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EXTRAORDINARY

PART II—SECTION 3—Sub-section (ii)

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MINISTRY OF COMMERCE AND INDUSTRY

NOTIFICATIONS

New Delhi, the 25th November, 1959

S.O. 2600.—In exercise of the powers conferred by sub-section (3) of section 1 of the Trade and Merchandise Marks Act, 1958 (43 of 1958), the Central Government hereby appoints the 25th November, 1959 as the date on which the said Act shall come into force.

[No. 7(5)-TMP/59.]

TRADE MARKS

S.O. 2601.—In exercise of the powers conferred by section 5 of the Trade and Merchandise Marks Act, 1958 (43 of 1958), the Central Government hereby establishes the Trade Marks Registry with its head office at Bombay and branch offices of the Trade Marks Registry at each of the following places, namely, Calcutta, Delhi (Okhla Industrial Estate) and Madras and also defines the territorial limits within which each of the offices of the Trade Marks Registry aforesaid shall exercise its functions as follows, namely:—

Office of the Trade Marks Registry at Bombay.	The States of Bombay and Madhya Pradesh.
Office of the Trade Marks Registry at Calcutta.	The States of Assam, Bihar, Orissa and West Bengal and the Union Territories of Andaman and Nicobar Islands, Manipur and Tripura.
Office of the Trade Marks Registry at Okhla Industrial Estate (Delhi).	The States of Jammu and Kashmir, Punjab, Rajasthan and Uttar Pradesh and the Union Territories of Delhi and Himachal Pradesh.
Office of the Trade Marks Registry at Madras.	The States of Andhra Pradesh, Kerala, Madras and Mysore and the Union Territories of Laccadive, Minicoy and Amindivi Islands.

[No. 7(5)-TMP/59.]

TRADE AND MERCHANDISE MARKS

S.O. 2602.—In exercise of the powers conferred by sub-section (4) of section 3 of the Trade and Merchandise Marks Act, 1958 (43 of 1958), the Central Government hereby directs that in addition to the copy of the Register of Trade Marks,

the following documents shall be kept at each branch office of the Trade Marks Registry, namely:—

1. Copies of applications for registration of trade marks filed at that office of the Trade Marks Registry after the commencement of the Act;
2. notices of opposition to registration of trade marks, applications for rectification before the Registrar, counterstatements thereto, and any affidavit or document in any proceedings before the Registrar, filed at that office of the Trade Marks Registry after the commencement of the Act;
3. all regulations deposited under section 65 and all applications filed under section 69 for varying such regulations, at that office of the Trade Marks Registry after the commencement of the Act; and
4. copies of the following indexes, namely:—
 - (a) index of registered trade marks,
 - (b) index of trade marks in respect of which applications for registration are pending,
 - (c) index of the names of the proprietors of registered marks, and
 - (d) index of the names of registered users.

[No. 7(5)-TMP/59]

New Delhi, the 25th November, 1959

S.O. 2603.—In exercise of the powers conferred by section 133 of the Trade and Merchandise Marks Act, 1958 (43 of 1958) read with section 22 of the General Clauses Act, 1897 (10 of 1897), the Central Government is pleased to make the following rules, the same having been previously published as required by subsection (1) of the first mentioned section, namely:—

TRADE AND MERCHANDISE MARKS RULES

PART I

CHAPTER I—PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the Trade and Merchandise Marks Rules, 1959.

(2) They shall come into force on the date on which the Act comes into force.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Trade and Merchandise Marks Act, 1958 (43 of 1958);

(b) "agent" means a person authorised under section 123;

(c) "application for registration of a trade mark" includes the trade mark contained in it;

(d) "appropriate office of the Trade Marks Registry" means the relevant office of the Trade Marks Registry as specified in rule 4;

(e) "Form" means a form set forth in either the Second or the Third Schedule;

(f) "Journal" means the Trade Marks Journal;

(g) "notified date" means the date on which the rules come into force;

(h) "principal place of business in India" means the relevant place in India as specified in rule 3;

(i) "registered trade marks agent" means a trade marks agent whose name is actually on the Register of Trade Marks Agents maintained under rule 146;

(j) "Schedule" means a Schedule to the rules;

(k) "section" means a section of the Act;

(l) "specification" means the designation of goods in respect of which a trade mark or a registered user of a trade mark is registered or proposed to be registered;

(m) all other words and expressions used but not defined in the rules and defined in the Act shall have the meanings assigned to them in the Act.

3. Principal place of business in India.—"Principal place of business in India" means—

- (b) if the business is carried on in India at more places than one, the place mentioned by him as the principal place of business in India;
- (ii) where a person is not carrying on a business in the goods concerned in a trade mark—
 - (a) if he is carrying on any other business in India at only one place, that place;
 - (b) if he is carrying on any other business in India at more places than one, the place mentioned by him as the principal place of business in India; and
- (iii) where a person does not carry on any business in India but has a place of residence in India, then such place of residence in India.

4. Appropriate office of the Trade Marks Registry.—The “appropriate office of the Trade Marks Registry” for the purposes of making an application for registration of a trade mark under section 18 or for giving notice of opposition under section 21 or for filing an application for rectification under section 46, 47(4) or 56 or for any other proceedings under the Act and the rules shall be—

- (a) in relation to a trade mark on the Register of Trade Marks at the notified date, the office of the Trade Marks Registry within whose territorial limits—
 - (i) the principal place of business in India of the registered proprietor of the trade mark as entered in the register at such date is situate;
 - (ii) where there is no entry in the register as to the principal place of business in India of the registered proprietor, the place mentioned in the address for service in India as entered in the register at such date is situate;
 - (iii) in the case of jointly registered proprietors, the principal place of business in India of the proprietor whose name is entered first in the register as having such place of business in India at such date is situate;
 - (iv) where none of the jointly registered proprietors is shown in the register as having a principal place of business in India, the place mentioned in the address for service in India of the joint proprietors as entered in the register at such date, is situate;
 - (v) if no principal place of business in India of the registered proprietor of the mark or in the case of joint registration, of any of the joint proprietors of the mark, is entered in the register, and the register does not contain any address for service in India, the place of the office of the Trade Marks Registry where the application for registration of the trade mark was made, is situate; and
- (b) in relation to a trade mark for which an application for registration is pending at the notified date or is made on or after the notified date, the office of the Trade Marks Registry within whose territorial limits—
 - (i) the principal place of business in India of the applicant as disclosed in his application or, in the case of joint applicants, the principal place of business in India of the applicant whose name is first mentioned in the application, as having such place of business is situate;
 - (ii) where neither the applicant nor any of the joint applicants, as the case may be, has a principal place of business in India, the place mentioned in the address for service in India as specified in the application is situate.

5. Jurisdiction of appropriate office not altered by change in the principal place of business or address for service.—No change in the principal place of business in India or in the address for service in India, as the case may be,

- (a) of a registered proprietor or of any of the jointly registered proprietors in relation to any trade mark on the register at the notified date, made or effected subsequent to that date or,
- (b) of an applicant for registration or of any of the joint applicants for registration in relation to any trade mark for which an application for registration is either pending at the notified date or is made on or after that date, made or effected subsequent to that date or to the date of filing of such application, as the case may be,

shall affect the jurisdiction of the appropriate office of the Trade Marks Registry.

6. Entry of the appropriate office in the Register.—In respect of every trade mark on the register at the notified date or registered thereafter the Registrar shall cause to be entered in the register the appropriate office of the Trade Marks Registry and the Registrar may, at any time, correct any error in the entry so made.

7. Transfer of pending applications and proceedings to appropriate offices of the Trade Marks Registry.—Every application and proceeding pending before the Registrar at the notified date in relation to a trade mark shall be deemed to have been transferred to the appropriate office of the Trade Marks Registry.

8. Leaving of Documents etc.—All applications, notices, statements or other documents or any fees authorised or required by the Act or the rules to be made, served, left, or sent or paid at or to the Trade Marks Registry in relation to a trade mark on the Register of Trade Marks on the notified date or for which an application for registration is pending on, or is made on or after, the notified date, shall be made, served, left or sent or paid at or to the appropriate office of the Trade Marks Registry.

9. Documents etc. filed or left not at the appropriate office.—Where any application, notice, statement or other document or any fee authorised or required by the Act or the rules is made, served, left or sent or paid, at or to an office which is not the appropriate office of the Trade Marks Registry, the Registrar shall return such application, notice, statement or document or fee to the person concerned.

10. Issue of notices etc.—Any notice or communication relating to any application, matter or proceeding under the Act or the rules shall ordinarily be issued from the appropriate office of the Trade Marks Registry but may, nevertheless, be issued from any office of the Trade Marks Registry.

11. Fees.—(1) The fees to be paid in respect of applications, oppositions, registration and other matters under the Act and the rules shall be those specified in the First Schedule, hereinafter referred to as the prescribed fees.

(2) Where in respect of any matter a fee is required to be paid under the rules, the form or the application or the request or the petition, therefor, shall be accompanied by the prescribed fee

(3) Fees may be paid in cash or sent by money order addressed to the Registrar of Trade Marks or by postal order or by a bank draft issued by, or by a cheque drawn on and guaranteed by, a scheduled bank as defined in the Reserve Bank of India Act, 1934 (2 of 1934).

(4) Postal orders shall be crossed and made payable to the Registrar at the appropriate office of the Trade Marks Registry and bank drafts and cheques shall also be similarly crossed and made payable to the Registrar but they shall be drawn on a scheduled bank at the place where the appropriate office of the Trade Marks Registry is situate.

(5) Where a fee is payable in respect of the filing of a document, the date on which the entire fee is paid shall be deemed to be the date of filing of the document.

(6) Where any fee paid by a party is ordered to be returned by the Registrar under any of the provisions of the Act or the rules the amount may be refunded by money order in which event money order commission shall be deductible from such amount.

12. Forms.—(1) The forms set forth in the Second and the Third Schedules shall be used in all cases to which they are applicable and may be modified as directed by the Registrar to meet other cases.

(2) Any form, when filed at the Trade Marks Registry, shall be accompanied by the prescribed fee.

13. Size, etc. of documents.—(1) Subject to any other directions that may be given by the Registrar, all applications, notices, statements, or other documents except trade marks, authorised or required by the Act or the rules to be made, served, left or sent, at or to the Trade Marks Registry or with or to the Registrar or the Central Government, shall be written, typewritten, lithographed or printed in the English language in large and legible characters with deep

20 centimetres) and shall have on the left hand part thereof a margin of not less than one inch and a half (or 4 centimetres).

(2) Duplicate documents including copies of trade marks shall be filed at the Trade Marks Registry, if at any time required by the Registrar.

14. Signing of documents.—(1) A document purporting to be signed by a partnership shall be signed by at least one of the partners and a document purporting to be signed by a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate. The capacity in which an individual signs a document on behalf of a partnership or a body corporate shall be stated below his signature.

(2) Signatures to any documents if written in characters other than Roman, or if not legible shall be accompanied by a transliteration in English and in block capitals.

15. Service of documents.—(1) All applications, notices, statements, papers having representations affixed thereto, or other documents authorised or required by the Act or the rules to be made, served, left or sent, at or to the Trade Marks Registry or with or to the Registrar or the Central Government, or any other person may be sent through the post by a prepaid letter.

(2) Any application or any document so sent shall be deemed to have been made, served, left or sent at the time when the letter containing the same would be delivered in the ordinary course of post.

(3) In proving such sending it shall be sufficient to prove that the letter was properly addressed and put into the post.

16. Particulars of address etc. of applicants and other persons.—(1) Names and addresses of the applicants and other persons shall be given in full, together with their nationality, calling, and such other particulars as are necessary for identification.

(2) In the case of a firm the full name and nationality of every partner thereof shall be stated.

(3) In the case of foreign applicants and persons having no principal place of business in India, their addresses in their home country shall be given in addition to their address for service in India.

(4) In the case of a body corporate or firm, the country of incorporation or the nature of registration, if any, as the case may be, shall be given.

17. Statement of principal place of business in India in an application.—(1) Every application for registration of a trade mark shall state the principal place of business in India, if any, of the applicant or in the case of joint applicants, of such of the joint applicants as have a principal place of business in India.

(2) Subject to the provisions of rules 18, 19 and 21, any written communication addressed to an applicant, or in the case of joint applicants to a joint applicant, in connection with the registration of a trade mark, at the address of his principal place of business in India given by him in the application shall be deemed to be properly addressed.

18. Address for service.—(1) An address for service in India shall be given,

(a) by every applicant for registration of a trade mark who has no principal place of business in India;

(b) in the case of joint applicants for registration of a trade mark if none of them has a principal place of business in India;

(c) by the proprietor of a trade mark who had his principal place of business in India at the date of making the application for registration but has subsequently ceased to have such place; and

(d) by every applicant in any proceeding under the Act or the rules and every person filing a notice of opposition, who do not have a principal place of business in India.

(2) Any written communication addressed to a person as aforesaid at an address for service in India given by him shall be deemed to be properly addressed.

(3) Unless an address for service in India as required in sub-rule (1) is given, the Registrar shall be under no obligation to send any notice that may be required by the Act or the rules and no subsequent order or decision in the proceedings shall be called in question on the ground of any lack or non-service of notice.

19. Address for service in application and opposition proceedings.—An applicant for registration of a trade mark or an opponent filing a notice of opposition may, notwithstanding that he has a principal place of business in India, if he so desires, furnish the Registrar with an address in India to which communications in relation to the application or opposition proceedings only may be sent. Such address of the applicant or the opponent shall be deemed, unless subsequently cancelled, to be the actual address of the applicant or the opponent, as the case may be, and all communications and documents in relation to the application or notice of opposition may be served by leaving them at, or sending them by post to, such address of the applicant or the opponent, as the case may be.

