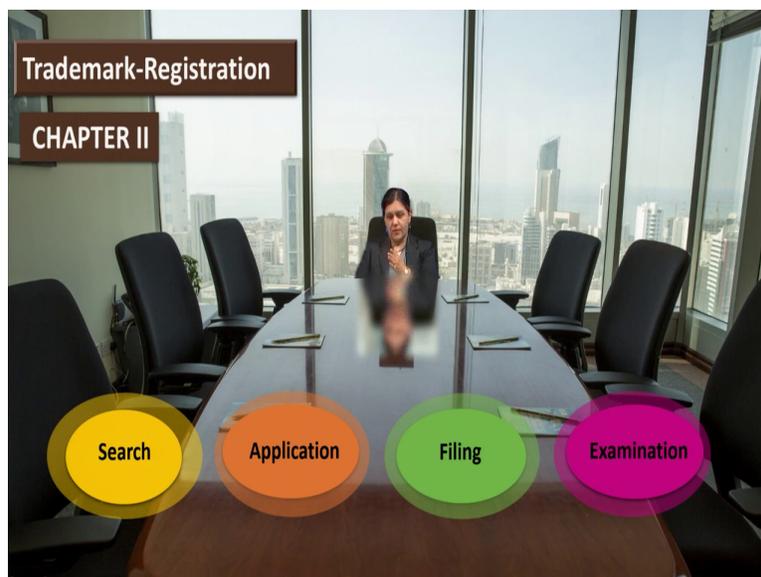


Entrepreneurship and IP Strategy
Professor. Gouri Gargate
Rajiv Gandhi School of Intellectual Property Law
Indian Institute of Technology, Kharagpur
Lecture No. 13
Trademark - Registration

A very warm welcome in the third module of the week 3 of the course Entrepreneurship and IP Strategy, Title Trademark registration. In the earlier modules, we have tried to answer a few questions like what is trademark. What are the different types of trademark? Now here, we will try to understand what exactly is a trademark registration procedure?

Now in this module, we will give you brief idea about the website from where you can see that whether that particular trademark is filed or not, that is a trademark search database that we will show you. Then we will give you information about the application, then form fees and the exact procedure which is followed when you are doing a trademark registration. Ok So, after going through this module, you will get an idea about the process followed for trademark registration in India. So, here we go.

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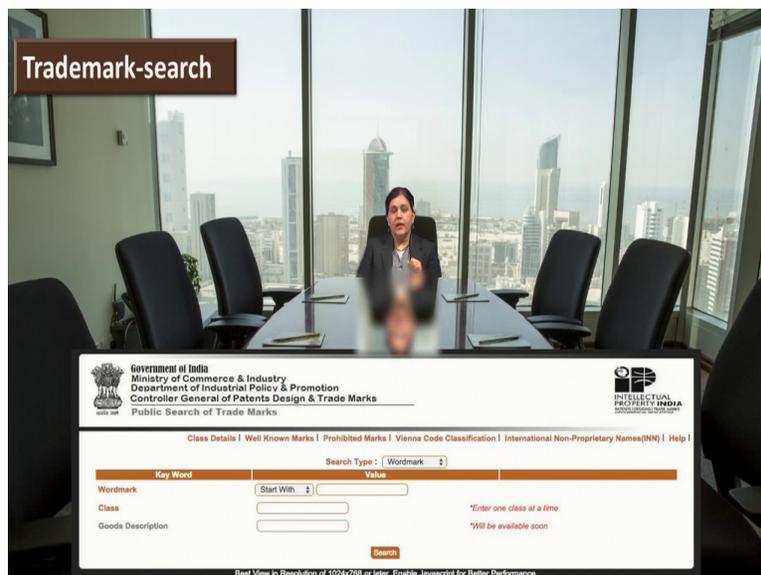


So, there are 4 steps mainly, that is a trademark search, application preparation, application filing and then the government processing, that is a trademark registry followed certain procedures of examination that is the fourth step. Now, when we see this trademark search, now this trademark

search is like a in a trademark database. Now where you will get that database? It is online available on the website of a controller of Patents Designs and Trademark.

Now this database contains it hosts all the trademark application submitted to the trademark registry in India, including register, applied, objected and expired. So, you will get all 4 types of a trademarks which one registered, applied, objected and expired in that registry.

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Now, if you see here on the screen, there, if you see here, you can check that the trademark search that provides information about a similar or identical trademark, both of you have to use a combinations here, combination of words which you are thinking and by using that you have to do the search.

Now you can see here the window and there the option is like a either start with contents and match with the 3 options are there. So, we will show you the website when we will go to the website you can see where exactly that window is there where you can do the you can put the search term and the options which are given are “start with” or “contents” or “match with” the meaning is like a, if you have a particular trademark say for example, sanitize.

I am giving you the example of a sanitize some sanitizer related trademark is there. So it starts with sanit. So, you can just keep the word that is a sanit or if you want to just see the all trademarks which are having word sanit so you can add content. And the last option is like a

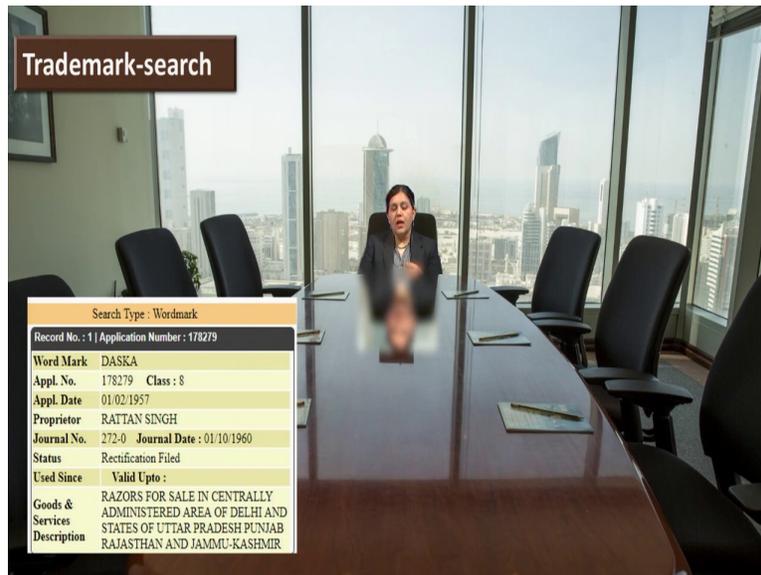
match with, so any of the 3 options you can choose and you can check how many trademarks are already registered by using that particular word.

Now, then moving further. If a trademark search returns no match is found, then you can say that there is no any registered or applied trademark related to the word or a query which are thinking or which you are planning to do the registration so that, that way you can get secured or you can say that ok this is something which is completely new it is not registered in India, and I can try for that and probability is that that will get what we can say that trademark will get registered after that examination.

