

Guidelines for Filing Trademark Application in Pakistan

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1. Introduction

These guidelines have the information to help you to file a search form and to file a trademark application form in Pakistan. The purpose of these guidelines is to provide applicants a better understanding to prepare and file a trademark application in accordance with Trade Marks Ordinance, 2001 and Trade Marks Rules, 2004.

“Trademark” means any mark capable of being represented graphically and capable of distinguishing goods or services of one undertaking from those of other undertakings. Specialized types of trademark include Collective Marks and Certification Marks.

The law considers a trademark to be a form of intellectual property. The proprietary rights in relation to a trademark may be established through actual use in the market place or through registration of the mark with Trade Marks Registry of Intellectual Property Organization of Pakistan (IPO-Pakistan) established under an act of parliament (IPO-Pakistan Act, 2012) which will provide a prima facie evidence in favor of the owner of the trademark.

A trademark registration is valid for ten years counting from the date of filing in the territory of Pakistan. The registration can be renewed for an unlimited number of successive ten year periods. In principle, a trademark can be protected for ever.

2. Procedure of Filing Trademark Application

STEP I

Request for Search Facility (Optional)

It is advisable that a search may be made to the Registrar of Trademarks to check whether there are any identical or similar marks present on the Register. Search request can be filed on Form TM-55.

Check list for Filing a Search Application

- i. One Search Application Form TM-55 would be applicable for one trademark search in any one class only.
- ii. Search Form TM-55 should be accompanied with two representations of the mark (each representation should be mounted on a sheet of strong paper)
- iii. Search fee amounting to 1000/- PKR should be submitted in the form of Pay order/ Bank draft made in the name of Director General IPO.

Personal Search Facility

Personal Search Facility for quick information is available at Trade Marks Registry, Karachi and IPO-Regional Office, Lahore on receipt of bank draft amounting to Rs. 200/- for 15 minutes per client.

STEP 2

How to Fill TM-1 Form

After the search of the Register, an application may be made in writing to the Registrar of Trademarks for registration of a trademark on Form TM-1.

Check List to Fill TM-1 Form for Applying Registration of Trademarks

- i. An application to register a trademark shall be made on Form TM-1
- ii. TM-1 in duplicate along with six additional representations affixed on a durable paper of 13x8 inch should be filed.
- iii. Application should be made for specification of goods or services in any one class i.e., separate applications for separate classes.
- iv. Please see Schedule IV of Trade Marks Rules, 2004, for classification of goods and services.
- v. Insert Full name, Description and Nationality of the applicant.
- vi. In the case of a firm, the Full Name and Nationality of every partner should be stated.
- vii. Add the full trade or business address of the applicant. The address given should be as full as possible for the purpose of easy location of the place.
- viii. If the mark is in the form, of series, then indicate the number of series.
- ix. Indicate domain name is in respect of goods or services.
- x. If the mark is in color, then color may be claimed. In this case, the applicant shall have right to use only the claimed colors in his/her mark.

- xi. If no color is claimed then mark may be used in any color.
- xii. Signature of applicant is required with his/her designation.
 - If the mark is owned by an individual, he must sign it.
 - If owned by a partnership firm, by the managing partner,
 - If the applicant is a limited company, by the managing director or Director.
- xiii. Where the application is being filed through an attorney, a power of attorney on Form TM-48, duly stamped, must accompany this application.
- xiv. If the applicant is foreign national, he should file application through their duly authorized attorney or advocate in Pakistan.
- xv. If the mark is in a language other than English or Urdu, its translation and transliteration in the form of an affidavit from the applicant must accompany this application.

How to Authorize an Agent in the Matter of Proceeding Trademark Application

- i. If an applicant want to apply through an advocate/Agent for the registration of a trademark, he has to authorize an agent through Form TM-48 (Power of Attorney) duly stamped and notarized.
- ii. The agent, so authorized, will act on behalf of applicant and all correspondence relating to registration, will be made with such agent.

