

Trademark:-

It identifies the product and its origin. It proposes to guarantee the quality of product - It advertises the product, as it represents the product. It creates the image of a product in the mind of the public.

The term trademark refers to a recognisable insignia, phrase, word or symbol that denotes a specific product and legally differentiates it from other products.

:- Function of Trademark in India

- To identify goods and services from one seller and separates them from goods and services sold by others.
- To signify that whole goods and services bearing a trademark come from a single source and having an equal level of quality.
- As a prime instrument in selling and advertising the goods or services.

Ques:- How does a company acquire right to a trademark.

To obtain trademark protection, it is necessary for a business to save a product using the mark.

Trademark rights are only acquired when trade mark is used in commerce.

→ Registration of Trademark:-

It is recommended to register the trademark in order to obtain special rights in

the event of infringement.

- Trademark are protected by federal and state law
- Trademark owners can register with the ^{PTO federal} designation or with the respective secretary of state
- Trademark rights are acquired by being the first to use the mark in the commerce, the first user of the mark on goods in commerce creates an association with consumers and.
Tm Law are intended to protect the consumer by avoiding confusion.
- Under the trademark law revision act 1998, a trademark owner can apply for registration prior to using the mark based upon the owner's bonafide intent to use (ITU) the mark.
If the application is approved and published without ~~author~~ opposition, the tm owner is required to submit evidence that the mark with in us with in the period of 3 years
- & upon submitting this evidence, the PTO will issue the trademark registration.
- Trademark registration are protected for an initial & 10 years period. The registrant may renew the registration for subsequent 10 years period as long as the mark continue to be used in commerce.

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Process of trademark Transfer:-

Step 1:- Application for trademark assignment:-

Application for assignment can be made by the assigner or by assignee by the both.

Step 2 = Filling form
TM-P

To submit the your application to the registrar of trademark assignment. Person will have to complete the formalities associated with form. (TM-P) and pay the required fees.

Step 3:- Document Submission

Submit all the required document within six month from the date of acquisition.

Step 4:- Application advertisement and processing of assignment
Once the app is processed, the applicant must advertise the assignment in such a manner as directed by the registrar. A copy of advertisement should be submitted to the registrar's office.

Step 5 Approval

Once the app is verified, the registrar will register the assignee as the proprietor of the trademark.