

BASICS ON TRADEMARK FILING

INDIAN SCENARIO

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I. COINING AND IDENTIFICATION OF TRADEMARK

- If it is a word it should be easy to speak, spell and remember.
- The best trade marks are invented words or coined words.
- Please avoid selection of a geographical name, personal names etc. No one can have monopoly right on it.
- Avoid adopting laudatory word or words that describe the quality of goods (such as best, perfect, super etc)
- It is advisable to conduct a market survey and a search at Trademark office to ascertain if same/similar mark is used in market.
- Whether to file the trademark in Black & White or Colour- The advantage of filing Trademark in Black and white is that, you could use the trademark in any color combination of your choice at a later stage

Identification Of Trademark

- i) Business unit to provide the trademark to be searched to the legal team.
- ii) Business unit to provide the below mentioned TRADEMARK SEARCH REQUISITION FORM along with the trademark to be searched to the legal team
- iii) Criteria of a good trademark- distinctive, unique, not deceptively similar, no direct reference to character or quality of the goods,, not identical/ similar with an earlier pending/registered mark

Requisition Form for Search /Filing of new TRADEMARKS

Details required.

- 1. Name of the brand to be searched***
- 2. Is this a word mark or device mark or label? Please attach the same in PDF format.***
- 3. Briefly state the purpose of the brand name ie intention to be used on which category of services/products***
- 4. Name of the country in which search / registration is desired.***
- 5. Class of goods in which search / registration is desired.(if aware).***
- 6. Have you started using this brand name in the market.***
- 7. Name of the company in which mark is to be registered.***

II. IDENTIFICATION OF CLASSES, JURISDICTION

i) Classification of Goods and Services

- Almost all jurisdictions including India employ a classification system in which goods and services have been grouped into classes for registration. Most countries follow the same classification system, namely the International Classification of Goods and Services also known as NICE CLASSIFICATION, which consists of 34 classes of goods and 8 classes of services. (The WIPO recently revised the Nice Classification, adding three service classes (43, 44, 45) and restructuring Class 42, retaining certain services. This provision has not yet been implemented in India). Section 7 of the Trade Marks Act of 1999 provides that the Registrar shall classify goods and services in accordance with the 7th Edition of International Classification for registration of trademarks. India follows a system wherein there are 42 classes, of which goods in

classes 43, 44, 45 of the latest edition of the International Nice Classification is also considered in the same class ie class 42. The detailed list attached to this document at **ANNEXURE A** and is available online at http://ipindia.nic.in/tmr_new/default.htm. The exhaustive list of goods/services in each class is available at the World Intellectual Property Organizations (WIPO) link ie; <http://www.wipo.int/classifications/nivilo/nice/index.htm>

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ii) Jurisdiction

The registration procedure in India is based on the 'first to file' system. It is therefore important that the rights holder apply for the registration of its mark as soon as possible. The registration of a trademark in India typically takes about 2 to 3 years, subject to the trademark not being opposed by a third party. The Office of the Controller General of Patents, Trade Marks, Industrial Designs and Geographical Indications is the appropriate office for filing of a trademark application in India. This office has branches in Mumbai, Delhi, Chennai, Ahmedabad and Kolkata. The detailed address is mentioned in **ANNEXURE D**. A trademark application may be filed in any of these offices based on the territorial jurisdiction.

III. TRADEMARK SEARCH

- i) conduct trade mark search in the Indian Trade Marks Registry in the classes that are of interest to your business unit, including the ancillary classes.
 - a) Search can be done officially and unofficially. The fees for each class is Rs.500 (official fee) to be filed through TM-54. **ANNEXURE B** gives the details of various applications, costings etc. Search also can be done online as specified in **ANNEXURE C**.

For instance, if the trademark is to be used for entertainment related services, it is advisable to do the trademark search in classes 35,38, 41 & 42 and file the trademark in all the 4 service class along with category of goods such as class 9,16, 25,28 etc depending on requirements of the business unit and the manner in which the trade mark would be used.

- ii) It is also advisable to conduct a common law search (through the websites of WIPO, European Union –OHIM, USPTO <http://www.wipo.int/ipdl/en/search/madrid/search-struct.jsp>, http://oami.europa.eu/CTMOnline/RequestManager/en_SearchBasic <http://tess2.uspto.gov/bin/gate.exe?f=tess&state=92vqv.1.1> and a google search to ascertain if there are any third parties that might already be using the trademark.

iii) Advantages of search

- a) to determine if the trademark is eligible and available for registration
- b) to ascertain if there is any deceptively similar marks
- c) to identify pre-existing trademarks that have the potential to conflict with your trademark.

- d) It helps in ascertaining whether or not there exists an identical or similar mark registered or pending for the identical or similar goods.

PROCEDURE FOR REGISTRATION

STEP 1: The Application is filed.

STEP 2: Then the application is examined by the Trade Mark Office and objections, if any, are raised.

STEP 3: After clearing the objections, if any, the mark is advertised in Trade Marks Journal & is open to third party for opposition, the period being (3+1) months.

STEP 4: The registration certificate is issued after the completion of opposition period, if there is no opposition by the third party during this period. In case of opposition, registration certificate is issued when the opposition is dismissed.

IV. FILING

- 1. Full name, address & nationality of applicant(s).**
- 2. description of trade mark, one print if the mark is in label form.**
- 3. List of all items (goods) / services to which the mark is applied or proposed to be applied for-identification of the classes/sub classes.**
- 4. User date, if the mark is already being used in India.**
- 5. List of countries with date, where the mark has already been applied for.**
- 6. TM-48 (if applied through a TM attorney).**
- 7. Check whether to be associated with existing applications**

1. Application is to be made before The Registrar of Trademarks in prescribed manner along with official fee as specified in the annexure.

2. The Applicant to register a trademark or service be contain the complete name, address, status and address of service in India.

3. Application can be made in one class or multiple classes for a single mark

4. Every application for the registration of a trade/ service mark shall be in respect of goods comprised in one class only of the Fourth Schedule of the Trademark Rules 2002. However, if any goods are not specified in any of the classifications, in such case the Registrar in his own discretion shall determine the classification of those goods.

5. An application to register a trade mark shall, unless the trade mark is proposed to be used, contain a statement of the period of user.

6. The application to the Registrar for the registration of a trademark shall be signed by the applicant or his agent.

7. In case of the application is filed through an agent, a power of attorney in his/her favour be submitted along with application.

8. Where a trade mark contains a word or words in a language other than Hindi or English, the Registrar may ask for an exact translation thereof together with the name of the language

9. The applicant from the earliest corresponding application in a Convention country can claim priority provided that application is filed in India within six months of the priority date. Multiple and partial priorities are allowed.

