



THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

(SETUP BY AN ACT OF PARLIAMENT)

KOZHIKODE BRANCH OF SIRC E-NEWSLETTER

English Monthly | For private circulation only

Volume-IV | Issue-6 | June, 2023 | Pages : 14



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TRADEMARK

- Muhammed Suneer V P
(B.Sc, LL.B, LL.M(IPR), M.Phil)

I. What is a trade mark?

- ❑ Trademark is a word, phrase, symbol or design, or combination of words used in the course of trade which identifies and distinguishes the source of the goods or services of one enterprise from those of others
- ❑ It includes a device, heading, label, name, signature, numeral, shape of goods, packaging or combination of colours or any combination thereof
- ❑ In general Trademark is your brand name

II. WORDS (word marks)

	Adidas	Volkswagen		Philips
Starbucks		Ford	Rolex	Red Bull
	Sony	Just Do It		Shell
PepsiCo		Apple	Vodafone	Levis
	Microsoft	Siemens	Lufthansa	
		Whirlpool		Nestlé
RayBan		Java	Coca Cola	
	Harley Davidson			Lays

III. LOGOS



IV. Smell Marks



“The strong smell of bitter beer” applied to flights for darts (UK trade-mark; Unicorn Products Limited)



“Fresh floral fragrance reminiscent of Plumeria blossoms” for sewing thread and embroidery yarn - US TTAB(1990)



“The smell of fresh cut grass” for tennis balls (EU R 156/1998-2)



V. The Value of Trademarks

- ensures that consumers can distinguish between products;
- enables companies to differentiate their products;
- is a marketing tool and the basis for building a brand image and reputation;
- may be licensed to obtain a direct source of revenue through royalties;
- is a crucial component of franchising agreements;
- may be a valuable business asset;
- encourages companies to invest in maintaining or improving product quality;
- may be useful for obtaining financing

VI. TM/SM or ®?

- The use of ®, TM, SM or equivalent symbols next to a trademark is not a requirement and generally provides no further legal protection. Nevertheless, it may be a convenient way of informing others that a given sign is a trademark, thus warning possible infringers and counterfeiters
- The ® symbol is used once the trademark has been registered, whereas TM denotes that a given sign is a trademark; SM is sometimes used for service marks

VII. Who can apply for trademark registration?

- In general, any person who intends to use a trademark or has been using a trademark can apply for registration. It can be either an individual or a legal entity
- **Is it compulsory to register a trademark?**
 - While it is not compulsory, it is highly advisable, as registration provides the exclusive right to prevent unauthorized use of the trademark



VIII. Do you need an advocate/agent to file a trademark application?

- As a general rule, most countries do not require you to hire a trademark agent to file an application; you may file the application yourself.
- However, the services of a trademark advocate/agent skilled in conducting trademark searches and familiar with the detailed procedure for trademark registration may be used to save time, ensure that you apply for protection in the appropriate trademark class(es) and avoid refusal on absolute grounds.
- If you apply for trademark registration abroad you may be required to have a trademark agent who is resident in the relevant country

IX. Five Point Checklist for Selecting Your Trademark

1. Do a trademark search to make sure that it is not identical or confusingly similar to existing trademarks
2. Check that your trademark of choice meets all the legal requirements for registration
3. Make sure the trademark is easy to read, write, spell and remember and is suitable to all types of advertising media.
4. Make sure the mark does not have any undesired connotations in your own language or in any of the languages of potential export markets.
5. Check that the corresponding domain name (i.e. Internet address) is available for registration

X. What are the main reasons for rejecting an application?

- ▶ Generic terms
- ▶ Descriptive terms
- ▶ Deceptive trademarks
- ▶ Marks considered to be contrary to public order or morality
- ▶ Flags, armorial bearings, official hallmarks and emblems of states and international organizations



XI. Process of Registration of a trademark

- ❑ Trademark search
- ❑ Application for registration
- ❑ Examination
- ❑ Response to Examination
- ❑ Show cause Hearing
- ❑ Granting or Refusal for granting
- ❑ Journal Advertisement
- ❑ Registration if no opposition for 4 months
- ❑ Duration: 10 years
- ❑ Renewal



