Startiqo

Built for Business.

THE COMPLETE GUIDE · 2026 EDITION

Trademark Registration in India

From brand idea to ®, explained in plain English



What a trademark is, how to choose a name that can be registered, which classes to file in, what it really costs, every stage at the Trade Marks Registry, and how to protect your brand for life.



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Based on the Trade Marks Act, 1999 and the Trade Marks Rules, 2017

Edition: November 2026

BEFORE YOU BEGIN

About this guide

This guide is for founders, small business owners, freelancers, startups and anyone who has built a brand and wants to own it properly. You don't need a legal or finance background to follow it.

Every chapter explains one part of the journey in simple words, with examples, tables and checklists. Where the law matters, we tell you which section of the **Trade Marks Act, 1999** applies, so you can check it or discuss it with an adviser.

The 10 things every brand owner should know

- **A trademark protects your brand identity**: name, logo, tagline and more. It does not protect an idea or a product design.
- **Company name approval is not a trademark.** It gives you no rights over your brand.
- **Rights are territorial.** An Indian registration protects you in India only.
- **Rights are class-based.** You choose from 45 classes; protection covers only what you file for.
- **Distinctive names register easily.** Descriptive names are often objected to.
- **The government fee is ₹4,500 or ₹9,000 per class**, depending on who applies.
- **Use ™ from day one. Use ® only after registration.**
- **Most applications face at least one question** from the examiner. A good reply usually solves it.
- **Deadlines decide outcomes.** Unanswered applications can be treated as abandoned.
- **Registration lasts ten years** and can be renewed forever.

INSIDE

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THE BASICS

What is a trademark?



A trademark is any sign that helps customers recognise that a product or service comes from you, and not from anyone else.

SECTION 2(1)(ZB) The Act defines a trade mark as a mark that can be represented graphically and is capable of distinguishing the goods or services of one person from those of others.

What can be a trademark?

Type	What it is	Example
Word mark	A name or word in plain letters, in any font	A brand name like "Zorvex"
Logo (device) mark	A symbol, picture or stylised design	A leaf inside a circle
Combined mark	Name and logo together, as one design	Brand name written in a special style beside a symbol
Slogan or tagline	A short, distinctive phrase	A catchy line used in ads
Shape or packaging	A distinctive bottle shape or pack design	A uniquely shaped bottle
Sound mark	A short jingle, filed as an audio file with notation	A three-note brand tune

WHICH SHOULD YOU FILE FIRST?

For most businesses, the **word mark** gives the widest protection, because it protects the name in any font, colour or style. If your logo is also important, file it separately or as a combined mark later.

™ and ®: which symbol can you use?

Symbol	Meaning	When you can use it
™	"This is my trademark"	Any time, even before you apply. It has no legal formality.
®	"This trademark is registered"	Only after registration, and only for the classes it is registered in.

SECTION 107 Falsely representing a mark as registered, including by using ® before registration, is an offence punishable with imprisonment, a fine, or both.

A distinctive **combination of colours**, used consistently on packaging, can also be registered.

Special kinds of marks you may hear about

S

Series marks

Several marks that are almost the same, differing only in small details like colour, filed together.

C

Collective marks

Used by members of an association to show membership, such as a trade body.

✓

Certification marks

Show that goods meet a standard certified by the owner, such as quality or origin.

★

Well-known marks

Marks so famous in India that they get protection across all classes, not just their own.

In simple words: a trademark is your brand's identity card, and registration is the government's record that it belongs to you.

