

PUBLIC NOTICE

Consequent to the amendment in Schedule IV of the Trade Marks Rules, 2002 amending the specification of services from Class 42 to 45 [vide Notification dated 20.5.2010 under G.S.R. 428(E)], the trade mark computer system has been modified and applications for services falling in classes 43 to 45 can be filed at the appropriate office.

With respect to pending applications already filed in Class 42, a request for change of specification of services to the new class as appropriate is to be made in form TM-16 accompanied by the prescribed fees of Rs. 500/-.

Where the specification in the original application includes services now falling in class 43 to 45 and some services continue in class 42, an application fee of Rs.2500 for each class is to be paid along with a single request in Form TM-16 to convert the application into different classes as appropriate. However, date of filing of application will remain unchanged.

With respect to registered trade marks conversion of specification so as to bring it in conformity with the amended classification will be governed by rule 101 of the Trade Marks Rules, 2002. The registered proprietor in such case may apply in form TM-40 along with prescribed fee of Rs. 1000/- at the appropriate office. As in the case of pending applications, in respect of registered trade marks now required to be split into several classes request in TM-40 is to be accompanied by an application fee of Rs.2,500/- for each class. There will be no change in date of registration.

Since registration of trade mark for services was introduced only since September, 2003, subsequent renewal from 2013 onwards will be effected only after the necessary conversion of specification in the appropriate class has been effected so as to be in conformity with the amended classification.

Until all the application for services in Class 42 are transferred to the amended class as appropriate, a combined public search and a combined request for official search should be made in both class 42 and the amended class.

(V. RAVI)
SENIOR JOINT REGISTRAR OF TRADE MARKS & GI