Check whether you can use and protect the name

An available domain name does not establish that you can use or protect the name. Have your digital identity examined in relation to your activities, markets and existing rights.

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BEFORE YOU START

Has your favourite passed the right checks?

Your name works well when spoken. The people who tested it can write it down and find the intended address. You want to move on to the logo, website and signage. But what have you actually checked about the rights attached to that name?

Let us return to our bicycle repair workshop case study. Suppose Second Spin remains an option and the intended domain name is available. That answer helps with the address. You still need to look for names and trade marks that could prevent its use, then consider what the workshop could protect.

These checks can begin while you are testing how the name works in practice. Their purpose is to reveal, early enough, questions that could still change your choice.

YOUR PATH AT A GLANCE

- Separate registering an address, using a name and protecting it.
- Define the activities and territories to examine.
- Gather useful initial findings, then identify the questions that need analysis.

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Read the article and find its tools online

CHAPTER 01

An available name - what answer have you received?

EXPECTED RESULT

Understand which question each check answers.

“The name is free” can mean very different things. Before relying on that statement, establish who gave it, what it concerns and which search it follows.

Three separate questions

Your question	What you are trying to establish
Can I register this address?	The technical availability of the intended domain name under the rules of its extension.
Can I use this name for my activity?	Existing rights that could prevent the intended uses.
Can I protect this name as a trade mark?	Its eligibility for registration and the protection relevant to your goods, services and markets.

For .lu, DNS Luxembourg explains that registration alone does not confer a right to use the name. Applicants must check for possible conflicts with third-party rights. An available address therefore does not validate the business name.

The name availability certificate issued by Luxembourg Business Registers answers another question. It compares the requested company name with those of entities already entered in the Trade and Companies Register, or RCS. A certificate showing the name as available does not reserve it or replace a trade mark search.

Sources: [1], [2]

KEY POINT

Keep the answers separate. Domain availability, a company name in the RCS and trade mark rights are not interchangeable checks.

CHAPTER 02

Define what you will do, and where

EXPECTED RESULT

Describe the relevant scope before opening the registers.

A word cannot be assessed in isolation. It needs to be considered in relation to the goods and services concerned and the territories in which rights may have effect.

For our workshop, “cycling activity” is too vague. Will it repair bicycles, sell second-hand models, offer rentals or organise rides? Describe the launch offer and any developments already being prepared. This gives meaning to the results you encounter.

Trade mark goods and services are grouped into categories called classes. These help organise applications and searches. Start by describing your activity precisely in ordinary language. Choosing the wording and understanding its scope require more than a class number.

GOOD TO KNOW

Where can you apply for a trade mark?

These organisations operate at different geographical levels. Use these pointers to orient your next steps.

INPI - French National Institute of Industrial Property - national French trade mark applications.

BOIP - Benelux Office for Intellectual Property - a trade mark covering Belgium, the Netherlands and Luxembourg.

EUIPO - European Union Intellectual Property Office - an EU trade mark covering EU Member States.

WIPO - World Intellectual Property Organization - international applications through the Madrid System for designated members.

USPTO - United States Patent and Trademark Office - federal trade mark registration in the United States.

These are selected pointers, not an exhaustive list. The Madrid System does not create automatic worldwide protection. The offices concerned decide on protection in their territories. Some linked official resources are in French.

There is no national trade mark filing limited to Luxembourg alone. A Benelux trade mark covers all three countries. The appropriate protection depends on your activities and intended markets.

A website being accessible abroad does not mean that your project targets every country. Specify where you intend to sell, deliver, provide services or communicate with customers. A local repair service in Luxembourg and planned bicycle sales into neighbouring countries call for different working scopes.

Sources: [4], [6], [13], [10], [14], [3]

POINT TO WATCH

A .lu address does not define the territorial scope of name rights

The extension alone does not determine the territories to examine. Describe the markets and uses of the project, even if you keep a .lu domain.

DO THIS NOW

Write down your scope in a few lines

Record the exact name, intended variants, selected domains, planned goods and services, target markets and communication languages. Reuse information already gathered in your naming brief.

CHAPTER 03

Look beyond the exact name

EXPECTED RESULT

Gather documented findings, including similarities and context.

Start with the name as you intend to use it. Then search for variants that remain similar in spelling, sound or meaning. An exact search is a first step. A spelling difference is not enough to end the examination.