KNOW THE DIFFERENCE

2 Trademarks and other rights

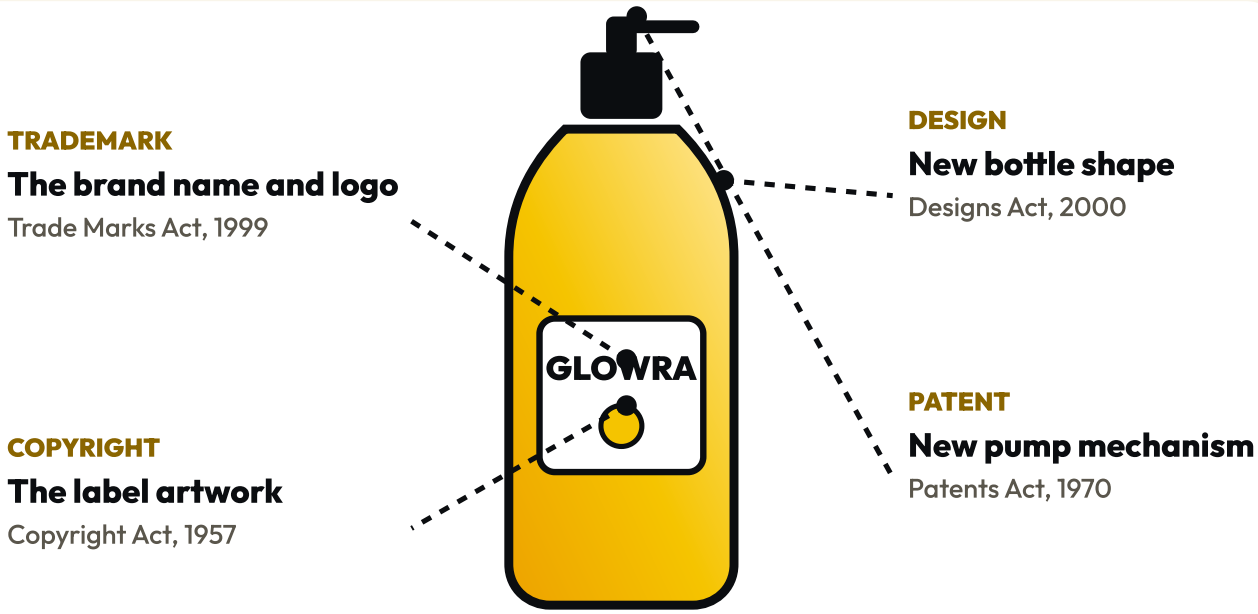


Founders often think one registration covers everything. It doesn't. Each right protects something different, under a different law.

Right	What it protects	Law	How long
Trademark	Brand name, logo, tagline, packaging	Trade Marks Act, 1999	10 years, renewable forever
Copyright	Original creative work: art, text, software code, music	Copyright Act, 1957	Generally life of the author + 60 years
Design	New look or shape of a product	Designs Act, 2000	10 years, extendable by 5
Patent	New technical invention	Patents Act, 1970	20 years from filing
Company or LLP name	Your legal entity's name on the MCA register	Companies Act, 2013 / LLP Act, 2008	As long as the entity exists
Domain name	Your website address	Registrar contract	As long as you renew

One product, four kinds of protection

Take a bottle of face wash. Four different laws can protect four different parts of it, and each needs its own filing.



TM

The name GLOWRA

A trademark stops others using the same or a similar name for similar products.

©

The label artwork

Copyright protects the artwork itself, and belongs to its creator unless assigned.

◆

The bottle shape

A registered design protects a new, non-functional shape or look.

⚙

The pump mechanism

A patent protects a new technical invention that works in a new way.

Common misunderstandings

- **"My company name is approved, so my brand is protected."** Name approval only means no identical company exists. Anyone may still register your brand as a trademark.
- **"I have GST and Udyam registration."** These are tax and business registrations. They give no brand rights.
- **"I own the domain and Instagram handle."** That helps, but it isn't legal ownership of the brand name.
- **"My designer made my logo, so it's mine."** Copyright in the artwork may belong to the designer unless it is assigned to you in writing.

Protecting a logo completely

Trademark

Registers the logo as your brand sign for your classes. Stops others using a similar logo for similar goods.

Copyright

Protects the artwork itself. Get a written assignment from your designer so you own it.

IN SIMPLE WORDS

Use the trademark to protect how customers recognise you, copyright to own the artwork, a design to protect a product's new look, and a patent for a technical invention.

THE CASE FOR REGISTERING

3 Why register your trademark

You can use a brand without registering it. But an unregistered brand is much harder to defend, and much easier to lose.

1

Exclusive right

Registration gives you the exclusive right to use the mark for the goods or services it covers (section 28).

2

Infringement action

You can sue anyone using an identical or deceptively similar mark (section 29), without first proving your reputation.

3

A business asset

A registered mark can be sold, licensed or franchised, and is valued in funding, mergers and sales.

4

Marketplaces

Amazon Brand Registry and similar programmes ask for a trademark application or registration.

5

Customs protection

Registered owners can record their mark with Indian Customs to help stop counterfeit imports.

6

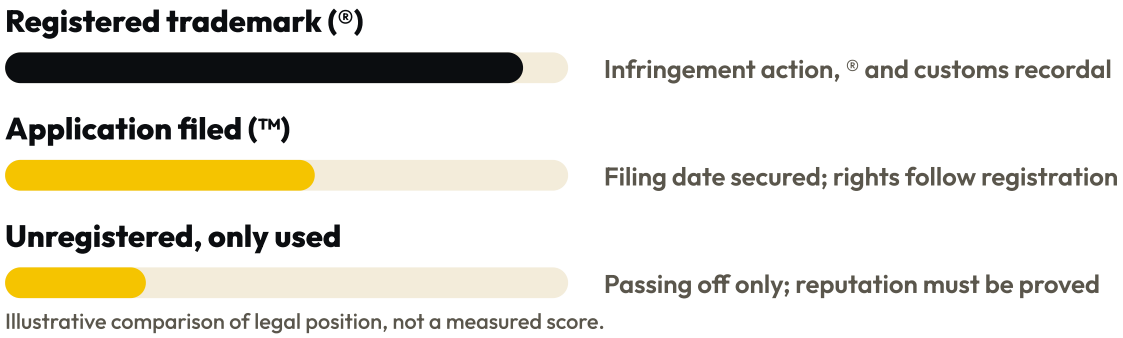
Base for going global

Your Indian application can support international filings, including through the Madrid system.

Registered vs unregistered: the real difference

	Registered mark	Unregistered mark
Legal action	Infringement: prove registration and similarity	Passing off: prove goodwill, misrepresentation and damage
Evidence needed	Registration certificate is strong proof	Years of invoices, ads and sales records
Cost and time in a dispute	Usually lower	Usually higher
Can you use ®?	Yes	No, only ™

How strong is your position?



Illustrative comparison of legal position, not a measured score.

