



Frequently Asked Questions

Q71. Can I take registration of trademark under the business household items?

Yes you can register your brand, it is covered under class 21. It includes Household or kitchen utensils and containers; Cookware and tableware, except forks, knives and spoons; Combs and sponges; Brushes, except paintbrushes; Brush-making materials; Articles for cleaning purposes; Unworked or semi-worked glass, except building glass; Glassware, porcelain and earthenware.

Q72 What is Class 41 as per trademark act 1999?

Class 41 covers a variety of services like:

- organization of exhibitions for cultural or educational purposes, arranging and conducting of conferences, congresses and symposiums;
- translation and language interpretation services;
- publication of books and texts, other than publicity texts;
- news reporters services, photographic reporting;
- photography;
- film direction and production services, other than for advertising films;
- cultural, educational or entertainment services provided by amusement parks, circuses, zoos, art galleries and museums;

- sports and fitness training services;
- training of animals;
- online gaming services;
- gambling services, organization of lotteries;
- ticket reservation and booking services for entertainment, educational and sporting events;
- certain writing services, for example, screenplay writing, song writing.

Q73. Can I register myself under various classes of goods and services with the same mark?

Yes you can make application for registration of the trademark under various classes of goods and services subject to separate fees for each class.

Q74. Can registration be granted to more than one proprietor for the same mark?

In the case of honest concurrent use or of other special circumstances which in the opinion of the Registrar, make it proper so to do, he may permit the registration by more than one proprietor of the trade marks which are identical or similar (whether any such trade mark is already registered or not) in respect of the same or similar goods or services, subject to such conditions and limitations, if any, as the Registrar may think fit to impose.

Q 75. If two people are using the same mark and neither is registered, who has more rights?

If two people are using the same trademark and neither is registered, each party would have common law rights that are limited to their geographical reach. However, if the geographical reach as well as the field of goods or services overlap one another, then the party who can establish an earlier date of use of the trademark would generally have “prior rights.”

Q76. Can I file a trademark application for registering the name of my book?

The name of a series of books may be federally registered as a trademark. To determine whether your work is a book series or a “single creative work,” which is not eligible for registration, consult an Intellectual Property attorney.

Q77. Can I trademark my company's slogan?

A company slogan used to indicate the source of goods or services can be registered as a trademark, provided all use requirements are met. Slogans or phrases used on T-shirts or buttons that are not used to identify a source of goods or services are not eligible for trademark registration.

Q78. What is Intellectual Property refers to in India?

Intellectual property in India refers to the patents, copyrights and other intangible assets in India.

Q79. What is meant for address for service?

Every applicant or opponent or any person concerned in any proceeding under the Act or rules shall furnish to the Registrar an address for service in India comprising of a postal address in India and a valid e-mail address and such address shall be treated as the address for service of such applicant or opponent or person.

Provided that a trademark agent shall also be required to furnish a mobile number registered in India.

Q80. What is NICE Classification ?

Classification of goods and service for the purpose of registration of trademark, the goods and services shall be classified as per current edition of “the International Classification of goods and services (NICE classification)” published by the World Intellectual Property Organization (WIPO). <https://euipo.europa.eu/ec2/>

The Registrar shall publish a class wise and an alphabetical index of such goods and services, including goods and services of Indian origin.