



Frequently Asked Questions

Ques.11 What are the benefits of registering a Trademark?

Benefits of registering a Trademark:

- Trademark registration allows a person the right to sole use of the mark in regards to the services or goods. In addition, the most important purpose in registration of a Trademark comprises powerful answers against any unauthorized use. Trademark registration allows the proprietor to begin litigation against infringement.
- Trademark registration also prevents others from using similar marks by making a mark easy to find when searching for Trademark availability searches. This also prevents problems before they arise.
- Trademark registration safeguards against Trademarks that may sound too confusing.
- Trademark registration designates the mark on the use of the application date, which is important in a system where the first use wins. Your rights are restricted to a geographic area.
- Trademark registration affords national notice of ownership, stopping others from claiming a subsequent adoption of the mark.

Ques.12 What does TM and R signify, when can we use them?

A TM (™) sign denotes an unregistered Trademark, which is a symbol often used to advertise or brand products when they have applied for Trademark registration. Companies may use the Trademark superscript, (™), after text, pictures, or other content they claim as their own but have not been formally registered with a regulatory authority. Occasionally, businesses will use ™ to indicate their first usage or that they have applied for registration. From a business perspective, it suggests that an individual selling a particular product or service believes that its identity is unique.

The R (®) symbol on a product indicates that it is a registered Trademark. This means that the logo enjoys legal protection as per the Trademarks Act, 1999. Trademark registrations carry a validity of ten years with a possibility for an extension by following the renewal process. If a person or business utilizes the registered name, logo, or symbol without the owner's prior consent, they may be prosecuted for Trademark infringement.

Ques.13 Where should Trademark application be filed?

Trademark applications can be submitted 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.

Ques.14 What is the validity of the Trademark?

The Trademark is registered for ten years by the Registrar. Hence, following the date of registration indicated in the registration certificate, a Trademark registration will be valid for **ten years**. The Trademark registration must be entered into the Register of Trademarks by the Registrar when it is issued.

By submitting a Trademark renewal application to the Registrar prior to the initial registration expiry, the Trademark owner can extend the Trademark registration for an additional **10 years**.

Under the Trademark Act 1999, the duration of Trademark registration in India is ten (10) years. The renewal for a further 10-years period will require prescribed renewal fees.

You'll have to decide if you want to renew or not before the expiration date. Anyone can claim your Trademark after 10 years if not renewed.

Ques.15 What is classification of goods adopted in India for the purpose of trademarks?

India has been following the Nice Classification system for trade mark registration. The Nice Classification comprises Class Headings, Explanatory Notes and an Alphabetical List of Goods and Services. The Class Headings indicate, in a general manner, the nature of the goods or services contained in each of the classes. Each class has Explanatory Notes which describe the type of product or service included, or not included in a class.

The Alphabetical List sets out specific items of goods and services in alphabetical order, along with the appropriate class.

- Classes 1-34: For Goods
- Classes 35-45: For Services

Ques.16 Are Trademarks territorial?

Yes, Trademarks are territorial in nature and must be filed in the countries the applicant seeks for protection.

Ques.17 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.

Ques.18 How to select an appropriate 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. Trademark shall be unique and distinctive. It shall not be same in any manner like phonetically, descriptively and in appearance. Trademark creating confusion with other existing or applied trademark is undesirable. Adding prefix or Suffix also doesn't create uniqueness and will always is objected by the department.

Ques.19 Can any correction be made in the application or register?

Yes Corrections can be made in trademark application, but the basic principle is that the Trademark applied for should not be substantially altered affecting its identity. Subject to these changes are permissible according to rules detailed in the subordinate legislation. Four credentials cannot be changed in existing application, 1. Applied trademark; 2. Owner Name; 3. Class of trademark; 4. Logo (minor variations are allowed in logo).

Ques.20 Can a registered Trademark be removed from the register?

It can be removed on application to the Registrar on prescribed form on the ground that the mark is wrongly remaining on the register. The Registrar also can suo-moto issue Notice for removal of a registered Trademark.

Thank You!

We will guide you to get all the documents and Trademark Registration in India online seamlessly. Please click on the following link to connect with our consultants.

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