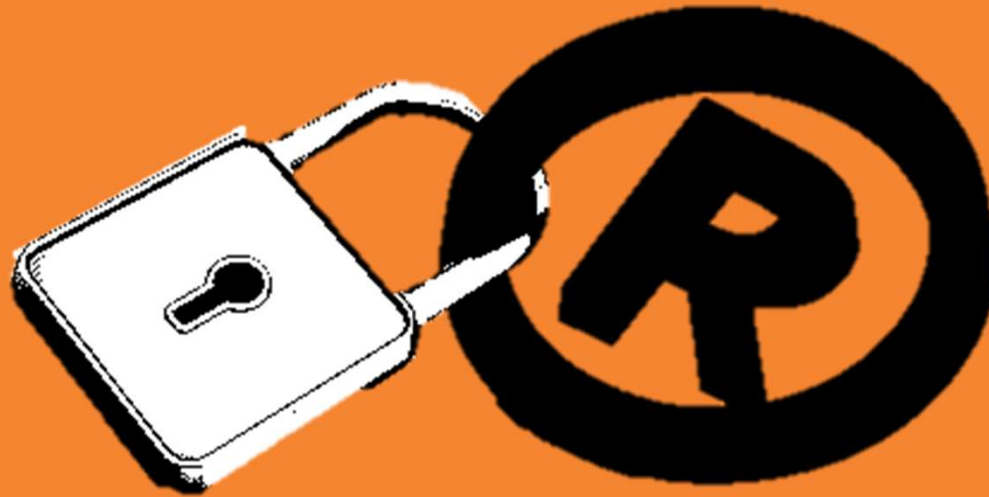


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# TRADEMARKS AND ITS BENEFITS FOR CORPORATE ENTITIES



Adv. Mehul Kothari | CA Akshay Nahar | June 2, 2021

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# OVERVIEW

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*“In the era of competition, Trademark <sup>TM</sup> acts as an important tool in selling your product and in creating and recognising a brand.”*

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- ❖ What is a trademark and what role does it play in defining your business identity?
- ❖ How can your trademark be protected?
- ❖ Benefits of availing Trademark registration.
- ❖ Types of trademarks
- ❖ What is the registration process for trademark filing?
- ❖ Takeaways

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## WHAT IS A TRADEMARK? DIFFERENCE BETWEEN OWNING AND REGISTERING A TRADEMARK

- ❖ A trademark can be any word, name, phrase, signature, label, symbol, design, or a combination of these things that act as an identifier of your goods or services.
  - ❖ How customers distinguish you from your competitors or identify the source of your goods or services.
  - ❖ When does one own a trademark?
  - ❖ Is owning a trademark sufficient to ensure protection?
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## HOW CAN YOUR TRADEMARK BE PROTECTED? WHAT IS TRADEMARK REGISTRATION?

**Trademark Registration** - A legal protection of one's business identity.

## BENEFITS OF AVAILING TRADEMARK

- ❖ Brand's identification and exclusive rights.
- ❖ Creation of an asset
- ❖ A positive impact on the consumer psyche
- ❖ Protection against infringement
- ❖ Protection for 10 years at low cost

A brand creates a positive inspiration in customers mind, also enables employee retention as employees as well as customer at subconscious mind they connect with the brand and product and services it offers.