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Now, here you can see that when you do the search, you can get the screen on the website like this. So you can see that the how that particular mark is presented and a few details about that mark.

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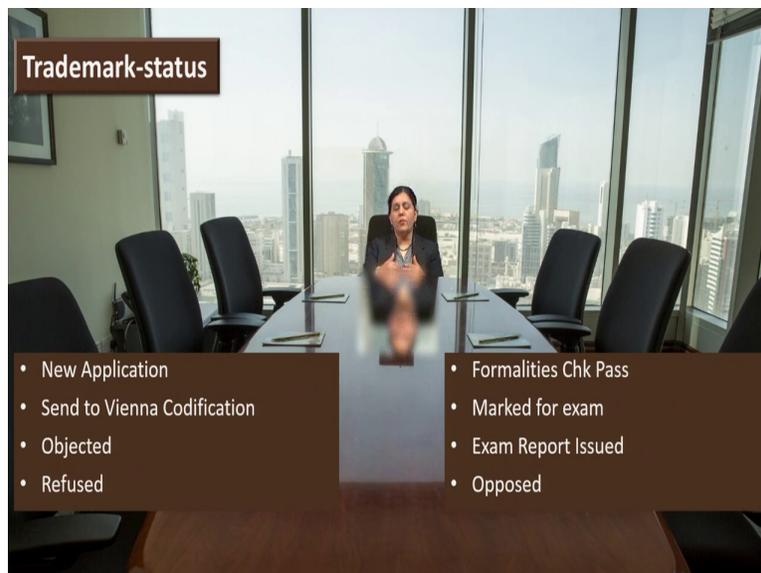


Trademark-search

Search Type : Wordmark	
Record No. : 1 Application Number : 178279	
Word Mark	DASKA
Appl. No.	178279 Class : 8
Appl. Date	01.02.1957
Proprietor	RAITAN SINGH
Journal No.	272-0 Journal Date : 01/10/1960
Status	Rectification Filed
Used Since	Valid Upto :
Goods & Services Description	RAZORS FOR SALE IN CENTRALLY ADMINISTERED AREA OF DELHI AND STATES OF UTTAR PRADESH PUNJAB RAJASTHAN AND JAMMU-KASHMIR

Then next is a like you get the information like a, you can see that word mark what is that, what is application number, what is a class, what is that application date, who is the proprietor that is a owner of this particular trademark, that in which journal it is published, on what date that is published. So, all these details you can get on in the, on this website when you visit and when you do the search, you will get this kind of information also.

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Trademark-status

- New Application
- Send to Vienna Codification
- Objected
- Refused
- Formalities Chk Pass
- Marked for exam
- Exam Report Issued
- Opposed

Now then you can see a certain status on the trademark because we should know when we file our trademark we should know where exactly what is the status now. I have filed today and I know that it takes generally one and half year to 2 years for trademark registration. So, in what state exactly my trademark is now during this examination process. So, there are certain words which are used.

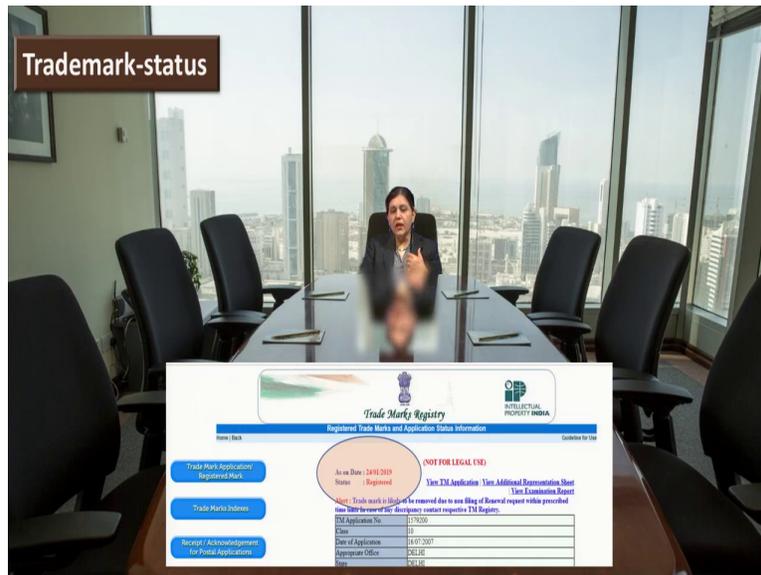
For example, new application or send to Vienna codification objected or refused. So what is the meaning of that? When, as name suggests new application, that application has been entered into the trademark application database. Now “send to Vienna classification” or “Vienna codification” you remember the Vienna classification. So, the trademark is been assigned code as per the Vienna codification, then objected.

So trademark application has been issued an adverse examination report by trademark examiners. This is not a good case for you if this kind of status comes. “Refused”. The trademark registration has been refused based on the application response for the adverse report of or objection. Then you can see here like a formalities check pass, marked for examination or examination report issues opposed.

So what is the meaning of that, formalities check pass is like a trademark has passed all the basic filing requirements for trademark registration. “Marked for examination” that is your trademark application has been now taken for examination. Then examination report is issued like trademark application will probably published in Trademark Journal.

This research could also mean that trademark application requires slight modifications to be published and “opposed”, as name suggest, trademark application has been opposed by third party.

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So, there are so many other like status are there, like if you open down a status, if you want to check a status, you can just go on the website and there you can have, there is a special window that checks status for checking this status so you can click there whatever your application number is there or details which credentials, whatever you have with you. And you can check what is the status of that particular, what we can say so here you can see just see the circle here and you can see the registered. So that kind of see now here that is a registered. So, this kind of a status you can say.

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I guess you are pretty well now well aware with the nice classification, total 45 classes and 1 to 34 as you can see here, that this 1 to 34 are like a what are it, these are like a goods or a product. And then the remaining that is 35 to 45 these are nothing but the services. And you know though that what is goods what is services, that kind of. So, I want to give you example.

Class 1 is for a chemicals. Class 2 is for like mainly paints colorants or preparations used for protection that is covered in class 2. Class 3 is like a (medicate) medicated cosmetics and toiletry preparation that will come under Class 3 or Class 5 that is a pharmaceutical's, medical and maternity preparation all will come in Class 5. So, details of this class we have already know that nice classification is hosted on ((10:07)) site.

You can visit anytime that and you can get a detailed explanation, how much detail? Like if you enter that Class 3 or Class 5, you may get a 16 or some 20 pages of detailed information about that particular class because they have done that micro level classification and they have given you the full details about that particular class.

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Now next step like, I come to know that this is a website, fine. Then I come to know that I have to do search. I have done the search. I know now how to do search, so I have done that search. I am pretty well sure like my trademark is like a not registered. So, then I am like sure that it will get registered and it will pass through the examination. Then you can then you have seen that under which class that is very important. So, you have to choose a particular class.

