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An entrepreneur's brand is created on the basis of reputation of goods or services he launches in the market.

A product or service of an entrepreneur is *identified in the market* and *distinguished from others' similar product or service* by a *trademark*

**Protection of one's
brand is based on
protection of his
trademarks**

What is Trademark ?

A Trade Mark is a **mark**, adopted **for distinguishing, the goods or services of one enterprise from those of others**, in the course of trade,

A trademark may be-

- **A Word**
- **A Device/picture**
- **A Label**
- **A Logo**
- **A Name**
- **A Signature**
- **Letters**
- **Numerals**
- **Or any combination of the above**
- **A three dimensional shape or shape of the Goods themselves**
- **Combination of Colors**
- **A sound clipping**

Objects & functions of a Trademark

- **To identify the origin of product/service.**
- **To distinguish the product/service of the proprietor from those of others.**
- **To guarantee its unchanged quality.**
- **To advertise the product/service.**

Registration of trademarks

- **Registration is a prima facie evidence of proprietorship over the trademark**
- **Gives the exclusive right to use the trademark in respect of goods/services; and to take legal action in case of infringement**
- **The registered proprietor may assign or license the trademark as any other property**
- **The registered proprietor can enjoy the Goodwill associated with registered trademark forever, if the mark is renewed from time to time**

Registration of trademark

- **Registration of a trademark is done on territorial basis.**
- **Registration of a trademark in India is done with the Trade Marks Registry office under the office of the Controller General of Patents, Designs and Trade Marks**
- **Registration of a trademark in foreign countries can be done either by applications in these countries individually or through Madrid System.**

Madrid System

- The Madrid system provides one single procedure for the registration of trademarks in several territories.
- It is governed by two treaties, *'the Madrid Agreement concerning the international registration of marks'* (briefly known as Madrid Agreement) and the *'Protocol relating to the Madrid Agreement'* (briefly known as Madrid Protocol).
- These treaties are administered by the International Bureau (IB) of the World Intellectual Property Organisation (WIPO) in Geneva, Switzerland.

India's accession to the Madrid Protocol

- **On April 8th of 2013, the Hon'ble Minister of Commerce & Industry, the Government of India, deposited the instrument of accession to the Madrid Protocol, with the Director General of the WIPO.**

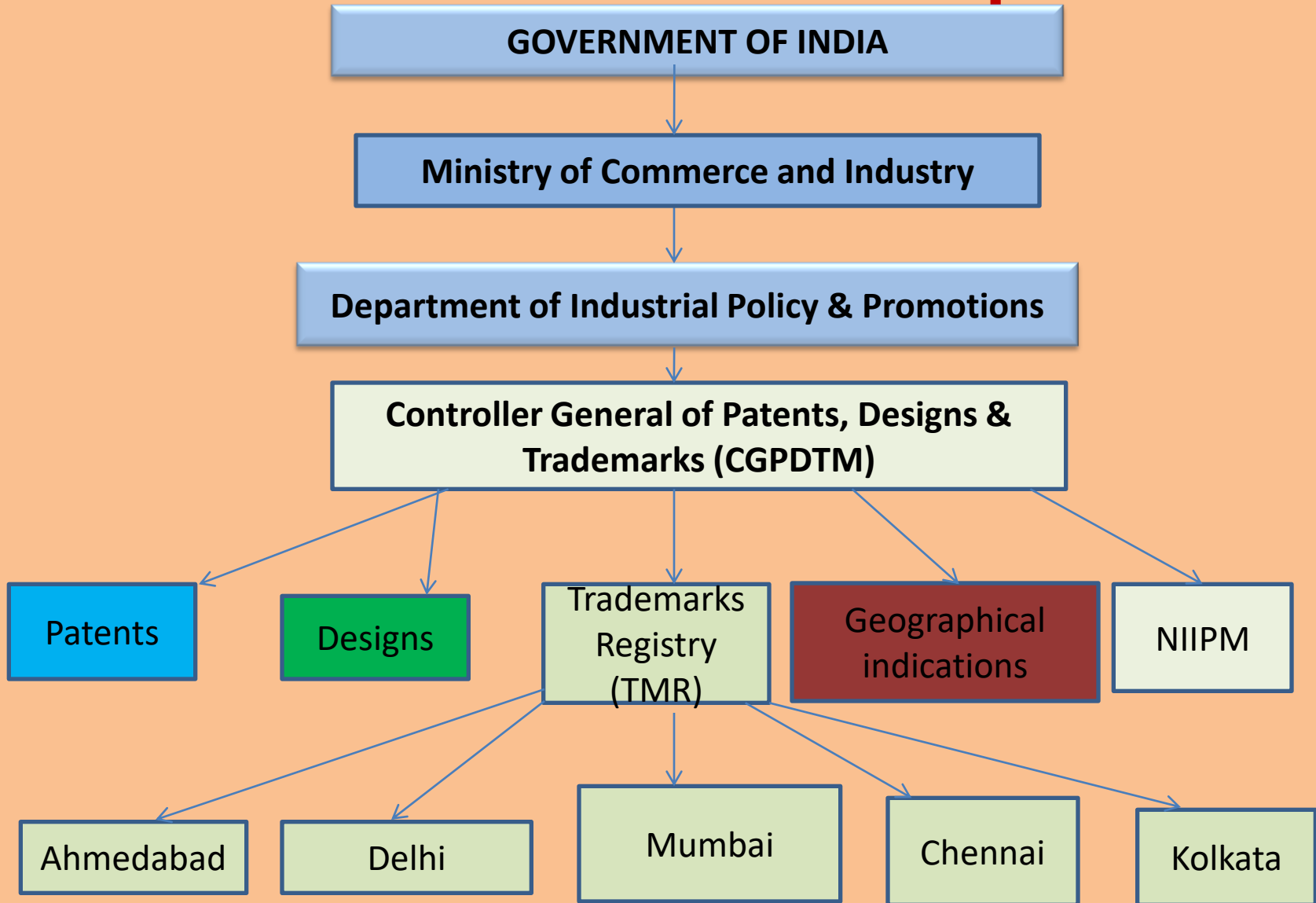
and accordingly, the provisions of international registration under the Madrid Protocol came into effect in India since July 8th of 2013