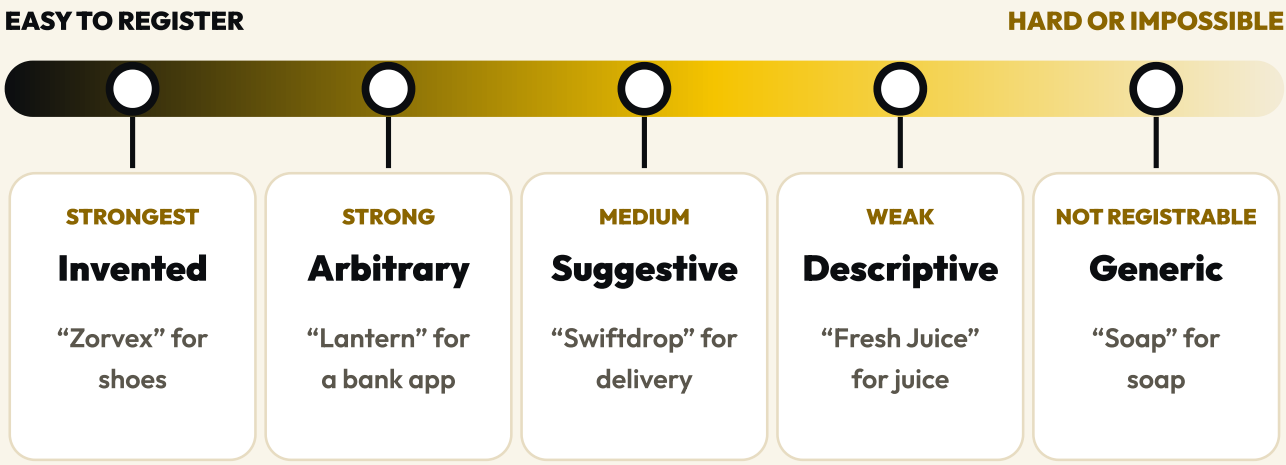
Who should register first?

- **Brands about to launch**, before money goes into packaging, signage and ads.
- **Businesses raising funds** or signing distributors, franchisees or manufacturers.
- **Online sellers** planning to use marketplace brand programmes.
- **Exporters** who need an Indian base before filing abroad.

BEFORE YOU FILE

4 Choosing a name that can be registered

The single biggest factor in a smooth registration is the name itself. Names sit on a scale from very strong to unregistrable.



Absolute grounds: when the mark itself is the problem

SECTION 9 A mark can be refused if it lacks distinctive character, only describes the kind, quality, quantity, purpose, value or origin of the goods, or has become customary in the trade. Marks that deceive, hurt religious sentiments, are scandalous or obscene, or are barred under the Emblems and Names (Prevention of Improper Use) Act, 1950 can also be refused.

GOOD NEWS

A mark refused for being descriptive can still succeed if you prove it has become distinctive through long and wide use. Evidence of use matters.

Relative grounds: when an earlier mark is the problem

SECTION 11 A mark can be refused if it is identical or similar to an earlier mark for identical or similar goods or services, and the public is likely to be confused. Well-known marks get wider protection.

The examiner compares marks the way an ordinary customer would: by how they **look**, how they **sound** and what they **mean**, and by how close the products are.

Your mark	Earlier mark	Likely outcome
“Glowra” for face cream	“Glowrah” for skincare	Objection: sounds the same, same goods
“Nimbus” for cloud software	“Nimbus” for bicycles	Often acceptable: very different goods
“Kaapi Kings” for coffee	“Coffee Kings” for coffee	Objection: same meaning, same goods

A practical checklist for a strong name

- Is it invented, or unrelated to what you sell?
- Have you checked the IP India public search for identical and similar marks in your classes?
- Does it avoid common praise words like “best”, “super”, “premium” or “number one”?
- Does it avoid geographical names that describe origin, such as a city known for the product?
- Is it easy to say, spell and remember, including in Indian languages?
- Is the domain and social handle available, or close to it?

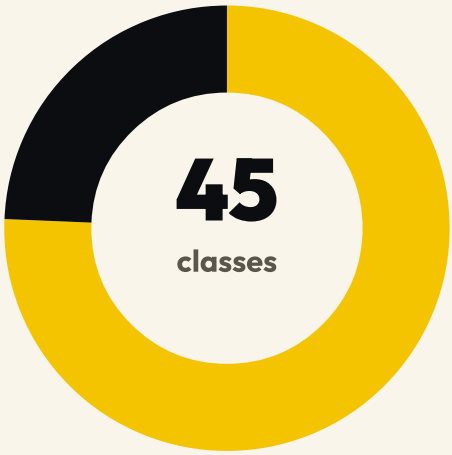
CHOOSE CORRECTLY

5 Trademark classes, made simple

India follows the international **Nice Classification**, which sorts all goods and services into **45 classes**. Classes 1–34 are **goods**; classes 35–45 are **services**.

If you sell or offer…	Usual class
Soaps, skincare, cosmetics, perfumes	**Class 3**
Medicines, supplements, Ayurvedic products	**Class 5**
Downloadable apps and software, electronics	**Class 9**
Bags, wallets and leather goods	**Class 18**
Clothing, footwear, caps	**Class 25**
Packaged meat, dairy, edible oils, pickles	**Class 29**
Tea, coffee, spices, bakery, snacks from grain	**Class 30**
Beverages like juices and soft drinks	**Class 32**
Advertising, online and retail store services	**Class 35**
Banking, insurance, investment services	**Class 36**
Education, coaching, training, events	**Class 41**
Software as a service, IT and design services	**Class 42**
Restaurants, cafés, cloud kitchens, hotels	**Class 43**
Hospitals, clinics, salons, wellness	**Class 44**

Common examples only. Your exact classes depend on what you actually sell and must be confirmed before filing.