So, up to that you done the procedure. Now where exactly you are feeling this information so check here, it is like a form. Now this is a form of a trademark what we can say if you want to register you have to fill this form, online it is available. You can do the registration of the trademark by filling the detailed information here. Now, what information you are going to fill in this form.

So, for regarding the trademark, it may be logo then or whatever your trademark you have decide as we have seen there type, any type, whatever it may be, you will give the details. Then your name, who who will be the owner of that trademark, address of trademark owner, then classification you have to choose nice classification or Vienna classification, then trademark use since date because in India it is allowed.

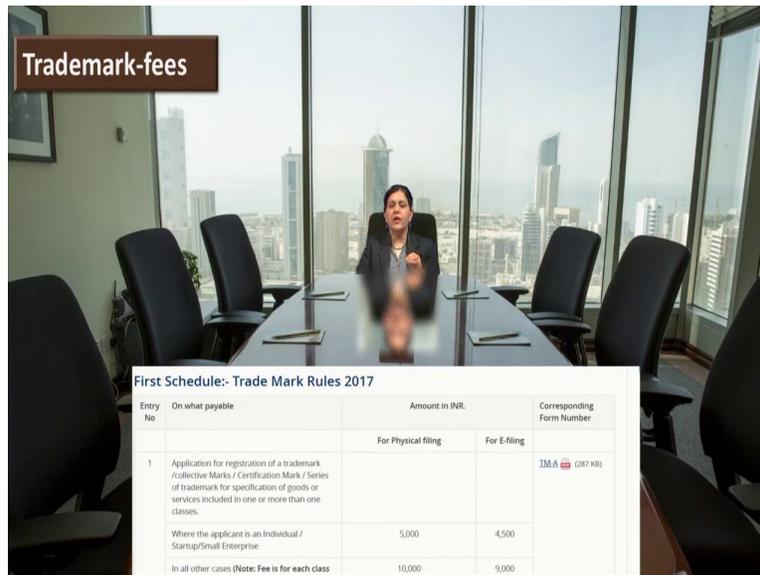
It is not like I have already mentioned in earlier module that trademark if it is already use, it is not necessary that before venture you have to register trademark. This is not the case. You can start your business and then if whenever you feel that, now I have to register at that time also you can register your trademark, but it is better when you are as entrepreneur you will start your

business, we are thinking of building a business, building a brand and trademark is important and therefore it is always good to register a trademark.

So, you will give that if it is not registered, then you have to give and still you are using, you have to give the information like a trademark you since date then if it is not there no that will be not applicable to you. And then the description of the good so or service, whatever you are talking about that you have to give.

Then you will give the details about the what we can say the search report you have already done, then maybe you can give the further information, like suppose if you are an individual, if you are MSME so in which category under which category under class you are going because there is a fee difference. So, you have to choose whether it is a startup. So, that class you have that particular category you have to mention.

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The image shows a woman in a professional setting, likely a conference room, with a large window overlooking a city skyline. She is presenting a slide titled "Trademark-fees" and a table titled "First Schedule:- Trade Mark Rules 2017".

Entry No	On what payable	Amount in INR.		Corresponding Form Number
		For Physical filing	For E-filing	
1	Application for registration of a trademark /collective Marks / Certification Mark / Series of trademark for specification of goods or services included in one or more than one classes.			TM.A (287 KB)
	Where the applicant is an Individual / Startup/Small Enterprise	5,000	4,500	
	In all other cases (Note: Fee is for each class)	10,000	9,000	

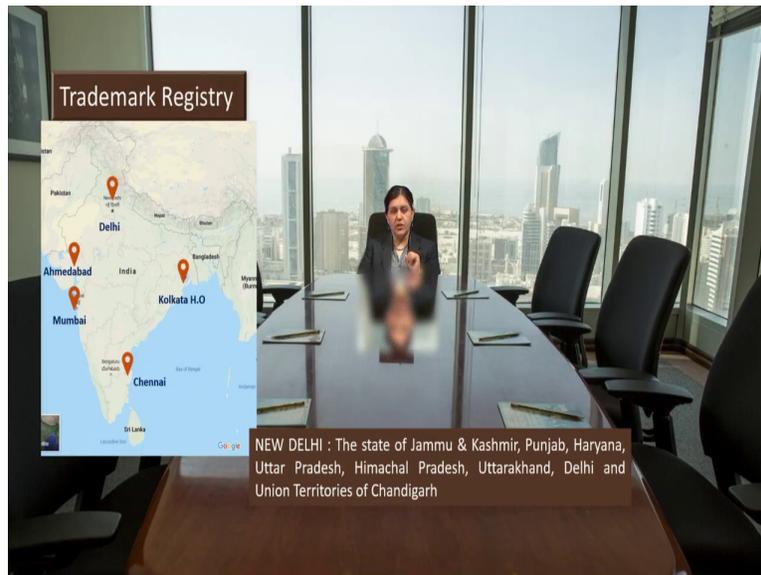
Now next like how much fees I have to pay for that particular trademark registration. So, here you can see that on the website you can get a clear idea about the fees. So, I can give you the simple example. If you are individual and if you are filing a trademark application, then online because there are two modes online, offline, but always trademark registry expect online filing and they give you incentivisation like incentivize that particular online filing.

So, what they do instead of 5000/-, which is offline or hardcopy filing is a, if you do the filing online, you have to pay 4500/- as a registration fee. So, 2017 before 2017 it was what we 3500/- it is, after this 2017 amendment, this very well what we can say, very good amendments are done after 2017. There were so many forms and it was like really confusing.

If a new person is their novice is their naïve is like is not aware about the trademark, then for him now whatever amendments Trademark Act India or the office has done, there are only 8 forms are there and it is very easy to file a trademark. It is simply it is a much more simplified procedure, only that form I have already told you that now you know the fees if you are individual, now you are entrepreneur if you are a startup, you have to pay only 4500/-.

Otherwise if you are an organization, you have to pay 10000. And offline this online it is 9500. So, this is about fee. You can still go about details about these fees on a website. I will show you the website. You can check the details there.

