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TRADEMARK



WHAT IS A TRADEMARK?

- A **TRADEMARK** is a word, phrase, symbol, or design, or a combination of these that identifies and distinguishes the source of goods of one party from those of others.



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WHAT CAN BE REGISTERED AS A TRADEMARK?

➤ Any word, name, device, label, numerals or a combination of colors that can be represented graphically (in a paper) can be registered as a trademark. The trademark to be registered must also be distinctive for the services or goods for which it is proposed to be registered.

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WHAT TRADEMARKS ARE NOT REGISTERABLE?

- Any trademark, which is identical or deceptively similar to an existing registered trademark or trademark for which application for registration has been made, cannot be registered. Also trademark that would likely cause deception or confusion or is offensive may not be registered. Geographical names, common names, common trade words and common abbreviation can also not be registered as a trademark.


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WHAT IS A TRADEMARK CLASS?

➤ To standardize the goods or services, which the trademark will represent, the Trademark Registry has a list of 45 Classes under which all types of goods and services are represented. The trademark application must mention the type of goods or services the trademark will represent under one or more of the classes, and trademark registration is granted for that specific class of goods or service.

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WILL MY TRADEMARK REGISTRATION BE VALID ACROSS THE WORLD?

➤ No, trademark registered in India will be valid only in India. However, some countries use the trademark registration in India as a basis for registering the trademark in their country.



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CAN A FOREIGNER OR A FOREIGN ENTITY APPLY FOR TRADEMARK REGISTRATION IN INDIA?

▶ Yes, a foreign person or a foreign entity can apply for trademark registration in India.



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WHO CAN APPLY FOR TRADEMARK REGISTRATION?


➤ Any person claiming to be the owner of the trademark used or proposed to be used can apply for trademark registration. The person can be an Individual, Company, NGO, etc.



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WHAT ARE THE DOCUMENTS REQUIRED FOR TRADEMARK REGISTRATION?

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- A copy of the trademark to be registered along with the address and identity proof of the trademark owner is required. In case of Company, the name of the Company along with its Certificate of Incorporation and Address proof is required.

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HOW LONG WILL IT TAKE TO OBTAIN TRADEMARK REGISTRATION?

- Trademark application can be filed with the trademark registry in a matter of days. However, it will typically take 8 to 24 months for the Trademark Registry to complete their formalities and provide registration for the trademark



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HOW LONG IS THE TRADEMARK REGISTRATION VALID FOR?

- Registered trademarks are valid for 10 years from date of filing. Prior to the end of the validity, the trademark owner can file for renewal to keep the trademark registration current.



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HOW CAN A REGISTERED TRADEMARK BE PROTECTED?

- In case there is infringement on a registered trademark, there are several ways to stop it or sue for damages. A legal suit can be filed in a District Court where infringement has occurred or arbitration proceedings can be initiated or other legal measures can be initiated to stop the trademark infringement.

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CAN I SELL OR TRANSFER A REGISTERED TRADEMARK?

- A registered trademark is an intellectual property, which can be sold, transferred, gifted, franchised, etc., Trademark registration gives the owner of the trademark ownership over the trademark and any person wishing to use the trademark must obtain the registered trademark owners consent.

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Professional Fees for Trademark Application

@ Rs. 1499



For Further Information Please Visit

www.incorpway.com

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