Classes 1–34: Goods
Things you make or sell: soaps, clothes, food, apps

Classes 35–45: Services
Work you do for others: retail, software, cafés, clinics

Six rules for choosing classes

1

File for what you sell

Choose classes for products and services you sell now or genuinely plan to sell soon.

2

Remember the two-class pattern

Make a product and sell it on your own website? You usually need the product class plus class 35.

3

Don't over-file

Every class costs a government fee, and broad filings invite objections. Add classes as you grow.

4

Write a precise description

The "specification" (list of goods or services) decides your rights. Vague wording causes objections.

5

One application, many classes

India allows several classes in one application, but each class is charged separately.

6

Think about what's next

If you will launch a related product line within a year or two, consider covering it now.

EXAMPLE

A Jaipur-based brand makes handmade soaps and sells them on its own website and Instagram. It files in **class 3** (soaps) and **class 35** (online retail of soaps and cosmetics). Two classes, two government fees.

OWNERSHIP

6 Who can apply, and in whose name



The applicant becomes the owner of the trademark. Getting this right at the start avoids costly corrections later, especially at funding or sale.

If your business is...	Apply in the name of	Tip
Individual or sole proprietorship	The proprietor, with the trading name	A proprietorship is not a separate legal person
Partnership firm	All partners, with the firm name	Update the record if partners change
Private or public company	The company	Board approval is good practice
LLP	The LLP	Use the exact name as registered
Trust or society	The trust or society	Check who is authorised to sign
Foreign company	The foreign company	Needs an address for service in India

“Proposed to be used” or “used since”?

Every application states whether the mark is **already in use** or **proposed to be used**.

Proposed to be used

You haven’t started using the brand yet. Common for new businesses. No evidence is needed at filing.

Used since a date

You claim use from a specific date. You file a user affidavit with supporting evidence like dated invoices.

WHY THE USE DATE MATTERS

An earlier genuine use date can help you if someone else files a similar mark later. Only claim a date you can prove.

Joint owners and later changes

Two or more people can apply jointly, but every joint owner then needs to agree on how the mark is used, licensed or sold. For most businesses, a single owner, usually the company, is simpler.

Ownership can change later through an assignment, for example when a proprietor converts the business into a company. Record the change with the Registry so the register always shows the right owner.

FOREIGN APPLICANTS

An applicant based outside India must give an address for service in India, usually that of its Indian attorney, where the Registry can send notices.

NO SURPRISES

7 What it costs

Every trademark filing has two separate costs: the **government fee** paid to IP India, and the **professional fee** for preparing and filing the application.

Government fee for a new application (Form TM-A), per class

Applicant	Online filing	Physical filing
Individual (including sole proprietor)	**₹4,500**	₹5,000
Startup recognised by DPIIT	**₹4,500**	₹5,000
Micro or small enterprise registered under Udyam	**₹4,500**	₹5,000
All others: companies, LLPs, firms, trusts, foreign applicants	**₹9,000**	₹10,000

Source: Trade Marks Rules, 2017, First Schedule. Fees as on November 2026; check the current schedule before filing.

Worked examples (online filing, government fee only)

Who	Classes	Government fee
Freelance designer (individual)	1 (class 42)	₹4,500
D2C skincare company, Udyam registered	2 (classes 3 and 35)	₹9,000
Same company, not Udyam registered	2 (classes 3 and 35)	₹18,000

THE UDYAM SAVING

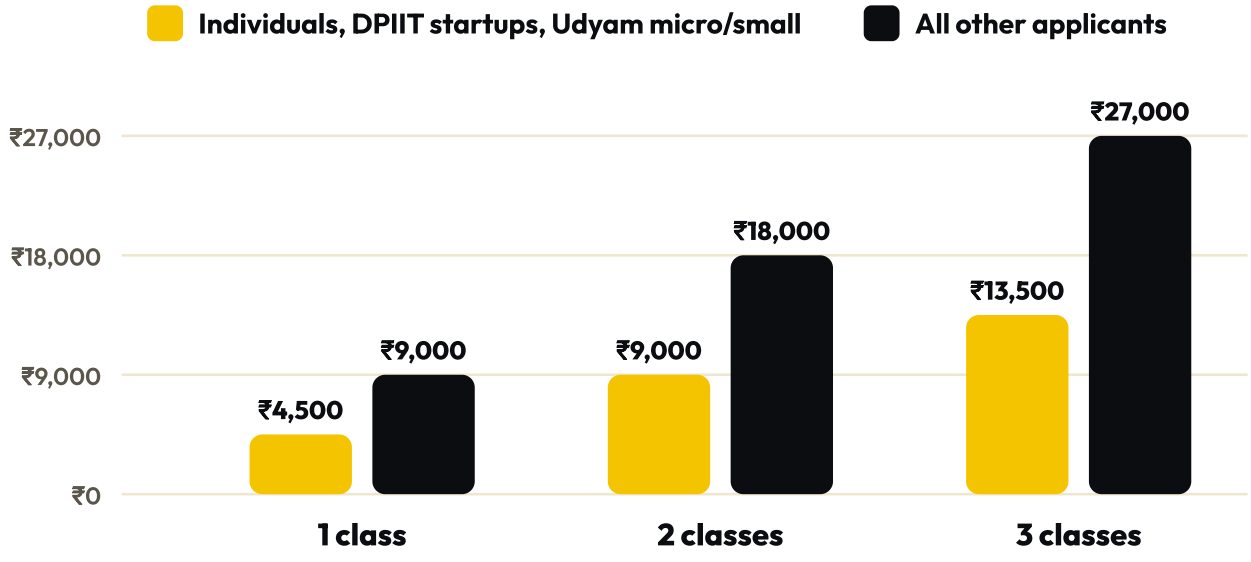
A company that qualifies as a micro or small enterprise can register under Udyam for free on the government portal, and then pay half the government fee per class. In the example above, that saves ₹9,000. Medium enterprises don't qualify.