20. Non-availability of an address for service.—The Registrar may, at any time when a doubt arises as to the continued availability of an address for service in India entered in the register, request the person for whom it is entered, by letter directed to any other address entered in the register or if no such address is entered in the register to the address at which the Registrar considers that the letter would reach him, to confirm the address for service in India and if within three months of making such a request the Registrar receives no such confirmation, he may strike the entry in the register of the address for service in India and require such person to furnish a fresh address for service in India, or his address at the principal place of business in India, if he has any at that time.

21. Agency.—(1) The authorisation of an agent for the purpose of section 123 shall be executed on Form TM-48 or in such other written form as the Registrar may deem sufficient and proper.

(2) In the case of such authorisation, service upon the agent of any document relating to the proceeding or matter shall be deemed to be service upon the person so authorising him; all communications directed to be made to such person in respect of the proceeding or matter may be addressed to such agent, and all appearances before the Registrar relating thereto may be made by or through such agent.

(3) In any particular case the Registrar may require the personal signature or presence of an applicant, opponent, proprietor, registered user or other person.

22. Classification of goods.—For the purposes of the registration of trade marks and of the rules goods shall be classified in the manner specified in the Fourth Schedule.

23. Preliminary advice by Registrar as to distinctiveness.—An application for preliminary advice by the Registrar under sub-section (1) of section 103 shall be made on Form TM-55 in respect of any goods comprised within any one class in the Fourth Schedule, accompanied by three representations of the trade mark.

24. Request to Registrar for search.—(1) Any person may request the Registrar, on Form TM-54, to cause a search to be made in respect of specified goods classified in any one class in the Fourth Schedule to ascertain whether any mark is on record which resembles a trade mark of which three representations accompany the form. The Registrar shall cause such search to be made and the result thereof communicated to the person making the request.

(2) If, within three months from the date of the communication of the result of the search aforesaid, an application is made for the registration of the trade mark in question, and the Registrar takes objection on the ground that the mark resembles a mark, which was not disclosed in the search but was on record on the date on which the request to cause the search was made, the applicant shall be entitled, on giving notice of withdrawal of the application within the period mentioned in rule 40, to have repaid to him any fee paid on the filing of the application.

CHAPTER II—PROCEDURE FOR REGISTRATION OF TRADE MARKS

Application for registration of trade marks

25. Form and signing of application.—(1) An application to the Registrar for the registration of a trade mark shall be signed by the applicant or his agent.

(2) For a trade mark other than a certification or defensive trade mark, the application shall be made on Form TM-1, if in respect of non-textile goods.

26. Application to be confined to one class, etc.—(1) Every application for the registration of a trade mark shall be in respect of goods comprised in one class only of the Fourth Schedule.

(2) In the case of an application for registration in respect of all the goods included in a class or of a large variety of goods in a class, the Registrar may refuse to accept the application unless he is satisfied that the specification is justified by the use of the mark which the applicant has made or intends to make if and when it is registered.

(3) Applications for the registration of the same trade mark in different classes shall be treated as separate and distinct applications, and in all cases where a trade mark is registered under the same official number for goods in more than one class, whether on conversion of the specification under rule 105 or otherwise, the registration in respect of the goods included in each separate class shall be deemed to be a separate registration for all the purposes of the Act.

27. Statement of user in applications.—An application to register a trade mark shall, unless the trade mark is proposed to be used, contain a statement of the period during which, and the person by whom it has been used in respect of the goods mentioned in the application. The Registrar may require the applicant to file an affidavit testifying to such user with exhibits showing the mark as used.

28. Representation of mark.—Every application for the registration of a trade mark, and where additional copies of the application are required every such copy, shall contain a representation of the mark in the space provided on the application form for that purpose. Where the representation exceeds such space in size, the representation shall be mounted upon linen, tracing cloth or such other material as the Registrar may consider suitable. Part of the mounting shall be affixed in the space aforesaid and the rest may be folded.

29. Additional representations.—Every application for the registration of a trade mark shall, except as hereinafter provided, be made in triplicate and shall be accompanied by ten additional representations of the mark. The representations of the mark on the application and each of its copies and the additional representations shall correspond exactly with one another. The additional representations shall in all cases be noted with the specification and class of goods for which registration is sought, the name of the applicant, the period of use, if any, and such other particulars as may from time to time be required by the Registrar and shall be signed by the applicant or his agent.

30. Representations to be durable and satisfactory.—(1) All representations of trade marks shall be of a durable nature, and each additional representation required to be filed with an application for registration shall be mounted on a sheet of strong paper of the size of approximately 13 inches by 8 inches (or 33 centimetres by 20 centimetres), leaving a margin of not less than one inch and a half (or 4 centimetres) on the left hand part of the sheet.

(2) If the Registrar is dissatisfied with any representation of a mark he may at any time require another representation satisfactory to him to be substituted before proceeding with the application.

31. Specimens of the mark in exceptional cases.—(1) Where a representation of a trade mark cannot be given in the manner set forth in rule 30, a specimen or copy of the trade mark may be sent either of full size or on a reduced scale, and in such form as the Registrar may think most convenient.

(2) The Registrar may also in exceptional cases deposit in the Trade Marks Registry a specimen or copy of any trade mark which cannot conveniently be shown by a representation and may refer thereto in the register in such manner as he may think fit.

32. Series of trade marks.—Where an application is made for the registration of a series of trade marks under sub-section (3) of section 15, copies of representation of each trade mark of the series shall accompany the application in the manner set forth in rules 28 and 29.

33. Transliteration and translation.—(1) Where a trade mark contains a word or words in characters other than Roman, there shall, unless the Registrar otherwise directs, be endorsed on the application form and copies thereof and on each of the accompanying representations, a sufficient transliteration and translation to the satisfaction of the Registrar of each of such words, and every such endorsement shall state the language to which the word belongs and shall be signed by the applicant or his agent.

(2) Where a trade mark contains a word or words in a language other than English, the Registrar may ask for an exact translation thereof together with the name of the language, and such translation and name, if he so requires, shall be endorsed and signed as aforesaid.

34. Names and representations of living persons or persons recently dead.—Where the name or representation of any person appears on a trade mark, the applicant shall, if the Registrar so requires, furnish him with the consent in writing of such person in case he is living or, in case his death took place within twenty years prior to the date of the application for registration of the trade mark, of his legal representative, as the case may be, to the use of the name or representation and in default of such consent the Registrar may refuse to proceed with the application for registration of the mark.

35. Name or description of goods on a mark.—(1) Where the name or description of any goods appears on a trade mark, the Registrar may refuse to register such mark in respect of any goods other than the goods so named or described.

(2) Where the name or description of any goods appears on a trade mark, which name or description in use varies, the Registrar may permit the registration of the mark for those and other goods on the applicant giving an undertaking that the name or description will be varied when the mark is used upon goods covered by the specification other than the named or described goods. The undertaking so given shall be included in the advertisement of the application in the Journal under section 20.

36. Applications under reciprocal arrangements.—Every application claiming priority under section 131 by reason of an application to register the trade mark having been made in a convention country, so declared under sub-section (1) of section 131, which country shall be named, shall state the date of that application and the applicant shall furnish a certificate by the Registrar or other registering authority of that country or shall otherwise verify the application made therein to the satisfaction of the Registrar.

Procedure on receipt of application for registration of a Trade Mark

37. Acknowledgment of receipt of applications.—Every application for the registration of a trade mark in respect of any goods shall, on receipt, be acknowledged by the Registrar. The acknowledgment shall be by way of return of one of the additional representations of the trade mark filed by the applicant along with his application with the official number of the application duly entered thereon.

38. Search.—Upon receipt of an application for the registration of a trade mark in respect of any goods the Registrar shall cause a search to be made amongst the registered trade marks and amongst the pending applications for the purpose of ascertaining whether there are on record in respect of the same goods or description of goods any marks identical with or deceptively similar to the mark sought to be registered and the Registrar may cause the search to be renewed at any time before the acceptance of the application but shall not be bound to do so.

39. Objection to acceptance. Hearing.—(1) If, on consideration of the application, and of any evidence of use or of distinctiveness or of any other matter which the applicant may or may be required to furnish, the Registrar has any objection to the acceptance of the application or proposes to accept it subject to such conditions, amendments, disclaimers, modifications or limitations as he may think

right to impose, the Registrar shall communicate such objection or proposal in writing to the applicant.

(2) If within three months from the date of the communication mentioned in sub-rule (1), the applicant does not amend his application according to the proposal aforesaid, or submit his observations to the Registrar or apply for a hearing, the application shall be deemed to have been abandoned.

40. Notice of withdrawal of application for registration.—A notice of withdrawal of an application for the registration of a trade mark under sub-section (2) of section 103, or sub-rule (2) of rule 24, for the purpose of obtaining repayment of any fee paid on the filing of the application, shall be given in writing within three months from the date of the communication mentioned in sub-rule (1) of rule 39.

41. Decision of Registrar.—(1) The decision of the Registrar under rule 39 or rule 44 after a hearing, or without a hearing if the applicant has duly communicated his observations in writing and has stated that he does not desire to be heard, shall be communicated to the applicant in writing, and if the applicant intends to appeal from such decision he may within one month from the date of such communication apply on Form TM-15 to the Registrar requiring him to state in writing the grounds of, and the materials used by him in arriving at, his decision.

(2) In a case where the Registrar makes any requirements to which the applicant does not object the applicant shall comply therewith before the Registrar issues a statement in writing under sub-rule (1).

(3) The date when the statement in writing under sub-rule (1) is sent shall be deemed to be the date of the Registrar's decision for the purpose of appeal.

42. Disclaimer.—The Registrar may require an applicant as a condition of acceptance of his application to agree to such disclaimer as the Registrar may

verified by an affidavit made by the applicant. The applicant may send, with this affidavit or subsequently, such other evidence as he may desire to furnish, and the Registrar shall consider the whole of the evidence before deciding the application. In all other respects and where they are appropriate and it is not otherwise stated, the rules shall apply to such application as they apply to applications for the registration of ordinary trade marks.

Advertisement of Application

46. Manner of advertisement.—An application for the registration of a trade mark required or permitted to be advertised by sub-section (1) of section 20 or to be re-advertised by sub-section (2) of that section shall be advertised in the Journal during such times and in such manner as the Registrar may direct. If no representation of the trade mark be included in the advertisement of the application, the Registrar shall mention in such advertisement the place or places where a specimen or representation of the trade mark may be inspected.

47. Fee and Printing block.—For the purposes of advertisement or re-advertisement in the Journal as mentioned in rule 46 the applicant shall pay the prescribed fee and may be required to supply a printing block (or more than one, if necessary) of the trade mark satisfactory to the Registrar, of such dimensions as may from time to time be approved or directed by the Registrar, or shall supply such information or other means of advertising the trade mark as may be required by the Registrar; and the Registrar, if dissatisfied with the printing block supplied by the applicant or his agent, may require a fresh block before proceeding with the advertisement or re-advertisement, as the case may be:

Provided that the fee payable in respect of an application for which directions as to advertisement or re-advertisement have been issued by the Registrar before the notified date shall be those, if any, prescribed under the rules in force before that date.

48. Advertisement of series.—Where an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in sub-section (3) of section 15, the applicant may be required to supply a printing block (or more than one, if necessary) satisfactory to the Registrar of any or each of the trade marks constituting the series; or the Registrar may, if he thinks fit, insert with the advertisement of the application a statement of the manner in which the several trade marks differ from one another.

49. Notification of correction or amendment of application.—(1) In the case of an application to which clause (b) of sub-section (2) of section 20 applies, the Registrar may, if he so decides, instead of causing the application to be advertised again, insert in the Journal a notification setting out the number of the application, the class in which it was made, the name and address of the principal place of business in India, if any, of the applicant or where the applicant has no principal place of business in India his address for service in India, the number of the Journal in which it was advertised and the correction or amendment made in the application

(2) If the amendment aforesaid involves an amendment of the trade mark, the Registrar may, for the purpose of the notification, call on the applicant to supply a printing block of the mark as amended satisfactory to the Registrar.

50. Request to Registrar for particulars of advertisement of a mark.—Any person may request the Registrar on Form TM 58 to be informed of the number, date and page of the Journal in which a trade mark specified in the form was advertised and the Registrar shall furnish such particulars to the person making the request.

Opposition to Registration

51. Notice of opposition.—(1) A notice of opposition to the registration of a trade mark under sub-section (1) of section 21 shall be given in triplicate on Form TM 5 within three months from the date of the advertisement or re-advertisement, as the case may be, of the application for registration in the Journal. The notice shall include a statement of the grounds upon which the opponent objects to the registration. If the registration is opposed on the ground that the trade mark in question resembles marks already on the register, the registration numbers of such trade marks and the dates of the Journals in which they have been advertised shall be set out.

(2) An application for an extension of the period within which a notice of opposition to the registration of a trade mark may be given, shall be made on Form TM-44 accompanied by the prescribed fee. Such period of extension shall not exceed one month in the aggregate.

(3) The request for extension of time under sub-rule (2) shall be made to the Registrar before the expiry of three months from the date of advertisement or re-advertisement of the application for registration in the Journal.

52. Counter-statement.—The counter-statement required by sub-section (2) of section 21 shall be sent in triplicate on Form TM-6 within two months from the receipt by the applicant of the copy of the notice of opposition and shall set out what facts, if any, alleged in the notice of opposition, are admitted by the applicant. A copy of the counter-statement shall be served by the Registrar on the person giving notice of opposition.

