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TRADEMARK REGISTRATION

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Contact us on : +91 93730 35540
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TRADEMARK REGISTRATION

What is a Trademark?

A trademark is a recognizable sign, design, or expression which represents a company or product or service. 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 ownership of the brand. Trademarked products are considered as a form of property. Trademarks are often noted by way of ™, or ® if registered.

Benefits of Registering Trademark:

(How can one benefit by registering a Trademark?)

1. A trademark registration gives the proprietor the right to exclusive use of the mark in respect of the goods or services covered by it.
2. A registered trademark can be pledged as a security to secure loan facilities.
3. Trademark is an intangible asset.
4. On registering the trademark can be sold, licensed or assigned.
5. A registered trademark can also be transferred

Procedure of Trademark Registration:

(How to apply for trademark registration?)

1. The application for trademark registration can be filed with the Trademark Registrar.
2. The application must be made in the prescribed manner and filed along with the fee for trademark
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
    - Date since when the Trademark was in use
    - Description of the goods or services
4. Once the application is filed with the Trademark Registrar, a trademark application allotment number is provided within one or two working days.
5. On obtaining a 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. 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 to the trademark registration if they believe they will be damaged by that registration. If there are no objections filed within 90 days of that publication, the mark will typically be registered within a month to 12 weeks time.
8. 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.
9. 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

(What documents does one need while registering a trademark?)

I. In case of Sole Proprietorship concern

1. Copy of the logo, preferably in black & white (Optional).
2. Signed Form-48. It is an authorization from the applicant to a Trademark 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.

II. In case of Partnership/LLP/Company

1. Copy of Logo (Optional)
2. Signed Form-48. (It is an authorization from the applicant to a Trademark Attorney for filing the trademark application on his/her behalf).
3. Udyog Aadhar Registration Certificate, if applicable.
4. Incorporation Certificate in case of a Company.
5. Registered Partnership Deed for Partnership Companies.
6. LLP deed in the case of LLP.
7. Identity Proof of Signatory.
8. Address Proof of Signatory
9. KYC documents of the business (PAN, Address proof).

Information required for Trademark registration:

1. Name of the business.
2. Type of business entity (Proprietorship concern, Partnership, LLP, Company).
3. Type of business (Manufacturing, service, trading).
4. Contact details of the business and the applicant (address, contact number, email address).
5. Name of the authorized representative of the business (The applicant on behalf of the business).
6. Brief description of the products/services offered by the business.

FAQs

Q: What is the function of a trademark?

A – Under modern business conditions, a trademark performs the following functions

1. It identifies the goods / or services and their origin.
2. It guarantees its unchanged quality
3. It advertises the goods/services
4. It creates an image for the goods/ services.

Q: Can one make any corrections in the trademark application?

A – The basic principle is that the trademark applied for should not be substantially altered (i.e. the physical form should not change) affecting its identity. Subject to this, changes are permissible according to rules.

Q: What is the trademark class or its classification?

A – The Trademark class represents a distinct set of goods and services. The application is made under 45 different classes as per the "Nice classification" for e.g. trademark class no 29 pertains to meat & meat extracts, fruits & vegetables, milk, and milk products, etc. While filing a trademark application, the class of goods and services to which the trademark pertains must be mentioned in the application.

Q: What items can be trademarked?

A – A trademark registration covers names, slogans, logos, phrases, word(s), letter(s) or color(s) and similar identifiers that describe goods or services (i.e. the products).

Q: Trademark once registered is valid for how many years?

A – Trademark once registered are valid for ten years. It can be renewed on expiry of this term with prescribed renewal fees.

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Thank you so much for choosing our checklist!
We genuinely hope it becomes your guiding star on your exciting journey into the world of entrepreneurship.



Wish you All the Best for your journey!

Should you require any further assistance, please feel free to reach out, and we will be delighted to assist you!

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