Use of TM & ®

Once you have filed an application for registration of trademark, the "TM" symbol may be used with the mark. Anyone who claims rights in a mark may use the TM (trademark) designation with the mark to alert the public to the claim. However, the registration symbol, ®, may only be used once the mark is actually registered in the Trademark Registrar's Office. Even though an application is pending, the registration symbol may not be used before the mark has actually become registered.

Online Status check of TM application

Once you receive a filing receipt containing the serial number of your application, you may check on the status online from the official website of the Trademarks Registry

<https://www.ipindiaonline.gov.in/etmr/tmrstatus/onlinestatus.aspx>

V. EXAMINATION & HEARING

The Trademark Office will examine the registrability of the application, which includes distinctiveness, existing similarity with prior registrations, and completion of supporting documents, if accepted, the Trademark Office will issue an acceptance order and the Trademark is ordered for publication. Examination generally occurs within 3-4 months of filing of Trademark application, but the request for the expedite examination of an application can also be made, which costs 5 times the govt. fee for filing the Trademark application. The process flow is as follows:

Application Received → Application No. & Receipt given → First Examination Report (FER) issued → Reply to the FER to be filed → Hearing if any → publication in the journal

VI. PUBLICATION:

Trademark applications accepted by the Registrar are published in Trademark Journal. Trademark journal is available online at

http://ipindia.nic.in/tmr_new/default.htm

Any interested party may file a notice of opposition to the registration of the mark within 3 months from the date of last publication.

TRADEMARK WATCH

Trademark watching is an insurance against preventing the third party from registering a similar or identical Trademark in respect of identical or similar goods by regularly checking the newly issued trademark journals available online.

Trademark journal published need to be checked by adopting the following criteria.

1. Prefix Match
2. Suffix Match
3. Phonetic Match
4. Identical Match

Advantages of Watch keeping

1. Warn you when identical or deceptively similar marks are published in the Trademark journal for identical or similar goods.
2. Warn you when Trademark application is filed in the Trademark registration office.
3. Help you in taking the action against the confusing or deceptively similar mark

VII. OPPOSITION:

When the Trademark is advertised in the Trademark Journal, then third party can oppose the registration of the Trademark within the 3 months from the date of the Trademark journal made available to the public.

Normally the following person opposes the registration of Trademark:

- a) The owner of an earlier Trademark application or registration covering a similar Trademark for similar goods.
- b) A person who has used the same or a similar Trademark prior to the client, but who has not sought registration of the Trademark.

If the Trademark application is opposed, then the Trademark office will request evidence in writing from both parties. If the dispute is not settled by the parties, then matter is determined at a hearing. Registration of an opposed Trademark application will be delayed pending till the determination of the opposition.

Stages and Timeframes of an Opposition

Sl. No	By Whom	Action Performed	To	Time frame
1	Opponent	Lodge Opposition	Registrar	Advt dt + (3+1) months
2	Registrar	Serve Notice of Opp	Applicant	Receipt of Opp + 2 months
3	Applicant	Lodge Counterstatement	Registrar	Receipt of Notice + 2 months
4	Registrar	Serve counterstatement	Opponent	Receipt of counterstatement + 2 months
5	Opponent	Serve Evidence in support of Opp	Registrar & Applicant	Receipt of Evidence + (2+1) months
6	Applicant	Serve Evidence in support of Application	Registrar & Opponent	Receipt of Evidence + (2+1) months
7	Opponent	Serve Evidence in reply	Registrar & Applicant	Receipt of Evidence + (1+1) months
8	Registrar	Serve notice of hg	Applicant & Opponent	Receipt of Evidence + 3 months
9	Applicant & Opponent	Notify attendance of hg	Registrar	Receipt of Notice + 15 days

The above duration may vary from case to case subject to miscellaneous issues that would arise from time to time

The opposition procedure is as follows:

1. The Opposition Notice is filed on Form No. TM-5 within three months from the date of publication of the Trademark with fee of Rs. 2500/- at the Trademark Registry office by the Opponents (in Triplicate).
2. The Trademark Registry office sends one copy of the Notice of Opposition Notice on TM – 5 to the Applicants.
3. The Applicants sends his Counter- Statement in triplicate on Form No. TM- 6 to the Trademark Registry with fee of Rs. 1000/-.
4. The Trademark Registry then sends one copy of the Counter Statements to the Opponents (who has filed TM –5).
5. On receipt of the Counter Statement, the opponents file their evidence by the use of Affidavit supported by documentary evidence of the use and advertisement of the mark to the Trademark Registry and also sends one set of his evidence to the Applicants simultaneously.
6. On receipt of the documents from the opponents, the Applicants file their evidence by way of Affidavit and documentary evidence of the use and advertisement of the mark to the Trademark Registry and one complete set to the opponents.
7. On receipt of the documents from the Applicants, the opponents file their rebuttal

evidence within one month.