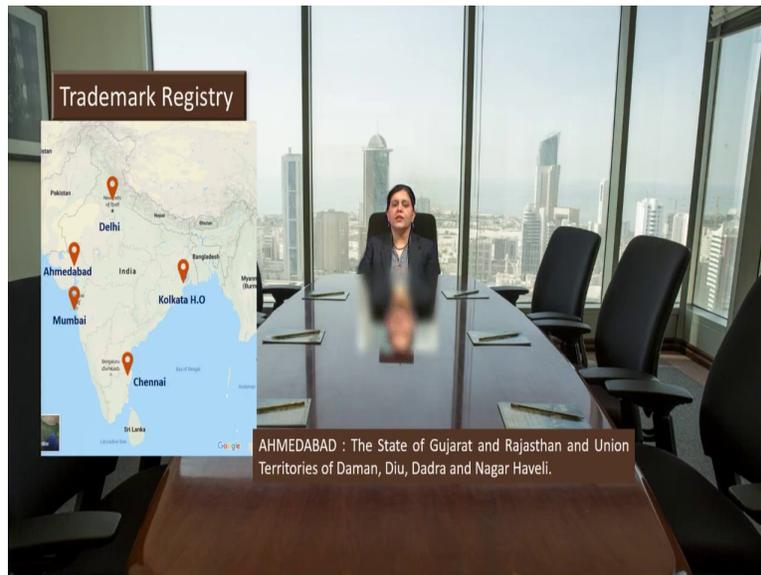
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Then the, here in the trademark registry what where exactly you have to file what is a jurisdiction. You should know that. So, here patent there are 4 offices are there, trademark there are 5 offices are there in India, so where it is? Just check here Delhi, then Ahmedabad, Mumbai, Chennai and the Kolkata, Kolkata is a head office(patent). Now, what is a jurisdiction? I come to know Delhi whether I am sitting in Mumbai, whether I can go and file my application in Delhi, if I want to do that kind of filing? No.

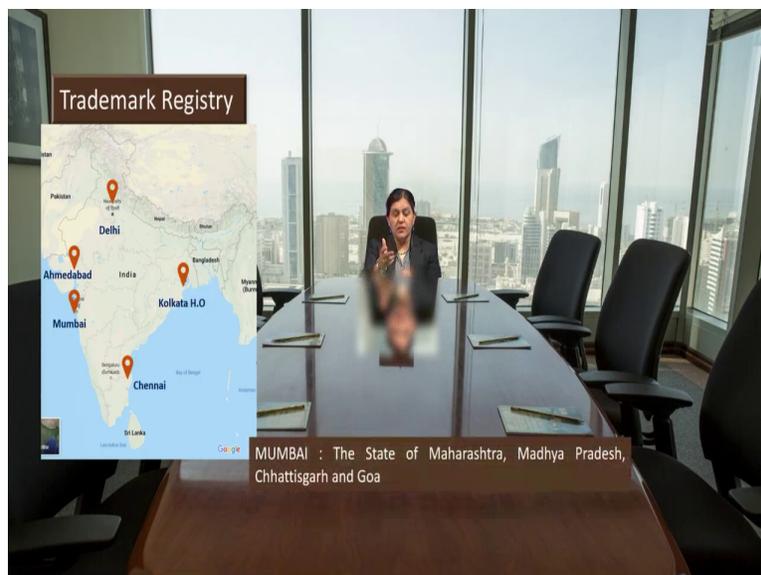
The the thing is that for New Delhi if a new, when we say that New Delhi state of Jammu Kashmir, Punjab, Haryana, Uttar Pradesh, Himachal Pradesh, Uttarakhand, Delhi and the union territory of Chandigarh. So, if you are in any of this kind of what in this territory, then you can file your application in New Delhi office.

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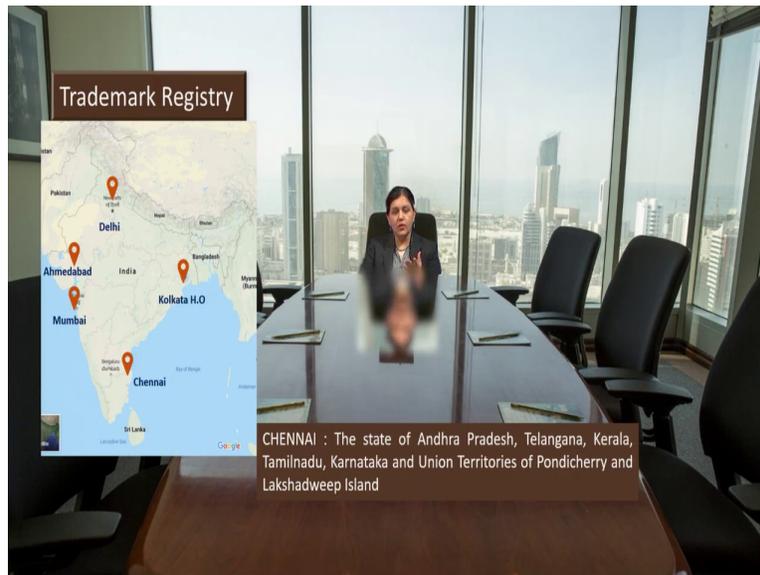
Then Ahmedabad. So, if you are in Gujarat and Rajasthan and union territory of Daman, Diu, Dadra, Nagar Haveli your what we can say trademark office is Ahmedabad.

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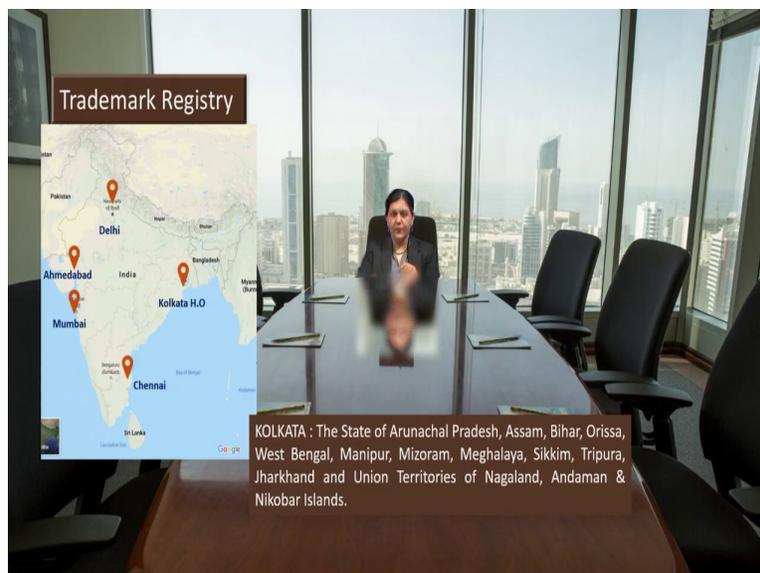
Mumbai, state of Maharashtra, Madhya Pradesh, Chhattisgarh and Goa, Mumbai.

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Then for Chennai, Andhra Pradesh, Telangana, Kerala, Tamil Nadu, Karnataka and Union Territories of Pondicherry and Lakshadweep.

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And for Kolkata, State of Arunachal Pradesh, Assam, Bihar. Orissa, West Bengal, Manipur, Mizoram, Meghalaya, Sikkim, Tripura, Jharkhand and union Territories of Nagaland, Andaman and Nicobar Island. So, you can get pretty well idea now how where exactly your jurisdiction or

where exactly you have to file the trademark application. So now you know, trademark search, trademark form, trademark fee and the jurisdiction. Now further we will move applicant.