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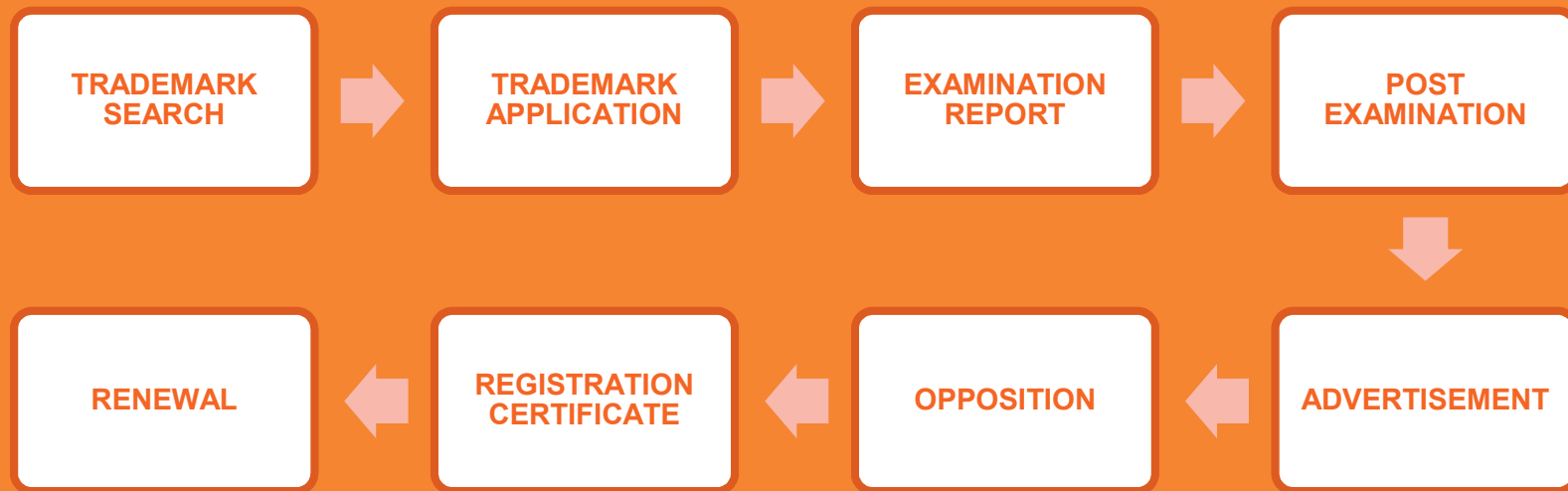
## TYPES OF TRADEMARKS THAT CAN BE REGISTERED

- ❖ Product marks
- ❖ Service marks
- ❖ Collective marks
- ❖ Certification marks
- ❖ Shape marks
- ❖ Sound mark
- ❖ Pattern mark



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## WHAT IS THE REGISTRATION PROCESS FOR TRADEMARK FILING?



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## WHAT IS THE REGISTRATION PROCESS FOR TRADEMARK FILING?

In India, the Trade Marks Act, 1999 (“**Act**”) introduced service marks, so as to bring the trademark law in line with Trade-Related Aspects of Intellectual Property Rights (TRIPS).

### **STEP ONE - TRADEMARK SEARCH**

- ❖ Intended trademark should not resemble any existing trademark.
  - ❖ Intended trademark should not consist of graphics or words that are commonly used, describes nature of quality of goods, etc.
  - ❖ A trademark search can be conducted via its online portal or through the trademark office.
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## WHAT IS THE REGISTRATION PROCESS FOR TRADEMARK FILING?

### STEP TWO – APPLYING FOR A TRADEMARK REGISTRATION (TM-A)

Application for the registration of the trademark would contain the following particulars:

- ❖ “Mark” chosen to be registered.
- ❖ Owner’s basic information such as name, address etc.
- ❖ List of goods or services for which the trademark is being/will be used.

Application for a trademark can be made via both, online and offline mode.

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## WHAT IS THE REGISTRATION PROCESS FOR TRADEMARK FILING?

### STEP THREE - EXAMINATION REPORT

- ❖ Scrutiny by the trademark department.
  - ❖ Result communicated through Examination Report.
  - ❖ Result can either reflect:
    - (a) Acceptance of the Trademark Application for Registration; or
    - (b) Any concerns or objections which shall have to be cleared in order to grant Acceptance.
  - ❖ In case of Option (b), the Trademark Attorney shall take care of everything necessary in order to get the Acceptance (objection reply + hearing).
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## WHAT IS THE REGISTRATION PROCESS FOR TRADEMARK FILING?

### STEP FOUR: POST EXAMINATION

- ❖ In case of option (b) from the previous slide, the Examiner may or may not schedule a hearing regarding the concerns/objections raised in the Examination report.
  - ❖ The hearing of a trademark application may result in the following:
    - (a) Acceptance of the trademark application for Registration; or
    - (b) Rejection of the trademark application for Registration.
  - ❖ In case of option (a), mark will be advertised in the Trademarks Journal.
  - ❖ In case of Option (b), the application shall be considered invalid.
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## WHAT IS THE REGISTRATION PROCESS FOR TRADEMARK FILING?

### STEP FIVE: ADVERTISEMENT OF TRADEMARK

- ❖ Acceptance of a mark shall result in Advertisement of such mark in the Trademarks Journal
  - ❖ Time - 4 months
  - ❖ Purpose - to invite attention of third parties regarding proposed registration of the said mark.
  - ❖ The Trademarks Journal is available on the official website.
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## WHAT IS THE REGISTRATION PROCESS FOR TRADEMARK FILING?

