacit collusion in oligopolies is that although the impact of such coordination on the market is the same or at least similar in effect to explicit collusion where the consumer is harmed, as mentioned earlier there is no actual agreement between competitors to synchronise their behaviour. It is because of this Jones and Sufrin ask the question; *'How then should the competition rules deal with tacit collusion?*[11].

Undertakings within an oligopolistic market can, without explicit communication coordinate their behaviour

As previously discussed undertakings within an oligopolistic market can, without explicit communication coordinate their behaviour. One of the key questions that have arisen in this area of EU competition law is whether the concept of a concerted practise in Art.101 is broad enough to catch tacit collusion, coordinated effects and conscious parallelism in the same way that it regulates express collusion. The key to answering this question as Jones and Sufrin tell us is; *'whether tacit collusion constitutes practical cooperation between undertakings or independent behaviour outside the scope of Article 101 (1)'* [12].

The decisions of the ECJ in relation to this question have attempted to help clear the uncertainty around the issue of Art.101 in relation to oligopolies; the case of *Wood Pulp*[13] it was made clear that tacit collusion is not in itself prohibited by Art.101 (1). The ECJ also stated in *Zuchner v Bayerische Vereinsbank AG*[14] and most notably in the case of *Dyestuffs* where it was said that if there is an agreement or decision by an association of undertakings or a concerted practice then there is potential action under Art.101.

With regards to Art.102 TFEU; Mezzanotte states that; *'Article 82 prohibits the abuse of a dominant position by one or more undertakings in the relevant market'*[15]. Jephcott and Withers comment that; *'The theory is simple: if undertakings present themselves or act together on a particular market unilaterally as a single entity, then their behaviour as such should be collectively assessed for the purposes of Article 82'*[16]. Anticompetitive effects resulting from a tight oligopoly could be labelled as an exploitative abuse of collective dominance and therefore would come under the scope of Art.102. There are several difficulties that this approach would take. Indeed as Monti tells us that this approach; *'should be rejected because it conceals several difficulties'*[17]. There are two obvious difficulties to the approach to regulate oligopoly through the abuse of collective dominance in Art.102. Firstly it is difficult for regulators to characterise oligopoly behaviour as abuse and secondly there is no conclusive way to remedy this abuse if it can be found.

It is clear that within EU competition law, oligopoly is one of the hardest areas to regulate. Monti tell us; *'Economists are divided over the level of regulation required in oligopoly markets because while high degrees of concentration might make markets less competitive, it is also possible to find lively competition in an oligopoly market'*[18]. Indeed Goyder and Albors-Llorens have also commented that oligopoly is one of the biggest obstacles to the construction of an effective system of EU competition law[19] with the difficulty the area brings to regulation.

The fact that oligopoly doesn't entirely fit into the full scope of Art.101 or 102 (as these are mainly focused on cartels and the regulation of monopolies respectively) makes the regulation of an oligopoly market a very difficult brief.

Furthermore, at this time the case law on oligopolies has still not reached an adequate point which would lend enough support to Art.101 and 102 to prevent the abuse of competition. What's more, this situation could be made worse in future cases. As Callery comments; *'There can be no doubt that future cases will present unforeseen sets of facts'*[20] and this in turn will mean that there is yet more complication added to the field.

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A Full Briefing Paper can be freely downloaded from:
http://awics.co.uk/documents/briefing_papers/economic_development/Oligopoly_Regulation_in_the_European_Union__22-06-2012.pdf

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The Importance of the Creation of the World Trade Organisation

Director General of the World Trade Organisation (WTO), Pascal Lamy said in 2008 that; *"The World Trade Organisation is the only international body dealing with the rules of trade between nations and its importance is hard to underestimate"*[1]. In the course of this article we will briefly assess whether the creation of the WTO has introduced any significant improvements from the original General Agreement on Tariff and Trade (GATT) in 1994 and its ability to regulate international trade.

The creation of the WTO has certainly improved upon the previous GATT system

The creation of the WTO has certainly improved upon the previous GATT system. Since the inception of the WTO the regulation of international trade has improved exponentially; the presence of a sound framework that was not present under GATT has allowed international trade regulations to be greatly successful and to allow trade to move much more freely and to reduce barriers to trade both in tariff and non-tariff barrier form.