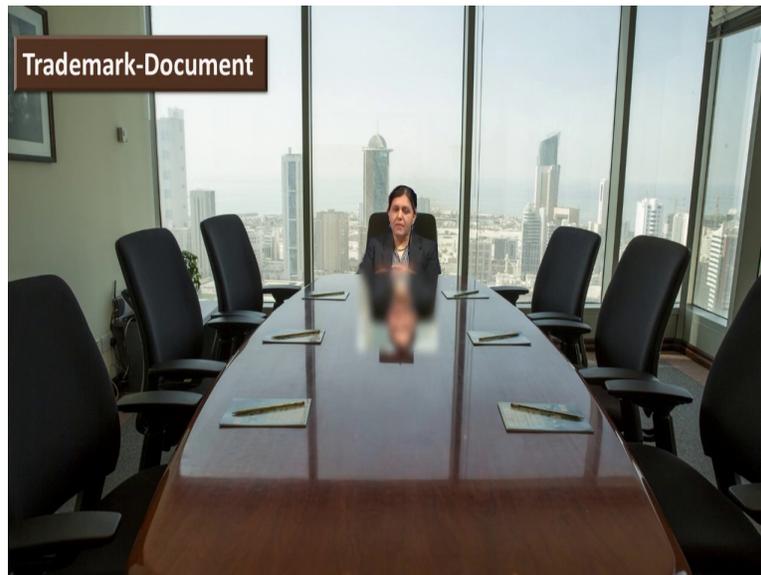
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Now who who can be an applicant for a trademark? Who is a right owner of that particular trademark? Obviously, he is a applicant. So, he may be an individual, he may be a proprietor, he may be or she may be, that may be a partnership firm, that may be private limited company, that maybe one person company that may be LLP, that maybe section 8 company that maybe nidhi company, that may be trust, maybe society. So anything out of this, anybody who is like a authorized person suppose Christ is there, society is there whosoever is a authorized individual of that trust society, he can sign that particular form and that we have to give word of resolution.

You have to take that document also create the document if you are going to file his trademark through some this attorney or trademark Asian or trademark expert. What will happen? They will ask you if it is a nidhi company or if it is a trust or society definitely they will ask you word of resolution. So, this is about the applicant.

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Now, what documents you have to give along with that particular form we are talking. So, that trademark form you will give then what you have to give a copy of a logo if it is a logo in particular way you want to present it so that logo, you have to give a copy of that. Then you have to give applicant details like name, address, nationality that already we have discussed. In case of a company or LLP, you have to give incorporation certificate. Right? Then if goods and services is there some description about your good or service it is necessary to give.

Then obviously as we have seen, we have to give a trademark class, then if you are doing it through some trademark expert then you have to give a power of attorney. Obviously expert should be a registered agent with a trademark office. So, power of attorney you have to give. And one more important thing, like if you are a startup or you if you are MSME this if you want to get that advantage or privilege of that particular fee 4500 is a fee, then you have to give a certificate of Udyog Aadhar or a startup registration so that certificate is mandatory.

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Now, next is like this trademark registration application. It is filed in the trademark registry. And then what is going to happen, examination. Now after filing, what is going to happen, that examination will occur and whether it will whatever the procedural part is followed and once you get the application number here, once you file that application, you can start using word trademark TM on your trademark.

So, suppose your trademark is like a sanitize or sanitwise or sanitex anything, you can just put sanitwise and you can put on top TM there so it gives indication that this particular word is under examination. It is already applied. Now, then what the next step is like publication.

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How how that you will come to know how many that particular database you come to know, but whenever examination will occur or there should be a publication. So, just like in patent, there is a gazette every Friday that is published. Similarly trademark publication is online publication. And here, if application is opposed by third party hearing will be called, that hearing board is also there and in the Gazette you can see the published what we can say trademarks. So, that publication is always that gazette is available online.

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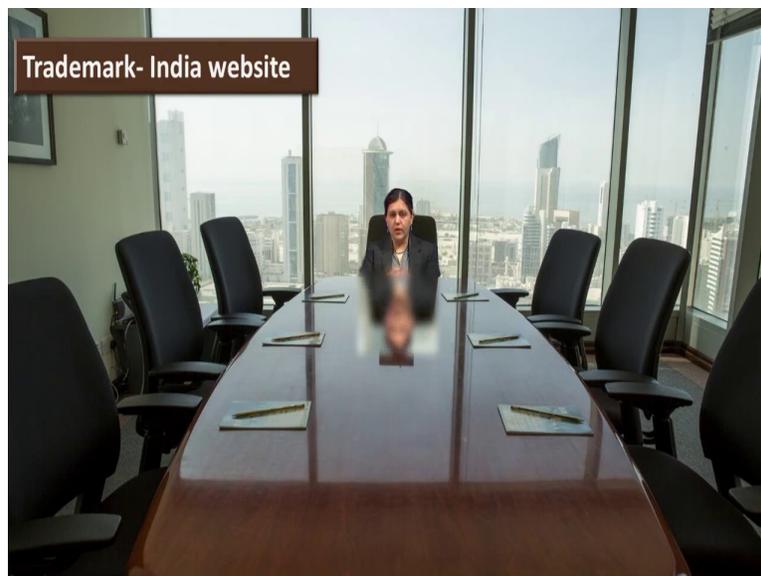


Now, the next is like once you do the complete procedure and that you get the registration, you will get the certificate like this. And this certificate, once you receive it, it is like a your trademark is registered. Now, now suppose your word is or your trademark is “sanitwise”. You have written TM now you have received this certificate. So, replace this “TM” remove it, now you can write “R”. So, now your trademark is registered. Now that is the registration process.

Now you have to remember once you get the registration after that you have to renew that after 10 years. So once that tenth year starts at the beginning of a tenth year you can take any time that timeline is there within that time you can just file the renewal application. You can give fees of renewal and give the renewal of your trademark. And if you forget that thing, then there are procedures but that will be little bit extra efforts for you to continue your trademark.

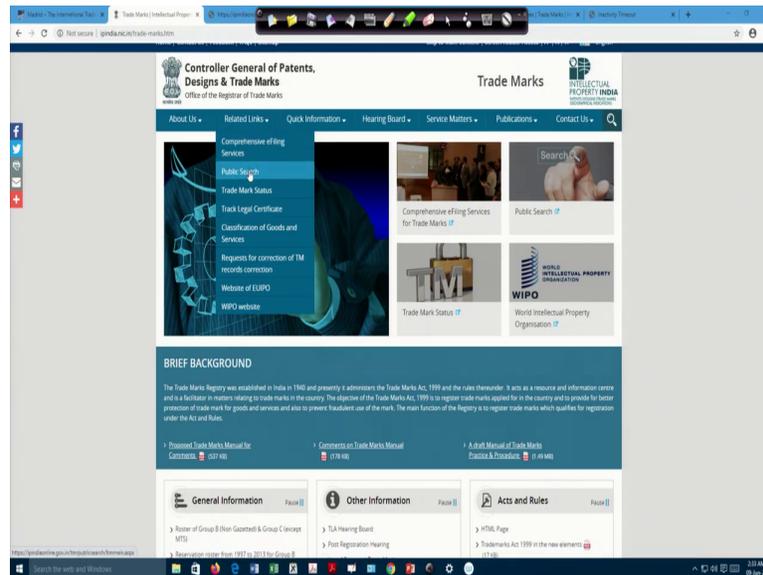
So, it is always better that at the end of 10 year you have to renew that trademark you have to remember that just put that timeline, write somewhere once you do the registration. So, this is about the registration.

