

Trademark

TRADEMARK REGISTRATION IN INDIA

Introduction

A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks are protected by intellectual property rights. It is a brand or name associated with a service or product of an individual or company. It is a unique mark through which the consumers identify a product or service. It differentiates the product manufactured or service provided by an individual or an entity.

Trademark Examples



Apple



Coca-Cola



Amazon



Adidas



What can be registered as a trademark in India?

Any name that also includes the personal or surname of the individual or the predecessor of the business, which is not unusual for the trade to adopt as a trademark;

All inventive words or any arbitrary dictionary word or words, that are not directly descriptive of the character or quality of the goods/services;

Letters or numbers or any combination of the two;

Devices, fancy devices, and symbols;

What can be registered as a Trademark in India?

Combination
of goods;

Shape of
goods or their
packaging;

Slogans;

Signatures;

Sound Marks,
represented in
a graphical
notation.

How to select a good Trademark?

If it is a word it should be easy to speak, spell and remember.

The best trademarks are invented words or coined words or unique geometrical designs.

Please avoid selection of a geographical name, common personal name or surname. No one can have monopoly right on it.

Avoid adopting laudatory word or words that describe the quality of goods (such as best, perfect, super etc.)

(It is advisable to conduct a market survey to ascertain if same/similar mark is used in market)

Who can apply for Trademark Registration?

Sole proprietorship

Partnership firm

MSME - (Small Enterprises)

Company

Limited Liability Partnership

What are the benefits of a registered Trademark?

- Registration is prima facie evidence of proprietorship/ownership of the trademark
- A registered trademark may be designated as a security, which means that the trademark may be pledged as collateral to obtain loans in the same way other properties may be bonded.
- It gives the exclusive right to use the trademark in respect of goods/services; and to take legal action in case of infringement.
- The registered proprietor can enjoy the Goodwill associated with registered trademark forever, if the mark is renewed from time to time (i.e.10 years).
- The registered proprietor may assign or license the trademark as any other property.

A Trademark may be identified by the following symbols



What does TM signify?

TM is a symbol used to indicate that the trademark is unregistered, but the mark is being used to promote goods. It can be used for marks for which the registration process has not been initiated, asserting a claim of ownership for the mark.

When can one use a [®] symbol?

The [®] symbol is used only when the mark is registered as a Trade Mark. This symbol can only be used only when a certificate of registration has been granted for the Trade Mark.

What is a Trademark search?

Trademark Search provides the details of any similar and existing brand name, logo and a list of prohibited trademarks and helps you avoid any potential conflicts with existing trademark applications or registered trademarks and breach of intellectual property rights.

Trade mark search can be conducted by using following link:

<https://ipindiaservices.gov.in/tmrpublicsearch/frmmain.aspx#>

<https://mybrandname.co.in/>

Where should Trademark application be file?

Trademark applications can be filed physically at the Front Office Counter of the Indian Patent Office or filed online through the e-filing gateway available at the official website www.ipindia.nic.in

What are the documents required for Trademark Registration / Brand Logo Registration ?

- **APPLICANT'S IDENTITY PROOF**

The candidate should create evidences like identification, Aadhaar card, driving license, passport or ration card.

- **Business Premises Proof**

Where the candidate is a corporate, at that point archives like Partnership Deed, Registration Certificate or Incorporation Certificate should be submitted.

- **TM 48**

FORM TM 48 of the Trademarks Act 1999 is a form to approve a specialist/lawyer to document an application for Trademark application for the benefit of the applicant.

What are the documents required for Trademark Registration / Brand Logo Registration ?

- **LOGO WITH TAG LINE**

The logo to be reserved which is planned by the candidate should be submitted most ideally in highly contrasting arrangement.

- **User AFFIDAVIT**

At the point when a case of earlier utilization is made in the application, the accommodation of client affirmation is made required.

What are the different grounds for refusal of registration of a trademark under the trademarks Act?

Section 9 of the trademarks act, 1999 provides absolute grounds, and section 11 provides relative grounds for refusal of registration of India. Trademark laws mandate trademarks to be distinctive and non-descriptive in order to get registered. The rationale behind this provision is that non-distinctive or descriptive marks can't be granted monopoly being generic to the trade and are open for public use without any exclusive rights over the same.

Are you looking for Trademark Registration in India?



We will guide you in getting all necessary Documents and Registration required to get Trademark Registration in India, Please click on the following link to connect with our consultants.

<https://mybrandname.co.in/>

