

# TRADEMARK REGISTRATION

## CHECKLIST



## Trademark Registration

### What is Trademark?

A trademark is a recognizable sign, design, or expression which identifies products or services of a particular activity. It is in the form of a logo, image, symbol, word(s), letter(s) or color(s). It is a recognition of the company's/individual's ownership of the brand. Trademarked products are considered as form of property/intangible asset. Trademarks are often noted by way of <sup>TM</sup>, or <sup>®</sup> if registered.

### Benefits of Registering Trademark:

- 1) It identifies the goods and services and its origin or owner.
- 2) Its registration is the basis for legal compensation.
- 3) It establishes the legal right of the trademark owner to use the trademark throughout the country.
- 4) It is the most cost-effective way to ensure legal exclusivity for the use of your trade name or logo etc.
- 5) It can be sold, licensed or assigned.

### Procedure of Trademark Registration:

- 1) The application for trademark registration can be filed with the Trademark Registrar.
- 2) The application for registration of trademark must be made in the prescribed form and filed along with the fee with the Trademark Registry.
- 3) A trademark registration application must contain the following information:
  - Logo or the Trademark
  - Name and address of the trademark owner
  - Classification or Trademark Class
  - Trademark used since date
  - Description of the goods or services
  - Prior user affidavit in case the mark is already in use

- 4) Once the Trademark registration application is filed with the Trademark Registrar, a trademark application allotment number is provided within one or two working days.
- 5) On obtaining trademark application allotment number, the owner of the trademark can affix the TM symbol next to the logo.
- 6) Trademark Registrar now applies for the Vienna Classification to the trademark based on the figurative elements of marks, the status of the application reflects as "Sent for Vienna Codification".
- 7) The Trademark Registrar scrutinizes the application and marks the application for Examination for which the applicant has to file a reply in case the Registrar finds any similar trademarks. In case the Registrar is not satisfied with the reply filed by the applicant, a hearing may be scheduled.
- 8) Once the trademark registration application is accepted by the Trademark Registrar, the proposed trademark is published in the Trademark Journal. The public gets an opportunity to object the trademark registration, if they believe they will be damaged by that registration. If there are no objections filed within 4 months of that publication, the mark will typically be registered within 12 weeks months' time.
- 9) Once there are no objections or oppositions for the trademark registration application, the trademark manuscript and trademark registration certificate will be prepared and sent to the trademark application.
- 10) Once the trademark registration certificate is issued, the trademark is considered to be a registered trademark of the owner, granting the trademark owner exclusive use of the mark. The ® symbol can now be placed next to the logo or trademark.

## List of documents required for Trademark Registration

### A] In case of Individuals and Sole Proprietorship

- 1) Copy of the logo, preferably in black & white (Optional). In case logo is not provided, the trademark application can be filed for the word.
- 2) General Power of Attorney on stamp paper is an authorization from the applicant to a Trademark Agent / Attorney for filing the trademark application on his/her behalf.
- 3) Identity Proof of the individual or Proprietor.
- 4) Address Proof of the individual or Proprietor.
- 5) User affidavit on stamp paper is trademark is in use before application.

### B] In Case of Partnership/LLP/Company-Small Enterprise or Startup/Others

- 1) Copy of Logo (Optional)
- 2) Power of Attorney on stamp paper
- 3) Udyog Aadhar Registration Certificate.
- 4) Incorporation Certificate or Partnership Deed.
- 5) Identity Proof of Signatory.
- 6) Address Proof of Signatory
- 7) User affidavit on stamp paper is trademark is in use before application.

**Turn Around Time (TAT):**

Depends on case to case basis.

**Questionnaire for Trademark**

This basic information will be while applying for Trademark.

**Applicant Name:** \_\_\_\_\_

(Write the name of Company or Firm or Individual, in whose name the trademark to be registered)

Age: \_\_\_\_\_ Nationality: \_\_\_\_\_ Mobile No: \_\_\_\_\_

Email Id of the Signatory : \_\_\_\_\_

Residence Address of the Applicant: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Type of Organization: \_\_\_\_\_

(Write whether Pvt. Ltd. /Public Ltd./LLP/ Partnership Firm/ Proprietorship Firm/ Trust/ Individual)

Whether Small Business or Large Enterprise: \_\_\_\_\_

(Not applicable to Individual Applicants)

(Large Enterprise means For MANUFACTURING INDUSTRY: If the investment in Plant & Machinery is more than Rs. 10 crore.

For SERVICE INDUSTRY: If investment in office equipment is more than Rs. 5 crore)

Full name of all the Partners/Directors: \_\_\_\_\_

(Applicable only In case of Pvt. Ltd./Public Ltd./LLP/ Partnership Firm)

Full name of the person who will sign Authorization Letter :

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Mark/Brand Name

Trade description of Goods/Services:-

( Please write exact goods or services sold / promoted under this brand name, in 3-4 lines.  
Include only specific goods or services name) Eg: Software Development: Software

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Write whether the applicant is Manufacturer /Trader/ Service Provider

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User Date of the Brand/Mark

(Please write the approx date since when brand is in use. if currently not in use give the approx date from when it will be in use)

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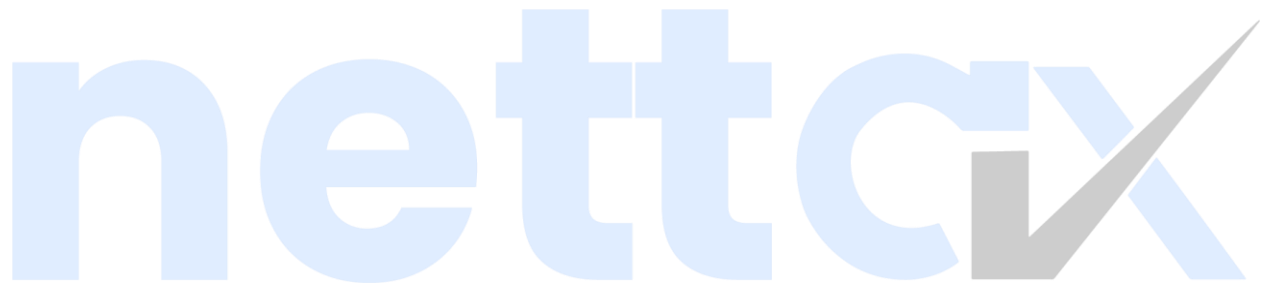
Service Address

(Please write the address where you want the Trademark registry to communicate with you)

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**Good Luck  
For Your Business**



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