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*Series on Intellectual Property Issues: Part 17*

## How do I register my trademarks?

### The applicant

As the first step, you have to send or hand in a duly completed trademark application form, and pay the required fees. The form will include:

- ❑ The contact details of your company;
- ❑ A graphic illustration of the mark (a specific format may be required);
- ❑ A description of the goods and services and/or class(es) for which your enterprise wishes to obtain trademark protection.

It should be noted that some trademark offices (e.g. United States and Canada) require either present proof of use or a declaration that your company intends to use the trademark for the purposes of your application. The relevant trademark office will give you more precise information concerning the application process.

### The trademark office

The steps taken by the trademark office to register your trademark vary in certain details from country to country, but broadly follow the pattern described below.

#### **References:**

**Guidelines for Trademark Examination.** International Trademark Association. 1998. Web page at [www.inta.org/downloads/tap\\_tmexam1998.pdf](http://www.inta.org/downloads/tap_tmexam1998.pdf). Guidelines for trademark registration offices on the criteria for evaluating trademarks.

**Official Trademark Fees.** IPR-Helpdesk. Document can be downloaded from [www.ipr-helpdesk.org](http://www.ipr-helpdesk.org).

**Formal examination.** The trademark office examines the application to make sure that it complies with administrative requirements or formalities, e.g. whether the application fee has been paid and the application form properly filled in.

**Substantive examination.** In most countries, the trademark office also examines the application to verify whether it complies with the substantive requirements as to whether the sign is not excluded from registration by the trademark law. In some countries, the trademark office also examines whether the trademark is in conflict with prior registered marks in the relevant class(es). For the purposes of the registration of marks most countries follow the International Classification of Goods and Services (or Nice Classification).

**Publication and opposition.** In many countries, the trademark is published in an official journal, to allow a set period of time for third parties to oppose its registration. In a few other countries, the trademark is published only once it has been registered, but with a subsequent period allowing for petitions to be able to revoke the registration.

**Registration.** Once it has been decided that there are no grounds for refusal, the trademark is finally registered, and a registration certificate is issued, which is generally valid for 10 years.

**Renewal.** The mark may be renewed indefinitely by paying the required renewal fees, but the registration may be cancelled entirely or for certain goods or services if the trademark has not been used for a certain period of time as specified by the relevant trademark law.

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