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Built for Business.

THE SIMPLE GUIDE

Got a Trademark Objection?

DON'T PANIC. REPLY RIGHT.

What an examination report means, what to do before the deadline, and how hearings and oppositions work, in plain words.



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Founder, Startiqo · 14 years of experience · 1,000+ brands protected

1 What is an examination report?

After you file, an examiner at the Trade Marks Registry checks your application. Their findings come in a letter called the **examination report**.

IN SIMPLE WORDS

The examiner is asking: **"Why should we register this mark?"** An objection is a question, not a final no. Most objections can be answered.

No objection

Your application moves ahead to publication in the Trade Marks Journal.

Objection raised

You must send a reply by the deadline in the report. Usually, that's one month.

The biggest risk is silence

If nobody replies on time, the application can be treated as **abandoned**. You would have to file again, pay the government fee again and lose your original filing date. In one clean-up drive, about 96,000 applications were identified for abandonment, largely because no reply was filed.

Where do I find the report?

- On the IP India website, by searching your application number.
- By email, if the Registry has your email on record.
- Through your attorney, if one filed for you.

Source for the abandonment figure: Registry notice, as reported by Law.asia.

2 The two common kinds of objection

Most objections fall into one of two groups. Knowing which one you have tells you how to reply.

9

Section 9: "Your mark isn't distinctive"

The examiner thinks your mark just **describes** the product, is a common word in your trade, or can't tell your goods apart from others.

11

Section 11: "It's too close to another mark"

The examiner found an **earlier similar mark** for similar goods or services, and thinks customers could be confused.

Examples

Your mark	Likely objection	Why
"Pure Ghee" for ghee	Section 9	It simply describes the product.
"Best Shoes" for footwear	Section 9	Praise words anyone may use.
"Glowra" for skincare, when "Glowrah" already exists	Section 11	Sounds almost the same, same products.
"BrytNest" for furniture, when "BrightNest" already exists	Section 11	Looks and sounds alike, same products.

GOOD TO KNOW

A report can have both kinds of objection, and also small "formal" points, such as an unclear description of goods. All are answered in one reply.

The examples are made up to explain the idea. Real outcomes depend on the facts.

3 What to do, step by step

You have a deadline, usually one month. Here's how to use that time well.

STEP 1
Read the report
Note the application number, each objection and the reply deadline.

STEP 2
Collect your proof
Invoices, ads, website pages, social posts and sales figures showing your use of the brand.

STEP 3
Draft the reply
Answer every objection, with legal reasons and your evidence.

STEP 4
File before the deadline
The reply is filed online. Keep the filing receipt.

STEP 5
Wait for the decision
The examiner may accept, or fix a hearing to discuss it.

What a strong reply includes

- **A point-by-point answer** to each objection, not a general letter.
- **Why your mark is different**: how it looks, sounds and what it means, compared with the other mark.
- **Proof of use**, if you've been using the brand, to show customers already know it as yours.
- **A narrower description** of goods or services, where that removes the conflict.

4 Hearings, and the proof that helps

If the examiner isn't convinced by the written reply, they may fix a **hearing**. It's a short meeting, often online, where your attorney explains your case.

1

Notice

You receive a hearing notice with a date.

2

Preparation

Arguments and evidence are prepared.

3

Decision

The examiner accepts or refuses, and records the reasons.

Evidence of use: tick what you have

- [ ] **Invoices or bills with the brand name**
  Show the date and the brand clearly.
- [ ] **Photos of products and packaging**
  With the brand visible.
- [ ] **Website and marketplace pages**
  Screenshots with dates.
- [ ] **Advertisements and social media posts**
  Older ones help show long use.
- [ ] **Sales figures by year** HELPFUL
  A simple statement is enough to start.
- [ ] **Press mentions or awards** OPTIONAL
  Only if you have them.
- [ ] **User affidavit**
  A sworn statement of when you started using the brand. We prepare it.

5 What if someone opposes?

An **opposition** is different from an objection. An objection comes from the examiner. An opposition comes from **another person or company**, after your mark is published.

AFTER ACCEPTANCE

Your mark is published

It appears in the Trade Marks Journal for the public to see.

UP TO FOUR MONTHS

Someone may oppose

Any person can file a notice of opposition in this window.

WITHIN TWO MONTHS OF THE NOTICE

You file a counter-statement

Your answer to the opposition. Missing it can end your application.

NEXT

Evidence from both sides

Each side files proof supporting its case.

FINALLY

Hearing and decision

The Registry hears both sides and decides.

THE DEADLINE THAT MATTERS MOST

If you receive a notice of opposition, the counter-statement must be filed within **two months**. If it isn't, the application can be treated as abandoned.

Want to oppose someone else's mark? If a mark close to yours is published, you can oppose it within the four-month window. Ask us early; preparation takes time.

6 Missed it, or stuck?

If your application was filed by someone else, or you filed it yourself and now feel stuck, it can usually be **taken over and put back on track**, keeping your original filing date.

⇄

Application takeover

You sign an authorisation (Form TM-48). We take charge, review the record and act on the objection, hearing or opposition.

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Deadline close or passed?

Tell us at once with your application number. What can be done depends on the exact status and dates.

Reply-ready checklist

- [ ] **Application number**
  From the filing receipt or IP India website.
- [ ] **Copy of the examination report or notice**
  Download it from IP India if you don't have it.
- [ ] **Reply deadline noted**
  Usually one month from the report.
- [ ] **Proof of use** IF IN USE
  Invoices, photos, website pages, ads.
- [ ] **Signed authorisation (Form TM-48)**
  Lets us act for you. We prepare it.
- [ ] **Earlier replies or letters** IF ANY
  If anything was filed before.

Startiqo

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Ready to protect your brand?

We handle the forms, the deadlines and the Registry. You get plain-language updates and every fee shown before you pay.

Objection reply

Drafted and filed by a trademark attorney, with evidence of use where it helps.

Hearing representation

A trademark attorney presents your case to the examiner.

Opposition

Counter-statements, evidence and hearings, handled for you.

Application takeover

Stuck after a DIY or earlier filing? We take over and keep your filing date.



CS Prashant Kumar

Founder, Startiqo · Company Secretary

14 years of experience **1,000+** brands registered and protected

Book a call or send a question from the Startiqo.com website.

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