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Now we will just quickly look the website on where this IP India website where trademark registration is done. So, you can get idea how where exactly what things are posted and how you can go for trademark registration. So here we go.

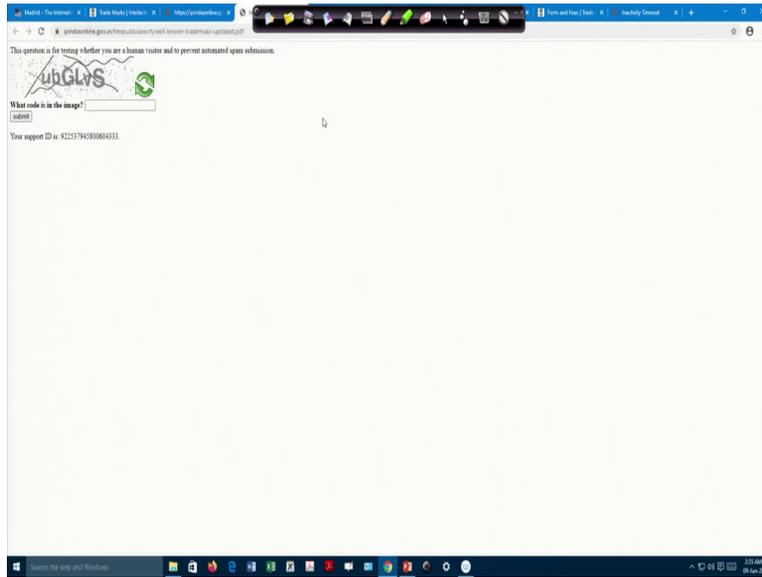
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So, when you are visiting where the trademark registry site so how you have to just go, you have to just type in Google like “trademark IP India”. If you type only this also you will enter on into the website of a trademark registry. Now when you enter you can see this web page. Now here you can see the information like “about us” than there are “related links”. Then there is a “quick information”, “hearing board” is there then “service matters” are there, “publication” and then “contact us”. So, now how exactly you are going?

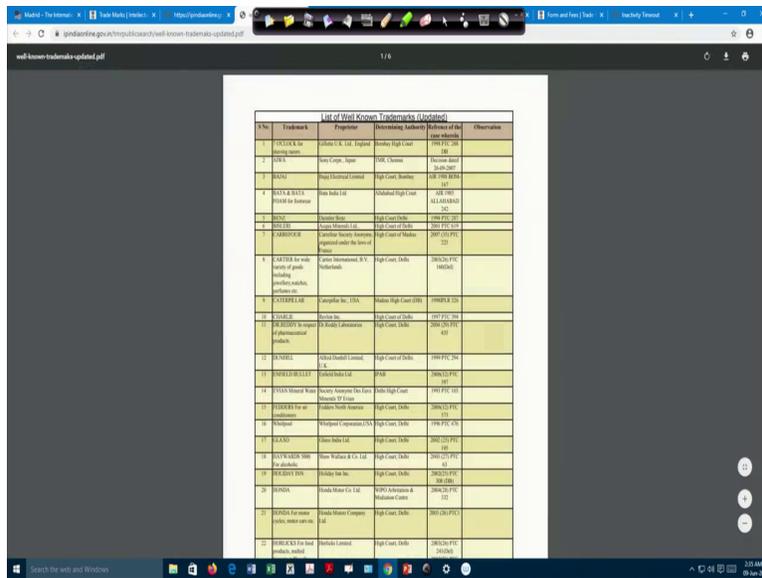
Now suppose if you want to know the workflow, you can just check here all other things you may not, if you want you can just go through but now where your work starts or which will be the most important tab for you. So, here you can click on the related links and then comprehensively we will just check. But before that we will go to the public search.

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So here whatever nice classification is there that details you can see, you can you have to enter into the another window and then you can go and check the class details.

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Serial No.	Prohibited Mark
1	2, 4, D
2	2, 4, S, T
3	ALDRIN
4	ALLETHRIN
5	ANIZPHOS METHYL
6	ANTU
7	ASOKA CHAKRA
8	ATRATON
9	AZINPHOS ETHYL
10	BALAJI
11	BHC
12	CHAKRABATI SINGHAI MAHARAJ
13	CHLOROBENIDE
14	CHLORDANE
15	CHLORFENSON
16	CHLOROBENZILATE
17	CHLOROPHOSPHAM
18	D-T
19	DAZOMET
20	DHARMA CHAKRA
21	DIAZINON
22	DIELDRIN
23	DIETHHOATE
24	DENEX
25	DENOPROP
26	DENOSAM
27	DNC
28	DNOC
29	ENDRIN
30	FENOPROP
31	FENSON
32	FENTHON
33	
34	

Then here the well-known marks are there so you can check the list of well-known marks, then prohibited marks are there. So, this list is there, this list will give you idea about which are the prohibited mark.

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Category 1 CELESTIAL BODIES, NATURAL PHENOMENA, GEOGRAPHICAL MAPS

INTERNATIONAL CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF MARKS

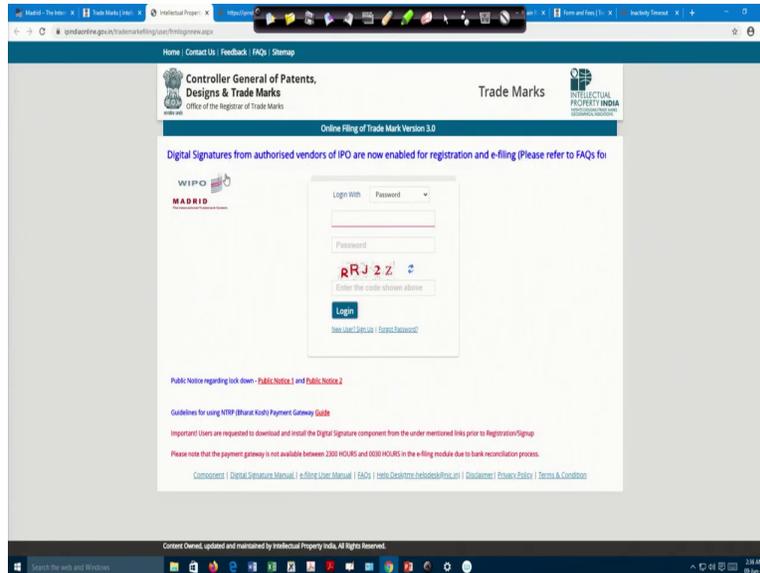
under the Vienna Agreement
Eighth Edition