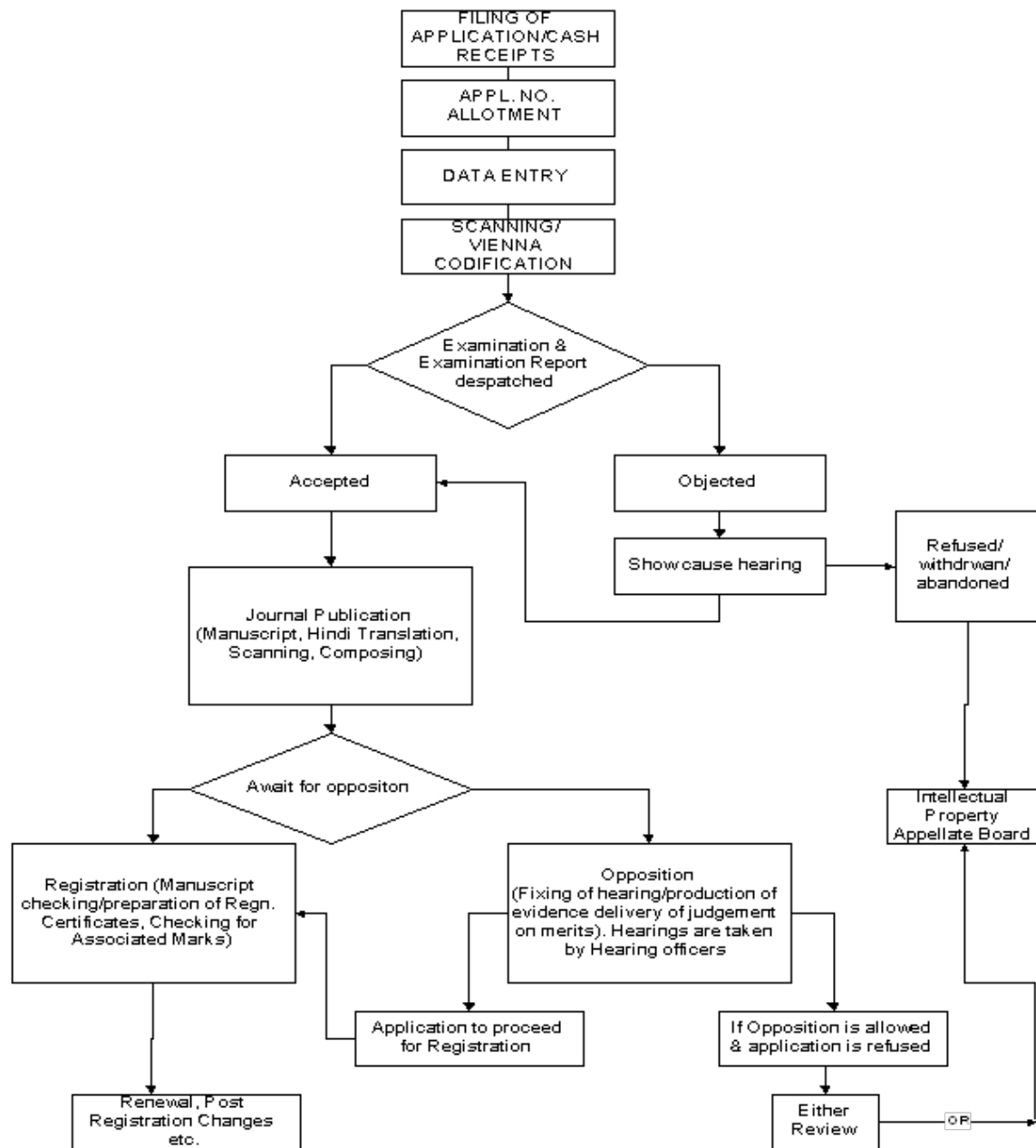
8. Hearing takes place thereafter and final order is passed by the Registrar based on which the application moves to the next phase ie registration

VIII. REGISTRATION:

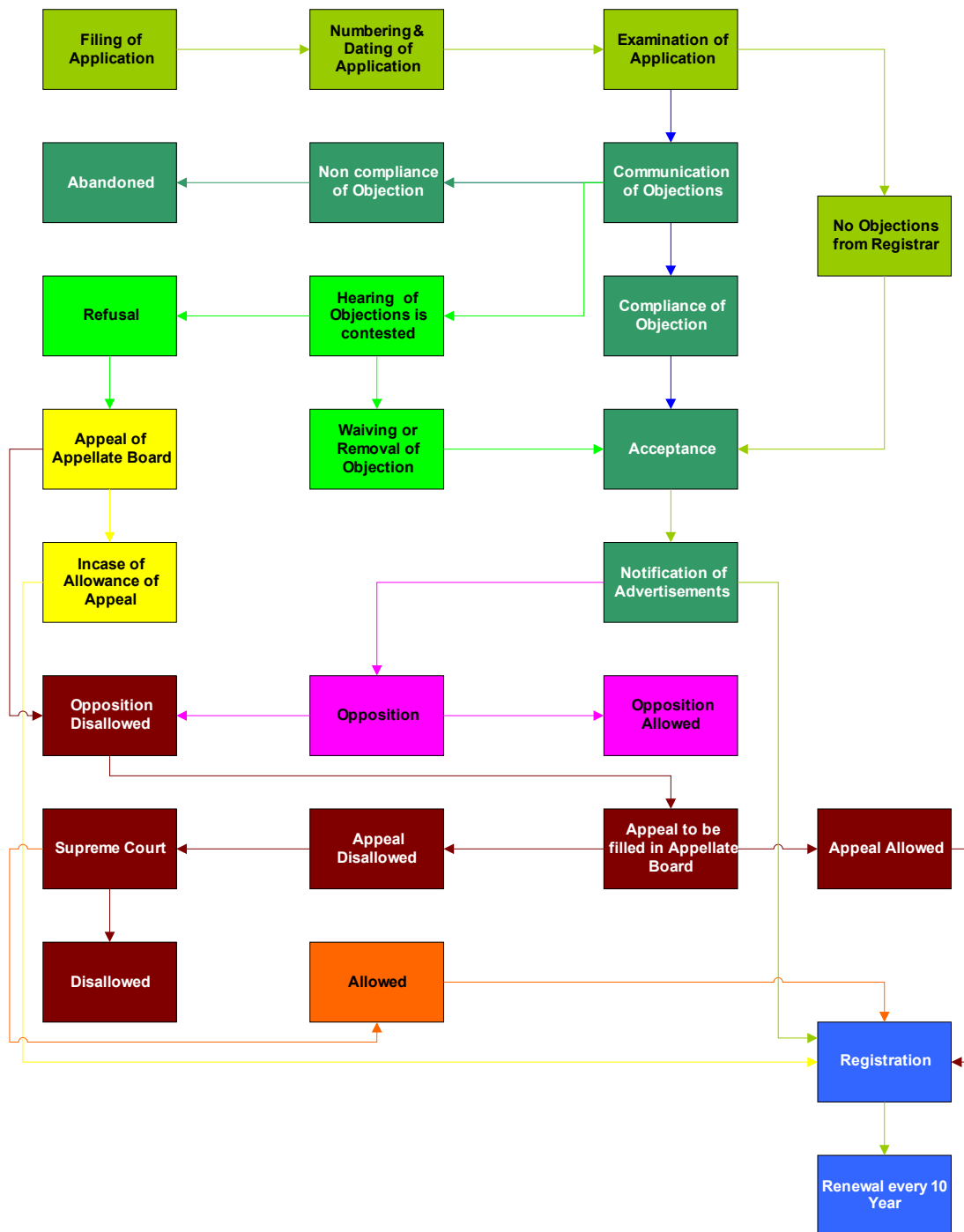
In the absences of opposition, a Trademark is registered, and the relative certificate of registration is issued for 10 years from the date of filing of an application. Now it is taking 24-30 months from the filling of the Trademark application to the final registration of the Trademark which would vary from time to time depending on various circumstances.

TRADEMARK PROCESS

SAMPLE 1



SAMPLE 2



ANNEXURE A

THE FOURTH SCHEDULE TO TRADE MARKS RULES, 2002

Classification of goods and services – Name of the classes

http://ipindia.nic.in/tmr_new/default.htm (indian list)

<http://www.wipo.int/classifications/nivilo/nice/index.htm> (exhaustive list)

(Parts of an article or apparatus are, in general, classified with the actual article or apparatus, except where such parts constitute articles included in other 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), life saving 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; horological 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 paints 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. Providing of food and drink; temporary accommodation; medical, hygienic and beauty care; veterinary and agricultural services, legal services, scientific and industrial research; computer programming; services that cannot be classified in other classes.