53. Evidence in support of opposition.—(1) Within two months from the service on him of a copy of the counter-statement by the Registrar, the opponent shall either leave with the Registrar such evidence by way of affidavit as he may desire to adduce in support of his opposition or shall intimate to the Registrar and to the applicant in writing that he does not desire to adduce evidence in support of his opposition but intends to rely on the facts stated in the notice of opposition. He shall deliver to the applicant copies of any evidence that he leaves with the Registrar under this sub-rule.

(2) If an opponent takes no action under sub-rule (1) within the time therein prescribed, he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition.

54. Evidence in support of application.—Within two months from the receipt by the applicant of the copies of affidavits in support of the opposition or of the intimation that the opponent does not desire to adduce any evidence in support of his opposition, the applicant shall leave with the Registrar such evidence by way of affidavit as he desires to adduce in support of his application and shall deliver to the opponent copies thereof or shall intimate to the Registrar and the opponent that he does not desire to adduce any evidence but intends to rely on the facts stated in the counter-statement and/or on the evidence already left by him in connection with the application in question. In case the applicant relies on any evidence already left by him in connection with the application, he shall deliver to the opponent copies thereof.

55. Evidence in reply by opponent.—Within one month from the receipt by the opponent of the copies of the applicant's affidavits, the opponent may leave with the Registrar evidence by affidavit in reply and shall deliver to the applicant copies thereof. This evidence shall be confined to matters strictly in reply.

56. Further Evidence.—No further evidence shall be left on either side; but in any proceedings before the Registrar, he may at any time, if he thinks fit, give leave to either the applicant or the opponent to leave any evidence upon such terms as to costs or otherwise as he may think fit.

57. Exhibits.—Where there are exhibits to affidavits filed in an opposition a copy or impression of each exhibit shall be sent to the other party on his request and at his expense, or, if such copies or impressions cannot conveniently be furnished the originals shall be left with the Registrar in order that they may be open to inspection. The original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

58. Translation of documents.—Where a document in a language other than English, is referred to in the notice of opposition, counter-statement or an affidavit filed in an opposition, an attested translation thereof in English shall be furnished in duplicate.

59. Hearing and decision.—(1) Upon completion of the evidence (if any), the Registrar shall give notice to the parties of a date when he will hear the arguments in the case. Such appointment shall be for a date at least one month after the date of the notice, unless the parties consent to a shorter notice. Within fourteen days from the receipt of the notice, any party who intends to appear shall so notify the Registrar on Form TM-7. Any party who does not so notify the Registrar within the time last aforesaid may be treated as not desiring to be heard and the Registrar may act accordingly.

(2) The decision of the Registrar shall be notified to the parties in writing.

60. Security for costs.—The security for costs which the Registrar may require under sub-section (6) of section 21 may be fixed at any amount which he may consider proper; and such amount may be further enhanced by him at any stage in the opposition proceedings.

Notice of non-completion of Registration

61. Procedure for giving notice.—The notice which the Registrar is required by sub-section (3) of section 23 to give to an applicant, shall be sent on Form O-1 to the applicant at the address of his principal place of business in India or if he has no principal place of business in India at the address for service in India stated in the application but if the applicant has authorised an agent for the purpose of the application, the notice shall be sent to the agent and a duplicate thereof to the applicant. The notice shall specify twentyone days' time from the date thereof or such further time as the Registrar may allow, for completion of the registration.

Registration

62. Entry in the Register.—(1) As soon as may be after the expiration of three months from the date of the advertisement or re-advertisement, as the case may be, in the Journal of any application for the registration of a trade mark, the Registrar shall, subject to the provisions of sub-section (1) of section 23 and upon payment of the prescribed fee on Form TM-11, enter the trade mark in the register.

(2) The entry of a trade mark in the register shall specify the date of the registration, the goods in respect of which it is registered, and all particulars required by sub-section (1) of section 6 including—

- (a) the address of the principal place of business in India, if any, of the proprietor of the trade mark or in the case of a jointly owned trade mark, of such of the joint proprietors of the trade mark as have a principal place of business in India,
- (b) where the proprietor of the trade mark has no place of business in India his address for service in India as entered in the application for registration together with his address in his home country,
- (c) in the case of a jointly owned trade mark, where none of the joint proprietors has a principal place of business in India, the address for service in India as given in the application together with the address of each of the joint proprietors in his home country,
- (d) particulars of the trade, business, profession, occupation or other description of the proprietor or, in the case of a jointly owned trade mark, of the joint proprietors of the trade mark as entered in the application for registration,
- (e) particulars affecting the scope of the registration or the rights conferred by the registration, and
- (f) the appropriate office of the Trade Marks Registry in relation to the trade mark.

63. Associated marks.—(1) Where a trade mark is registered as associated

65. Certificate of registration.—(1) The certificate of registration of a trade mark to be issued by the Registrar under sub-section (2) of section 23 shall be on Form O-2 with such modification as the circumstances of any case may require; and the Registrar shall annex a copy of the trade mark to the certificate.

(2) The certificate of registration referred to in sub-rule (1) shall not be used in legal proceedings or for obtaining registration abroad.

(3) The Registrar may issue a duplicate or further copies of the certificate of registration on request by the registered proprietor on Form TM-59 accompanied by the prescribed fee. An unmounted representation of the mark exactly as shown in the form of application for registration thereof at the time of registration shall accompany such request in case a printing block had been furnished for the advertisement of such application.

CHAPTER III—RENEWAL OF REGISTRATION AND RESTORATION

66. Renewal of Registration.—An application for the renewal of the registration of a trade mark shall be made on Form TM-12 and may be made at any time not more than six months before the expiration of the last registration of the trade mark.

67. Notice before removal of trade mark from register.—At a date not less than one month and not more than two months before the expiration of the last registration of a trade mark, if no application on Form TM-12 for renewal of the registration together with the prescribed fee has been received, the Registrar shall notify the registered proprietor or in the case of a jointly registered trade mark each of the joint registered proprietors and each registered user, if any, in writing on Form O-3 of the approaching expiration at the address of their respective principal places of business in India as entered in the register or where such registered proprietor or registered user has no principal place of business in India at his address for service in India entered in the register.

68. Advertisement of removal of trade mark from the register.—If at the expiration of the last registration of a trade mark the renewal fee has not been paid the Registrar may remove the trade mark from the register and advertise the fact forthwith in the Journal.

69. Restoration and renewal of registration.—An application for the restoration of a trade mark to the register and renewal of its registration under sub-section (4) of section 25, shall be made on Form TM-13, within one year from the expiration of the last registration of the trade mark accompanied by the prescribed fee.

70. Notice and advertisement of renewal and restoration.—Upon the renewal or restoration and renewal of registration, a notice to that effect shall be sent to the registered proprietor and every registered user and the renewal or restoration and renewal shall be advertised in the Journal.

CHAPTER IV—ASSIGNMENT AND TRANSMISSION

71. Application for entry of assignment or transmission.—An application to register the title of a person who becomes entitled by assignment or transmission

assigned or transmitted to him. If the Registrar so requires, the case shall be verified by an affidavit on Form TM-18.

74. Proof of title.—The Registrar may call upon any person who applies to be registered as proprietor of a registered trade mark to furnish such proof or

75. Impounding of Instruments.—If in the opinion of the Registrar any instrument produced in proof of title of a person is not properly or sufficiently stamped, the Registrar shall impound and deal with it in the manner provided by Chapter IV of the Indian Stamp Act, 1899.

76. Assignments involving transmission of moneys outside India.—If there is in force any law regulating the transmission of moneys outside India, the Registrar shall not register the title of a person who becomes entitled to a trade mark by an assignment which involves such transmission except on production of the permission of the authority specified in such law for such transmission.

77. Application for Registrar's direction as to advertisement of an assignment of a trade mark without goodwill of the business.—(1) An application for directions under section 41 shall be made on Form TM-20 and shall state the date on which the assignment was made. The application shall give particulars of the registration in the case of a registered trade mark, and in the case of an unregistered mark shall show the mark and give particulars including user of the registered as well as of the unregistered trade mark that has been assigned therewith in accordance with sub-section (2) of section 38. The Registrar may call for any evidence or further information and if he is satisfied with regard to the various matters he shall issue directions in writing with respect to the advertisement of the assignment.

(2) The Registrar may refuse to consider such an application in a case to which section 40 applies, unless his approval has been obtained under the said section and a reference identifying the Registrar's notification of approval is included in the application.

(3) A request for an extension of the period within which the application mentioned in sub-rule (1) may be made shall be on Form TM-21.

78. Application for entry of assignment without goodwill.—An application under rule 71 relating to an assignment of a trade mark in respect of any goods shall state—

- (a) whether the trade mark had been or was used in the business in any of those goods; and
- (b) whether the assignment was made otherwise than in connection with the goodwill of that business,

and if both those circumstances subsisted, then the applicant shall leave at the Trade Marks Registry a copy of the directions to advertise the assignment, obtained upon application under rule 77, and such proof, including copies of

include all the relevant circumstances and shall, if required, be verified by an affidavit. The Registrar, after hearing (if so required) the applicant and any other person whom the Registrar may consider to be interested in the transfer, shall consider the matter and issue a certificate thereon or a notification in writing of approval or disapproval thereof, as the case may be, to the applicant and shall also inform such other person accordingly. Where a statement of case is amended, three copies thereof in its final form shall be left at the Trade Marks Registry. The Registrar shall seal a copy of the statement of case in its final form to the certificate or notification.

81 Registration of assignment to company under section 45.—For the purposes of sub-section (3) of section 45, the period within which a company may be registered as the subsequent proprietor of a registered trade mark upon application made under rule 71 shall be six months from the date of advertisement in the Journal of the registration of the trade mark or such further period not exceeding six months as the Registrar may allow on application being made on form TM-25 by the applicant for registration of title or the registered proprietor, as the case may be, at any time before or during the period for which the extension can be allowed.

CHAPTER V—REGISTERED USERS

82. Application for registration as registered user.—(1) An application to the Registrar for the registration under section 49 of a person as a registered user of a registered trade mark shall be made jointly by that person and the registered proprietor of the trade mark on Form TM-28 and shall be accompanied by the following documents—

- (a) the agreement in writing or a duly authenticated copy thereof, entered into between the registered proprietor and the proposed registered user with respect to the permitted use of the trade mark;
- (b) the documents and correspondence, if any, mentioned in the agreement referred to in clause (a) or duly authenticated copies thereof;
- (c) agreements, if any, or duly authenticated copies thereof, entered into between the registered proprietor and the proposed registered user requiring the proposed registered user to purchase from the registered proprietor or his nominees or prohibiting him from purchasing except from the registered proprietor or his nominees, any materials whether for the purpose of manufacturing the goods in respect of which the use of the trade mark is to be permitted or otherwise, or containing or providing for any conditions as regards the price at which such goods should be sold or the maintenance of particular prices for such goods;
- (d) where the proposed registered user is a licensee of a patent granted under the Indian Patents and Designs Act, 1911 (2 of 1911) to the registered proprietor or some one from whom he claims, a copy of the licence agreement on record at the Patent Office and of the corresponding entry in respect of the licence agreement in the Register of Patents maintained under that Act, duly certified as such by the Controller of Patents and Designs;
- (e) where the registered proprietor or the proposed registered user is a body corporate or a partnership firm, a copy of the Memorandum of Association, or the deed of partnership (or an authenticated copy thereof), as the case may be, of such registered proprietor, or proposed registered user; and
- (f) where the permitted use involves the transmission of moneys outside India and there is in force any law requiring the permission of an authority for such transmission, the consent in writing of such authority to allow such transmission if the registration is allowed.

(2) There shall also be filed along with the application an affidavit made by the registered proprietor or by some person authorised to the satisfaction of the Registrar to act on his behalf testifying to the genuineness of the documents accompanying the application and containing;

- (a) the particulars and statements required by clause (ii) of sub-section (1) of section 49;
- (b) the precise relationship between the registered proprietor and the proposed registered user, if any; for instance, whether their relationship is as managing agent and managed company, or as principal and subsidiary company or whether there is common control between their businesses;

- (c) a statement as to the goods in which the registered proprietor is dealing, together with details as to whether the trade mark which is the subject of the application has been used by him in the course of trade before the date of the application and if so the amount and duration of such user;
 - (d) the details as to when and how the registered proprietor acquired title to the trade mark and if this was by assignment, whether he had acquired any other trade marks by the same assignment and if so how he had dealt with such other marks;
 - (e) a statement that the registered proprietor had not before the date of the application allowed or acquiesced in, the use by any person other than a registered user registered under the Act or under the Trade Marks Act, 1940 of the trade mark and an undertaking that the registered proprietor would not after such date allow or acquiesce in the use by any person other than a registered user registered under the Act or under the Trade Marks Act, 1940; and
 - (f) a statement whether or not the proposed permitted use is intended solely in relation to goods for export from India.
- (3) The registered proprietor and the proposed registered user shall also produce and file such other documents and furnish such other evidence and information as may be required in that behalf by the Registrar.
- (4) No application shall be entertained unless the same has been filed within six months from the date of the agreement referred to in clause (a) of sub-rule (1).