**The Trade Marks Registry (TMR) under The
office of The Controller General of Patents
Designs and Trade Marks (CGPDTM)
Implements The Madrid System In India**

Legal set up of the Indian TMR

- **The Trade Marks Registry was established under the Trade Marks Act 1940.**
- **At present, it functions under the Trade Marks Act 1999 & The Trade Marks Rules 2002. These came into force on 15th September 2003, replacing the *Trade & Merchandise Marks Act 1958* and *Trade & Merchandise Marks Rules 1959***
- **The Trade Marks (Amendment) Act 2010, has been passed and published in the official Gazette of the Government of India.**
- **The Trade Marks Rules 2002 has been amended from time to time.**

Administrative set up



Technical set up of the TMR

- All functions are performed through an web based Trade Marks System (TMS)
- The Central Server of TMR is at Intellectual Property Office (IPO) Building in Delhi and back up server is at IPO, Mumbai.
- All branches of the TMR are connected with the Central Server through the Virtual Private Network (VPN).
- All the actions done by the office staff through the TMS is recorded in the Central Server on real time basis.

Who can file application for international registration ?

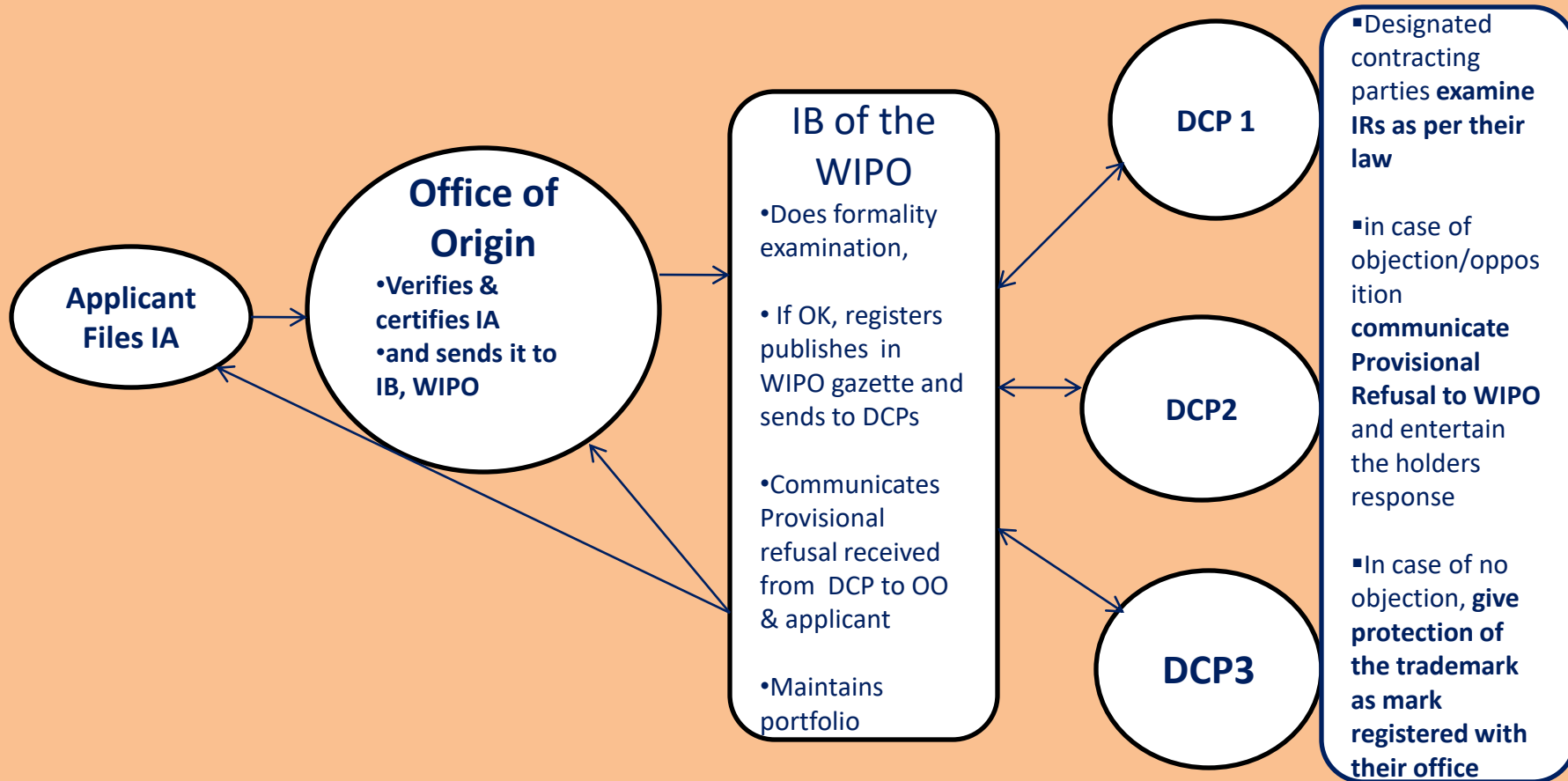
Any person (including a legal entity)

- who is a *citizen* of, or is *domiciled in*, or has real and effective *industrial or commercial establishment* in a country which is member of the Madrid Protocol, and
- who has got a registration of a trademark or who has filed an application for registration of trademark in that country

can make application for international registration of trademarks under the Madrid Protocol.

The application for international registration is made by the *same person* for the *same trademark* and *in respect of goods or services* covered in the domestic application or registration.

The brief procedure for international registration under the Madrid Protocol



India, as an Office of Origin

- **A person (including a legal entity)**
 - **who is a citizen of India, or domiciled in India, or**
 - **who has a real and effective industrial or commercial establishment in India, and**
 - **who has got a registration of a trademark or whose application for registration of trademark is pending in Indian office ,**
may make application for international registration of his trademark
