

Filing requirements for trade mark applications in Australia.

We require the following information to file a trade mark application on your behalf

Requirements

To proceed with the filing of a trade mark application in Australia, we require the following information:

- The full legal name and street address of the applicant;
- If the applicant is a company, the country or state of incorporation;
- Details of the mark;
- If the mark is a logo, or the representation is not in plain block capital letters, we also require one clear copy of the mark from which we can prepare suitable representations (preferably in electronic form);
- If the mark is to be filed in colour and the colours are to be claimed, we require a definition of each colour with a recognised standard, for example, Pantone designation allocated to each colour;
- If the mark contains or consists of non-English words, a translation of those words into English is required;
- If the mark contains or consists of non-Roman characters, a transliteration into English is required;
- A detailed list of the goods and/or services for which registration is required and, if known, the International class in which goods and/or services fall; and
- If the application is to claim priority from an earlier filed application, details of that application (number, filing date, country and goods/services) are also required.

Priority

If priority is to be claimed, the deadline for filing a trade mark application in Australia is 6 months from the filing of the priority application.

Additional Information

Once the application is filed, it will be examined by the Australian Trade Marks Office in approximately 4 to 6 months time.

After acceptance and the expiry of the opposition period (assuming no opposition is filed and no opposition overcome) the mark will be registered. Therefore, if there is no objection made by the examiner or any opposition, it can take as few as 7 months from when an application is filed to when it is registered. However, if an objection is made by the Examiner or there is an opposition filed against the trade mark, it will be longer.

It is not necessary to file an application based on the "use" or "proposed use" of a trade mark as is the case in the US, rather a genuine intent to use the mark is sufficient in Australia. However, if the Examiner objects to the trade mark or cites other trade marks against the application, in some cases it may be necessary to provide evidence of use, when responding to an examination report, in order to overcome the objection or citation.

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Note: No authorisation of agent form or power of attorney is required for us to act in Australia on your behalf.

For more information on Watermark's comprehensive range of intellectual property services contact mail@watermark.com.au

