



Frequently Asked Questions

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Ques.21 Can we get multiple Trademarks under one GST or business?

Yes! You can get as many Trademarks as required under one GST or business as there is no relation between the two. However, you should note that each Trademark application has to be filed separately and with separate registration fee for each application. For example, Patanjali Ayurveda Limited has over 140 Trademarks in just one class of Trademark with different names or logos for all of its products.

Ques.22 If I have a company registered, is its name protected from use by anyone else?

A registered company's name is protected against use by any other company or LLP for their business, but a third party can still get a Trademark registered in that name. But on the other hand, if you get a Trademark for the name, the name can neither be used by a company, LLP nor any individual for any purpose under the class that you have registered. Therefore, protection by a Trademark supersedes the protection of name by incorporating a company. But Existing entity can apply to commercial court for infringement of Intellectual Property Rights

Ques.23 Can we get logo, name and tagline, all registered under a single Application?

Trademark Registration consists of 2 types. Word and Device.

- If you want to register your brand name only, then you can choose a Word type.
- If you want to register your brand name and logo, then you can choose a Device type. The cost of Trademark registration include the logo registration.

Ques.24 Do we get Trademark for lifetime?

No, Trademarks are valid for a period of 10 years. After the completing of 10 years, one can file application for its renewal and paying the renewal fee. If it is not renewed, it will be marked abandoned and will be available for anyone to use. Even after the death of owner of Trademark, the same can be transferred to his legal heirs.

Ques.25 Do we get worldwide protection after registering Trademark in India?

No, Trademark registrations are territorial in nature, which means they are valid only in the country of their registration. For protection in various countries, you need to file separate applications in all those countries.

Ques.26 Do I require a DSC to file an application for Trademark?

Yes, to file a Trademark application, a DSC is required. In addition, the applicant also needs to create an account on the Trademark Registry. It is advisable to consult a Trademark attorney who can help you with the Trademark registration and hence you will not need to get a DSC. Physical Application can also be filed but that's much troublesome as compared to online application.

Ques.27 What is meant by “Sent to Vienna Codification” during the Trademark registration process?

It is during the initial stages of the Trade Mark registration process that the status on the Trade Mark Registry website shows as “Send to Vienna Codification”. This is one of the first steps taken for any Trademark that comprises any figurative element or logo. This codification is done to facilitate Trade Mark Code for an artwork or logo.

Ques.28 Is Trademark registration an online process?

Yes, the Trademark can be registered online through the e-filing gateway available at the official website. However it can also be filed physically at the front office counter of the respective office or can be sent by post.

Ques.29 How can I check my Trademark registration status?

- By following the below given steps you can Check Trademark Status
- Step 1: Access IP INDIA Website.
<https://ipindiaservices.gov.in/eregister/eregister.aspx>
- Step 2: Select National/IRDI Number.
- Step 3: Provide Trademark Application Number.
- Step 4: View Trademark Application Information on clicking on application number reflecting as hyperlink.

Ques.30 How can we know whether a similar mark have already been registered in same type of goods in India?

- A Trademark search can be conducted in India on the Indian Trademark registry at public search link provided below:
- Step 1: Visit the official website of Intellectual Property India at
- <https://ipindiaservices.gov.in/tmrpublicsearch/frmmain.aspx>
- Step 2: Under the dropdown menu in the “Search type” select Wordmark’
- Step 3: Here three options are available
- ‘Start with’ which display all the search results that start with the data you have entered;
- ‘Contains’ which display all the search results that contains the data you have entered;
- ‘Match with’ which display all the search results that exactly matches the data you have entered there.
- Step 4: Enter the applicable class;
- Step 5: Click on search and list of trademark registered or application for registration of trademark will be displayed.

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://bkacs.com/>