



Frequently Asked Questions

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Q91. What happens after trademark hearing?

In hearing applicant is allowed to present their arguments and evidence and respond to any concerns or objections raised by the Examiner. After the hearing, the hearing officer will issue a written order or decision either approving or rejecting the trademark application.

Q92. What is the time period for filing the opposition?

A notice of opposition shall be filed within four months from the date of publication of the trademark journal in which the application for registration of trademark was advertised.

Q93. What is evidence in support of opposition?

The opponent must file the evidences in support of trademark opposition within two months of receipt of a copy of the counterstatement or shall intimate to the Registrar and to the applicant in writing that he does not desire to adduce evidence in support of his opposition but intends to rely on the facts stated in the notice of opposition.

Q 94.What is evidence in support of application?

The applicant must file evidence in support of a trademark application within two months of receipt of copies of affidavits in support of opposition or intimation that the opponent does not desire to adduce any evidence in support of his opposition.

In case the applicant adduces any evidence or relies on any evidence already left by him in connection with the application, he shall deliver to the opponent copies of the same, including exhibits, if any, and shall intimate the Registrar in writing of such delivery.

Q95. What is evidence in reply by the opponent?

The opponent may within one month from receipt of copies of the applicant's affidavit, file evidences by affidavit in reply and shall deliver the copies of the same including exhibits, if any, to the applicant and shall intimate the Registrar in writing of such delivery.

Q96. When the trademark be entered in the register of Trademark?

Where no notice of opposition to an application advertised or re-advertised in the Journal is filed within the period specified, or where an opposition is filed and it is dismissed, the Registrar shall enter the trademark on the register.

The entry of a trademark in the register shall specify the date of filing of application, the actual date of the registration, the goods or services and the class or classes in respect of which it is registered.

Q97. What will happen if the applicant died in between the process of trademark registration?

In case of death of any applicant for the registration of a trademark after the date of his application and before the trademark has been entered in the register, the Registrar may, on request on form TM-M and on proof of the applicant's death and on proof of the transmission of the interest of the deceased person, substitute in the application, the name of successor in interest in place of the name of such deceased applicant, and the application may proceed thereafter as so amended.

Q98. How certificate of registration of trademark be granted?

The certificate of registration to be issued by the Registrar under sub-section 2 of section 23 shall be on Form RG-2 and shall include the trademark. It shall bear the seal of the Trade Marks Registry.

The Registrar may issue duplicate or further copies of the certificate of registration on request by the registered proprietor in Form TM-M accompanied by the prescribed fee.

Provided that, no such duplicate or copy of certification of registration shall be issued where such request is received after the expiry of time limit for renewal of registration and restoration of registered trademark.

Q99 What will happen if the owner didn't pay the renewal fee of Trademark?

If at the expiration of registration of a trademark, the renewal fees has not been paid, the Registrar may remove the trademark from the register and advertise the fact forthwith in the Journal.

Q100. What will happen if no application for renewal of trademark be made within stipulated time period?

If no application for renewal of the registration is made in the prescribed form (FORM TM-R) with the specified fee, the registrar shall send within six months before the expiration of registration of trademark a notice in FORM RG-3 at the address of service informing the registered proprietor of the approaching date of expiration and the conditions, if any, subject to which the renewal of the registration may be obtained.

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.

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