



Frequently Asked Questions

Ques.31 What is Trademark Search?

Trademark search refers to any action taken for the purpose of determining whether and/or a Trademark is used in commerce. Trademark searches can be narrow in scope or can include results from every avenue for Trademark protection for every mark is remotely similar to the mark that is the subject of the search. An appropriate search strategy will consider the nature of the mark, the nature of the goods/services the mark covers, the timeline for bringing the mark to commerce, and the applicant's allocation of resources.

Ques.32 What is Trademark Application?

After all the prerequisites have been met, the next step in the Trademark registration process would be the filing of the Trademark application. The application is submitted online to the relevant intellectual property office, requesting an examination and approval of the mark. It includes crucial details such as the applicant's information, a representation of the mark, and the specified class of goods or services for which it is intended to be used. Accuracy and completeness are paramount at this stage to ensure a smooth progression through the Trademark registration process step by step.

Ques.33 Define the Trademark Fees Payment structure?

Once the application is filed, the process for Trademark registration necessitates the payment of requisite fees. These fees cover the costs associated with processing the application, conducting examinations, and other administrative functions. Applicants need to be aware of the fee structure applicable to them, based on the type of entity and the number of classes their Trademark is being registered in <https://ipindia.gov.in/form-and-fees-tm.htm>

Ques.34 How Trademark Examination be done?

This stage involves a meticulous review of the proposed Trademark by the intellectual property office to assess its uniqueness and availability. The objective is to ensure that the mark meets the criteria for distinctiveness, non-descriptiveness, and adherence to other legal formalities. An examination report is prepared by the Examiner, highlighting any objections that may cause hindrance in the Trademark registration process.

Ques. 35 Explain the timeline of Replying to Objections?

Addressing objections raised during the examination stage is extremely crucial to take the Trademark registration process further. The applicant must respond to the objections meticulously within 30 days from the date on which they were raised. If the examiner is satisfied, they will proceed to the next stage. However, if unsatisfied, the examiner may summon a show cause hearing to resolve the issue.

Ques.36 What is the next step after settlement of Objections?

Upon settlement of the objections, the approved Trademark application moves to the publication stage. The mark is published in the Trademark journal, a publicly accessible document inviting potential third-party oppositions. Third-party oppositions may arrive on grounds like the similarity of the mark with other marks. These need to be settled before the application is finally processed for Trademark Registration.

Ques.37 Is there any Settlement of Third-Party Opposition?

In instances where third parties raise objections or oppositions during the specified period, resolution becomes a critical aspect of the Trademark registration process. This step involves negotiation, settlement, or legal proceedings to address the concerns raised by opposing parties. Only after a successful resolution of all public oppositions, the department will consider proceeding with the application.

Ques.38 What is the validity of Trademark Certification Granted?

The last milestone of the Trademark registration process step by step is achieved when the applicant is granted a Trademark Certificate. This official document serves as tangible proof of the exclusive rights conferred to him. Once issued, it remains valid for 10 years from the date of application. Throughout this period, the Trademark remains protected against unauthorised use and plagiarism.

Ques.39 Is renewal of Trademark necessary?

Trademark protection is not perpetual, Trademark owners must proactively renew their Trademarks to maintain their rights. Failure to renew before the expiry may result in the loss of its protection. The renewal process is almost similar to the original registration process. Moreover, there is no restriction on the number of times a Trademark can be renewed.

Ques.40 Is proof of use necessary for filing of Trademark in India?

No use of mark prior to registration is not mandatory in India. Trademark that are proposed to be used can also be registered in India. But it is always suggestable to mention the user detail.

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/>