ANNEXURE B

All the forms are available online at

http://ipindia.nic.in/tmr_new/first_schedule_forms/the_first_schedule.htm

THE FIRST SCHEDULE

[See rule 11]

FORMS AND FEES

Entry No.	On what payable	Amount Rs.	Corresponding Form Number
1.	On application to register a trade mark for a specification of goods or services included in one class [Section 18(1)]	2500.00	TM-1
2.	On application to register a textile trade mark (other than a certification trade mark or a collective mark) consisting exclusively of numerals or letters or any combination thereof for a specification of goods or services included in one item of the Fifth Schedule under rule 25(5) & 145.	2500.00	TM-22
3.	On application to register a trade mark for goods or services included in a class from a convention country under section 18(1) & 154(2)	2500.00	TM-2
4.	On a single application under section 18(2) for the registration of a trade mark for different classes of goods or services from a convention country under section 154(2)	2500.00 for each class	TM-52
5.	On a single application under section 18(2) for the registration of a trade mark for different classes of goods or services.	2500.00 for each class	TM-51
6.	On application to register a series trade mark under section 15 for a specification of goods or services included in a class or different classes	2500.00 for each trade mark and for each separate class thereof	TM-8
7.	On application to register a series of trade mark from a convention country under section 154(2) for a specification of goods or services included in a class or classes	2500.00 for each trade mark and for each separate class thereof	TM-37
8.	On application under section 63(1) to register a collective mark for a specification of goods or services included in a class	10,000.00	TM-3

9.	On application under section 71(1) to register a certification trade mark for a specification of goods or services included in a class.	10,000.00	TM-4
10.	On application for the registration of a textile trade mark (other than a certification trade mark or a collective mark) consisting exclusively of numerals or letters, or any combination thereof for a specification of goods or services included in one item of the Fifth Schedule under rule 145 from a convention country under section 154(2).	2500.00	TM-45
11.	On a request under rule 40(1) to state grounds of decision.	1000.00	TM-15
12.	On a notice of opposition under section 21 (1), 64, 66 or 73 for each class opposed.	2500.00	TM-5
13.	On application for extension of time for filing notice of opposition under section 21(1)	500.00	TM-44
14.	On a counter statement in answer to a notice of opposition under section 21, for each application opposed, or in answer to an application under any of the section 47 or 57 in respect of each trade mark or in answer to a notice of opposition under section 59 or rule 101 for each application or conversion opposed.	1000.00	TM-6
15.	On notice of intention to oppose hearing under any of the section 21, 47, 57 and 59 by each party to the proceeding concerned.	500.00	TM-7
16.	On application under section 16(5) to dissolve the association between registered trade marks.	500.00 for each dissolution	TM-14
17.	For renewal under section 25 of the registration of a trade mark at the expiration of the last registration not otherwise charged.	5,000.00	TM-12
18.	For renewal under section 25 of the registration of a series trade mark at the expiration of the last registration- For the first two marks of the series of each separate class: For every additional mark of the series of each separate class.	5,000.00 2500.00	TM-12
19.	For renewal under section 25 of a single	5,000.00	TM-12

	application of a trade mark for goods or services in more than one class-in respect of every class.	for each class	
20.	For renewal under section 25 of the registration of a collective mark/certification trade mark.	20,000.00	TM-12
21	On application under section 25(4) for restoration of a trade mark removed from the register.	3000.00	TM-13
22.	On application for renewal under proviso to section 25(3) within six months from the expiration of last registration of the trade mark.	3000.00 as surcharge.	TM-10
23.	On application for certificate of the Registrar under section 40(2) : For the first mark proposed to be assigned. For every additional mark of the same proprietor included in that assignment .	2500.00 500.00	TM-17
24.	On application for approval of the Registrar under section 41- For the first trade mark . For every additional mark of the same proprietor included in the same transfer.	2500.00 500.00	TM-19
25.	On application under section 42 for direction of a Registrar for advertisement of assignment without goodwill of a trade mark in use- For the first mark assigned. For every additional mark assigned with the same devolution of title.	2500.00 2500.00 500.00	TM-20
26.	On application for extension of time for applying for directions under section 42 for advertisement of assignment without goodwill of trade mark in use in respect of devolution of title- Not exceeding one month Not exceeding two months Not exceeding three months	500.00 1000.00 1500.00	TM-21
27.	On application under section 45 to register a subsequent proprietor in a case of assignment or transfer of a single trade	5000.00 7500.00	TM-23 OR TM-24 TM-23 OR TM-

	mark: If made within six months from the date of acquisition of proprietorship. If made after expiration of six months but before 12 months from the date of acquisition of proprietorship. If made after 12 months from date of acquisition of proprietorship.	10,000.00	24. TM-23 OR TM-24. TM-23 OR TM-24.
28.	On application under section 45 to register a subsequent proprietor of more than one trade mark registered in the same name, the devolution of title being the same in each case:- If made within six months from the date of acquisition of proprietorship- For the first mark For every additional mark If made after the expiration of six months but before twelve months from the date of acquisition of proprietorship:- For the first mark For every additional mark If made after expiration of twelve months from the date of acquisition of proprietorship:- For the first mark For every additional mark	5000.00 1000.00 7500.00 1500.00 10,000.00 2000.00	TM-23 OR TM-24. TM-23 OR TM-24. TM-23 OR TM-24. TM-23 OR TM-24. TM-23 OR TM-24. TM-23 OR TM-24.
29.	On application under section 46(4) for extension of time for registering a company as subsequent proprietor of trade marks on one assignment :- Not exceeding two months Not exceeding four months Not exceeding six months	500.00 1000.00 1500.00	TM-25
30.	On application under any of the sections 47 or 57 for rectification of the register or removal of a trade mark from the register or cancellation of a registered collective mark or a certification trade mark	3000.00	TM-26
31.	On application under rule 94 for leave to intervene in proceeding under any of the sections 47 or 57 for rectification of the register or removal of trade mark from the register or under rule 133 or 139 in respect of a collective mark or certification trade mark.	500.00	TM-27
32.	On application under section 49 to	5000.00	TM-28

	register a registered user of a registered trade mark in respect of goods or services within the specification thereof.		
33.	On application under section 49 to register the same registered user of more than one registered trade mark of the same registered proprietor, where all the trade marks are covered by the same registered user agreement in respect of goods or services within the respective specification thereof and subject to the same conditions and restrictions in each case:- For the first mark For every additional mark of the proprietor included in the application, and in the registered user agreement	5000.00 3000.00	TM-28
34.	On application under clause (a) of sub-section 1 of section 50 to vary the entry of a registered user of one trade mark where the trade marks are covered by the same registered user in respect of each of them:- For the first mark For every additional mark included in the application	5000.00 2500.00	TM-29
35.	On application under clause (b) of sub-section (1) of section 50 for cancellation of the entry of a registered user of one trade mark- Where the application includes more than one trade mark- For the first mark For every additional mark included in the application	2500.00 2500.00 500.00	TM-30
36.	On application under clause (c) or (d) of sub-section (1) of section 50 to cancel the entry of a registered user of one trade mark:- Where the application includes more than one trade mark:- For the first mark For every additional mark included in the application	5000.00 5000.00 2000.00	TM-31
37.	On notice under rule 90(2) of intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of a trade mark	500.00	TM-32