The professional fee: what you should get for it

Professional fees in the market range from very low to very high. What matters is **what is included**. A very cheap filing often covers only the form. The work that actually decides success, like drafting the specification and replying to objections, is charged later.

Service	Basic filing	Startiqo TM Shield (₹4,999 + GST)
Clearance review of name and classes	Rarely	Included
Classes and specification drafted by a trademark attorney	Template	Included
Filing and application number	Included	Included
Reply to the examination report	Extra charge	Included
Deadline tracking until registration	Rarely	Included
Hearing or opposition	Extra charge	Quoted separately

Government fee at a glance (online filing)

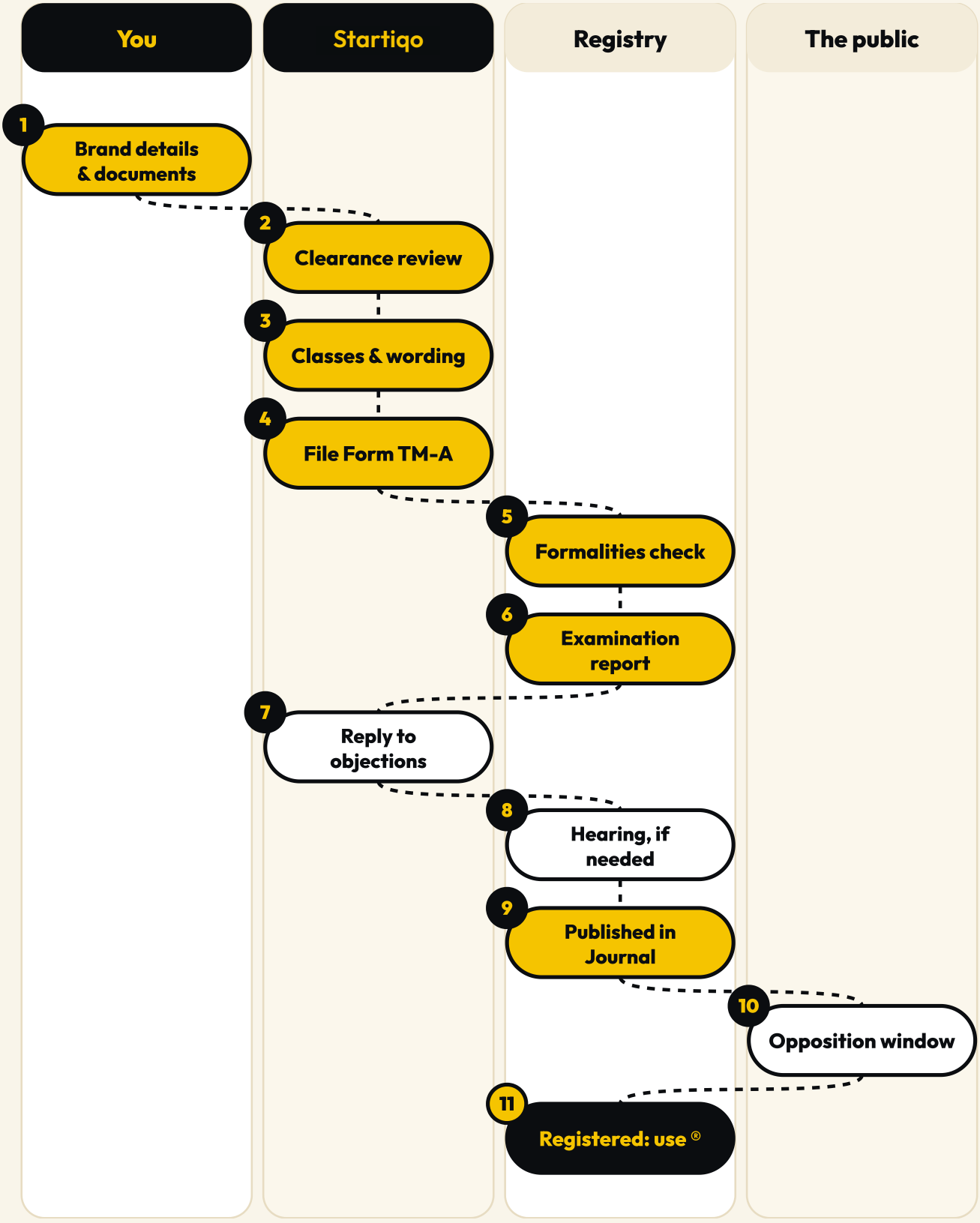


GST at 18% applies to professional fees only, not to the government fee.
Compare the four Startiqo packages on page 36.