33. Particulars to be stated in the agreement.—The agreement referred to in clause (a) of sub-rule (1) of the last foregoing rule shall—

- (a) set out the particulars specified in sub-clauses (a) to (d) of clause (ii) of sub-section (1) of section 49;
- (b) disclose the terms as to royalty and other remuneration payable to the registered proprietor by the proposed registered user for the permitted use of the trade mark;
- (c) provide means for bringing the permitted use to an end when the relationship between the parties or the control by the registered proprietor over the permitted user ceases;
- (d) contain a condition that when the registered trade mark is used by the proposed registered user in relation to his goods, the mark shall be so described as clearly to indicate that it is the trade mark of the registered proprietor and that it is being used only by way of permitted use by the registered user; and
- (e) state whether or not the registered user has the right to acquire the

- (3) whether the registered proprietor has acquired title to the trade mark by assignment without any *bona fide* intention to use it in relation to his goods in the course of trade or solely or mainly for the purpose of permitting others to use it under agreements for registered user.

Explanation I.—For considering the *bona fides* of the registration of the trade mark under clause (2) regard shall be had *inter alia* to—

- (a) whether the goods for which the trade mark is registered are similar to or are different from the goods in which the registered proprietor has been trading or dealing before the registration of the mark;
- (b) whether the registered proprietor has ever used the mark in question in relation to his goods in the course of trade before the date of the agreement for registered user, and if so, the amount and duration of such user;
- (c) whether the terms as to royalty and other remuneration payable by the proposed registered user are reasonable taking into account the expenses which the registered proprietor is likely to incur in exercising control over the permitted use.

Explanation II.—For considering the *bona fides* of the acquisition of title under clause (3) regard shall be had, besides the matters set out in Explanation I, to the following further matter, namely, whether the registered proprietor has obtained assignment of other registered trade marks and if so, whether he has dealt with such other marks by way of assignment or registered user.

86. Hearing before issuing direction to refuse an application or to accept it conditionally.—(1) Before the Central Government decides to direct the Registrar to refuse an application for registration as registered user or to accept the application subject to any conditions, restrictions or limitations, it shall give notice thereof in writing to the applicants through the Registrar. The notice shall state the grounds on which the Central Government proposes to issue such direction and shall inform the applicants that they are entitled to be heard.

(2) Unless within two months from the receipt of the notice mentioned in sub-rule (1) the registered proprietor and the proposed registered user apply for a hearing through the Registrar, the Central Government may direct the Registrar to refuse the application or to accept it conditionally, as the case may be.

(3) If the registered proprietor and the proposed registered user apply for a hearing, the Central Government shall appoint a time for the hearing and

52 shall be made on Form TM-29 and shall be accompanied by a statement of the grounds on which it is made, and where the registered user in question consents, by the written consent of the registered user.

90. Cancellation of the registration of registered user.—(1) An application for the cancellation of the registration of a registered user under clause (b) or clause (c) or clause (d) of sub-section (1) of section 52 shall be made on Form TM-30 or Form TM-31, as the case may be, and shall be accompanied by a statement of the grounds on which it is made.

(2) In case of the registration of a registered user for a period, in accordance with sub-clause (d) of clause (ii) of sub-section (1) of section 49, the Registrar shall cancel the entry of the registered user at the end of that period. Where some or all of the goods are omitted from those in respect of which a trade mark is registered, the Registrar shall at the same time omit them from those specifications of registered users of the trade mark in which they are comprised.

the registered users whose permitted use is affected thereby and to the registered proprietor of the trade mark.

(3) The Registrar shall also cancel every registration made before the commencement of the Act of a registered user after the expiration of three years from such commencement.

91. Power of the Registrar to require information for enforcing quality control.—(1) The Registrar may at any time or from time to time require the registered proprietor or the registered user of a trade mark to furnish him with such information as he may require for satisfying himself that the stipulations in the agreement between the registered proprietor and the registered user regarding the quality of the goods in relation to which the trade mark is to be used are being enforced or being complied with.

(2) Where any such information as is referred to in sub-rule (1) is not furnished within the time allowed by the Registrar, the Registrar may presume that the stipulation in the agreement regarding the quality of the goods is not being enforced, or is not being complied with.

by affidavit or otherwise as he may think fit as to the circumstances in which the application is made.

CHAPTER VI—RECTIFICATION AND CORRECTION OF REGISTER

Alteration or rectification of register

94. Application to rectify or remove a trade mark from the register.—An application to the Registrar under section 46, 47(4) or 56 for the making, expunging or varying of any entry relating to a trade mark in the register shall be made in duplicate on Form TM-26 and shall be accompanied by a statement in duplicate setting out fully the nature of the applicant's interest, the facts upon which he bases his case and the relief which he seeks. Where the application is made by a person who is not the registered proprietor of the trade mark in question, the application and the statement aforesaid shall be left at the Trade Marks Registry in triplicate. In case there are registered users, such application and statement shall be accompanied by as many copies thereof as there are registered users. A copy each of the application and statement shall be transmitted forthwith by the Registrar to the registered proprietor and to each of the registered users and to any other person who appears from the register to have an interest in the trade mark.

95. Further procedure.—Within two months from the receipt by a registered proprietor of the copy of the application mentioned in rule 94 he shall send to the Registrar on Form TM-5 a counter-statement in triplicate of the grounds on which the application is contested and if he does so the Registrar shall serve a copy of the counter-statement on the person making the application. The provisions of rules 53 to 60 shall thereafter apply *mutatis mutandis* to the further proceedings on the application. The Registrar shall not, however, rectify the register or remove the mark from the register merely because the registered proprietor has not filed a counter-statement. In any case of doubt any party may apply to the Registrar for directions.

96. Intervention by third parties.—Any person, other than the registered proprietor, alleging interest in a registered trade mark in respect of which an application is made under rule 94 may apply on Form TM-27 for leave to intervene, stating the nature of his interest, and the Registrar may refuse or grant such leave after hearing (if so required) the parties concerned, upon such conditions and terms including undertakings or conditions as to security for costs as he may deem fit to impose.

97. Rectification of the register by the Registrar of his own motion.—(1) The notice, which the Registrar is required to give under sub-section (4) of section 56, shall be sent in writing to the registered proprietor, to each registered user, if any, and to any other person who appears from the register to have any interest in the trade mark, and shall state the grounds on which the Registrar proposes to rectify the register and shall also specify the time, not being less than one month from the date of such notice, within which an application for a hearing shall be made.

(2) Unless within the time specified in the notice aforesaid, any person so notified sends to the Registrar a statement in writing setting out fully the facts upon which he relies to meet the grounds stated in the notice or applies for a hearing, he may be treated as not desiring to take part in the proceedings and the Registrar may act accordingly.

(3) If the Registrar decides to rectify the register he shall communicate his decision in writing to the registered proprietor and to each registered user, if any.

Alteration of Address

98. Alteration of address in register.—(1) A registered proprietor or a registered user of a trade mark, the address of whose principal place of business in India or whose address in his home country, as the case may be, is changed so that the entry in the register is rendered incorrect, shall forthwith request the Registrar on Form TM-34 to make the appropriate alteration of the address in the register, and the Registrar shall alter the register accordingly if he is satisfied in the matter.

(2) A registered proprietor or a registered user of a trade mark, whose address for service in India entered in the register is changed, whether by discontinuance

of the entered address or otherwise, so that the entry in the register is rendered incorrect, shall forthwith request the Registrar on Form TM-50 to make the appropriate alteration of the address in the register, and the Registrar shall alter the register accordingly if he is satisfied in the matter.

(3) A registered proprietor or a registered user of a trade mark the address of whose principal place of business in India or whose address in his home country or whose address for service in India is altered by a public authority, so that the changed address designates the same premises as entered in the register, may make the aforesaid request to the Registrar on Form TM-34 or TM 50, as the case may be and if he does so he shall leave therewith a certificate of the

alteration given by the said authority. If the Registrar is satisfied as to the facts of the case, he shall alter the register accordingly but shall not require any fees to be paid on the forms, notwithstanding the provisions of sub-rule (2) of rule 11 or sub-rule (2) of rule 12

(4) (1) Where a registered proprietor makes a request under sub-rule (1), (2) or (3), he shall serve a copy of the request on the registered user or users, if any, and inform the Registrar accordingly

(ii) Where the request aforesaid is made by a registered user, he shall serve a copy thereof on the registered proprietor and other registered users, if any, and inform the Registrar that he has done so

(5) In case of the alteration of the address of a person entered in the register as the address for service in India of more than one registered proprietor or registered user of trade marks, the Registrar may, on proof that the said address is the address of the applicant and if satisfied that it is just to do so, accept an application from that person on Form TM-50, amended so as to suit the case, for the appropriate alteration of the entries of his address as the address for service in the several registrations, particulars of which shall be given in the Form, and may alter the entries accordingly.

(6) All applications under this rule on Form TM-50 shall be signed by the registered proprietor or the registered user, as the case may be, or by an agent expressly authorised by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows

Correction of Register

99 Application under section 57(1) —Where an application has been made under sub-section (1) of section 57 for the alteration of the register by correction

102. Advertisement before decision and opposition, etc.—(1) The Registrar shall consider the application and shall, if it appears to him expedient, advertise the application in the Journal before deciding it.

(2) Within three months from the date of advertisement under sub-rule (1), or within such further period, not exceeding one month in the aggregate, as the Registrar may allow, any person may give notice of opposition to the application on Form TM-39 and may also send therewith a statement of his objections. The notice and the statement, if any, shall be sent in triplicate. In case there are any registered users under the registration of the trade mark in question, such notice and statement shall also be accompanied by as many copies thereof as there are registered users. A copy each of the notice and statement shall be transmitted forthwith by the Registrar to the registered proprietor and to each registered user, if any, and within two months from the receipt by the registered proprietor of such copies he shall send to the Registrar on Form TM-6 a counter-statement in triplicate of the grounds on which the opposition is contested. If the registered proprietor sends such a counter-statement the Registrar shall serve a copy thereof on the person giving notice of opposition and the provisions of rules 53 to 60 shall apply *mutatis mutandis* to the further proceedings on the opposition. The Registrar shall not refuse the application merely because the registered proprietor has not filed a counter-statement. In any case of doubt any party may apply to the Registrar for directions.

(3) If there is no opposition within the time specified in sub-rule (2), the Registrar shall, after hearing the applicant if he so desires, allow or refuse the application and shall communicate his decision in writing to the applicant.

103. Decision—Advertisement—Notification.—If the Registrar decides to allow the application he shall alter the mark in the register accordingly and insert in the Journal a notification that the mark has been altered. If the application has not been advertised under rule 102, he shall also advertise in the Journal the trade mark as altered.

104. Printing block and fee for advertisement.—In connection with an application to alter a registered trade mark the Registrar may at any time call on the applicant to supply a printing block satisfactory to the Registrar and suitable for advertising the mark with the addition or alteration as aforesaid, together with the prescribed fee, if in the opinion of the Registrar an advertisement describing in words the addition or alteration would not be likely to be understood by persons interested in the matter.

Re-classification of goods in respect of existing registration

105. Re-classification in respect of existing registration.—(1) On the classification set forth in the Fourth Schedule being amended, the registered proprietor of a trade mark may apply to the Registrar on Form TM-40 for the conversion of the specification relating to his trade mark, so as to bring that specification into conformity with the amended classification. The application shall include a request for the like conversion of the specification in respect of any registered users under that registration, and the registered proprietor shall serve a copy of the application on the registered user or users of the trade mark, if any.

(2) The Registrar shall, thereupon, notify in writing to the registered proprietor and to the registered user or users, if any, a proposal showing the form which, in the Registrar's view, the amendment of the register should take in consequence of the proposed conversion. Two or more registrations of a trade mark having the same date and in respect of goods which fall within the same class under the amended or substituted classification, may be amalgamated upon conversion in accordance with this rule.

(3) The proposal referred to in sub-rule (2) shall be advertised in the Journal.

(4) Notice of opposition to such proposal shall be given on Form TM-41 in triplicate within one month from the date of the advertisement and shall be accompanied by a statement in triplicate showing how the proposed amendment would contravene the provisions of sub-section (1) of section 59. Where there are any registered users under the registration of the trade mark in question, such notice and statement shall also be accompanied by as many copies thereof as there are registered users. The Registrar shall forthwith send a copy each of the notice and the statement to the registered proprietor and to each registered user, if any, and within two months from the receipt by him of such copies the registered proprietor may send to the Registrar on Form TM-6 a counter-statement in triplicate setting out fully the grounds on which the opposition is contested. If the registered proprietor sends such counter-statement

the Registrar shall serve a copy thereof on the person giving notice of opposition and the further procedure for the disposal of the opposition shall be regulated by the provisions of rules 53 to 60 *mutatis mutandis*. In any case of doubt, any party may apply to the Registrar for directions.

(5) If there is no opposition within the time specified in sub-rule (4), or in case of opposition if the conversion of the specification is allowed, the proposal as allowed shall be advertised in the Journal, and all necessary entries shall be made in the register. The date when such entries are made in the register shall be recorded therein. Any entry made in the register in pursuance of this sub-rule shall not affect the date of the renewal of registration under section 25 which shall be determined in the same manner as before the allowance of the conversion.

CHAPTER VII—MISCELLANEOUS

106. Extension of time.—(1) An application for extension of time under section 101 [not being a time expressly provided in the Act or prescribed by rule 81 or by sub-rule (4) of rule 82 or a time for the extension of which provision is made in the rules] shall be made on Form TM-56.

(2) Upon an application made under sub-rule (1) the Registrar, if satisfied that the circumstances are such as to justify the extension of the time applied for, may, subject to the provisions of the rules where a maximum time limit is prescribed and subject to such conditions as he may think fit to impose, extend the time and notify the parties accordingly and the extension may be granted though the time for doing the act or taking the proceeding for which it is applied for has already expired.