- **Application must be filed only through the gateway for on line filing of International applications made available at the official website www.ipindia@nic.in, with handling fee of INR 2000/**
- **The Trade Marks Registry (TMR) verifies as to eligibility of the applicant and contents of the International Application vis-à-vis basic registration/application**
- **When the International Application is not proper, the TMR sends a deficiency letter at the email of the applicant. The applicant shall prepare a reply to the deficiency letter and upload it, with supporting documents, if any, through the gateway.**

- **When the International Application is proper the TMR certifies and transmits such applications to the International Bureau of WIPO.**

- ***The fee for international application and the individual fee/Complementary fee for designated countries* wherever applicable is to be paid directly to the International Bureau of the WIPO, in Swiss Francs**

- **The schedule of fee** in respect of application made for protection of mark through international registration under the Madrid Protocol is as follows-
 - ***Basic fee [653 Swiss Francs for 3 classes of goods/services],*** and in case application is for more than 3 classes Supplementary fee @ 100 Swiss Francs for each class, for the International Bureau of the WIPO, *payable to WIPO in Swiss Francs* ***If the trademark is in colour the basic fee is 903 Swiss Francs*** instead of 653 Swiss Francs
 - ***Individual fee or complementary fee for the countries or organizations designated*** in the application, *payable to WIPO in Swiss Francs*

- **The IB of WIPO examines such applications for formalities.**

- **In case any irregularity (regarding classification of goods or services, for instance) is found, the IB communicates such irregularities to the TMR as well as to the applicant.** The TMR also sends the irregularities to the applicant by email. The applicant has to rectify irregularities and prepare a reply to the irregularity letter, and upload it, with supporting document, if any, through the gateway. The TMR sends response to irregularities to the International Bureau of WIPO
- **If the International Application is found to be proper by the IB of the WIPO. It is registered with the IB, published in the WIPO gazette and transmitted to the offices of the designated Contracting Parties.**