FROM FILING TO ®

8 The journey at a glance

Who does what, from your first conversation to the registration certificate. White steps happen only when needed.



Step by step

Here is every stage, in order, with who does what.

STEP 1 · YOU AND US

Clearance review

Check the name for similar marks in the IP India public records and confirm it is distinctive.

STEP 2 · YOU AND US

Classes and specification

Pick the right classes and draft a precise list of goods or services.

STEP 3 · YOU

Documents and authorisation

Share applicant details and sign Form TM-48, which authorises the attorney to file for you.

STEP 4 · STARTIQO

Filing (Form TM-A)

The application is filed online. An application number is generated at once. You can now use ™.

STEP 5 · REGISTRY

Formalities check

The Registry checks the form, fees and documents. Missing items are flagged.

STEP 6 · REGISTRY

Examination

An examiner checks the mark against sections 9 and 11 and issues an examination report.

STEP 7 · YOU AND US

Reply to the examination report

If there's an objection, a written reply is filed, usually within one month of receiving the report.

STEP 8 · REGISTRY

Show cause hearing, if needed

If the reply doesn't settle it, a hearing is fixed, often online.

STEP 9 · REGISTRY

Acceptance and advertisement

The accepted mark is published in the Trade Marks Journal for the public to see.

STEP 10 · PUBLIC

Opposition window

Anyone can oppose within four months of publication.

STEP 11 · REGISTRY

Registration certificate

If there's no opposition, or it fails, the mark is registered and the certificate issued.

SECTION 23 Once registered, the mark is registered as of the date of the application. Your rights effectively date back to your filing date, which is why filing early matters.

HOW LONG DOES IT TAKE?

If there is no objection or opposition, registration often takes 12 to 24 months in total. Objections, hearings and oppositions add time. Nobody can promise a date; the Registry controls its own timelines.

DECODE THE PORTAL

9 Reading your application status



Check any application on the IP India website with its application number. Common labels mean:

Status shown	What it means for you
New Application	Filed and waiting to be processed.
Send to Vienna Codification	For logos: the image is being classified. Normal for device marks.
Formalities Chk Pass	Form, fee and documents are in order.
Formalities Chk Fail	Something is missing or wrong. Fix it promptly.
Marked for Exam	Waiting for an examiner.
Objected	The examination report raised objections. A reply is due.
Ready for Show Cause Hearing	A hearing will be or has been scheduled.
Accepted & Advertised	Accepted and published in the Journal. Opposition window is open.
Opposed	Someone has filed an opposition. A counter-statement is due.
Registered	Done. You can use ®.
Abandoned	Treated as abandoned, often for no reply. Act quickly.
Refused	Refused after examination or hearing. Appeal options may exist.

DON'T PANIC

10 Objections and hearings

An objection is the examiner asking, "Why should we register this mark?" It is common, and in most cases it can be answered.

Objection type	Typical reason	How it's usually answered
Section 9 (distinctiveness)	Mark seen as descriptive or common	Explain why the mark is distinctive; show evidence of use
Section 11 (conflict)	A similar earlier mark exists	Show differences in look, sound, meaning and goods; narrow the goods
Specification	Description of goods is vague or wrong class	Amend the description to accepted terms
Formal	Missing document or detail	File the missing item or correction

What a strong reply contains

- A point-by-point answer to every objection in the report.
- A comparison showing how your mark differs from any cited earlier mark.
- Evidence of use: dated invoices, ads, website pages and sales figures, with a user affidavit.
- Where useful, a narrower list of goods or services that removes the conflict.

THE DEADLINE THAT MATTERS MOST

Reply within the time given in the report, usually one month. If no reply is filed, the application can be treated as abandoned, and you would have to file again with a new filing date.

AFTER PUBLICATION

11 Opposition

After your mark is accepted, it is published in the Trade Marks Journal. For four months, anyone who thinks it conflicts with their rights can oppose it.

SECTION 21 Any person may oppose a published application within the set period. The applicant must file a counter-statement within two months of receiving the notice of opposition; if not, the application is treated as abandoned.

WITHIN FOUR MONTHS OF PUBLICATION

Notice of opposition

The opponent files its grounds.

WITHIN TWO MONTHS OF RECEIVING IT

Counter-statement

You answer the opposition. This deadline is critical.

NEXT

Evidence

Both sides file affidavits and documents supporting their case.

FINALLY

Hearing and decision

The Registry hears both sides and decides.



12

KEEP IT ALIVE

After registration

Registration is the start of ownership, not the end of the work. A few simple habits keep your mark strong and valid.

®

Use ® correctly

Use ® only with the registered mark and only for the registered goods or services.

10

Renew on time

Registration lasts ten years from the application date. Renewal can be filed in the year before expiry; a late renewal with surcharge and restoration are possible for a limited time.

✎

Keep records current

Record changes of name, address or ownership with the Registry, especially after a business restructuring.

