



## Frequently Asked Questions

## Q81. What is the difference between the status shown as “OBJECTED” & “OPPOSED” ?

- When the Trademark examiner examines the application, he may object the application if it violates the act and rules. The objection raised by the examiner is known by Trademark Objection. The examiner raise the objection in the form of Examination Report, the applicant should file the reply to examination report within 1 month.
- When the application for Trademark is published in TM journal for public to view, any person can within four months from publication in the journal can file an opposition. The purpose of Trademark opposition is to prevent a person from using the same, identical mark which may create confusion among the public.

## Q82. What is statement of user in applications?

An application to register a trademark shall, unless the trademark is proposed to be used, contain a statement of the period during which, and the person by whom it has been used in respect of all the goods or services mentioned in the application.

In case, the use of the trademark is claimed prior to the date of application, the applicant shall file an affidavit testifying to such use along with supporting documents.

## **Q83. What happens if name or representation of any person appears in your trademark application ?**

If the name or representation of any person appears on a trademark, the applicant shall, if the Registrar so requires, furnish him with the consent in writing of such person in case he is living or, in case his death took place within twenty years prior to the date of the application for registration of the trademark, of his legal representative, as the case may be, to the use of the name or representation and in default of such consent the Registrar may refuse to proceed with the application for registration of the trademark.

## Q 84. What is examination report?

While considering the application made by the applicant, if the registrar has any objection to the acceptance of application or propose to accept it but subject to some conditions, amendments, modifications or limitations as he may think fit to impose. In such case, the Registrar shall communicate such objection or proposal in writing to the applicant in the form of an examination report.

## **Q85. What will happen if I failed to respond to the examination report?**

If, within one month from the date of receipt of the examination report, the applicant fails to respond to the communication, the Registrar may treat the application as abandoned.

## **Q86. What will happen If the registrar is not satisfied with the response to examination report?**

If the response to the examination report is not satisfactory or where the applicant has requested for hearing, the registrar shall provide an opportunity of hearing to the applicant and the same shall be conducted as per rule 115.

## **Q87. What will happen if I failed to appear at the scheduled date of hearing?**

In case the applicant fails to appear at the scheduled date of hearing and no reply to the office objection has been submitted by the applicant, the Registrar may treat the application as abandoned.



## Q88. In which form Trademark renewal application be filed?

An application for the renewal of the registration of a trademark shall be made in Form TM-R along with the fee as prescribed in the first schedule and may be made at any time not more than one year before the expiration of the last registration of the trademark.

<https://ipindia.gov.in/form-and-fees-tm.htm>

## **Q 89. What happens when a trademark application is ready for show cause hearing?**

Ready For Show Cause Hearing is a status given to a trademark application when the Examiner has determined that the application requires further review. The applicant will then be required to attend a hearing to explain why the trademark should be granted registration.

## **Q 90. Who can appear for trademark hearing?**

The applicant can attend the trademark hearing either in person or through a Trademark Agent/Attorney. However, if no objections are raised, the application is approved and then published in the Journal.

*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/>