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All donations towards the Prime Minister's National Relief Fund (PMNRF)



News

- ▶ Last date for submission of RGNIPM Nagpur FMS Tender has now been further extended to 3/8/2015 & date of opening of prequalification tender document would be 4/08/2015 at 10.00 am ; Date of opening of Technical & Financial Bid would be 5/08/2015 at 10 AM onwards (16 July, 2015)
- ▶ The CGPDTM announces that the [Designs wing of Indian Patent Office has been awarded the ISO 9001: 2008](#) on 13/04/2015 with certificate no. FM634081 by BSI India for the protection and maintenance of Industrial Design through Registration relating to article of manufacture & any substance under the provisions of The Designs Act, 2000 (01 July, 2015)
- ▶ Pursuant to the notification of WIPO announced in the [PCT Newsletter No. 04/2014](#), as of 1 July 2015 it will no longer be possible to file international applications using the PCT-EASY mode of the PCT-SAFE software and the fee reduction under Item 4(a) of the PCT Schedule of Fees will not be applicable. For further details kindly see the above PCT News Letter (30 June, 2015)

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Forthcoming Events

Rajiv Gandhi National Institute of Intellectual Property Management [Public Training Programme Schedule 2015-16](#)

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Payment of deficit application fee (Fee revision with effect from 01/08/2014) can be made by filing MIS-E form available under Other Forms Tab



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MM 2

[Guidelines to fill up the MM2\(E\) form](#)

Contracting party whose office is the office of origin : **India**

1 Language : English French Spanish

2 APPLICANT'S DETAIL

Applicant's Name :

Address : Telephone No :

Mailing Address : Post Code:

Email : Fax No. :

Country : Nationality :

Legal Nature : Place Incorporation :

Preferred Language : English French Spanish

3 ENTITLEMENT TO FILE

- Where the Contracting Party is a State, the applicant is a national of that State; or
- where the Contracting Party is an organization, the name of the State of which the applicant is a national; ; or
- the applicant is domiciled in the territory of the Contracting Party or
- the applicant has a real and effective industrial or commercial establishment in the territory of the Contracting Party

Add Applicant

No Applicants Added.



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	Sr. No.	Temp#	Form Type	Created on
Select	1	365227	MM2	20/02/2015
Select	2	308644	MM2	02/12/2014
Select	3	139789	MM2	27/11/2013
Select	4	138839	MM2	22/11/2013
Select	5	126299	MM2	12/11/2013
Select	6	126289	MM2	19/09/2013
Select	7	126303	MM2	19/09/2013
Select	8	123909	MM2	06/09/2013
Select	9	122603	MM2	27/08/2013

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S. No.	Temp#	Classes	Form Type	Reference No	Branch	Created On	Amount	Preview
<input type="checkbox"/>	120014		MM2			08/07/2013	2000	Preview
<input type="checkbox"/>	120017		MM2			08/07/2013	2000	Preview
<input type="checkbox"/>	120268		MM2			01/08/2013	2000	Preview
<input checked="" type="checkbox"/>	139848		MM2			27/11/2013	2000	Preview
<input type="checkbox"/>	147701		MM2			30/12/2013	2000	Preview
<input type="checkbox"/>	161304		MM2			14/02/2014	2000	Preview
<input type="checkbox"/>	161374		MM2			14/02/2014	2000	Preview
<input type="checkbox"/>	211163		MM2			17/06/2014	2000	Preview
<input type="checkbox"/>	283678		MM2			21/10/2014	2000	Preview
<input type="checkbox"/>	290262		MM2			01/11/2014	2000	Preview
<input type="checkbox"/>	308518		MM2			26/11/2014	2000	Preview

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S. No.	Form Number	Application Number	App. Ref. No.	Classes	Branch	Price
1	MM2	120268		35	Mumbai	2000
					Total	₹ 2000

Terms & Condition for IPO Payment Gateway Users

1. Payment Gateway/ Net Banking Disclaimer

All the payments made by the user of the IPO online services may be made using the IPO Payment Gateway hosted by IPOs designated bank. The Payment Gateway/ Internet Banking service is provided to you in order to facilitate the filing procedures using the online services provided by the IPO. By using these services, of the payment gateway, you expressly agree that your use of this online payment service is entirely at your own risk.