107. Exercise of discretionary power of Registrar.—The time within which a person entitled under section 93 to an opportunity of being heard shall exercise his option of requiring to be heard shall, save as otherwise expressly provided in the Act or the rules, be one month from the date of a notice which the Registrar shall give to such person before determining the matter with reference to which such person is entitled to be heard. If within that month such person is required to be heard, the Registrar shall appoint a date for the hearing and shall give 10 days' notice thereof.

108. Notification of decision.—The decision of the Registrar in the exercise of any discretionary power given to him by the Act or the rules shall be notified to the person affected.

109. Amendments and correction of irregularity in procedure.—(1) Any document or drawing or other representation of a trade mark may be amended, and any irregularity in procedure which, in the opinion of the Registrar, may be obviated without detriment to the interests of any person, may be corrected, if the Registrar thinks fit and on such terms as he may direct.

(2) The Registrar may require the amendment of any application or representation of a trade mark or any other document or the addition of any matter thereto in order to bring it in accordance with the formal requirements of the Act.

110. Directions not otherwise prescribed.—Where in the opinion of the Registrar, it is necessary for the proper prosecution or completion of any proceedings under the Act or the rules for a person to perform an act, file a document or produce evidence, which is not provided for by the Act or the rules, the Registrar may by notice in writing require the person to perform the act, file the document or produce the evidence, specified in the notice.

Hearings

111. Hearings.—(1) In relation to a trade mark for which an application for registration is made on or after the notified date, the application as well as any proceeding under the Act and the rules shall, in the event of a hearing becoming necessary, be heard at the office of the Trade Marks Registry at which such application was made under sub-section (3) of section 18, or at such place within the territorial jurisdiction of that office as the Registrar may deem proper.

(2) In relation to a trade mark for which an application for registration is pending before the Registrar at the notified date, the hearing, if any, in respect of such application or any proceeding under the Act and the rules shall

be taken at the appropriate office of the Trade Marks Registry or at such place within the territorial jurisdiction of that office as the Registrar may deem proper.

(3) In relation to a trade mark on the Register of Trade Marks at the notified date, the hearing, if any, in respect of any proceeding under the Act and the rules shall take place at the appropriate office of the Trade Marks Registry or at such place within the territorial jurisdiction of that office as the Registrar may deem proper.

(4) Where an officer exercising the powers of the Registrar who has heard any matter under the Act or the rules has reserved orders thereon, is transferred from one office of the Registry to another or reverts to another appointment before passing an order or rendering decision thereon, he may, if the Registrar so directs, pass the order or render the decision as if he had continued to be the officer in the office of the Registry where the matter was heard.

Award of costs by Registrar

112. Costs in uncontested cases.—Where any opposition duly instituted under the rules is not contested by the applicant, the Registrar in deciding whether costs should be awarded to the opponent shall consider whether the proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was filed.

113. Exception to rule 112.—Notwithstanding anything in rule 112 costs in respect of fees specified under entries 10, 12 and 13 of the First Schedule and of all stamps used on and affixed to affidavits used in the proceeding shall follow the event.

114. Scale of costs.—Subject to the provisions of rules 112 and 113, in all proceedings before the Registrar the Registrar may, save as otherwise expressly provided by the Act, award such costs, not exceeding the amount admissible therefor under the Sixth Schedule, as he considers reasonable having regard to all the circumstances of the case.

Review of decision by Registrar

115. Application for review of Registrar's decision.—An application to the Registrar for the review of his decision under clause (c) of section 97 shall be made on Form TM-57 within one month from the date of such decision or within such further period not exceeding one month thereafter as the Registrar may on request allow, and shall be accompanied by a statement setting forth the grounds on which the review is sought. Where the decision in question concerns any other person in addition to the applicant, such application and statement shall be left in triplicate and the Registrar shall forthwith transmit a copy each

(4) The person before whom an affidavit is taken shall state the date on which and the place where the same is taken and shall affix his seal, if any, or the seal of the court to which he is attached, thereto and sign his name and description at the end thereof.

(5) Any affidavit purporting to have affixed, impressed or subscribed thereto

Appeals to High Court

121. Time for appeal.—An appeal to a High Court from any decision of the Registrar under the Act or the rules shall be made within three months from the date of such decision or within such further time as the High Court may allow

Application to High Courts

122. Application made to the High Court to be served on the Registrar.—A copy of every application to a High Court under the Act shall be served on the Registrar.

Certificate of validity

123. Certificate of validity to be noted.—Where a High Court has certified as provided in section 119 with regard to the validity of a registered trade mark, the registered proprietor thereof may request the Registrar on Form TM-47 to add to the entry in the register a note that the certificate of validity has been granted in the course of the proceedings, particulars of which shall be given in the request. An officially certified copy of the certificate shall be sent with the request, and the Registrar shall record a note to that effect in the register and publish the note in the Journal.

Return of exhibits and printing blocks and destruction of records

124. Return of exhibits and printing blocks.—(1) Where the exhibits produced in any matter or proceeding under the Act or the rules or the printing block supplied for the purpose of advertisement in the Journal are no longer required in the Trade Marks Registry, the Registrar may call upon the party concerned to take back the exhibits or the printing block, as the case may be, within a time specified by him and if the party fails to do so, such exhibits or printing block, as the case may be, shall be destroyed.

(2) Where, before the notified date any printing blocks have been supplied for the purpose of advertisement in the Journal or any exhibits have been produced in any proceeding, the Registrar, may, if satisfied that it is no longer necessary to retain them, cause them to be destroyed, after the expiration of one year from the notified date.

125. Destruction of records.—Where an application for the registration of a trade mark has been withdrawn, abandoned or refused or a trade mark has been removed from the register, the Registrar may, at the expiration of twelve years after the application is withdrawn or is abandoned or is refused or after the trade mark is removed from the register, as the case may be, destroy all or any of the records relating to the application or the trade mark concerned.

PART II

SPECIAL PROVISIONS FOR CERTIFICATION TRADE MARKS

126. Rules to apply to certification trade marks.—The provisions of Part I, Part III and Part VI of the rules shall, in their application to certification trade marks, apply only subject to the provisions of this Part.

127. Application for registration and proceedings relating thereto.—(1) An application for the registration of a certification trade mark under sub-section (1) of section 62 shall be made to the Registrar upon Form TM-4 in quadruplicate and shall be accompanied by ten additional representations of the mark. The draft regulations to be forwarded with the application under the said sub-section (1) of section 62 shall be in quadruplicate and shall be accompanied by Form TM-49.

(2) References in Part I of the rules to the acceptance of an application for the registration of a trade mark, shall, in their application to a certification trade mark, be substituted by references to authorisation to proceed with the application.

(3) An applicant for the registration of a certification trade mark shall not be deemed to have abandoned his application, if, in the circumstances of rule 39 he does not apply for a hearing or reply in writing.

(4) The address in India, if any, of an applicant to register a certification trade mark shall be deemed to be the address of his principal place of business in India for all the purposes for which such an address is required by the rules.

128. Case accompanying application.—The applicant shall send to the Registrar with his application a case setting out the grounds on which he relies in support of his application. Such case shall be furnished in triplicate.

129. Hearing by the Central Government before issuing directions to the Registrar to accept an application or to accept it conditionally.—The Central Government shall not direct the Registrar to refuse an application for registration of a certification trade mark or to accept the application subject to any conditions or limitations or to any amendments or modifications of the application or of the regulations without giving to the applicant an opportunity of being heard and the procedure shall be regulated by the provisions of rule 86 *mutatis mutandis*.

130. Opposition to registration of certification trade marks.—(1) On acceptance of the application the Registrar shall cause the application to be advertised in the Journal and the provisions of rules 51 to 60 shall apply *mutatis mutandis* as they apply in relation to an application under section 18. The references to Forms TM-5, TM-6 and TM-7 in rules 51 to 60 shall, in their application to proceedings on the opposition to the registration of certification trade marks under sub-section (3) of section 64, be substituted by references to Forms TM-8, TM-9 and TM-10 respectively.

(2) In any case of doubt with regard to the application of the provisions of rules 51 to 60 to proceedings on the opposition to the registration of a certification trade mark, any party may apply to the Registrar or the Central Government, as the case may be, for directions.

131. Rectification of certification trade mark entries.—An application for cancellation or variation of registration of a certification trade mark on any of the grounds mentioned in section 69 shall be made on Form TM-43 and shall set forth full particulars of the grounds on which the application is made.

132. Alteration of regulations relating to certification trade marks.—An application by the registered proprietor of a certification trade mark under sub-section (2) of section 65 shall be made on Form TM-42 and where the Central Government decides to advertise such application under sub-section (3) of section 65, the advertisement shall be made in the Journal.

133. Consent of Central Government to assignment or transmission of certification trade marks.—An application for the consent of the Central Government under section 42 shall be made on Form TM-22.

PART III

SPECIAL PROVISIONS FOR TEXTILE GOODS

134. Definitions.—For the purposes of rules 144 and 145—

- (a) "balanced numeral" means a trade mark consisting of either identical numerals or identical letters of not less than three nor more than seven digits;
- (b) "digit" includes a single letter;
- (c) "letter fraction" means a fraction containing one or more letters.

135. Rules to apply to textile marks.—Subject to the provisions of this Part, the provisions of Part I, Part II and Part VI of the rules shall apply to trade marks in respect of textile goods as they apply to trade marks in respect of non-textile goods.

136. Textile Marks.—The expression "textile mark" means a trade mark used or proposed to be used in relation to goods specified in rule 137 as "textile goods" for the purpose of Chapter IX of the Act.

137. Textile Goods.—The classes of goods in relation to trade marks to which Chapter IX of the Act shall apply and which are in the Act and the rules

referred to as textile goods shall be classes 22 to 27 (inclusive) of the Fourth Schedule.

138. Application to register word mark.—An application for the registration of a trade mark (other than a certification trade mark) consisting exclusively of a word or words (not being an invented word or invented words) relating to textile goods shall be made on Form TM-51.

139. Application to register letters or numerals or any combination thereof.—Subject to the provisions of rule 140, an application for the registration of a trade mark (other than a certification trade mark) consisting of letters or numerals or any combination thereof relating to textile goods shall be made on Form TM-52.

140. Application to register letters or numerals or any combination thereof

among the registered trade marks, the Refused Textile Marks List maintained under the Trade Marks Act, 1940 and pending applications for registration, for the purpose of ascertaining whether there are on record in respect of the same goods or description of goods any marks identical with or deceptively similar to the mark sought to be registered and the Registrar may cause the search to be renewed at any time before the acceptance of the application, but shall not be bound to do so.

143. Continuance of a mark in the Refused Textile Marks List.—An application under the proviso to sub-section (2) of section 73 for continuance of a mark already entered on the Refused Textile Marks List maintained under the Trade Marks Act, 1940, shall be made by the applicant for registration thereof, or his successor in business, on Form TM-45, accompanied by the prescribed fee.

144. Non-registrability of certain marks.—In respect of textile goods the following marks shall not be capable of registration, namely:—

- (a) any numeral of one digit or of more than six digits not being a balanced numeral;
- (b) a single letter or any combination of letters of more than six letters, not being a balanced numeral;
- (c) any combination of numerals and letters of more than eight digits;
- (d) any fraction or letter fraction consisting of more than eight digits together;
- (e) any fraction or letter fraction having less than three digits together;
- (f) any combination of numerals, and fractions of more than six digits;
- (g) any combination of numerals, letters, fractions and letter fractions either having more than eight digits or ending with a fraction of more than one digit in the numerator or in the denominator;
- (h) numerals or letters representing cloth dimensions;
- (i) a balanced numeral which does not consist of at least two more or two less digits than a balanced numeral of the same series already registered in the name of a different person, in respect of the same goods or description of goods.

145. Marks likely to deceive or to cause confusion.—(1) A trade mark consisting of numerals, letters, fractions, letter fractions or any combination thereof, and not being a balanced numeral, shall not be capable of being registered as a textile mark if it does not differ from a trade mark registered in the name of a different person in respect of the same goods or description of goods—

- (a) in the case of a numeral not exceeding four digits, in at least one corresponding digit;
- (b) in the case of a numeral of five digits in at least two corresponding digits;

(c) in the case of a numeral of six or more digits, in at least three corresponding

- (k) in the case of a fraction or letter fraction or any combination thereof in which the total number of digits in the numerator and denominator is three or four, in at least one corresponding digit from either the numerator or the denominator;
 - (l) in the case of a fraction or letter fraction or any combination thereof in which the total number of digits in the numerator and denominator is five or more, in at least one corresponding digit in the numerator and one corresponding digit in the denominator or two corresponding digits in either the numerator or the denominator;
 - (m) in the case of a combination consisting of a numeral and a fraction in at least one corresponding numeral digit;
 - (n) in the case of a combination of letters, numerals, and fractions (including letter fractions)—
 - (i) where the total number of digits excluding the fraction is not more than three in at least one corresponding digit;
 - (ii) where the total number of digits, excluding the fraction, is four or more, in at least two corresponding digits.
- (2) Nothing in sub-rule (1) shall be construed to signify that where a trade mark does not come within the scope of any case specified in the said sub-rule, the mark shall necessarily be regarded as not being likely to deceive or to cause confusion.

PART IV

REGISTRATION OF TRADE MARKS AGENTS

146. Register of Trade Marks Agents.—The Central Government shall maintain a Register of Trade Marks Agents wherein shall be entered the name, address of the place of residence, address of the principal place of business, the nationality, qualifications and date of registration of every registered trade marks agent.

