

NEW TRADE MARKS RULES 2017 - HIGHLIGHTS

- **New Trade Marks Rules, 2017 have been notified on 6 March 2017 and are effective immediately.**
- **Significant changes have been effected in Fees and Procedures.**
- **Emphasis on expeditious processing of trademark registration, oppositions and recordal of changes in ownership.**
- **Provision made for Application requesting the Registrar for determination of “well-known trademark”**

Change in Official Fees

- Official fees have increased up to 125 per cent
- 10 per cent discount in fees for e-filing
- Nominal increase in fees for filing Notice of Opposition and Application for Rectification/Cancellation

Change in Procedure

- Application for registration of Sound mark to be filed with reproduction in MP3 format not exceeding 30 seconds in length and a graphical representation of the notations.
- Affidavit of Use will be mandatory when pre-filing trademark use is claimed.
- Expedited Examination of new Trademark Applications to entail expedited processing up to registration.
- Provision for extension of time of one month for filing Evidence in Opposition/Rectification proceedings withdrawn.
- Up to two adjournments of hearing will be permitted per party in Opposition proceedings. Adjournment request has to be filed at least 3 days before the hearing.
- Amount of Costs that may be awarded for not contesting an Opposition proceeding by the applicant or opponent increased
- Renewal may be filed prior to 1 year from normal due date (earlier it was 6 months).
- Time-line for recordal of assignment to be reduced to within three months.
- Application requesting the Registrar for determination of Well-Known Mark may be filed with Fee (INR 1,00,000 or US\$1500 approx.) and Statement of Case along with documentary evidence as provided under Section 11 sub-sections 6 to 9 of the Trade Marks Act, 1999. Before determining any mark as well-known, Registrar may invite objection through public notification.
- Hearings may be held through video-conferencing or other audio-visual communication devices (not implemented yet).

NOTE: This communication is not intended to be exhaustive and should not be acted upon without obtaining specific advice. While every effort has been made to ensure accuracy, no responsibility can be accepted for errors or omissions however caused.