38.	On application under section 58 to change the name or description of a registered proprietor or a registered user of a trade mark where there has been no change. In the proprietorship or in the identity of the registered user (except where the application is made as a result of an order of a public authority or in consequence of a statutory requirement as per law in India where the application includes more than one trade mark - For the first trade mark For every additional mark included in the application	1000.00 1000.00 1000.00 500.00	TM-33
39.	On application under section 58 to alter an entry of the address of a registered proprietor or of a registered user of a trade mark unless exempted from fee under rule 96(3): Where the application include more than one trade mark - and where the address in each case is the same and is altered in the same way- For the first entry For every other entry included in the application	500.00 500.00 200.00	TM-34
40.	On application to make an entry of an address for service in India of a registered proprietor or a registered user of a trade mark- where the application include more than one trade mark and the address for service to be entered is the same in each case- For the first entry For every other entry included in the application.	500.00 500.00 200.00	TM-50
41.	On application to alter or substitute an entry of an address for service in India in the register unless exempted from fee under rule 96(3) . Where the application includes more than one trade mark and the address in each case is the same and is altered or substituted in the same way- For the first entry For every other entry included in the	500.00 500.00 200.00	TM-50

	application		
42.	On application under clause (c) of sub-section (1) of section 58 for canceling the entry or part thereof from the register or under clause (d) to strike out goods or services from the register.	200.00	TM-35 OR TM-36
43.	On application under section 59(1) for leave to add or alter a registered trade mark (except where the application is made as a result of an order of a public authority or in consequence of statutory requirement)- Where the application includes more than one trade mark and the addition or alteration to be made in each case being the same- For the first mark For every other mark included in the application.	2500.00 2500.00 1000.00	TM-38
44.	On notice of opposition under sub-section (2) of section 59 to an application for leave to add or to alter a registered trade mark for each application opposed	1500.00	TM-39
45.	On application under section 60 for conversion of specification.	1000.00	TM-40
46.	On notice of opposition in each separate class under sub-section 2 of section 60 to a conversion of the specification or specifications of a registered trade mark: For the first mark For every additional mark included in the notice of opposition.	1500.00 1500.00 700.00	TM-41
47.	On application under section 66 for amendment of the deposited regulations of a collective mark or alteration under section 74(2) for the regulation of a certification trade mark- Where the marks are entered in the register as associated trade marks- For the regulation of one registration. For the same or substantially same regulation of each additional registration proposed to be altered in the same way and included in the same application.	1000.00 1000.00 200.00	TM-42
48	On application under section 68 to remove the registration of a collective mark or cancel or vary the registration of a	1000.00	TM-43

	certification trade mark under section 77		
49.	For a search under rule 24(1) in respect of one class	500.00	TM-54
50.	On request for the Registrar's preliminary advice under section 133(1) for a trade mark in respect of one class.	1000.00	TM-55
51.	On request for certificate of the Registrar under section 137(other than a certificate under section 23(2)).	500.00	TM-46
52.	On request for certificate of the Registrar [other than certificate under section 23(2)] of the registration of a series of the trade mark under section 15 for each class.	500.00	TM-46
53.	On request for a certified copy of any entry in the register or of any document under section 148(2).	500.00	TM-46
54.	On request to enter in the register and advertise a note of certificate of validity, under rule 124 in respect of one mark in a class	200.00	TM-47
55.	On request, not otherwise charged for correction of a clerical error or for amendment under section 18(4), 22 and 58, except where the request is made as a result of an order of a public authority or in consequence of a statutory requirement as per law in India.	500.00	TM-16
56.	On application for extension of time for a month or part thereof under section 131 [not being a time expressly provided in the Act or prescribed by rule 79 or by rule 80(4)]	500.00	TM-56
57.	On application for review of the Registrar's decision under section 127 (c)	2000.00	TM-57
58.	On petition (not otherwise charged) for obtaining Registrar's order on any interlocutory matter in a contested proceeding.	2500.00	
59.	On request to Registrar for particulars of advertisement of a mark under rule 46.	250.00	TM-58
60	For inspecting the documents mentioned in section 148(1):- relating to any particular trade mark for every hour or part thereof. computer search (when made	200.00 400.00 200.00	

	available) for every fifteen minutes search of index mentioned in section 148 for every hour or part thereof		
61	For copying of documents, (photocopy or typed) for every page of part thereof in excess of one page.	5.00 per page(subject to a minimum of Rs. 5.00)	
62.	On request for a duplicate or further copy of certificate rule 62(3)	500.00	TM-59
63.	On a counter statement in answer to a notice of opposition in respect of a collective trade mark or a certification trade mark under section 64, 66,73 or 77.	1500.00	TM-9
64.	For search and issue of certificate under rule 24(3).	5000.00	TM-60
65.	On application under sub-section (b) of section 25 of Geographical Indications of Goods (Registration and Protection)Act, 1999 to refuse or invalidate the registration of a trade mark which conflicts with or which contains or consists of a geographical indication identifying goods or class or classes of goods notified under sub-section (2) of section 22 of the said Act.	3000.00	TM-74
66.	On application under sub-section (a) of section 25 of Geographical Indications of Goods (Registration and Protection)Act, 1999 to refuse or invalidate the registration of a trade mark containing or consisting of a geographical indicating not originating in the territory of a country or a region or locality in that territory which the geographical indication indicates.	3000.00	TM-73
67.	Notice of intention to attend hearing under section 64, 66, 73 or 77 in respect of a collective mark or in respect of a certification trade mark, as the case may be.	500.00	TM-7
68.	On a request to divide an application or to divide a single application under proviso to section 22.	1000.00 plus appropriate class fee	TM-53
69.	On application under sub-rule 16 of rule 25 towards inclusion of specification of goods or services in excess of five hundred characters at the time of filing of	10.00 per character	TM-61