2. Transaction charge

The necessary transaction charge plus service tax as applicable for online payment of the services will be borne by the user. These charges will be taken by the e-payment solution provider for giving this service. The list of charges for using various payment gateway services are mentioned below:

S.No.	Net Banking, Credit Card, Debit Card payment options	Per Transaction charges
1.	Internet Banking Charges	Rs. 10/-
2.	Debit Card transactions	(i) 0.75% for transaction upto Rs. 2000

I agree with the above Terms & Conditions

Make Payment **Back**

India, as an office of designated country

- In case of an international applications designating India, is published as registered by WIPO and the same is notified to India, the particulars of international applications are recorded in TMR data base, by giving a national number to it as *IRDI xxxxxx* equating the date of international registration of IRDI with the date of application for a national application
- The IRDI is examined as a national application as per provisions of the Trade Marks Act & Rules.
- In case of any objection, a provisional refusal is communicated to WIPO. The WIPO communicates the provisional refusal to the applicant of the international application (the Holder of the international registration)
- The Holder of the international registration, may respond to the provisional refusal and request this office to reconsider it only through an Indian agent.
- In case of no objections, it is published in the Trade Marks Journal

- **Any person may file notice of opposition to so published IRDI, as any other published national application. The Notice of Opposition should be filed on line through the gateway available at the website**
- **On receiving any opposition to the IRDI, the TMR communicates to the WIPO, a provisional refusal based on the opposition. The WIPO sends copy of the same to the holder.**
- **The Holder of the international registration, may contest to provisional refusal and file a counter statement , only through an Indian agent. The opposition proceeding shall then be conducted as per usual process.**
- **In case no opposition is received within the prescribed period and there has been no grounds for refusal, the TMR will notify the Grant of Protection of the international registration, to the WIPO.**



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- File TM-6
- File TM-7
- File TM-9
- File TM-10
- File TM-12
- File TM-13
- File TM-14
- File TM-15
- File TM-16
- File TM-17
- File TM-19
- File TM-20
- File TM-21
- File TM-23
- File TM-24
- File TM-25
- File TM-26
- File TM-27
- File TM-28

MM2 Applications Under Irregularity

- Irregularities pending for reply.
- Irregularities pending for reply even after two month.

No Record found



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Reply to Examination Report

Application Number:

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Applicant IMTIYAZ ABDUL AZIZ

Reply attached seperately

Please enter reply

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Where are we under Madrid System ?

As on 31/03/2016-

- **The WIPO has notified to Indian Office 23632 international registrations seeking protection of trademarks in India.** Out of that **11778** international registrations were notified in the present financial year 2015-16.
- International registrations designating India are examined in order of the date of the international registrations and along with the national applications bearing the same date of applications.
- **The provisional refusals have been communicated to the WIPO in respect of 11600 marks and the Grant of protection has been communicated for 924 marks.**
- **Indian office has received 385 applications** for international registration of trademarks under the Madrid Protocol, out of which 362 applications have been certified and forwarded to the WIPO. **Out of these applications 260 have been registered at the level of the WIPO** and have been transmitted to offices of the designated contracting parties who will take final decision about protection of such marks.

Advantages of the Madrid Protocol

- An Indian entrepreneur can apply for protection of a mark in around 96 territories by filing a single application in one language and by paying a single set of fees, instead of filing separate applications in the different IP Offices of the various territories.
- Regardless of where the applicant wishes to protect his mark, **he may file his application in English**, one of the three languages of the Madrid Protocol, namely, English, French & Spanish
- **If the Office of a country/ organisation of countries, designated in the application for International Registration of same trademark, does not notify a refusal within the prescribed time, the mark will automatically enjoy protection in that territory.**

Advantages of the Madrid Protocol

.....contd

- After the trademark has been registered through the Madrid Protocol, **the holder** of the international registration **can extend its geographical scope** to additional countries/ organisations of countries **in a quick, simple and cost-effective manner**;
- No matter how many countries/ organisations of countries have been included in the international registration of a mark using the Madrid system, **there will be just one single expiry date and the registration can be renewed for all or any of the territories included in the registration in very simple process**;
- **Managing a trademark portfolio** registered through the Madrid Protocol e.g. change in ownership, licensing, etc., **is more cost-effective**.

Guidelines for functioning under the Madrid Protocol

- A document titled as '**Guidelines for functioning under the Madrid Protocol**' is put up on the home page of official website of the CGPDTM-
www.ipindia.nic.in

Attending to queries and problems

- Queries and problems relating to the functioning of the Madrid Protocol in India may be sent to the **International Registration wing** of the **TMR** at madrid.tmr@nic.in
- A telephone call for Queries or problems relating to the functioning of the Madrid Protocol may also be made at-
+91 22 24134555

Thanks
for patient listening