Paris 1.1
Vienna 1.2
Amsterdam 1.3
Geneva 1.4
Cairo 1.5
Lisbon 1.6
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Lisbon 2.00

Then here is a Vienna code classification is there. You can just visit here, immediately you are going on to the WIPO portal and you can see here twenty nine categories and you can get the details here, this is a Vienna code. Then the nonproprietary names are international

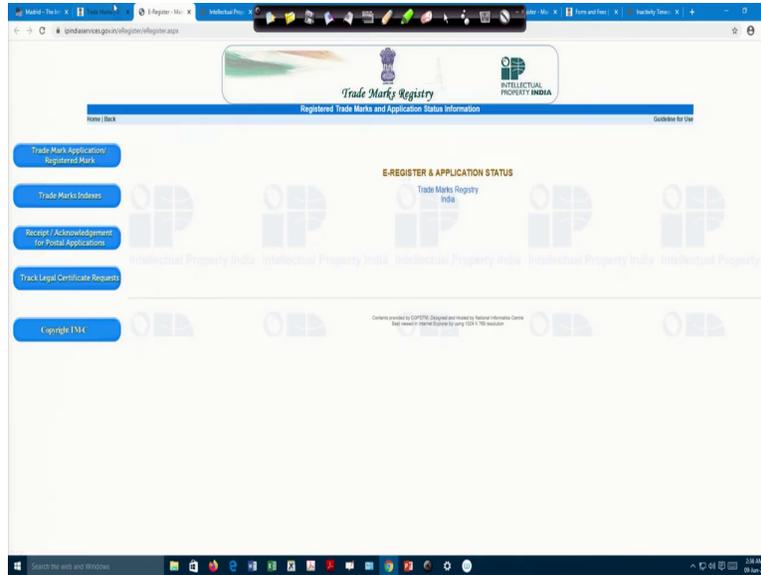
nonproprietary names are there so you can explore this information. Now we will go again back. So, this is about the trademark search.

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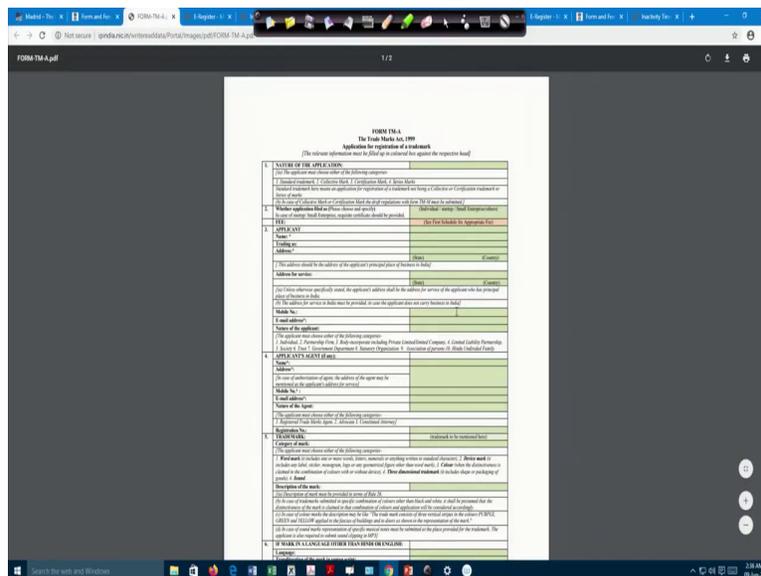
Now we will go to previous window and here you can see comprehensive e-filing. Again you are entering into the another window. Then you have to create here login credential. And with the login credentials, you can enter the login credentials and you can enter this window and you can go for your online trademark registration. Ok And obviously class to digital signature is required for that particular thing.

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Then if you want to check the trademark status, you can just check the trademark status by going into that. And you can just visit here and you can just check here by giving the credential that ok what is the status of my trademark? So, I guess this is good enough. Then you can check other things under this tab. Now the most important part you may like to know is like a form and fees.

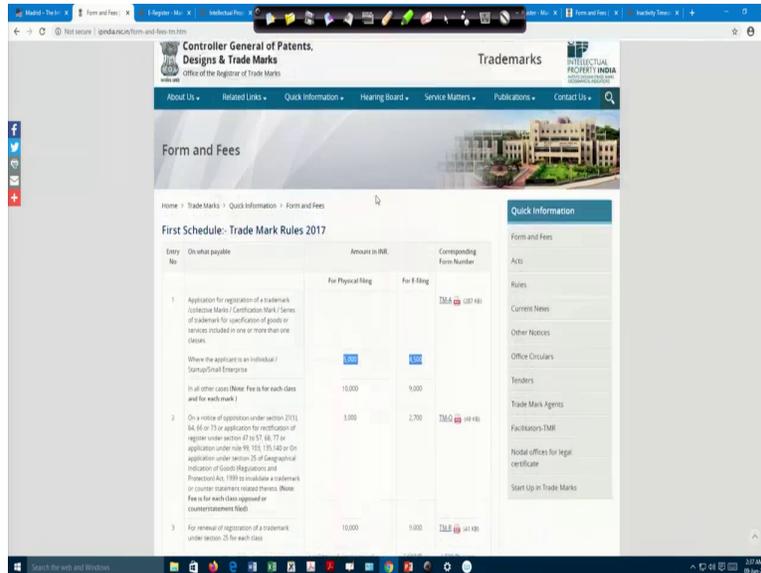
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Now these forms and fees here is the information. So when you are applying the trademark, this is a trademark “A” form. If you want to get that form, you just click here. I will just click here so that you can see here that trademark form that is “TM A”, which is you have to fill this form

when you are filing or applying for a trademark. It is available here. You can use it for a trademark filing.

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Entry No.	On what payable	Amount in INR		Corresponding Form Number
		For Physical filing	For E-filing	
1	Application for registration of a trademark (collective Marks/ Certification Marks/ Series of trademarks for specification of goods or services included in one or more than one classes) Where the applicant is an individual / Startup/Small Enterprise In all other cases (None. Fee is for each class and for each mark.)	500 10,000	100 9,000	TM6 TM6
2	On a notice of opposition under section 27(1), 64, 66 or 73 or application for revocation of registration under section 67 or 72, 88, 75 or application under rule 91, 102, 105, 142 or On application under section 25 of Geographical Indication of Goods Regulations and Provisions Act, 1999 to invalidate a trademark or counter statement related thereto (None. Fee is for each class opposed or counterstatement filed)	3,000	2,700	TM6 TM6
3	For renewal of registration of a trademark under section 25 for each class	10,000	9,000	TM6 TM6

Now next is like a fees, now if you want to check fees, you can see here this fee structure. Right? So, you can get details about that fee here and details about that all the 8 forms which are available this is what I have told you, like only 8 forms are there and the information is given correctly, very nicely, very crisp, so that it will be easier for you to file the trademark. So, you know now that e-filing, public search, trademark status, that is very important for you, then you want to know like forms and fees, that is important.