The GATT (despite a poor institutional framework) was greatly successful in the reduction of tariffs on trade in goods. However, as time moved on negotiation rounds focused more on non-tariff barriers that had become more of a barrier to international trade that merely tariffs alone. In this area GATT was much less successful. Van Den Bossche commented that; *'negotiations on the reduction of non-tariff barriers were much more complex and, therefore, required, inter alia, a more 'sophisticated' institutional framework than that of the GATT'*[2]. Jackson went on to tell us that; *'the world was becoming increasingly complex and interdependent, and it was becoming more and more obvious that the GATT rules were not satisfactory providing the measure of discipline that was needed'*[3].

We will now discuss the WTO since its creation and analyse the organisation with a view to determining if any improvements have been made to GATT and to the regulation of international trade in particular the contrast between the dispute settlement systems of both GATT and the WTO.

The WTO came into force as an organisation in 1995 with a mandate for the reduction of tariff and other barriers to trade and the elimination of discriminatory treatment in international trade relations. These were also the two main principles of GATT. However the newly formed WTO aimed to constitute *'the basis of an integrated, more viable and more durable multilateral trading system'*[4] to improve on the already existing GATT.

Although the WTO is not formally nor legally a successor agreement to the GATT it can be considered a successor to the GATT system. Indeed the WTO and its intention to move towards universal participation of nations in international trading, makes the WTO system clearly distinct from the old GATT system. The creation of the WTO made distinct differences from GATT. The WTO was set up as a permanent institution with a permanent framework and its own secretariat as opposed to the GATT that was merely

a set of rules with no institutional foundation that was applied on a purely provisional basis. Furthermore the scope of the WTO goes much further than that of GATT in that GATT was merely rules that applied to trade in goods whereas the WTO agreements go far further and extend into trade in services and the trading rights in intellectual property.

In broad terms the function of the WTO is to; *'provide the common institutional framework for the conduct of trade relations among its Members in matters to the agreements and associated legal instruments included in the Annexes to [the WTO] Agreement'*[5]. More specifically the WTO has six main functions that are stated in Article III of the WTO Agreement. These functions include the implementation of the WTO agreements; the negotiation of new agreements; trade policy reviews; cooperation with other organisations; technical assistance to developing countries and the settlement of disputes - which we will examine in more detail.

The WTO gives much more order to international trade where previously there was a void which restricted trade

The importance of the WTO and its creation to improve upon GATT cannot be underestimated; this can be seen in the Dispute Settlement Body of the WTO (DSB) and decisions of the DSB of WTO and in the way in which disputes are handled and the remedies available to WTO members that gives a great deal of confidence and safety to members who can rely on the dispute settlement system to make sure any dispute is remedied correctly and with the proper procedure of the WTO something that was not consistent in the GATT dispute settlement system where contracting parties would happily take direct action themselves instead of going to the dispute settlement system that can only be a hindrance to international trade, that is not an issue as this has been regulated due to the creation of the WTO.

The WTO gives much more order to international trade where previously there was a void which restricted trade in a many of ways and where nations could not rely on an institution with the jurisdiction to handle important issues regarding international trade.

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A Full Briefing Paper can be freely downloaded from:
http://awics.co.uk/documents/briefing_papers/economic_development/The_Importance_of_the_Creation_of_the_World_Trade_Organisation__30-04-2012.pdf

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Brand Protection – UK Intellectual Property Law

In the commercial world today, the brands a company uses are generally recognised as one of the components in creating the value of that business. The potential commercial value of a brand therefore cannot be underestimated.

In the course of this article we will evaluate the way in which intellectual property law in the UK is able to protect the brands of any given company. In this we will examine the use of trade marks (and the phenomenon of goodwill) but will not examine the other aspects of brand protection such as passing off, copyright and patents with regards to brands in the course of this article.

Lom comments that; *'Brands today are generally recognized as a key asset for creating value for a business'*[1] and because of this intellectual property in the UK has developed to protect brands and their products which will be discussed in the course of this paper.

Trade Marks

We will discuss the use of trade marks in the protection of a business's brands. Yelnik tells us that trade marks; *'may be considered important and, arguably, the most valuable part…when contemplating a brand's protection'*[2]. Bainbridge tells us that; *'Ownership of a mark, referred to as a proprietorship, gives what can be described as a restricted monopoly in that mark, and the proprietor of a registered trade mark has a property right in the mark'*[3]

The Trade Marks Act 1994 s.2 tells us that a registered trade mark is a property right; s.9(1) confirms that the owners of the trade mark have exclusive rights to its use. Hart, Fazzani and Clark tell us that; *'Exercise of those rights by anyone else, without his consent amounts to infringement'*[4] furthermore, s.14 of the same act provides that an owner with the authority of a registered trade mark has the rights to sue for unauthorised use of their trade mark purely upon ownership of the registered trade mark.