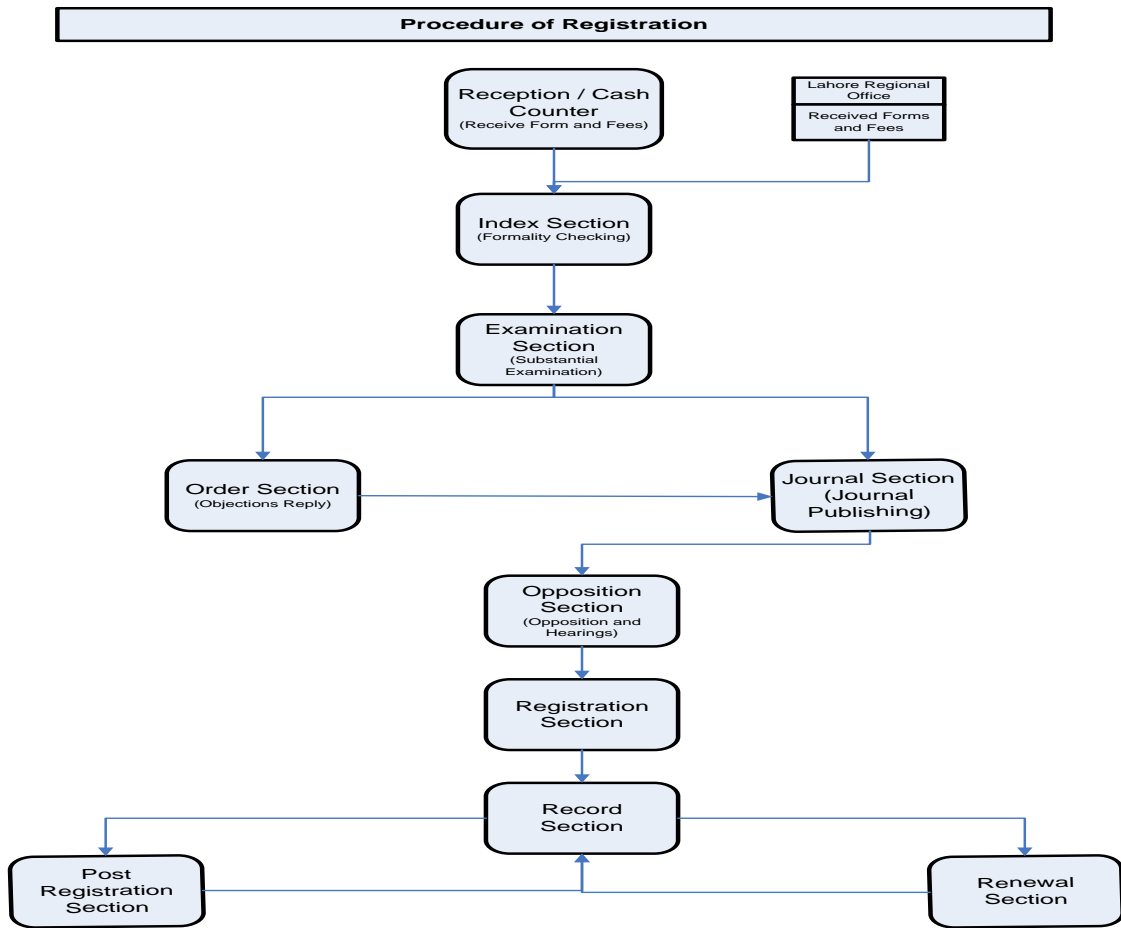
How to Pay the Filing Fee

Please submit Pay Order / Bank Draft amounting to Rs. 2000/- from scheduled bank in the name of Director General, IPO-Pakistan for one mark in one class only.

3. Process of Registration

- ✓ Cash receipt and trademark number is allotted to the applicant when the application is received;
- ✓ The Acknowledgement Receipt by the Trade Marks Registry is issued to the applicant within 10-15 days of filing an application;
- ✓ Examination Report is generated after 3 months of filing an application. If there are any objections on the applied trademark, they are communicated to the applicant immediately in the form of a Show Cause Notice. The applicant is required to submit a reply within two months from the date of issuance of a Show Cause Notice;
- ✓ If there are no objections, application will be published in the Trade Marks Journal. If no oppositions are filed to the published application within two months from date of publication of the Trade Marks Journal, the application stands accepted and Demand Notice is issued to the applicant requesting him/her to submit Form TM-11 along with registration fee amounting to Rs. 6,000/- from scheduled bank in form of a pay order/ bank draft in the name of Director General IPO-Pakistan for issuance of the Registration Certificate; and
- ✓ On the receipt of registration fee, the Registration Certificate is issued by the Registrar of Trademarks.

4. Flow Chart



STEP 3

Trademark Helplines:

For any further query you may contact us:

Karachi

Trade Marks Registry

Plot No. CD-3, Behind KDA Civic Centre, Gulshan-e-Iqbal, Block-14, Karachi

Phone: +92-21-99230538

Fax: +92-21-99231001

Email: tmr@ipo.gov.pk

Islamabad

Ms. Umme Salma

Assistant Director (TM)

3rd Floor, NTC-HQs Building, Attaturk Avenue (East), Sector G-5/2, Islamabad

Phone: +92-51-9245875

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Email: umme.salma@ipo.gov.pk

Lahore

IPO-Regional Office, Lahore

House No. 15, Block E-1, Shahrah-e-Imam Hussain (A.S), Gulberg III, Lahore

Phone: +92-42-99231981

Fax: +92-42-99231984

Email: lahore@ipo.gov.pk

Feedback, if any:

This Guideline is prepared by the Trademark desk of IPO-HQs, Islamabad. If you have any suggestions or feedback in relation to this Guideline, please drop us an e-mail at umme.salma@ipo.gov.pk