147. Registration of existing registered trade marks agents.—(1) Notwithstanding anything in rule 148, every person whose name is, on the notified date, on the Register of Trade Marks Agents maintained under the Trade Marks Rules, 1942, shall be deemed to be registered as a trade marks agent under the Act and the rules.

(2) The continuance fee of trade marks agents deemed to be registered under sub-rule (1) shall be payable as and from the notified date.

148. Qualifications for registration.—Subject to the provisions of rule 149, a person shall be qualified to be registered as a trade marks agent if he—

- (i) is a citizen of India;
- (ii) is not less than 25 years of age;
- (iii) has passed the examination prescribed in rule 152;
- (iv) is a graduate of any university in India or possesses an equivalent qualification; and
- (v) is considered by the Central Government as a fit and proper person to be registered as a trade marks agent.

149. Persons debarred from registration.—A person shall not be eligible for registration as a trade marks agent if he—

- (i) has been adjudged by a competent court to be of unsound mind;

- (ii) is an undischarged insolvent;
- (iii) being a discharged insolvent has not obtained from the court a certificate to the effect that his insolvency was caused by misfortune without any misconduct on his part;
- (iv) has been convicted by a competent court, whether within or without India of an offence punishable with transportation or imprisonment, unless the offence of which he has been convicted has been pardoned or unless on an application made by him the Central Government

(v) being a legal practitioner has been held guilty of professional misconduct by any High Court in India or by any court beyond the limits of India; or

(vi) being a chartered accountant, has been held guilty of negligence or misconduct by a High Court.

150. Manner of making application.—All applications under the provisions of this Part shall be made in triplicate, shall be sent to, or left at, that office of the Trade Marks Registry within whose territorial limits the principal place of business of the applicant is situate.

151. Application for registration as a trade marks agent.—(1) Every person desiring to be registered as a trade marks agent shall make an application on Form TMA-1.

(2) The applicant shall furnish such further information bearing on his application as may be required of him at any time by the Central Government or the Registrar.

152. Procedure on application.—(1) On receipt of an application for the registration of a person as a trade marks agent the Registrar shall appoint a date on which the candidate will appear before him for a written examination in trade marks law and practice followed by an interview. The candidate will be expected to possess a detailed knowledge of the provisions of the Act and the rules and a knowledge of the elements of trade marks law.

(2) After a candidate has been interviewed, and any further information bearing on his application, which the Registrar may consider necessary, has been obtained, the Registrar shall forward to the Central Government the application and other relevant papers together with the details of the result of the examination held by him and along with his recommendations thereon.

153. Certificate of registration.—If the Central Government considers an applicant eligible and qualified for registration as a trade marks agent, it shall send an intimation to that effect to the applicant, and any person so intimated may pay the prescribed fees for his registration as a trade marks agent. On receipt of the prescribed fees, the Registrar shall send an intimation thereof to the Central Government; and the Central Government shall thereupon cause the applicant's name to be entered in the Register of Trade Marks Agents and shall issue to him a certificate on Form O-4 of his registration as a trade marks agent.

154. Continuance of a name in the Register of Trade Marks Agents.—The continuance of a person's name in the Register of Trade Marks Agents shall be subject to his payment of the fees prescribed in that behalf.

155. Removal of agent's name from the Register of Trade Marks Agents.—(1) The Central Government shall remove from the Register of Trade Marks Agents the name of any registered trade marks agent—

(a) from whom a request has been received to that effect; or

(b) from whom the annual fee has not been received on the expiry of three months from the date on which it became due.

(2) The Central Government shall remove from the Register of Trade Marks Agents the name of any registered trade marks agent—

(a) who is found to have been subject at the time of his registration or thereafter has become subject, to any of the disabilities stated in clauses (i) to (vi) of rule 149; or

(b) whom the Central Government has declared not to be a fit and proper person to remain in the Register by reason of any act of negligence, misconduct or dishonesty committed in his professional capacity;

Provided that before making such declaration under clause (b) the Central Government shall call upon the person concerned to show cause why his registration should not be cancelled and shall make such further enquiry, if any, as it may consider necessary.

(3) The Central Government shall remove from the Register of Trade Marks Agents the name of any registered trade marks agent who is dead.

(4) The removal of the name of any person from the Register of Trade Marks Agents shall be notified in the Official Gazette and in the Journal and shall, wherever possible be communicated to the person concerned.

156. Restoration of removed names.—(1) The Central Government may, on an application made on Form TMA-2 within six months from the date of removal of his name from the Register of Trade Marks Agents accompanied by the fee specified in the First Schedule from a person whose name has been removed under clause (b) of sub-rule (1) of rule 155, restore his name to the Register of Trade Marks Agents and continue his name therein for a period of one year from the date on which his last annual fee became due.

(2) The restoration of a name to the Register of Trade Marks Agents shall be notified in the Official Gazette and in the Journal and shall be communicated to the person concerned.

157. Alteration in the Register of Trade Marks Agents.—(1) A registered trade mark agent may apply on Form TMA-3 for alteration of his name, address of the place of residence, address of the principal place of business or qualifications entered in the Register of Trade Marks Agents. On receipt of such application and the fee prescribed in that behalf, the Central Government shall cause the necessary alteration to be made in the Register of Trade Marks Agents.

(2) Every alteration made in the Register of Trade Marks Agents shall be notified in the Official Gazette and in the Journal.

158 Publication of the Register of Trade Marks Agents.—The Register of Trade Marks Agents shall be published from time to time, as the Central Government may deem fit, the entries being arranged in the alphabetical order of the surnames of the registered trade marks agents and, copies thereof shall be placed on sale.

PART V

PROVISIONS RELATING TO TESTING AND MARKING OF PIECE-GOODS AND YARN

159. Definitions.—For the purposes of this Part, unless the context otherwise requires—

(a) “count” in relation to yarn means the relation of length to weight thereof either in the English system or Metric system, as follows:—

(i) The English count for yarn shall be the number of hanks each of 840 yards in length that weigh one pound avoirdupois or in other words the number of yards of yarn that weigh 8·3 grains.

(ii) The metric count for all yarn with the exception of raw and prepared silk shall represent the relation between 1,000 metres of yarn to 500 grammes or 2 metres to 1 gram or in other words half the number of hanks (each of 1,000 metres in length) that weigh 500 grammes.

The English system of counts may be converted into the metric system of counts and *vice versa* by the following formulae:—

The English count No. of yarn $\times$ 0·847—the metric count.

The metric count No. of yarn $\times$ 1·181—the English count.

(iii) The metric count for raw and prepared silk shall be the weight in grammes of 10,000 metres of yarn.

(b) “customs collector” shall have the meaning assigned to the term in the Sea Customs Act, 1878.

160. Testing for length and width of piece-goods.—(1) In testing for length of piece-goods such as are ordinarily sold by the length or by the piece the measurement shall be made along the selvage.

(2) In testing piece-goods aforesaid for width the cloth shall be measured by each of the following methods and the mean of the measurements so taken shall

abnormally moist or over-conditioned or where the importer demands the test. of the cloth where the creases are fewest, and the warp and weft respectively as straight as possible.

- (a) A double-fold of the cloth shall be laid on the table and the creases smoothed out, so that it may lie perfectly flat. The measuring rod shall then be placed across the cloth, and the finger and thumb run down the rod on each side of it across the cloth so as to once more flatten the creases. Care shall be taken in doing this to see that whilst the creases are smoothed out, stretching is avoided and the warp threads remain perpendicular to the rod. The measurement shall then be recorded.
- (b) A fold of the cloth shall be taken, and the doubled edge held between a finger and thumb at each end, and extended over the measuring rod which shall be kept flat on the table. The extension shall be sufficient to remove the creases but not to stretch the warp out of the perpendicular.

161. **Allowances for peculiarities of cloth and for stretching.**—(1) In taking the measurements aforesaid the peculiarities of the cloth under measure shall be taken into consideration and due allowance be made for these characteristics.

(2) If owing to the peculiarities of the cloth it is found difficult to determine a reasonable degree of tension for purposes of measurement, the mean between stretching to the full, and not stretching, shall be adopted.

(3) The influence of stretching for length on the width shall always be taken into account in measuring cloth. Where the cloth has been stretched lengthwise in the making, it will lose in length as the weft is straightened to measure the width. It may then have to be ascertained, whether the trade description of ~~length does not become false in the process of making that the width cannot~~

abnormally moist or over-conditioned or where the improper demands the test.
Where the test is carried out on demand by the importer the fee levied for carry-

Towels in woven pieces.
Woollen cleaner cloth.
Woollen knitted cloth.
Woollen roller cloth.
Woollen sizing Flannel.

- (b) (i) Cotton remnants or cut lengths measuring less than 15 yards (or 14 metres) which are not in current ordinary trade practice sold by length or by the piece;
(ii) Fents regardless of their length, which are so defective owing to accidents in the weaving dyeing or printing that they are not ordinarily capable of being sold by length or by the piece.

170. Stamping of piece-goods.—(1) Piece-goods which have been manufactured bleached, dyed printed or finished in India in premises which are a factory as defined in the Factories Act, 1948 shall be stamped with the particulars required under sub-section (1) of section 74.

(2) In the case of piece-goods manufactured outside India, each piece shall be marked with the name of the manufacturer, exporter, or wholesale purchaser in India of the goods and with the real length of the piece in standard yards or in standard metres as required under clause (f) of section 18 of the Sea Customs Act, 1878.

171. Cases where requirement as to stamping may be waived.—(1) The customs-collector may not detain any unstamped piece-goods if he is satisfied that, although they are not mentioned in the list of excepted goods under rule 169 they are of such a nature that they would be liable to serious depreciation in value if stamped:

Provided however, where a customs-collector exercises his discretion under this sub-rule, he shall forthwith report the case, sending a sample of the goods, to the Central Government through the Central Board of Revenue, so that the question of issuing general orders in favour of such goods may be considered.

(2) Cotton and woollen piece-goods imported for the personal use of individuals or private associations of individuals and not for trade purposes need not be stamped.

172. Nature of stamping required.—(1) In marking the length of the piece-goods the word "yards" or "yds" or "metres" shall accompany the numerals, and in the case of cut-lengths or pieces of the kind other than that described in clause (b) of rule 169, the number of pieces shall be marked as well as the yards or metres on the front or outer face fold of the cut-piece, the figures being presented in a way to show clearly what they are intended to mean.

(2) The length shall be in standard yards or fractions of such a yard or in standard metres or fractions of a metre and shall represent the actual length of the goods, and not the length before shrinkage or dryage, resulting from processes such as dyeing, or from atmospheric changes which can reasonably be foreseen. Marking in inches or centimetres may be permitted on cloths of small dimensions and delicate make in accordance with the custom of the trade.

(3) The marking shall be such that it is not likely to be removable except by washing the fabric, or in the case of goods that are not ordinarily washed, it shall be of such a nature that it is not likely to be obliterated in the ordinary course of handling before the goods reach the purchaser

(4) The marking shall be conspicuous and in a different colour from that of the fabric, upon the fabric itself, and not upon a removable label or ticket. The marking shall not be upon an inner fold which cannot readily be seen, nor upon a wholly detached piece, but it may be upon a piece that is partly detached without being entirely severed. In the case of sarongs which are required to be stamped, the stamping may be made on the selvage in the inner fold instead of on the uppermost fold of the cloth. Marks which are stitched on the fabric and are easily removable by cutting shall not be permitted.

174. **Indications of weight, length, name of manufacturer, etc.**—(1) The weight of yarn or thread in each bundle or unit shall ordinarily be indicated thereon in pounds or ounces in the English system or in grammes according to the metric system.

(2) The length of thread in each bundle or unit shall be indicated thereon in yards or metres.

(3) The name of the manufacturer or of the wholesale purchaser in India shall be indicated in full or, provided that the said name is clearly and unambiguously indicated thereby, in an abbreviated form, on each bundle or unit.

175. **Manner of marking cotton yarn and cotton thread.**—(1) Each bundle of cotton yarn shall be marked with the particulars required under section 74(2) of the Act by one or more inscribed wrappers, labels or cards applied, affixed or stitched thereto, provided that all the required particulars shall be contained on the exposed surface.

(2) Units of cotton thread shall be marked with the required particulars—

(a) when made up in skeins, by an inscribed label applied round each skein or bundle of skeins or secured by twine thereto;

(b) when made up in balls, by an inscribed label attached to each ball, or inserted therein but remaining exposed;

(c) when wound on cards, wheels or stars, by inscription on the exposed portion of the card, wheel or star;

(d) when wound on reels, by one or two inscribed labels applied to the end or ends of the reel;

(e) when wound on paper tubes or cones, by an inscribed label applied round or otherwise affixed to the thread or to the exposed portion of the outer surface of the tube or cone, or, where the diameter of the tube or cone is sufficient for the label to be clearly exposed to view, to the inner surface of the tube or cone, or, by inscription on the exposed portion of the outer surface of the tube or cone;

(f) when made up in any other form, by an inscribed label or card applied, affixed or stitched to or enclosed or inserted in, such make up.

(3) Labels or cards used in accordance with sub-rules (1) and (2) shall be so applied as not to be easily detachable or removable from a bundle of cotton yarn or from each unit of cotton thread in the ordinary course of handling before it reaches the normal consumer.

176. **Marking of cover.**—Where units of cotton thread are enclosed in a cover, such cover shall be marked with the required particulars.

