

Winter is here: What you should know before printing your own GOT goods

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Fans of the award-winning series, *Game of Thrones*, were eager to watch the premiere of the long-awaited eighth and final season that started on 14 April 2019 and, as is evidenced on social media, has them enthralled. The hashtags #WinterIsHere and #GameOfThrones were trending on social media in celebration of the over 600 days wait for the eighth season where the war between the living and the dead takes centre stage. It is estimated that a staggering 1-billion people watched the first episode of the final series, and soon, one of the world's best kept secrets, namely which character manages to remain alive for long enough to ascend the Iron Throne and be crowned Ruler of Westeros, will finally be revealed.



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One would ordinarily expect such a huge television series to have trademark protection all over the world, and HBO has duly ensured that the Game of Thrones trademark is registered in South Africa in classes 9, 16, 18, 20, 21, 25, 28 and 41 which covers, amongst others, printed material products, clothing and apparel, toys and entertainment.

Unlike patents, trademarks do not have to be novel, inventive and industrially applicable. According to the Trade Marks Act, 194 of 1993 (the Act) in section 9, a trademark only needs to be either inherently capable of distinguishing or to have acquired distinctiveness through prior use, at the date of application.

With the hype of the premiere of the eighth and final season of Game of Thrones, one might be tempted to print t-shirts, merchandise or provide other goods and services using the registered *Game of Thrones* trademark to make some money on the side.

So, whether Daenerys Targaryen, Cersei Lannister or Jon Snow (Aegon Targaryen) [or the Night King] become victorious and sit on the Iron Throne, remember that the *Game of Thrones* trademark is registered in South Africa and the use of HBO's trademark without consent amounts to infringement of a registered trademark in terms of section 34 of the Act.

Ultimately, you can be like Tyrion Lannister and the "Kingslayer" Sir Jaime Lannister and choose the side that has two full grown dragons to protect you when found guilty of trademark infringement. Alternatively, if dragons do not tickle your fancy, consider consulting a trademark attorney before using well-known trademarks for commercial purposes.

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