⚠

Use it, or risk losing it

A mark not used for a continuous period of five years and three months can be removed on application by another party (section 47).

The ten-year cycle



Year 0	**Filed: protection runs from this date**
Year 9	**Renewal window opens in the final year**
Year 10	**Renew: another ten years starts**
Late?	**Late renewal or restoration: limited time only**

Licensing and selling your trademark

A registered mark is property: you can **assign** it (transfer ownership) or **license** it to franchisees or manufacturers. Do it in writing, and record assignments with the Registry.

> **FOUNDER TIP**
>
> If you filed in your own name before forming a company, assign the mark to the company before fundraising. Investors check this in due diligence.

What your registration certificate shows

Registration number

The same as your application number. Quote it in all dealings.

The mark and classes

Exactly what is protected, and for which goods or services.

The registered owner

The name that holds the rights. Check it is correct.

The registration date

Treated as the application date; your ten years run from here.

DEFEND YOUR BRAND

13 Protecting and enforcing your brand



Registration gives you the tools. Using them early, before a copycat grows, saves time and money.

Problem	What you can do
Similar name appears in the Trade Marks Journal	File an opposition within four months
Someone uses your mark or a close copy	Send a legal notice; file an infringement suit if needed
Copycat listings on marketplaces	Report through the marketplace's brand protection tools
Counterfeit goods being imported	Record your registered mark with Indian Customs
Someone registers a .in domain with your mark	Use the .IN Domain Name Dispute Resolution Policy (INDRP)
Your brand used without permission online	Platform takedown requests, backed by your registration

Infringement and passing off, in plain words

I

Infringement

Available to registered owners. You show your registration and that the other mark is identical or deceptively similar for the same or similar goods.

P

Passing off

Available even without registration. You must prove your reputation, that the other party misled customers, and that you suffered harm. Harder and slower.

BEYOND INDIA

14 Going global

An Indian trademark protects you only in India.

M

Madrid Protocol

India is a member. You can file one international application through IP India, based on your Indian application or registration, and choose many member countries.

D

Direct national filing

File separately with each country's office through local attorneys. Sometimes better, for example in non-Madrid countries.

6

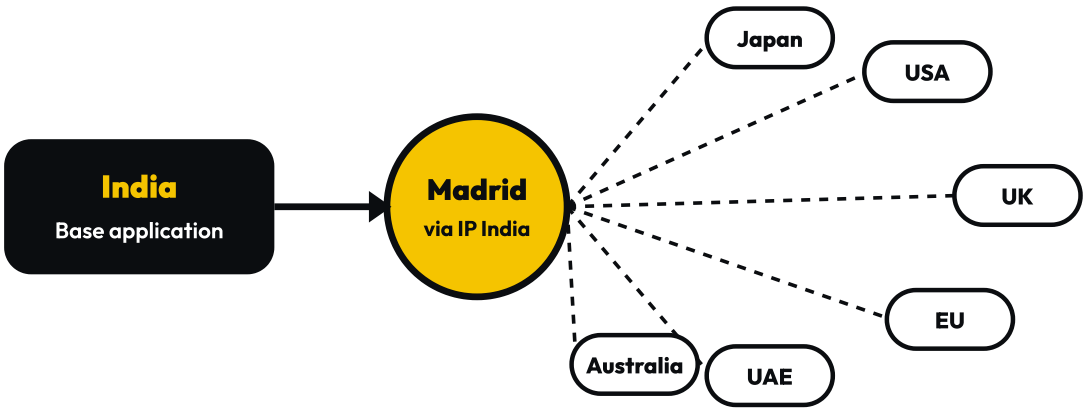
Six-month priority

If you file abroad within six months of your Indian filing, you can claim your Indian filing date as your priority date.

A

Amazon and marketplaces

Each Amazon store looks to its own country's office: the USPTO for amazon.com, UKIPO for amazon.co.uk, and so on.



A WORD OF CAUTION ON MADRID

For five years, a Madrid registration depends on your Indian base. If the base falls in that time, the international registration can fall with it.

15

LEARN FROM OTHERS

Twelve mistakes to avoid



Most trademark problems are avoidable. These are the twelve we see most often, with the fix for each.

01 **Choosing a descriptive name**

Leads to section 9 objections. **Fix: pick an invented or unrelated name.**

02 **Skipping the clearance review**

Similar earlier marks cause section 11 objections. **Fix: check the public records first.**

03 **Relying on company name approval**

It gives no brand rights. **Fix: file a trademark separately.**

04 **Wrong or too few classes**

Leaves gaps competitors can use. **Fix: file for what you actually sell, including class 35 if you sell online.**

05 **Vague specification**

Causes objections and weak rights. **Fix: use precise, accepted terms.**

06 **Filing in the wrong owner's name**

Creates problems at funding or sale. **Fix: decide the owner first; assign if needed.**

07 **Claiming a use date you can't prove**

Weakens your position in disputes. **Fix: claim only what dated evidence supports.**

08 **Missing the reply deadline**

Can lead to abandonment. **Fix: track the date from day one.**

09 **Using ® before registration**

An offence under section 107. **Fix: use ™ until registered.**

10 **Ignoring the opposition window**

A copycat may register first. **Fix: watch the Journal or use a watch service.**

11 **Forgetting renewal**

Protection lapses. **Fix: diarise the ten-year date.**

12 **Not owning the logo artwork**

Designer may hold copyright. **Fix: get a written copyright assignment.**

IF YOU'VE ALREADY MADE ONE OF THESE

Most can be corrected. Descriptive names can be supported with evidence, ownership can be fixed by assignment, and stuck applications can often be taken over and put back on track.

