

TRADEMARK REGISTRATION

MS Legal
associates
Lawyers & legal Consultants

 **18 00 212 22 07** (TOLLFREE NUMBER)

 contact@mslegalassociates.in

 www.mslegalassociates.in

BENGALURU

CALICUT

COCHIN

COIMBATORE

PUNE

MUMBAI

TRADE MARK REGISTRATION IN INDIA

"Trade mark " means a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of may nclude a word, phrase, symbol or design, or combination of words, phrases, symbols or designs.

What is Trademark?
TM®

Trademark registration can be done for the following :

I

Any word, title, symbol, headling, label, name, signature, numeral or any combination thereof.

II

Any Slogan, base, or punch line, etc. which are used to describe any product better

Advantages of Trademark Registration

- Protects your hard earned goodwill in the business.
- Protect your Name/ Brand Name from being used in a same or similar fashion, by any other business firm, thus discourages others from cashing on your built goodwill.
- Gives your products a status of ' Branded Goods'.
- Gives an impression to your customers that the company is selling some standard product or services.
- The exclusive right to the use of the trade mark in relation to the goods or services in respect of which the trademark is registered.
- To obtain relief in respect of infringement (misuse by others) of the trademark.
- Power to assign (transfer) the trademark to others for consideration.

Procedure / Steps for Trade mark Registration

- Filling of an application for registration by a person claiming to be the proprietor of a trade mark, in the office of the trade mark Registry, within the territorial limits of the place of business in India.
- Examination of the application by the Register to ascertain whether it is a distinctive and does not conflict with existing registered or pending trade marks and examination report is issued.
- Publication of the application after or before acceptance of the application in the trade mark journal.
- After publication if any person gives notice of his opposition to the registration within three months which may be extended to the maximum of one month .
- If the opposition has been desided in favour of the applicant of the registration of trade mark , the registrar shall register the trade mark .
- On the registration of the trade mark the registrar shall issue to the applicant a Trade mark Registration Certificate.

Term / duration of a trade mark in India

The term of registration of trade mark is 10(ten) years, but may be renewed subject to the payment of the prescribed fee, in accordance with the provisions of the trade mark Act, 1999. An application for renewal of a trade mark can be filed within six months from the expiry of the last registration of trade mark .

Use of the 'TM' and ® symbols

Generally, one who has filed an application (pending registration) can use the TM (trade mark) designation with the mark to alert the public of his exclusive claim. The claim may or may not be valid. The registration symbol, ® may only be used when the mark is registered.

Requirements for filing trade mark application

Any person claiming to be the proprietor of a trade mark used or proposed to be used can apply for trade mark registration. Following are the requirements for filing trade mark application.

- a. Name & Address of the Applicant (propriter/company/partnership firm).
- b. Trademark / Logo.
- c. Class (es).
- d. Description of goods / services.
- e. User date of the brand / services.

TRADEMARK

CLASSIFICATIONS

www.mslegalassociates.in

CLASSIFICATION OF TRADE MARK

Various kinds of Goods and services, which are classified according to the International Classification of goods and services, are covered under trade mark. Currently schedule IV of the Trade Marks Act, 1999 provides a list of such goods and services falling in different classes.

Classification of goods and services – Name of the classes

Class 1. Chemical used in industry, science, photography, agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesive used in industry

Class 2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordents; raw natural resins; metals in foil and powder form for painters; decorators; printers and artists

Class 3. Bleaching preparations and other substances for laundry use; cleaning; polishing; scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions, dentifrices

Class 4. Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks

Class 5. Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; materials for stopping teeth, dental wax; disinfectants; preparation for destroying vermin; fungicides, herbicides

Class 6. Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores

Class 7. Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand operated; incubators for eggs

Class 8. Hand tools and implements (hand-operated); cutlery; side arms; razors

Class 9. Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), lifesaving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire extinguishing apparatus

Class 10. Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopaedic articles; suture materials

Class 11. Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying ventilating, water supply and sanitary purposes

Class 12. Vehicles; apparatus for locomotion by land, air or water

Class 13. Firearms; ammunition and projectiles; explosives; fire works

Class 14. Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; homological and other chronometric instruments

Class 15. Musical instruments

Class 16. Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks

Class 17. Rubber, gutta percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal

Class 18. Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides, trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery

Class 19. Building materials, (non-metallic), non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.

Class 20. Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics

Class 21. Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes

Class 22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes) padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials

Class 23. Yarns and threads, for textile use

Class 24. Textiles and textile goods, not included in other classes; bed and table covers.

Class 25. Clothing, footwear, headgear

Class 26. Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers

Class 27. Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile)

Class 28. Games and playthings, gymnastic and sporting articles not included in other classes; decorations for Christmas trees

Class 29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats

Class 30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces, (condiments); spices; ice

Class 31. Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt

Class 32. Beers, mineral and aerated waters, and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages

Class 33. Alcoholic beverages (except beers)

Class 34. Tobacco, smokers' articles, matches

Services

Class 35. Advertising, business management, business administration, office functions.

Class 36. Insurance, financial affairs; monetary affairs; real estate affairs.

Class 37. Building construction; repair; installation services.

Class 38. Telecommunications.

Class 39. Transport; packaging and storage of goods; travel arrangement.

Class 40. Treatment of materials.

Class 41. Education; providing of training; entertainment; sporting and cultural activities.

Class 42. Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.

Class 43. Services for providing food and drink; temporary accommodation.

Class 44. Medical services, veterinary services, hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

Class 45. Legal services; security services for the protection of property and individuals; personal and sal services rendered by others to meet the needs of individual

For more details, please contact:

+91-9846101232, +91-9916530110 contact@mslegalassociates.in www.mslegalassociates.in

MS Legal
associates
Lawyers & Legal Consultants

MSLEGAL OFFERS A COMPREHENSIVE RANGE OF TRADEMARK SERVICES WHICH INCLUDE:

- Trademark Search
- Opinion on Registration of Trademark
- Filing and prosecuting trademark applications
- Responding to office actions
- Handling trademark opposition proceedings
- Dispute resolution and litigation
- Advice on infringement and passing off
- Issuing legal notice (cease and desist letters)
- Publishing caution notice
- Trademark watch and monitoring services
- Renewal of Trademarks
- Trademark due diligence
- Drafting license agreements, franchise agreements and assignment deeds



TRADEMARK DOCUMENT REQUIREMENT LIST

(Please check which the structure of your business and arrange for the clear scan copy of the documents listed)

S. No.	Nature of Applicant	Documents Required
A.	Individual	1) PAN Card or Driving License or Passport or Adhaar Card of the Individual
B.	Proprietorship Firm	1) Proprietor's PAN Card 2) Shop Act Licence/Sales Tax Certificate/VAT Certificate/Service Tax Certificate
C.	Partnership Firm	1) PAN Card of the Partnership Firm OR Partnership Deed 2) PAN card of all the Partners
D.	Pvt. Ltd./Public Ltd./LLP (Limited Liability Partnership)	1) PAN Card or Incorporation Certificate of the company/LLP 2) PAN Card of the director who will sign the Power of Attorney
E.	Trust	1) PAN Card of the Trust OR Trust Deed/Agreement 2) PAN Card of the Trustee who will sign the Power of Attorney