177. **Markings to be clear and distinct.**—All markings on bundles of cotton yarn or units of cotton thread shall be legible, distinct and in a colour which is not likely to be easily obliterated and which shall be different from the colour of the surface marked.

178. **Manner of expressing count of cotton yarn.**—The count of cotton yarn shall ordinarily be expressed in the English or metric system by adding the letter 'S' after the numeral or numerals. Where, however, a bundle is packed on the metric system, the count shall be accompanied by the words "metric count" or by some other clear and definite indication conveying the fact and in the absence of such words or indication the marking shall be regarded as indicating that it is in the English system.

179. **Indication of other particulars.**—Nothing in rules 173 to 178 shall be construed as prohibiting the indication in any manner of other particulars relating to the cotton yarn or cotton thread so long as the conspicuousness of the required particulars is not affected thereby.

180. **Exemptions.**—All premises where the work is done by members of one family with or without the assistance of not more than ten other employees, and all premises controlled by a co-operative society where not more than twenty workers are employed in the premises shall be exempted from the operation of rules 173 to 178.

PART VI

REPEAL

181. **Repeal.**—The Trade Marks Rules, 1942, the Cotton Yarn and Cotton Thread (Marking) Rules 1948 and the Stamping of Piece-goods and the Testing of Yarns Rules, 1949, are hereby repealed without prejudice to anything done under such rules before the coming into force of the rules.

THE FIRST SCHEDULE

(See rule 11)

FEES

Number of entry	On what payable	Amount	Corresponding form number.
		Rs. nP.	
1	On application not otherwise charged to register a trade mark for a specification of goods included in one class (section 18)	30.00	TM-1 or TM-2
2	On application to register a series of trade marks under section 15 for a specification of goods included in one class	30.00	TM-1 or TM-2
3	On application to register a defensive trade mark under section 47 for a specification of goods included in one class	30.00	TM-3
4	On application under section 62 to register a certification trade mark for a specification of goods included in one class	30.00	TM-4
5	On application made at the same time under section 62 to register one certification trade mark for specifications of goods not all included in one class—in respect of every class. (Total fee in no case to exceed Rs. 600).	30.00	TM-4
6	On application to register a textile mark, other than a certification trade mark, consisting of numerals or letters or any combination thereof in one class for a specification of goods not included in any of the items of the Fifth Schedule	30.00	TM-52
7	On application to register a textile mark, other than a certification trade mark, consisting exclusively of a word or words (not being an invented word or invented words) in one class	30.00	TM-51
8	On application to register a textile mark, other than a certification trade mark, consisting exclusively of numerals or letters or any combination thereof for a specification of goods included in one item under rule 140 (Total fee on any number of such applications made at the same time by the same person and relating to one and the same trade mark, in respect of the different items under rule 140 not to exceed Rs. 150).	30.00	TM-53
	On a request under rule 41(1) to state grounds of decision	10.00	TM-15
10	On notice of opposition under section 21(1) for each application opposed	30.00	TM-5
11	On application for extension of time for filing notice of opposition under sec. 21(1)	10.00	TM-44

Number of entry	On what payable	Amount	Corresponding form number
		Rs. nP.	
12	On a counter-statement in answer to a notice of opposition under section 21, for each application opposed, or in answer to an application under any of the sections 46, 47(4) and 56 in respect of each trade mark, or in answer to notices of opposition under section 58 or rule 105 for each application or conversion opposed	15.00	TM-6
13	On notice of intention to attend hearing under any of the sections 21, 46, 47(4), 56 and 58 or under rule 105 by each party to the proceeding concerned	20.00	TM-7
14	On notice of opposition before the Central Government under section 64(3) for each application opposed.	40.00	TM-8
15	On a counter-statement in answer to a notice of opposition before the Central Government under section 64(3) for each application opposed.	20.00	TM-9
16	On notice of intention to attend hearing of each opposition before the Central Government under section 64(3) by applicant and by opponent respectively	20.00	TM-10
17	For one registration of a trade mark not otherwise charged for a specification of goods included in one class	60.00	TM-11
18	For one registration of a series of trade marks under section 15 for a specification of goods included in one class—		
	For the first mark	60.00	TM-11
	For every additional mark of the series	5.00	
19	For one registration of a textile mark, other than a certification trade mark, consisting exclusively of letters or numerals or any combination thereof for a specification of goods not included in any one of the items of the Fifth Schedule	60.00	TM-11
20	For one registration of a textile mark, other than a certification trade mark, consisting exclusively of a word or words (not being an invented word or invented words) for a specification of goods included in one class	60.00	TM-11
21	For one registration of a textile mark, other than a certification trade mark, consisting exclusively of letters or numerals or any combination thereof for a specification of goods included in any one item of the Fifth Schedule	60.00	TM-11
22	For registration under section 62 of a certification trade mark for a specification of goods included in one class	60.00	TM-11
23	For registration upon applications made at the same time of one certification trade mark, under section 62 for specifications of goods not all included in one class—in respect of every class. (Total fee in no case to exceed Rs. 1,200)	60.00	TM-11

Number of entry	On what payable	Amount	Corresponding form number
		Rs. nP.	
24	For one registration of a defensive trade mark under section 47 for a specification of goods included in one class	60.00	T.M.-11.
25	For each addition to the registered entry of a trade mark of a note that the mark is associated with a newly registered mark.	5.00	T.M.-11.
26	On application under section 16(4) to dissolve the association between registered trade marks	20.00	T.M.-14.
27	For renewal under section 25 of the registration of a trade mark at the expiration of the last registration not otherwise charged	60.00	T.M.-12.
28	For renewal under section 25 of the registration of a textile trade mark, other than a certification trade mark, consisting of letters or numerals or any combination thereof, for specification of goods included in one item of the Fifth Schedule at the expiration of the last registration— If the mark is registered before the commencement of the Act If the mark is registered after the commencement of the Act	20.00 60.00	T.M.-12.
29	For renewal under section 25 of the registration of a series of trade marks at the expiration of the last registration— For the first mark of the series For every additional mark of the series	60.00 5.00	T.M.-12.
30	For the renewal under section 25 of registrations of the same certification trade mark with the same date for goods in more than one class—in respect of every class. (Total fee in no case to exceed Rs. 1200)	60.00	T.M.-12.
31	On application under section 25(4) for restoration of a trade mark removed from the register	30.00 (Plus renewal fee as prescribed in any of the entries Nos. 27 to 30 above)	T.M.-13.
32	On application for certificate of the Registrar under section 39(2)— For the first mark proposed to be assigned For every additional mark of the same proprietor included in that assignment	30.00 5.00	T.M.-17.
33	On application for approval of the Registrar under section 40— For the first mark For every additional mark of the same proprietor included in the same transfer	30.00 5.00	T.M.-19.
34	On application under section 41 for directions of the Registrar for advertisement of assignment without goodwill of trade marks in use— For one mark assigned For every additional mark assigned with the same devolution of title	15.00 5.00	T.M.-20.

Number of entry	On what payable	Amount	Corresponding form number
Rs. and p.			
35	On application for extension of time for applying for directions under section 41 for advertisement of assignment without goodwill of trade marks in use in respect of one devolution of title—		
	Not exceeding one month	15*00	T.M.-21.
	Not exceeding two months	30*00	
	Not exceeding three months	45*00	
36	On application under section 42 for consent of the Central Government to the assignment or transmission of a certification trade mark]	20*00	T.M.-22.
37	On application under section 44 to register a subsequent proprietor in a case of assignment or transmission of a single trade mark—		
	If made within six months from the date of acquisition of proprietorship	15*00	T.M.-23 or T.M.-24.
	If made after expiration of six months from the date of acquisition of proprietorship	50*00	
38	On application under section 44 to register a subsequent proprietor of more than one trade mark registered in the same name, the devolution of title being the same in each case—		
	If made within six months from the date of acquisition of proprietorship—		
	For the first mark	15*00	T.M.-23 or T.M.-24.
	For every additional mark	5*00	
	If made after expiration of six months from the date of acquisition of proprietorship—		
	For the first mark	50*00	TM-23 or TM-24.
	For every additional mark	5*00	
39	On application under section 45(3) for extension of time for registering a company as subsequent proprietor of trade marks on one assignment—		
	Not exceeding two months	20*00	TM-25.
	Not exceeding four months	40*00	
	Not exceeding six months	60*00	
40	On application under any of the sections 46, 47 (4) and 56 for rectification of the register or removal of trade mark from the register	40*00	TM-26.
41	On application under rule 96 for leave to intervene in proceedings under any of the sections 46, 47 (4) and 56 for rectification of the register or removal of trade mark from the register	20*00	TM-27.
42	On application under section 49 to register a registered user of a registered trade mark in respect of goods within the specification thereof	100*00	TM-28.

Number of entry	On what payable	Amount	Corresponding form number
		Rs. nP.	
43	On application under section 49 to register the same registered user of more than one registered trade mark of the same registered proprietor, where all the trade marks have been entered in the register as associated trade marks, in respect of goods within the respective specifications thereof and subject to the same conditions and restrictions in each case—		
	For the first mark	100.00	TM-28.
	For every additional mark of the proprietor included in the application	10.00	
44	On application under clause (a) of section 52(1) to vary the entry of a registered user of one trade mark	40.00	TM-29.
	Where the trade marks are entered in the register as associated trade marks and the same registered user is registered in respect of each of them—		
	For the first mark	40.00	
	For every additional mark included in the application	10.00	
45	On application under clause (b) of section 52(1) for cancellation of the entry of a registered user of one trade mark	40.00	TM-30.
	Where the marks are entered in the register as associated trade marks—		
	For the first mark	40.00	
	For every additional mark included in the application	10.00	
46	On application under clause (c) or (d) of section 52(1) to cancel the entry of a registered user of one trade mark	40.00	TM-31.
	Where the marks are entered in the register as associated trade marks—		
	For the first mark	40.00	
	For every additional mark included in the application	10.00	
47	On notice under rule 92(2) of intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of a trade mark	20.00	TM-32.
48	On application under section 57 to change the name or description of a registered proprietor or a registered user of a trade mark where there has been no change in the proprietorship or in the identity of the registered user (except where the application is made as a result of an order of a public authority or in consequence of a statutory requirement,)	10.00	TM-33.
	Where the marks are entered in the register as associated trade marks—		
	For the first mark	10.00	
	For every additional mark included in the application	5.00	

Number of entry	On what payable	Amount	Corresponding form number
		Rs. nP.	
49	On application under section 57 to alter an entry of the address of a registered proprietor or a registered user of a trade mark unless exempted from fee under rule 98(3)	10.00	TM-34.
	Where the marks are entered in the register as associated trade marks and where the address in each case is the same and is altered in the same way—		
	For the first entry	10.00	
	For every other entry included in the application	5.00	
50	On application to make an entry of an address for service in India of a registered proprietor or a registered user of a trade mark.	10.00	TM-50.
	Where the marks are entered in the register as associated trade marks and the address for service to be entered is the same in each case—		
	For the first entry	10.00	
	For every other entry included in the application	5.00	
51	On application to alter or substitute an entry of an address for service in India in the register unless exempted from fee under rule 98(3)	10.00	TM-50.
	Where the marks are entered in the register as associated trade marks and where the address in each case is the same and is altered or substituted in the same way—		
	For the first entry	10.00	
	For every other entry included in the application	5.00	
52	On application under clauses (c), (d) or (e) of section 57 (1) for cancelling the entry or part of the entry of a trade mark or for entry of disclaimer or memorandum upon the register	10.00	TM-35 or TM-36 or TM-37.
53	On application under section 58 for leave to add to or alter a registered trade mark (except where the application is made as a result of an order of a public authority or in consequence of a statutory requirement)	30.00	TM-38.
	Where the marks are entered in the register as associated trade marks and the addition or alteration to be made in each case being the same—		
	For the first mark	30.00	
	For every other mark included in the application	10.00	

Number of entry	On what payable	Amount	Corresponding form number
		Rs. pP.	
54	On notice of opposition under section 58(2) to an application for leave to add to or alter a registered trade mark, for each application opposed	30.00	TM-39.
55	On application under section 59 for conversion of specification	10.00	TM-40.
56	On notice of opposition under section 59(2) to a conversion of the specification or specifications of a registered trade mark	30.00	TM-41.
	Where the marks are entered in the register as associated trade marks and have the same specification—		
	For the first mark	30.00	
	For every additional mark included in the notice of opposition.	5 00	
57	On application under section 65 for alteration of the deposited regulations of a certification trade mark	20.00	TM-42.
	Where the marks are entered in the register as associated trade marks—		
	For the regulations of one registration	20.00	
	For the same or substantially same regulations of each additional registration proposed to be altered in the same way and included in the same application	5.00	
58	On application to the Central Government under section 69 to expunge or vary the registration of a certification trade mark or to vary the deposited regulations of a certification trade mark or certification trade marks of the same registered proprietor where the regulations are substantially the same	40.00	TM-43.
59	For a search under rule 24 (1) in respect of one class	10.00	TM-54.
60	On request for the Registrar's preliminary advice under section 103 for each trade mark submitted in respect of one class	10.00	TM-55.
61	On application for the continuance of a mark in the Refused Textile Marks List under the proviso to sub-section (2) of section 73, in each class or in each item of the Fifth Schedule as the case may be—		
	If made within six months from the date of commencement of the Act	10.00	TM-45.
	If made after expiration of six months from the date of commencement of the Act	20.00	