	application as excess space fee.		
70.	On application under section 43, rule 140(2) for consent of Registrar to the assignment or transmission of certification trade mark.	1000.00	TM-62
71.	On application under rule 38(1) for the expedited examination of an application for the registration of a trade mark.	12,500.00	TM-63
72.	On application under section 63(1) to register a collective mark of a specification of goods or services included in a class from a convention country under section 154(2).	10,000.00	TM-64
73.	On application under section 71 to register a certification trade mark for a specification of goods or services included in class from a convention country under section 154(2).	10,000.00	TM-65
74.	On request for an expedited certificate of the Registrar (other than a certificate under section 23(2) of the Act) or certified copies of documents under proviso to rule 119.	2500.00	TM-7
75.	On request for an expedited search under proviso to rule 24(1).	2500.00	TM-71
76.	On request for an expedited search and issuance of a certificate under rule 24(5).	25000.00	TM-72
77.	On application for registration as a trade mark agent under 152.	1000.00	TMA-1
78.	For registration of a person as a trade mark agent under rule 154.	1000.00	

79.	For continuance of the name of a person in the Register of Trade Marks Agents under rule 156:- For every year (excluding the first year) to be paid on the 1st April, in each year. For the first year to be paid along with the fee or registration, in the case of a person registered at any time between the 1st April, and 30th September. N.B. A year for this purpose will commence on the 1st day of April, and end on the 31st day of March following.	1000.00 1000.00	
80.	On application for restoration of the name of a person to the Register of trade marks agents under rule 159.	1000.00 plus continuance fee under entry no. 79.	TMA-2
81.	On application for an alteration of any entry in the Register of Trade Marks Agent under rule 160.	200.00	TMA-3
82.	For each addition to the registered entry of a trade mark that may be associated with a newly registered mark under section 16(1).	500.00	
83.	On a single application under section 18(2) for the registration of a collective mark for different classes of goods or services.	10,000.00 for each class.	TM-66
84.	On a single application under section 18(2) for the registration of a collective mark for different class of goods or services from a convention country.	10,000.00 for each class.	TM-67
85.	On a single application under section 18(2) for the registration of a certification trade mark for different class of goods or services.	10,000.00 for each class.	TM-68

86.	On a single application under section 18(2) for the registration of a certification trade mark for different class of goods or services from a convention country under section 154(2).	10,000.00 for each class.	TM-69
87.	On request for search and issuance of a certificate pursuant to clause (ii) of sub-section (2) of section 20 of the Companies Act, 1956.	5000.00	TM-75

THE SECOND SCHEDULE FORMS

List of Forms

Form No	Section	Title Entry	Act No
TM-1	18(1),rule 25(2)	Application for registration of a trade mark for goods or services (other than a collective mark or a certification trade mark)	1
TM-2	18(1),154(2)	Application for registration of a trade mark from convention country (other than a collective mark or a certification trade mark)	3
TM-3	63(1)	Application for registration of a collective mark	8
TM-4	71(1)	Application for registration of a certification trade mark.	9
TM-5	21(1),64, 66, 73	Notice of opposition to an application for registration of a trade mark, collective mark or certification trade mark.	12
TM-6	21(2), 47, 57, 59(2)	Form of counterstatement	14
TM-7	21, 47, 57, 59, 64,66 73 and 77	Notice of intention to attend hearing.	15
TM-8	15(3)	Application for registration of series trade marks for goods or services in a class or different classes	6
TM-9	64, 66, 73 and 77	Form of counterstatement in answer to Notice of Opposition in respect of a collective mark or a certification trade mark	63
TM-10	25(3)	Proviso Payment of surcharge towards renewal of to trade mark, certification trade mark and collective mark.	22
TM-12	25	Application for renewal after expiry of last registration of a trade mark/collective mark/certification trade mark	17 to 20
TM-13	25(4)	Application for restoration of a trade mark removed from the register	21
TM-14	16(5)	Application to dissolve association between registered trade mark	16
TM-15	40(1)	rule Request for statement of grounds of decision	11
TM-16	18(4), 22 and 58	Request for correction of clerical error or for amendment rule 41	55
TM-17	40(2),rule 77	Application for the certificate of the Registrar under Section 40(2) with regard to proposed assignment of registered trade mark.	23
TM-18	40(2)	Affidavit in support of statement of case.	rule 68

TM-19	41, Rule 77	Application for approval by the Registrar of a proposed assignment or transmission of trade mark resulting in exclusive rights in different parts of India.	24
TM-20	42, rule 74(1)	Application for directions for advertisement of an assignment of trade marks otherwise than in connection with goodwill of the business.	25
TM-21	42, rule 74(3)	and rule Application for extension of time in which to apply for the Registrar's directions for the advertisement of an assignment of trade marks otherwise than in connection with the goodwill of the business.	26
TM-22	18(1) rule 25(5), 144 and 145	Application to register a textile trade mark (other than a certification trade mark or a collective mark) consisting exclusively of numerals or letters or any combination thereof for a specification of goods or services included in one item of the Fifth Schedule under rule 145	2
TM-23	45	Joint request by registered proprietor and transferee to register the transferee as subsequent proprietor of trade marks upon the same devolution of title.	27,28
TM-24	45,rule 68	Request to register a subsequent proprietor of a trade mark or trade marks upon the same devolution of title.	27,28
TM-25	46(4), rule 79	Application for extension of time for the registration of the name of a company as a subsequent proprietor of a trade mark in the register.	29
TM-26	47, 57	Application for the rectification of the register or the removal of a trade mark from the register.	30, rule 92
TM-27	rule 94, 133, 139	Application for leave to intervene in proceedings relating to the rectification of the register or the removal of a trade mark from the register or a collective mark or a certification trade mark.	31
TM-28	49, rule 80	Application for registration of registered user	32,33
TM-29	50 (1)(a), rule 87	(a) Application by the registered proprietor of a trade mark for variation of the registered user thereof with regard to the goods or services or the condition or restriction.	34
TM-30	50(1)(b), rule 88(1)	(b) Application by the Registered Proprietor of a trade mark or by any of the registered users of the trade mark for the cancellation of entry of a registered user thereof.	35
TM-31	50(1)(c) or (d), rule 88(1)	(c) Application for cancellation of entry of a or (d) registered user of a trade mark of a trade mark.	36