For Second Spin, you could search the complete expression, then variations in spacing or plural forms. The languages of the project may reveal further similarities to consider. The aim is to identify what a search limited to the exact name could miss.

Consult the Benelux trade marks register and other relevant tools for your geographical scope. TMview brings together data from participating offices and supports broader searches. Check which offices are covered and open the detailed records of useful results.

SEARCH TRADE MARKS

Open the BOIP trade marks register

BROADEN THE SEARCH TO PARTICIPATING OFFICES

Open TMview

For each result worth examining, record the name and any graphic elements, holder, goods and services, territory, status and dates. A pending application and a registered trade mark need to be read differently. Keep the link and access date so you can retrieve what you saw.

Add company registers and visible uses in search engines, directories, websites and signage. The rights to examine are not limited to registered trade marks. A trade name, company name or domain name in use may also be relevant.

Imagine a search around Second Spin reveals a pending trade mark application for a similar name. Here is how you could read the record and prepare questions for further examination.

Reading a trade mark record - a hypothetical example

What you read	In this example	What to examine
Name and presentation	A name similar to Second Spin	Identify the similarities in writing, sound or meaning. Keep the logo too if it forms part of the application.
Goods and services	Bicycle repair and maintenance	Compare the listed services with those your workshop will offer. Do not stop at the class number.
Territory	The Benelux	This includes Luxembourg, so the result concerns an area covered by your project.
Status	A pending application	Record the indicated stage and access date. An application is not yet a registration.
Applicant and dates	The applicant and dates shown in the record	Keep these details with the link and application reference for examination.

This would reveal similarities in name, activity and territory that need assessment. It would not, on its own, establish that you must abandon Second Spin. Conversely, a different activity or the absence of an identical name would not automatically establish that every use is possible.

Sources: [8], [4], [7], [11], [12], [9]

KEY POINT

"I found nothing in these searches" describes a result. "Nobody has rights in this name" is a much broader conclusion.

CHAPTER 04

Examine what you want to protect

EXPECTED RESULT

Separate obstacles in the name itself from other people's rights.

Using a name and filing it as a trade mark are separate decisions. Filing is not a compulsory formality for every business choosing a trade name. It serves a protection objective that should be assessed for the project. Deciding against filing does not remove the need to examine other people's rights in the name you intend to use.

A name may suit you without being eligible for trade mark registration. In particular, it must allow the public to recognise your business's goods or services and distinguish them from those of others. This is called distinctiveness. A name that simply describes the relevant activity or goods may be refused registration.

For our workshop, an expression such as "Bicycle repairs" directly explains the service. That clarity may help customers, but it does not make the expression eligible for protection as a word mark. Conversely, inventing a word does not prove availability. It may still resemble an earlier trade mark.

Specify what you want to protect, whether the name in ordinary characters, a logo or a combination. Filing a graphic combination does not establish that the words alone receive the same scope of protection. The application should match what you intend to use and defend.

In the Benelux procedure, the office examines, among other things, whether the trade mark meets registration requirements. Earlier trade marks raise a separate question and may be relied on by their holders in an opposition. Passing one procedural stage does not replace your preliminary work on existing rights.

Sources: [4], [5], [3]

POINT TO WATCH

Changing the logo may leave the name problem unresolved

If the difficulty concerns the words or their similarity to another name or trade mark, a new colour or font may leave the issue intact. First identify what creates the problem.

CHAPTER 05

Turn searches into decisions

EXPECTED RESULT

Identify what is established, what remains open and what must be resolved.

After the searches, you should be able to distinguish what you know, what remains uncertain and what conditions the next steps. Organise your findings around these three questions.

Three points for preparing the decision

Your point of reference	What to record
What is established	Searches performed, dated findings and documents obtained, with their scope.
What remains open	Similar names to assess, territories or uses not covered and searches still required.
What must be resolved before proceeding	The answer needed before a public announcement, a sign order or other spending that is difficult to change.

DO THIS NOW

Ask the questions holding up your decision

If specialist analysis is needed, give this file to an intellectual property adviser or specialist lawyer. Ask about the open points. Which uses are affected, which searches are missing and what protection would suit the project?

For the workshop, a similar name found in the Benelux would become a specific question to resolve before confirming the sign. The information gathered helps focus the assessment.

If you receive a refusal, opposition or demand to stop using the name, keep the complete document and its receipt date. Have the applicable procedure and deadline identified before responding.

When an obstacle is confirmed, compare the possible responses and their consequences for the project. That is the subject of the next article.