XII. Is trademark registration in your home country valid internationally?

- The legal rights arising out of a trademark registration are normally limited to the territory to which they pertain; so, ordinarily, valid registration of a trademark in your home country gives you rights only in your own country unless your mark is considered to be a well-known mark



XIII. How can you register your trademark abroad?

- Once you have registered your trademark in the country where you are located (home country) there are two main ways to register the trademark in other countries:
 - **The National Route** : you may apply to the trademark office of each country in which it is seeking protection by filing the corresponding application in the required language and paying the required fees. As indicated earlier, a country may require you to use the services of a locally-based trademark agent for this purpose.
 - **The International Route** : If your home country is a member of the Madrid system and your trademark has been registered or applied for in that country, you may use the Madrid system (administered by WIPO) to register your trademark in more than 92 countries that are parties to the system

XIV. Advantages of using the Madrid system

- The principal advantages of using the Madrid system are that the trademark owner can register his trademark in all the countries party to the system by filing:
 - a single international application;
 - in one language;
 - subject to one set of fees and deadlines.
- Thereafter, the international registration can be maintained and renewed through a single procedure
- For more info on Madrid visit WIPO website: www.wipo.int/madrid/

ACTIVITIES - JUNE, 2023



CA Sports Day at Exclusive Club, Kozhikode - 04.06.2023



World Environmental Day celebration - 05.06.2023



Seminar on Intellectual Property Right Laws and Some Points on Drafting Ideas at ICAI Bhawan, Kozhikode. Speaker : Adv. Muhammed Suneer V P, Calicut - 08.06.2023



**Two Day Seminar on Direct Taxes, Organised by Direct Taxes Committee of ICAI, hosted by Kozhikode Branch of ICAI. Inauguration by Shri. M K Raghavan MP, Kozhikode.
Speakers - CA. G. Ramaswamy, Past President, ICAI, CA. Suddharth Banwat, Mumbai, CA. Abhishekh Murali, Chennai, CA. CBM Warriar, Kozhikode - 16.06.2023 & 17.06.2023**



International Yoga Day - Yoga Session at Patanjali Yoga centre, Kozhikode - 21.06.2023



Department of Income Tax conducted and out reach programme on E-Verification Scheme, 2021 (Collection of Information of Assessee by Assessing Officer) at Income Tax Office, Kozhikode - 22.06.2023



Branch Formation Day 2023 and Seminar on Black Money Act. Speaker - CA. A. Mony, Kozhikode- 26.06.2023

UPCOMING PROGRAMMES

JULY, 2023

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75th CA Day celebrations

8:00 am - Walkkathon

9:00 am - Flag hoisting at Branch Premises

**5:30 pm - Family get together and entertainment programmes
at at Hotel Malabar Palace, Kozhikode.**

Chief Guest - Sri. P. V. Chandran, Managing Editor, Mathrubhumi

Senior Member CA. P. Sankarankutty Will be honoured at the function

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**Blood Donation Camp - supported by Rotary Calicut Sunrise Club
Venue - ICAI Bhawan, Kozhikode**

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**Tax Clinic e programme in association with Department of Income Tax,
Kozhikode**

Time - 11:00 AM to 6:00 PM

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Inauguration - Mr. Darzakhum Songate IRS,

Principal Commissioner of Income Tax, Kozhikode

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**One Day Seminar on Professional Development organised by Profes-
sional Development Committee of ICAI**

Speaker	Topic
CA Rajendra Kumar P, Central Council Member, ICAI	Disciplinary Mechanism of ICAI
CA Nitin N., Ernakulam	Professional Opportunities in Corporate Law and LLPs
CA Balaji K., Kottayam	Opportunities for CA's Abroad

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Seminar

**Topic - Response to Notice u/s 133(6) - E-Verification and
Related matters**

Inauguration - Sri. K Rajesh, Income Tax Officer(I&CI), Kozhikode

Speaker - CA. K A Rajendran

HOLIDAYS - JULY, 2023

Date & Day	Particulars
17.07.2023 - Monday	Karkidakavau
28.07.2023 - Friday	Muharam

Contributions to e-newsletter

Contributions in the form of articles, poems, jokes, travelogues etc. are invited from members for consideration in the monthly e-Newsletter. Interested members may email their contribution to icaikoznewsletter@gmail.com along with name, membership number and mobile number.

