



# WHY DO YOU NEED A TRADEMARK REGISTRATION IN INDIA?

A trademark is a brand or a logo that is used to distinguish your product from those of your competitors. The term Trademark is the legal term for “intellectual property”.

A Trademark plays an important role in promoting the goods and provides information about the quality of the product. This can be done through Trademark Registration. Protecting your brand becomes necessary to prevent anybody else taking the advantage of your name or brand.

If you think you need to register a Trademark in India, let us discuss why and how to achieve that in this article.

## What is Trademark Registration and why is it required?

Legally speaking, a Trademark Registration is regulated by the provisions of the Trade Marks Act, 1999 along with the Trademark Rules, 2017. The trademark registration process in India is required if a company or individual intends to protect their logo from the misuse by the third party. Trademark registration would provide a legal right to initiate an action against the third party in case of infringement of trademark. Trademark registration will also provide an exclusive right to the owner to use it for its products or services.

Trademark Registration is a time consuming process and it usually takes around 18-24 months to acquire registration in cases with no objections or oppositions.

## Process of Trademark Registration

Often people get confused about the relevance of the phrase ‘TM’ and ‘R’. Well, to answer this, we would like to take you through the below stated procedural formalities of a Trademark registration:

- |                                 |   |
|---------------------------------|---|
| a) Application;                 | e) Advertisement                            |
| b) Formality Check – Pass/ Fail | f) Opposition                               |
| c) Examination Report           | g) Justification by the Trademark applicant |
| d) Hearing                      | h) Registration                             |

Once the application is under scrutiny and till stage 'g' i.e. Justification by the Trademark applicant, the brand name can be disclosed with 'TM' and it is only upon successful completion of stage 'h' i.e. Registration, the brand name can be disclosed with 'R'.

Some popular Categories of Trademark are word marks which may be words, letters or numerals, Symbols / logos which consist of a figure or a logo certification Marks which are used to define standards and it is created to show a specific quality standard that the company has met.

Trademark has been further divided into classes by the law, a total of 45 classes exist which bifurcate Trademarks based upon their characteristics such as clothing, chemical, oil & gases, pharmaceuticals, metal, tools surgical instruments etc. These classes makes it easy to identify a Trademark and to check at the time registration whether similar Trademark exist in the same class or not.



## Key benefits of obtaining Trademark Registration

**01**

A registered Trademark is a valuable assets which keep on appreciating over a period of time. As your business grows over time, the value of the trademarks gets scaled up automatically.

**02**

It provides uniqueness to brand as every business needs a brand or logo that stands out, which differentiates your brand from that of others. Hence, a registered trademark gives a unique identity to your brand.

**03**

Trademark can prove to be an effective and easy communication tool. They speak for themselves. A registered trademark makes it easy for customers to find the product and distinguish it from another well-known similar product/ business.

**04**

Trademark once registered can last for eternity. The Trademark registered by any firm remains with them forever. The trademark registration shall be renewed after every 10 years. However, the identity that it gave to the brand would remain forever.



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## MBG has a comprehensive programme to assist you

- ▶ Assistance in identifying if your enterprise/ product is in need of registration of Trademark
- ▶ Addressing to the queries / objections raised by the Competent Authority during the process of the Trademark application
- ▶ Submission of requisite application and supporting documents for the purpose of Trademark registration to the competent authority
- ▶ Upon acceptance of the application, obtaining of Trademark registration and removing of objection/ opposition if any



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