Sources: [9]

Key points / What to remember

YOUR KEY POINTS

- An available domain and an available company name in the RCS do not establish that the name can be used and protected.
- Searches take their meaning from your goods, services, markets and intended uses.
- Similar names and existing uses matter too. No exact result does not close the search.
- Trade mark filing serves a protection objective. Using the name and respecting others' rights remain separate questions.
- Keep dated findings and clarify what still needs examination before major commitments.

FURTHER READING

Compare your options when an obstacle appears

Start with your project to choose a name

Mini-glossary

Term	In a few words
Earlier right	An existing right potentially relevant to the intended name and uses. [9]
Distinctiveness	The ability of a name, logo or combination to distinguish one business's goods or services from those of others. [5]
Class	A category in the classification of goods and services used for trade marks. [4]
Word mark	A trade mark consisting of words, letters or numbers in ordinary characters rather than a particular graphic presentation. [3]
Opposition	A procedure in which a third party relies on an earlier right to challenge a trade mark application. [5]

Sources and method

The explanations draw on official sources consulted on 6 November 2026. The preparation tables and working questions are proposed by Wize. The bicycle workshop is a case study. No availability or eligibility for protection has been established for the names cited. The Belgian source describes the common Benelux system. INPI resources explain search principles without transferring French procedures to Luxembourg. No indicative filing fees or deadlines are reproduced. Some official sources are in French.

1. DNS Luxembourg - General principles
Applicant responsibility, domain registration and name-use rights. French official resource.
https://dns.lu/fr/fonctionnement/principes-generaux

2. Guichet.lu - Company name availability
Comparison of company names in the RCS. An available-name certificate does not reserve the name. French official resource.
https://guichet.public.lu/fr/entreprises/creation-developpement/projet-entreprise/definition/disponibilite-denomination-rcs.html

3. Guichet.lu - Registered trade mark
Forms of trade marks and the absence of a national filing limited to Luxembourg. Older page; its fees and deadlines are not reproduced. French official resource.
https://guichet.public.lu/fr/entreprises/gestion-juridique-comptabilite/propriete-intellectuelle/propriete-industrielle/marque.html

4. Belgian FPS Economy - Before filing a trade mark
Goods, services, classes, the choice whether to file and earlier-right searches in the common Benelux system. French official resource.
https://economie.fgov.be/fr/themes/propriete-intellectuelle/droits-de-propriete/marques/avant-de-deposer-une-marque

5. Belgian FPS Economy - Benelux filing
Distinctiveness, descriptive names and opposition based on earlier rights. No fees or deadlines reproduced. French official resource.
https://economie.fgov.be/fr/themes/propriete-intellectuelle/droits-de-propriete/marques/deposer-une-marque/depot-benelux

6. EUIPO - EU trade mark basic questions
Territorial scope of an EU trade mark. Official search index checked; direct reading was technically restricted.
https://www.euipo.europa.eu/fr/help-centre/tm/faq-basic-questions

7. EUIPO - Searching availability
Trade mark search tools, including TMview. Official index checked; the direct page returned an access restriction.
https://www.euipo.europa.eu/fr/help-centre/tm/faq-search-availability

8. INPI - Searching for a trade mark
Exact search as a first step and further searches for similarity in spelling, sound and meaning. French procedure is not transferred to Luxembourg. French official resource.
https://www.inpi.fr/ressources/propriete-intellectuelle/rechercher-une-marque-base-marques

9. INPI - Trade mark validity conditions
Availability, earlier rights and interpreting results, including specialist assistance. General principles. French official resource.
https://www.inpi.fr/realiser-demarches/propriete-intellectuelle/conditions-de-validite-dune-marque

10. WIPO - Madrid System
Applications for designated members. Each office decides on protection. No automatic worldwide protection.
https://www.wipo.int/fr/web/madrid-system/index

11. BOIP - Trade marks register
Interactive official search tool. No search establishing availability of the case-study name was performed.
https://www.boip.int/fr/registre-des-marques

12. TMview - Trade mark search
Search tool covering participating offices. No case-study name search result is presented.
https://www.tmdn.org/tmview/

13. INPI - Filing a trade mark
French national trade mark applications. French official resource.
https://www.inpi.fr/realiser-demarches/propriete-intellectuelle/deposer-sa-marque

14. USPTO - Trademark basics
US office and federal trade mark registration. Official English resource.
https://www.uspto.gov/trademarks/basics

References in brackets identify the sources above.