And then in the prosecution further hearing board you may like you whenever that stage you will go you will see that hearing. Now the other most important thing you would like to know is the publication. So, here trademark journal is there. I just click that the trademark journal, you can visit this trademark journal and you can see that the, which are the, what we can say different trademarks are published in that trademark register, it is opening.

So, you can just check that particular thing. So, this much information is good enough for you. So, we will just close this. So, here you can under when once you visit that website and as you know now the procedural part for a trademark application, you can now do on your own. It is

expected, actually, that after going through this, you just try it on your own to do your trademark registration.

So, you know now what you have already known the types we have already seen that which different types of trademark are there, we have given you assignment already, that you choose your trademark and be ready with your trademark and the class also, last time last in the last module we have seen that particular thing. Now here you have seen how to do a trademark search after visiting this site. Then you also know this TM A form.

Then you know that what exactly the documents required for registration. Then you, I have shown you that form. So, you can download that form and you can fill that form, so simple application procedure is there you can do that particular thing, then if you have a Class 2 digital signature, you can do everything online and then your trademark will be registered very easily sitting in your home, that is a very easy procedure is there.

So, you can give the fees also online and you can do the registration signing also online and then publication part also you have seen that different trademark, how that trademark is published in a publication Journal. You can go into that journal and you can read that journal so that you can get the idea what exactly and how it is published. So, I am just running little bit what we can say, we are running out of time.

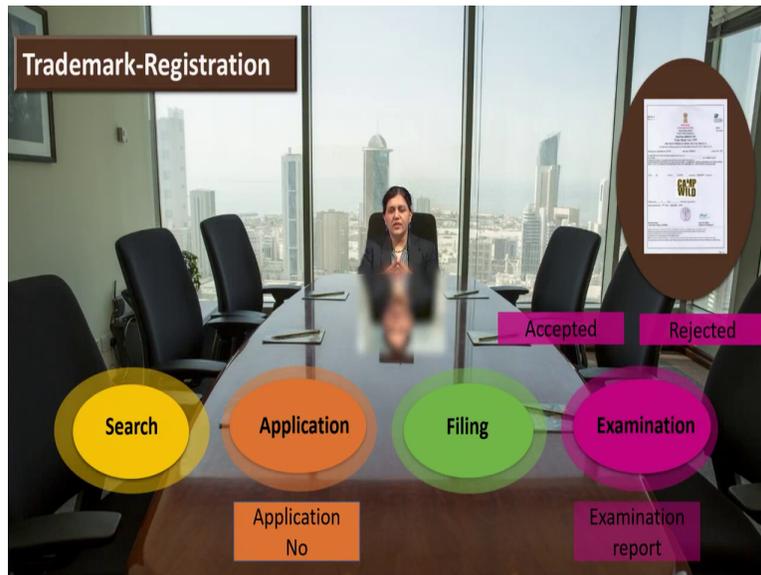
So, I am just giving it like a quick that information quickly crisp information so that you can get idea that website and now the procedural part. Ok Now, I will like you to go through a small video because I have not covered here Madrid protocol. I am just concentrating on India filing. Now the Madrid system is there just like I am just comparing it with the patent. In patent we have a PCT system.

Similarly, Madrid system is there for a trademark now it is a, what we can say, it is a most easy way for internationally if you want to one international application and then that WIPO will take of your further application in various countries. So, if you want to file your trademark in say 20 countries in a one go, Madrid system is the best system. So, I will just show you a video about that Madrid system because we are not covering details about Madrid system in this, what we can say in this course. So, just watch this video and just see how that Madrid system works. Ok

More than 120 years ago, 9 countries established a special union for the international registration of marks, what is now known as the Madrid system. Since then, the Madrid system has expanded and evolved to meet ever changing business needs. More and more countries have signed up to this unique international trademark registration system, administered by the World Intellectual Property Organization, a UN specialized agency based in Geneva, Switzerland. The Madrid system has helped businesses register and protect more than 1 million marks worldwide.

Ok So, you can now you can spend some time and you can watch that video and it is on a WIPO website. So, you can read also the information about the Madrid protocol.

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Now to summarize this module, you just check that you have followed search, then application, then filing and the examination, so 4 steps we have followed, search, application, filing and examination. Then next what happened is like you get the application number after filing that particular application in the registry, then eventually you have received the examination report and it maybe some queries, maybe there you have to give the what we can say, reply to that queries.

Then there may be chances that it may be rejected. So, if it is rejected, then obviously you have to think of another trademark for your venture. So, it is always better that in the starting before application you check the, what we can say there is no any that such similar kind of trademark is not already registered or it is not near to already registered Indian trademark. So, that search report is very important. So, take care and you should not face a issue like a trademark is rejected.

Then if it is already if your search report is clear, obviously you will your trademark will be accepted and you will get the, that certificate like this, this certificate will be you will receive that certificate that your trademark is registered. Now in some unfortunate events there is a possibility that there may be opposition and for opposition 3 months' time is given 3 plus 1 that kind of arrangement is there.

But if everything is properly done, that legal search report is very properly done, then there are I guess 0 chances of opposition. So, search report should be done properly so that you can save your time because you have to wait for 1 year or 1 and half year almost to get the trademark registered. And therefore it is always better that do good search and then only follow the procedure.

And I hope with this you get a pretty well idea about how exactly the procedure of a trademark register occur in India and as because of the paucity of time, we could not able to cover Madrid protocol. So, we have given you the glimpses of that Madrid protocol. It is a fantastic system. If you want to do the trademark registration in various countries in one go. So, you can explore that if you want to do a, what we can say because many times this big organization, they file trademarks like a in 50 countries or in 70 countries.

So, if that kind of filing is there Madrid system is the best way to do the trademark registration. Ok. So, can I give you a small assignment here, simple assignment that you you just we have already told you do the see the whatever your venture is there related to that you have already done the thought, you have put the thought process to coin that particular trademark, the design, design and all, depending on the various types we have already learn.

You have with you now say 5 or 6 what we can say names for your venture. So, what I will suggest you, now you have visited the website now you know how to do that trademark search just simple assignment you do today that you just see by using that “content” or “matching with” or “start with” that particular window. You just open on website and you check that whether your trademark, whatever you are thinking, is not already registered.

The second benefit you will get is that you may get idea about a few more names for your venture by going on after going through that website. So, just this do that small assignment and I hope now that as you know how to how that trademark registration happened, probably you will try on your own to do the trademark registration. So, here we come to the end of this session. Thank you.

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