The protection intellectual property law can give to a brand for the protection of its trade marks come at s.10 of the Trade Marks Act 1994 (TMA). S.10(1) states that it is an infringement of a registered trade mark to use in the course of trade, an identical mark on the same goods or in respect of the same services for which that mark is registered. In the case of *British Sugar Plc v James Robertson & Sons Ltd*[5] it was said that if the use of the trade mark is in the course of trade it does not need to be used as in the trade mark sense to establish infringement and therefore as Hart, Fazzani and Clark comment; *'it is possible to succeed in an infringement action even if the claimant's symbol has not been used as a trade mark. The claimant needs only to prove that it was used in the course of trade'*[6]. It must be noted however that 'course of trade' means trade in the United Kingdom.

In the commercial world today, the brands a company uses are generally recognised as one of the components in creating the value of that business

As we can see this aids companies in the protection of their brands as if the trade mark is used in the 'course of trade' then it can be said that such use takes place in a commercial context that is used with a view to gaining economic advantage as per the case of *Arsenal Football Club v Reed*[7]. As Aplin and Davis comment; *'the general view seemed to be following Arsenal, that there was infringement with any use of the trade mark by a third party which compromised the mark's ability to function as a guarantee of origin'*[8]. S.10(2)(a) and (b) tell us that the use of an identical or similar sign on similar or identical goods and services is infringement if this is likely to confuse the public. Finally s.10(3) tells us that the use of an identical or similar mark to a registered mark with a United Kingdom reputation which takes advantage or is detrimental to that trade mark is infringement.

In the case of *R v Johnstone*[9] it was said that the use of a trade mark as an indication of trade origin was an essential prerequisite to infringement and that descriptive use was not an indicator of origin. However this can be seen as outdated thinking and since this in the case of *Adam Opel AG v Autec AG*[10] the European Court of Justice (ECJ) has clarified what is meant by trade mark use in relation to infringement. In this case it was said that where a trade mark is registered the use of the mark by a third party that affects the original function of the earlier mark is infringement. This view is expansive and recognises that today trade marks have a role beyond just a badge of origin and indeed gives the trade mark an important role for brands that consumers recognise as the sign of quality they are looking for.

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As we have seen trade marks are central to a business's brands and is the front line of the company's image as a brand. As Yelnik comments; 'trade marks are extremely important for giving out the information concerning origins and quality of the goods that consumers want to know'[11]. Alpin and Davis goes on to contend that; *'in contemporary commerce, trade marks may have a value beyond their role as a guarantee of origin, and that they may also be an important vehicle for the proprietor's goodwill'*[12]. Because of the importance of trade marks intellectual property has clearly attempted to stop the infringement of registered marks through s.10 of TMA 1994.

As we have seen intellectual property has set up barriers to infringement of a brand's trade marks. As Seville contends: 'Trade mark law offers potential protection for brands, including the shape of bottles and packaging, and is the most straightforward response to counterfeiters'[13]. However, trade marks are only one part of a brand as Yelnik tell us; 'trade marks represent only a part of a brand'[14].

Conclusions

Lom has stated; *'Trademarks, industrial designs and other objects of intellectual property protection can be powerful tools'*[15] and as we have seen this is the case. The use of trademarks, passing off, copyright and patents are vital tools to the protection of a company's brands and its image. Lom goes on to say that *'trademarks and other intellectual property rights must be; 'transformed from mere legal concepts and enforceable rights into commercially valuable assets that can be achieved primarily by putting them to work as tools for creating and developing a brand value'*[16].

Furthermore, Yelnik comments that; *'It should not be surprising that trade-mark owners are interested in protecting their marks not least because of the monetary and skills investments involved in the creation and advertisement of this aspect of intellectual property'*[17]. This is true and as we have seen a great deal of intellectual property law has developed in order for these trade marks and brands to be protected. It would seem that intellectual property in the UK is well equipped to aid a company to protect its brands.

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http://awics.co.uk/documents/briefing_papers/economic_development/Brand_Protection;_How_Can_Intellectual_Property_Law_Protect_Brands_In_The_UK__22-06-2012.pdf

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