

FREQUENTLY ASKED QUESTIONS: TRADEMARK

Q: What are the routes available to file trademark application in India?

A: An Indian or foreign national or entity can file a trademark application in India by choosing any of three routes such as: an ordinary application to be filed only in India, a convention application claiming priority from convention country, and a Madrid (international) application designating India.

Q: Is multiclass trademark application allowed in India?

A: Yes. Filing multiclass trademark application in India is allowed. However the advantage of filing separate applications for each class is that when the objection is raised to a trademark application under a single class, it does not affect the corresponding trademark application under another class.

Q: What is the next course of action after filing a trademark application?

A: The Trade Marks Registry examines each trademark application and issues Office action (Examination report) where it is indicated whether the trademark is accepted or objected. If the trademark application is accepted then the trademark gets published in the Official Journal. If there is any objection in the Office action then the applicants are required to file appropriate reply or comply with the requirements as stated therein within 30 days from the date of receipt of the Office Action. If the Examiner get satisfied with such reply the trademark application is accepted and advertised in official Trademark Journal. However, if the Examiner is not satisfied, then a hearing is fixed for disposal of the matter. In the hearing, if the Hearing Officer is satisfied with submissions of the applicant, the trademark application is accepted and the trademark gets published in official journal.

Q: When does the trademark application get published?

A: Generally, the trademark application gets published within next 15 to 20 days from the date of its acceptance.

Q: What is provision with respect to oppositions?

A: Any person can file Notice of Opposition within four months from the date of publication of the trademark in the official journal.

Q: When is the registration certificate issued?

A: After expiry of four months from the date of publication of the trademark in official journal, if no opposition is filed and if opposition is filed then after the opposition gets disposed in the applicant's favour, the registration certificate is issued. Usually, the Trade Marks Registry issues registration certificate within next 15 to 20 days.

Q: What is the due date of paying renewal fee?

A: The registration of trademark is initially valid for 10 years from the date of filing of the trademark application and can be renewed for each subsequent ten years period by paying renewal fee. The payment window for annuities starts from six months before the due date.