



Frequently Asked Questions

Q.1 What is a Trademark?

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.

Q.2 What are different types of Trademarks that may be registered in India?

There are 7 different types of Trademarks that are registered in India:

- Product Mark
- Service Mark
- Collective Mark
- Certification Mark
- Shape Mark
- Pattern Mark
- Sound Mark

Q.3 What is Product Mark?

One of India's most substantial types of Trademarks is the Product mark. It is a mark linked to the products or goods, but it does not include services. The use of product marks is to recognize the source of a product and differentiate the products manufactured and sold by one person from the others.

Q.4 What is Service Mark?

Service mark is a mark linked to the services and not the products or goods. A service mark is used to recognize the source of assistance. A service mark differentiates the services of one person from that of another.

It signifies the services offered by a company and is used in the service business where the definite goods are not traded under the Trademark as provided by the Trademark Act 1999.

Q.5 What is Collective Mark?

The mark used by the group of companies and protected by the group collectively is termed collective marks. The effect is used to represent or inform the public at large about the unique idea of the product. It is used to promote certain products with specific characteristics in that field.

Q.6 What is Certification Mark?

A certification mark is used to describe the standards of the goods or services. It safeguards the consumers of the goods or services that such product encounters the safety and other set standards. The certification mark on the product signifies that the product has gone through the quantified standard tests. It safeguards and assurances the consumers that manufacturers have assumed or gone through an audit process to safeguard the anticipated quality of the products.

Q.7 What is Shape Mark?

A mark used to indicate the shape of goods, their packing, etc., are termed Shape Mark as provided by the Trademark Act. It is used only when it is likely to present the product's shape. These shape marks make it different from the other products. If the form has some distinctive features, such effects can be registered under the Trademark Act.

Q.8 What is Pattern Mark?

A mark that comprises a pattern capable of identifying the product or services that originate from a particular undertaking and can be distinguished from the other project can be termed the Pattern Trademark as provided by the Trademark Act. The method of evaluation is similar to other Trademarks.

Q.9 What is Sound Mark?

A sound mark is a mark used when a specific sound performs the purpose of uniquely classifying the source of a product or a service; it is termed as sound mark. In such cases, such sound is connected with a company or its products or services. It is provided by the Trademark Act.

Q.10 Who can apply for Trademarks?

Any person who is an individual, a company, a proprietor or a legal entity claiming to be owner of the Trademark can apply for Trademark.

An application can be made for registration of a Trademark actually used or proposed to be used by any person claiming to be the proprietor of the Trademark. In the case of a prior user of the mark, the concerned person is required to submit an affidavit along with evidence to support his claim of priority.

In the case of Indian applicants, jurisdiction is decided based on the principal place of business of the applicant and in the case of foreign applicants, jurisdiction is based on where an applicant's agent or attorney is situated.

Thank You!

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