### STEP SIX: OPPOSITION

- ❖ After advertisement, any aggrieved person can file a notice to oppose the Registration of the advertised mark.
  - ❖ This notice has to be filed within 4 months from the date of publication of a mark in the Trademarks Journal.
  - ❖ In case the applied for trademark is opposed, then the due process of law has to be followed which includes filing the counter- statement application, evidence as well as hearing in order to get the trademark registered.
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## WHAT IS THE REGISTRATION PROCESS FOR TRADEMARK FILING?

### STEP SEVEN: REGISTRATION OF THE TRADEMARK

- ❖ In case of no opposition, the application moves to the final stage i.e. Registration.
  - ❖ In case of opposition, the Registrar shall take into consideration, the submissions made and decide whether:
    - (a) The mark will be Registered; or
    - (b) The mark shall be Refused Registration.
  - ❖ In case of option (a), a Registration Certificate shall be granted (validity – 10 years)
  - ❖ In case of option (b), there are provisions for reviewing the decision made by the Registrar.
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## WHAT IS THE REGISTRATION PROCESS FOR TRADEMARK FILING?

### **STEP EIGHT: RENEWAL OF THE REGISTRATION**

- ❖ Registration valid for 10 years
  - ❖ Request for renewal of Registration
  - ❖ Non-renewal shall result in removal or loss of registration
  - ❖ Restoration of a trademark
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## KEY - TAKEAWAYS

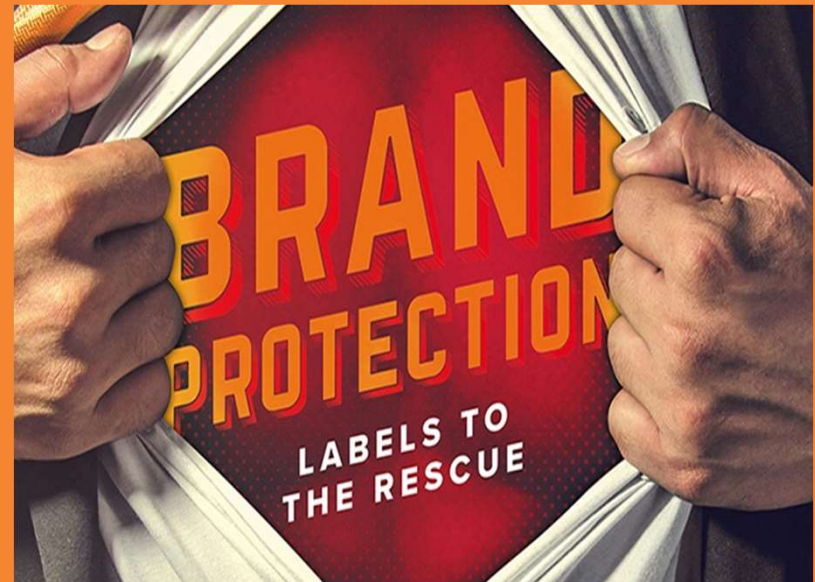
**KEY TO A BRAND'S IDENTIFICATION IN COMPETITIVE MARKET**

**ENSURES COMPLETE PROTECTION OF A BRAND FOR THE LIFE OF ITS BUSINESS**

**HELPS CREATE AND PRESERVE GOODWILL**

**IS THE MOST VALUABLE AND AN INTANGIBLE ASSET**

**IS NOT AN EXPENSE, BUT AN INVESTMENT**



**THANK YOU**

## **OUR ORGANIZATION**

### **LAW DIVISION**

Meena Kothari  
Anjay Kothari  
Vinay Kothari  
Devendra Singh Chouhan  
Mehul Kothari  
Pradeep Khichi  
Praveen Choudhary  
Mukesh Gurjar  
Adarsh Kothari  
Richa Kothari  
Kritika Kothari  
Anushka Jain

### **TRADEMARK DIVISION**

Akshay Nahar  
Disha Mehta  
Amit Agarwal  
Naman Gangwal  
Harsh Jain

**EMAIL-ID - [kothari.mehul@outlook.com](mailto:kothari.mehul@outlook.com)**

**CONTACT - 0291-2433947/+91 9050624301**

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