TM-32	rule 90(2)	Notice of intention to intervene in proceedings for the variation or cancellation of an entry of a registered user of a trade mark	37
TM-33	58, rules 91,97	Request to enter change of name or description of registered proprietor (or registered user of trade mark upon the register).	38
TM-34	58, rules 91, 96, 97	Request for alteration of the address of the principal place of business of residence in India or of the address in the home country abroad in the Register of Trade Marks	39
TM-35	58 (1)(c), rule 97	Application by registered proprietor of trade mark for the cancellation of entry thereof in the register.	42
TM-36	58(1)(d). rule 97	Application by registered proprietor of trade 42 mark to strike out goods or services from those for which the trade mark is registered	
TM-37	154(2) and 15(3), rule 25(11), 26 and 31	Application in respect of series trade mark from convention countries under section 154(2) 26 & 31 for goods or services in a class or for different classes	7
TM-38	59(1)	Application by registered proprietor under Section 59 for an addition to or alteration of a registered trade mark	43
TM-39	59(2), rule 99(2)	Notice of opposition to application for addition to or alteration of a registered trade mark	44
TM-40	60, Rule 101	Application by the proprietor of a registered trade mark for the conversion of the specification	45
TM-41	60(2), Rule 101(4)	Notice of opposition to proposal for conversion of specification under section 60(2)	46
TM-42	66 or 74(2) rule 132(a), 140	Request for amendment of deposited regulations governing the use of a collective mark or alteration of deposited regulation of a certification trade mark	47
TM-43	68,77 and rules 92, 133,139	Application for removal from the register of a collective mark or to cancel or vary the registration of a certification trade mark.	48
TM-44	21(1) rule 47(6)	rule Application for extension of time for giving notice of opposition to a trade mark	13, 47(6)
TM-45	18(1), 154(2) rule 25(6), 26, 144, and 145	An application to register a textile trade mark (other than a collective mark or certification trade mark) consisting exclusively of numerals or letters or any combination thereof for a specification of goods or services included in one item of the Fifth Schedule from a convention country u/s	10, 154 (2)
TM-46	137 or 148(2), rule 119 and 120	Request for certificate of the Registrar or certified copies of documents	51 to 53
TM-47	141 rule 124	Request for entry in the register and advertisement of a note of the certificate of validity by the Appellate Board.	54
TM-48	145 and rule 21	Form of Authorisation of Agent in a matter or proceeding under the Act	

TM-49	63, 71 Rule 128(1),135(1)	Regulations for governing the use of a rule 128(5) collective trade mark or certification trade mark or 135(1)	
TM-50	rule 91,96,97	Form of request by a registered proprietor or a registered user of a trade mark who has no principal place of business in India, to enter, alter or substitute an address for service in India.	40,41
TM-51	18(2), rule 25(9), 103	A single application under section 18(2) for rule 25(9) registration of a trade mark for goods or services in different classes.	5
TM-52	18(2) rule 25(4), 103	A single application u/s 18(2) for registration rule 25(4) of a trade mark from convention country u/s 154(2)	4
TM-53	22 rule 104(1)	Proviso Divisional application to section 22	68
TM-54	rule 24(1)	Request for search	49
TM-55	133(1) rule 23	Preliminary advice as to distinctiveness	50
TM-56	131, rule 105	Request for extension of time	56
TM-57	127(c), rule 115	On application for review of Registrar's decision	57
TM-58	rule 46	Application for particulars of advertisement of a trade mark	59
TM-59	rule 62(3)	Application for duplicate or further copy of certificate of registration	62
TM-60	rule 24(3)	Application for search and certificate under Section 45(1) of the Copyright Act, 1957	64
TM-61	rule 25(16)	Application for inclusion of specification of goods or services in excess of five hundred characters	69
TM-62	43, rule 140(2)	Application for the consent of the Registrar to rule 140(2) the assignment or transmission of certification trade mark	70
TM-63	rule 38(1)	Request for expedited examination of an application for the registration of a trade mark under rule 38(1)	71
TM-64	63(1), 154(2), Rule 128(1)	Application to register a collective mark for rule 128(1) a specification of goods or services included in a class from convention country under section 154(2)	72
TM-65	154(2), rule 25(8)(b), 135(1)	Application under section 71 to register a Certification trade mark for a specification of goods or services included in a class from convention country under section 154(2)	73
TM-66	18(2),63(1). rule 25(17(a),103, 128(1).	Single application for registration of a collective trade mark for different classes of goods or services	83
TM-67	18(2), 63(1), 154(2), rule 25(17)(b), 103,128(1)	Single application for registration of a collective trade mark for different classes of goods or services from a convention country under section 154(2)	84
TM-68	18(2), 71	Single application for registration of a certification trade mark for different classes of goods or services	85
TM-69	18(2), 71, 154(2),	Single application for registration of a certification trade mark for different classes of goods or services from a convention	86, 71

		country under section 154(2).	
TM-70	137, 148. rule 8(2)(c), Provision to rule 119	proviso Request for expedited certificate of the Registrar or certified copies of documents	74
TM-71	rule 8 (2)(c) Provision to rule 24(1).	Proviso to Request for expedited search in respect of one class	75
TM-72	rule 8(2)(c), 24(5)	Request for expedited search certificate under section 45(1) of the Copyright Act,1957	76
TM-73	Section 25(a), rule 74(2)	Request to refuse or invalidate a trade mark Of Geogra- Consisting of a geographical indication. phical Indi- cations of . Goods (Registration and Protection)Act, 1999, rule 74(2) of Geographical Indications Goods Rules, 2001 and rule 102 of Trade Marks Rules, 2001	66
TM-74	Section 25(b), rule 75(2)	Request to refuse or invalidate a trade mark of Geogra- conflicting with or containing or consisting phical Indi- of a geographical indication notified under cations of sub-section (2) of section 22 of the Goods Geographical Indications of Goods (Regi- (Registration stration and Protection)Act,1999 and Protection)Act, 1999, rule 75(2) of Geographical Indications Goods Rules and rule 102 of Trade Marks Rules, 2001	65
TM-75	rule 32	Request for search and issuance of certificate under rule 32	87
TMA-1	rule 153	Application for registration as a trade mark agent	77
TMA-2	rule 159	Application for restoration of the name of person to the register of trade marks agents	80
TMA-3	rule 160	Application for the alteration of an entry in the Register of Trade Marks Agents.	81

ANNEXURE C

GUIDELINES FOR PUBLIC SEARCH OF TRADE MARKS ON WORLD WIDE WEB (INDIA)

1• Public Search can be accessed by visiting the home page of Controller General of Patents, Designs and Trade Marks (CGPDTM) at <http://ipindia.nic.in> or through URL <https://www.ipindiaonline.gov.in/etmr/publicSearch/searchMain.aspx>

1• The Public Search facility is on payment basis. This facility can be availed either by paying online through Net Banking Facility or by paying offline at respective Trade Marks Offices.

