Steps for TM Registration

Procedure/Steps for Trademark Registration

- 1. <u>Trademark Search:</u> It is advisable to conduct a trademark search for the relevant classes before filing the application to register a trademark in order to make sure that there is no identical or similar trademark already registered or for which an application for registration has been submitted.

- 2. <u>Filing of an application</u> for registration by a person claiming to be the proprietor of a trademark, in the office of the Trade mark Registry, within the territorial limits of the place of business in India.

- 3. <u>Examination of the application</u> by the Registrar to ascertain whether it is distinctive and does not conflict with existing registered or pending trademarks and examination report is issued.

- 4. <u>Publication of the application</u> after or before acceptance of the application in the Trademark Journal.

- 5. <u>Opposition by third party</u>: After publication if any person gives notice of his/her opposition to the registration within three months which may be extended to the maximum of one month.

- 6. <u>Hearing before Registrar</u>: If the opposition has been decided in favour of the applicant of the registration of trademark, the Registrar shall register the Trademark.

- 7. <u>Registration of Trademark</u>: On the registration of the Trademark the Registrar shall issue to the applicant a Trademark Registration Certificate.

Use of the 'TM', 'SM' and ® symbols

- <u>'TM' Symbol</u>: Generally, one who has filed an application (pending registration) can use the TM (Trademark) symbol with the mark to inform the public of his exclusive claim over the Brand. The claim may or may not be valid.

- <u>'SM' Symbol</u>: An SM symbol indicates Service Mark, which is the same as a Trademark except that it identifies and distinguishes the source of a service rather than a product.

- <u>'R' Symbol</u>: The registration symbol ® may only be used when the mark is registered and the Certificate of Registration is issued by the Trademark Registrar.
  Out of all above symbols TM symbol is one of the most popular and widely used symbol to indicate the application or registration of Trademark