GET READY

16 Your document checklist

Tick these off before filing. Nothing needs to be perfect; your attorney checks everything.

- [ ] **Brand name exactly as you'll use it**
  Spelling, spacing and capital letters as on your product.
- [ ] **Logo file** IF LOGO
  Clear JPG or PNG; colour or black-and-white.
- [ ] **Applicant's full legal name and address**
  As on PAN, Aadhaar or the certificate of incorporation.
- [ ] **Type of applicant**
  Individual, company, LLP, firm, trust or foreign entity.
- [ ] **PAN of the business** BUSINESS
  For companies, LLPs and firms.
- [ ] **Plain description of what you sell**
  We turn it into classes and a precise specification.

If you already use the brand

- [ ] **Udyam certificate or DPIIT recognition** OPTIONAL
  Only if claiming the ₹4,500 fee.

- [ ] **Date of first use in India** IF IN USE
  Only if already using the brand.

- [ ] **Evidence of use** IF IN USE
  Dated invoices, ads, packaging, website pages.

- [ ] **Signed user affidavit** IF IN USE
  For use claims. We prepare it.

- [ ] **Signed authorisation (Form TM-48)**
  Lets the attorney file for you. We prepare it.

How to prepare evidence of use

- Pick a few documents from each year of use, starting with the earliest.
- Make sure each shows the **brand**, the **date** and the **product or service**.
- Include sales figures and advertising spend by year, if available.
- Keep originals safe; copies are filed with the affidavit.

QUICK ANSWERS

17 Frequently asked questions

Can I register a trademark without a company?

Yes. Individuals and sole proprietors can apply in their own name, and pay the lower government fee.

How long is a trademark valid?

Ten years from the application date, renewable every ten years without limit.

Can I use my brand while the application is pending?

Yes. You can use it and show ™ from the day you file.

Can I register a name that someone else uses in a different class?

Often yes, if the goods or services are different enough that customers won't be confused, unless the other mark is well known.

Do I need a logo to apply?

No. A word mark protects the name in any style and is usually the best first filing.

Is my trademark valid in other countries?

No. You need separate protection abroad, for example through the Madrid Protocol.

What if I receive an objection?

Reply within the deadline, usually one month. Most objections can be answered with a good reply and evidence.

Can I change the mark after filing?

Only minor corrections are allowed. A material change needs a new application.

Can I transfer my trademark to my company?

Yes, by an assignment, which should be recorded with the Registry.

What happens if I stop using my mark?

After a continuous period of non-use of five years and three months, others can apply to remove it.

Can two businesses own the same name?

Yes, in some cases, where their goods and services are unrelated and customers are unlikely to be confused.

Should I file before or after forming my company?

File as early as possible. If you file personally first, assign the mark to the company later and record the assignment.

WORDS YOU'LL HEAR

18 Glossary



Term	Meaning in plain English
Applicant	The person or business applying, who becomes the owner.
Application number	The number generated on filing, used to track the application.
Specification	The list of goods or services your mark covers.
Class	One of 45 categories of goods and services.
Examination report	The examiner's letter listing objections, if any.
Show cause hearing	A hearing where you explain why the mark should be registered.
Trade Marks Journal	The official publication of accepted marks.
Opposition	A formal challenge by a third party after publication.
Counter-statement	The applicant's answer to an opposition.
User affidavit	A sworn statement of the date you started using the mark.
Form TM-A	The form for a new trademark application.
Form TM-48	The form authorising an attorney to act for you.
Assignment	Transfer of ownership of a trademark.
Priority date	An earlier filing date claimed from another country's application.

CHOOSE YOUR PLAN

Trademark Registration Packages

Four packages, priced per class. Every package covers the trademark search, phonetic search, classification, TM-A filing assistance and your official filing receipt. Higher packages add the examination objection reply, journal monitoring and Udyam MSME, and the top package adds an additional class search, a portfolio review and priority assistance.

Particulars	TM Express	TM Shield	Brand Launch	Brand Protection Plus
Price (per class)	**₹1,999**	**₹4,999**	**₹6,999**	**₹9,999**
AI + CS Trademark Search	✓	✓	✓	✓
Phonetic Search	✓	✓	✓	✓
Trademark Classification	✓	✓	✓	✓
TM-A Filing Assistance	✓	✓	✓	✓
Official Filing Receipt	✓	✓	✓	✓
Examination Objection Reply	—	✓	✓	✓
Journal Monitoring	—	**12 Months**	**12 Months**	**12 Months**
Udyam MSME	—	—	✓	✓
Additional Class Search	—	—	—	✓
Trademark Portfolio Review	—	—	—	✓
Priority Assistance	—	—	—	✓

GOVERNMENT FEES EXTRA

Prices are professional fees per class. Government fees are extra: ₹4,500 per class for individuals, DPIIT-recognised startups and Udyam micro or small enterprises, and ₹9,000 per class for all others (online filing). GST at 18% applies to the professional fee only.

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CS Prashant Kumar

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