PUBLIC SEARCH WITH OFFLINE PAYMENT OPTION

11 Users intended to pay search fee offline at respective TMR front office counters for using Public Search facility on the web need to register themselves (*for the first time*) as a Search User. In order to register online, the user needs to click the option “Registration with Payment at TMR office” on <https://www.ipindiaonline.gov.in/etmr/publicSearch/searchMain.aspx>. On entering the desired details like name, address and password, a **Search User Party Code and Password** will be generated, which the User(s) has to remember for performing searches in the future. *Kindly note that this activity is required to be done only once.*

12 After obtaining Search User Party Code, User can fill MIS-P form and submit at respective TMR Office by paying a fees of Rs. 400/- per Search-ID. While filling the MIS-P form, the user has to mention his Search User Party Code obtained after registration (as mentioned above in Point No. 1.)

13 The TMR office will provide **Search ID and Password** in the receipt itself which shall be used for availing Public Search facility on the Internet within 7 days after issue of the receipt.

14 User can make their Search by Clicking “Public Search Login” and typing Search ID and Password printed in the receipt obtained from TMR Office.

15 On successful login, the system will prompt to enter Search User Party Code and Password for authentication.

16 On successful authentication, User will be given fifteen minutes time to perform on-line search in any Class by typing search string and print the search reports. It is advised not to logout or close the window until all searches are over as the search id will be treated as utilized after logging out or closing the window while availing on-line search facility.

7. The system will auto logout after fifteen minutes.

PUBLIC SEARCH WITH ONLINE PAYMENT OPTION

1• To avail search facility by paying on-line, Users shall register on the Public Search page by clicking “Registration with online Payment” on

2 ([https:// www.ipindiaonline.gov.in/etmr/publicSearch/searchMain.aspx](https://www.ipindiaonline.gov.in/etmr/publicSearch/searchMain.aspx)) by entering Name, Address and State.

1• Online Payments can be made by Net Banking facility available on the Registration Page by paying a fee of Rs. 400/- in INR.

1• On successful payment, a Login ID and a Password will be generated by the System. *(Please Note down this Login ID and Password Carefully)*

1• Login to the Public Search page on (<https://www.ipindiaonline.gov.in/etmr/publicSearch/searchMain.aspx>) by entering Login ID and Password

1• The system will allot 15 minutes time to perform on-line search.

1• System generated Login ID and Password will not be valid once the search for 15 minutes is over. To perform another Search, re-registration on the page (<https://www.ipindiaonline.gov.in/etmr/publicSearch/searchMain.aspx>) is required.

1• It is advised not to logout or close the window until all searches are over as the search id will be treated as utilized after logging out or closing the window while availing on-line search facility.

1• The system will auto logout after fifteen minutes.

ANNEXURE D

LOCATION AND JURISDICTION

Trade Marks Registry, **Mumbai (Head Office)**
Intellectual Property Bhavan, Near Antop Hill Head Post Office,
S.M. Road , Antop Hill, Mumbai 400037
Tel: 022-2410 1144, 24101177, 24148251, 24112211
Fax: 24120808, 24132295
Jurisdiction: State of Maharashtra, Madhya Pradesh and Goa

Trade Marks Registry, **Delhi**
Intellectual Property Bhavan, Plot NO.32, Section 14,
Dwarka, Delhi
Tel. 011-28082915/ 16/17 Fax:
***Jurisdiction: State of Jammu & Kashmir, Punjab,
Haryana, Uttar Pradesh, Himachal Pradesh, Union
Territory of Delhi and Chandigarh***

Trade Marks Registry, **Kolkata**,
CP-2, Sector V, 5th floor, I.P.Bhavan, Salt Lake,
Kolkata-700091
(Telfax. 033-23677311
***Jurisdiction: State of Arunachal Pradesh, Assam, Bihar,
Orissa, West Bengal, Manipur, Mizoram, Meghalaya,
Sikkim , Tripura and Union Territory of Nagaland,
Andamar & Nicobar Island.***

Trade Marks Registry, **Ahmedabad**,
15/27 National Chambers, 1st floor,
Ashram road,
Ahmedabad-380 009.
Tel: 079-26580567
***Jurisdiction: The state of Gujarat and Rajasthan and
Union Territory of Damman, Diu, Dadra and Nagar
Haveli***

Trade Marks Registry, **Chennai**
IP building, GST Road, Guindy
Chennai-600032
Tele: 044-22502041, Fax : 044-22502042
***Jurisdiction: The state of Andhra Pradesh, Kerala, Tamil
Nadu, Karnataka and Union Territory of Pondicherry and
Lakshadweep Island.***

INTERNATIONAL SCENARIO

Trademark rights are granted on a country-by-country basis. An Indian registration provides protection only in India and its territories. If the owner of a mark wishes to protect a mark in other countries, the owner must seek protection in each country separately under the relevant laws.

International trademark protection

There is no system as yet wherein a single trademark application is sufficient to protect the trademark right internationally. However, Paris convention* provides certain privileges to member countries in trademark registration. A party that files their first trademark application in a member state of the Convention, such as India, can within **six months** of that filing date file applications in other member countries claiming the priority of the first application. If such a trademark is accepted for registration it will be deemed to have registered from the same date on which the application is made in the home country.

It is also possible to utilize multinational filing systems in certain regions in order to obtain trademark protection. For example, Belgium, the Netherlands and Luxembourg have a single trademark registry, commonly referred to as the **Benelux Trademark Register**. The European Union consisting of 27 countries has adopted its own trademark system, known as the Community Trademark (**OHIM**). The African Organization for Intellectual Property (**OAPI**), a group of African nations, have replaced their national trademark offices with a common trademark office which offers a single trademark registration valid in all of the member states.

Almost all countries have trademark offices in which applications may be filed. Therefore, when contemplating trademark protection in various countries, it is most helpful to start with a list of countries where registered trademark protection is available. Deciding where to register a trademark involves various considerations. Countries where a trademark is currently in use, but prior use of trademark is not recognized, should be the first to be considered for seeking registered protection. If commencing use shortly or expanding use to other countries within a few years, then such countries should also be included. The last group of countries should be those have a history of unauthorized registration of other's trademarks.

* Paris Convention is the most basic and important multilateral convention relating to intellectual property, including trademarks, of which India is a member. It defined the meaning and scope of industrial property rights protection and established basic principles and rules.

Various foreign sites which would help you in filing international trademarks

<http://www.uspto.gov/web/offices/tac/tmfaq.htm>

<http://www.uspto.gov/web/trademarks/workflow/start.htm>

<http://oami.europa.eu/ows/rw/pages/QPLUS/forms/electronic/fileApplicationCTM.en.do>

<http://www.wipo.int/madrid/en/>