Number of entry	On what payable	Amount	Corresponding form number
		Rs. and p.	
62	On request for certificate of the Registrar under Section 115 [other than certificate under section 23(2)]	10 00	TM-46.
63	On request for certificate of the Registrar [other than certificate under sec. 23(2)] of the registration of a series of trade marks under sec. 15	20 00	TM-46.
64	On request for a certified copy of any entry in the register or of any document under section 125(2) *plus typing charges of the entry or document as prescribed in entry No. 72 of this Schedule	*5 00	TM-46.
65	On request to enter in the register and advertise a note of certificate of validity, under rule 123 in respect of one mark	10 00	TM-47.
66	On request, not otherwise charged, for correction of clerical error or for amendment, except where the request is made as a result of an order of a public authority or in consequence of a statutory requirement	10 00	TM-46.
67	On application for extension of time under sec. 101 [not being a time expressly provided in the Act or prescribed by rule 81 or by rule 82(4) or a time for the extension of which provision is made in the rules] For doing an act in a proceeding under any of the sections 21, 46, 47(4), 56 and 58(2) or under rule 105 for every month or part thereof For doing any act in any other matter or proceeding for every month or part thereof	10 00 10 00 5 00	TM-56.
68	On application for review of Registrar's decision under section 97 (c)	10 00	TM-57.
69	On petitions (not otherwise charged) for obtaining Registrar's orders on any interlocutory matter in a contested proceeding	10 00	
70	On request to Registrar for particulars of advertisement of a mark under rule 50	5 00	TM-58.
71	For inspecting the documents mentioned in section 125(1) for every half hour or part thereof	5 00 (minimum fee at a time Rs. 10)	

Number of Entry	On what payable	Amount	Corresponding form number
		Rs. nP.	
72	For typing documents, for every 100 words or part thereof	0.25 (subject to a minimum of Rs. 2)	
73	On a request for a duplicate or further copy of certificate	10.00	TM-59.
74	For advertisement or re-advertisement of an application for registration of a trade mark under section 20 or for advertisement of an addition to or alteration of a registered trade mark under section 58—		
	(a) Where no printing block of the mark is required	5.00	
	(b) Where a printing block of the mark is required for advertisement which does not exceed 2 inches (5 centimetres) in breadth or depth	5.00 Plus the fee of Rs. 5.00 under (a) <i>supra</i> .	
75	For extra space in the Journal for advertisement or re-advertisement in cases where the printing block for the trade mark exceeds 2 inches (5 centimetres) in breadth or depth, or in breadth and depth.		
	For every inch or part of an inch over 2 inches (or every 2.5 centimetres or part thereof over 5 centimetres) in breadth	5.00	
	For every inch or part of an inch over 2 inches (or every 2.5 centimetres or part thereof over 5 centimetres) in depth	5.00	
76	On application for registration as a trade marks agent under rule 151	20.00	TMA-1.
77	For registration of a person as a trade marks agent under rule 153	60.00	
78	For continuance of the name of a person in the Register of Trade Marks Agents under rule 154—		
	For every year (excluding the first year) to be paid on the 1st of April in each year	25.00	..
	For the first year to be paid along with the fee for registration, in the case of a person registered at any time between the 1st April and 30th of September	25.00	
	In the case of a person registered at any time between the 1st of October and 31st of March following	15.00	
	N.B.—A year for this purpose will commence on the 1st day of April and end on the 31st day of March following		
79	On application for restoration of the name of a person to the Register of Trade Marks Agents under rule 156	20.00 Plus continuance fee under entry No. 78.	TMA-2
80	On application for an alteration of any entry in the Register of Trade Marks Agents under rule 157	5.00	TMA-3

THE SECOND SCHEDULE

FORMS

List of Forms

Form No.	Section of the Act	Title	Entry number of First Schedule
TM-1	18	Application for registration of a trade mark (other than a textile mark or a certification trade mark or a defensive trade mark).	1 & 2
TM-2	18 (rule 141)	Application for registration of a trade mark in respect of textile goods.	1 & 2
TM-3	47	Application for registration of an invented word (or words) as a defensive trade mark.	3
TM-4	62	Application for registration of a certification trade mark.	4 & 5
TM-5	21 (1)	Notice of opposition to an application for registration of a trade mark.	10
TM-6	21, 46, 47 (4), 56, 58 (2) and rule 105.	Form of counter-statement.	12
TM-7	21 (5), 46, 47 (4), 56 and 58 (2) and rule 105.	Notice of intention to attend hearing.	13
TM-8	64 (3)	Notice to the Central Government of opposition to an application for registration of a certification trade mark.	14
TM-9	64 (3)	Form of counter-statement in reply to notice to the Central Government of opposition to an application for registration of a certification trade mark.	15

for the Central Government of an opposition to an application for registration of a certification trade mark.

TM-11	23	Fee for registration of a trade mark	17 to 25
TM-12	25	Renewal of registration of trade mark	27 to 30
TM-13	25 (4)	Restoration of trade mark removed from register for non-payment of renewal fee.	31

Form No. 2	Section of the Act	Title	Entry number of First Schedule
TM-19	40	Application for the approval by the Registrar of a proposed assignment, or of a transmission of a trade mark resulting in exclusive rights in different persons for different parts of India.	33
TM-20	41	Application for directions for the advertisement of an assignment of trade marks otherwise than in connection with the goodwill of the business.	34
TM-21	41	Application for extension of time in which to apply for the Registrar's directions for the advertisement of an assignment of trade marks otherwise than in connection with the good will of the business.	35
TM-22	42	Application for consent of the Central Government to the assignment or transmission of a certification trade mark.	36
TM-23	44	Joint request by registered proprietor and transferee to register the transferee as subsequent proprietor of trade marks upon the same devolution of title.	37, 38
TM-24	44	Request to register a subsequent proprietor of a trade mark or trade marks upon the same devolution of title.	37, 38
TM-25	45 (3)	Application for extension of time for the registration of the name of a company as subsequent proprietor of a trade mark in the register.	39
TM-26	46, 47 (4) or 56	Application for the rectification of the register or the removal of a trade mark from the register.	40
TM-27	rule 96	Application for leave to intervene in proceedings relating to the rectification of the register or the removal of a trade mark from the register.	41
TM-28	49 (1)	Application for registration of registered user.	42, 43
TM-29	52(1)(a)	Application by the registered proprietor of a trade mark for variation of the registration of a registered user thereof with regard to the goods or the conditions or restrictions.	44
TM-30	52 (1)(b)	Application by the registered proprietor of a trade mark or by any of the registered users of the trade mark for the cancellation of entry of a registered user thereof.	45
TM-31	52 (1) (c) or (d)	Application for cancellation of entry of a registered user of a trade mark.	46
TM-32	rule 92 (2)	Notice of intention to intervene in proceedings for the variation or cancellation of an entry of a registered user of a trade mark.	47

Form No.	Section of the Act	Title	Entry number of First Schedule
TM-33	57	Request to enter change of name or description of proprietor (or registered user) of trade mark upon the register.	48
TM-34	57	Request for alteration of address in the register of trade marks.	49
TM-35	57 (1)(c)	Application by registered proprietor of trade mark for the cancellation of entry thereof in register.	52
TM-36	57 (1) (d)	Application by registered proprietor of trade mark to strike out goods from those for which the trade mark is registered.	52
TM-37	57 (1) (e)	Request by registered proprietor of a trade mark that a disclaimer or memorandum relating thereto may be registered.	52
TM-38	58	Application by registered proprietor for an addition to or alteration of a registered trade mark.	53
TM-39	58	Notice of opposition to application for addition to or alteration of a registered trade mark.	54
TM-40	59 (rule 105)	Application by the proprietor of a registered trade mark for the conversion of the specification.	55
TM-41	59 (2)	Notice of opposition to proposal for conversion of specification.	56
TM-42	65	Request for the alteration of the deposited regulations for use of a certification trade mark.	57
TM-43	69	Application to the Central Government for an order expunging or varying an entry in the register relating to a certification trade mark or varying the deposited regulations.	58
TM-44	21 (1)	Application for extension of time for filing notice of opposition.	11
TM-45	73 (2) (proviso)	Continuance of a mark in the Refused Trade Marks List.	61
TM-46	115 and 125	Request for certificate of the Registrar or certified copies of documents.	62, 63, 64
TM-47	rule 123	Request for entry in the register and advertisement of a note of certificate of validity of the Court.	65
TM-48	123	Form of authorisation of agent in a matter or proceeding under the Act.	

Form No.	Section of the Act	Title	Entry number of First Schedule
TM-49	62 (1)	Regulations for governing the use of certification trade mark.	..
TM-50	rules 93, 98, 99	Form of request by a registered proprietor or a registered user of a trade mark to enter, alter or substitute an address for service in India.	50, 51
TM-51	rule 138	Application for registration of trade marks (other than certification trade marks) consisting exclusively of word or words (not being an invented word or invented words) relating solely to textile goods.	7
TM-52	rule 139	Application for registration of trade marks (other than certification trade marks) consisting exclusively of letters or numerals or any combination thereof relating solely to textile goods for specification of goods not included in any of the items of the Fifth Schedule.	6
TM-53	rule 140	Application for registration of trade marks (other than certification trade marks) consisting exclusively of letters or numerals or any combination thereof relating solely to textile goods for specification of goods included in any of the items of the Fifth Schedule.	8
TM-54	rule 24(1)	Request for search under rule 24(1)	59
TM-55	103	Request for Registrar's advice on registrability of a trade mark.	60
TM-56	101	Application for extension of time [not being a time expressly provided in the Act or prescribed by rule 81 or by rule 82(4) or a time for the extension of which provision is made in the rules] under section 101	67
TM-57	97(c)	Application for review of Registrar's decision	68
TM-58	rule 50	Request to Registrar for particulars of advertisement of a mark	70
TM-59	rule 65(3)	Request for a duplicate or further copy of a certificate of registration	73
TMA-1	rule 151	Application for registration as a trade marks agent	76
TMA-2	rule 156	Application for restoration of the name of a person to the Register of Trade Marks Agents	79
TMA-3	rule 157	Application for the alteration of an entry in the Register of Trade Marks Agents	80

FORM TM-1

Fee : Rs. 30—
See entries Nos.
1 and 2 of
First Schedule

TRADE AND MERCHANDISE MARKS ACT, 1938

Application for registration of a trade mark (other than a textile mark or a certification trade mark or a defensive trade mark) in Part A¹ of the register.

B

Section 18(I), Rule 25.

(To be filed in triplicate accompanied by ten additional representations of the trade mark)

One representation to be fixed within this space and ten others to be sent separately.

Representation of a larger size may be folded but must then be mounted upon linen or other suitable material and affixed hereto—
See rule 28.

Application is hereby made for registration in Part A¹ of the register of the accompany-

B

ing trade mark in class^a in respect of in the name(s) of^a
..... whose address is^a
..... who claim (s) to be the proprietor(s) thereof
(and by whom the said mark is proposed to be used)^a or (and by whom *and his (their) predecessor*
(s) *in title* the said mark has been continuously used since 19....) in respect of
the said goods^a.

Dated this day of 19....

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at ¹¹.....

¹ Strike out whichever is not necessary.

^a The Registrar's direction may be obtained if the class of the goods is not known.

in India the fact should be stated and the place of his residence in India, if any, should be stated and the address of that place given. In addition to the principal place of business or of residence in India, as the case may be, an applicant may if he so desires give an address in India to which communications relating to the application may be sent) See rule 19. Where the applicant has neither a place of business nor of residence in India the fact should be stated and an address for service in India given along with his address in his home country abroad.

6. Strike out if the mark is already in use.
7. Strike out the words in italics if not applicable. If user by predecessor(s) in title is claimed the name(s) of such person(s) together with the date of commencement of use by the applicant himself should be stated at 9.
8. If there has been no use of the trade mark in respect of all the goods specified at 3, the items of goods in respect of which the mark has actually been used should be stated.

10. Signature of the applicant or of his agent (legal practitioner or registered trade marks agent or person in the sole and regular employment of the applicant—See Section. 123)
11. State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM- 2

Fee : Rs. 30
See entries
Nos. 1 and 2
of First Schedule.

TRADE AND MERCHANDISE MARKS ACT, 1958

¹The Registrar's direction may be obtained if the class of the goods is not known.

³Specify the goods. Only goods included in one and the same class should be specified. A separate application form is required for goods falling in each class.

⁴Insert legibly the full name, description (occupation and calling) and nationality of the applicant. In the case of a body corporate or firm the country of incorporation or the names and descriptions of the partners composing the firm and the nature of registration, if any, as the case may be, should be stated. See rule 16.

⁵The applicant must state the address of his principal place of business in India, if any. See rules 3 and 17. (If the applicant carries on business in the goods for which registration is sought⁶ at only one place in India such fact should be stated and the address of the place given. If the applicant carries on business in the goods concerned at more places than one in India the applicant should state such fact and give the address of that place of business which he considers to be his principal place of business. If, however, the applicant does not carry on business in the goods concerned but carries on business in other goods at only one place in India this fact should be stated and the address of that place given; and where the applicant carries on such business at more places than one in India such fact should be stated and the address of the place which he considers to be his principal place of business given. Where the applicant is not carrying on any business in India the fact should be stated and the place of his residence in India, if any, should be stated and the address of that place given. In addition to the principal place of business or of residence in India, as the case may be, an applicant may if he so desires give an address in India to which communications relating to the application may be sent). See rule 19.

Where the applicant has neither a place of business nor of residence in India the fact should be stated and an address for service in India given along with his address in his home country abroad.

⁶Strike out if the mark is already in use.

⁷Strike out the words in italics if not applicable. If user by predecessor(s) in title is claimed the name(s) of such person(s) together with the date of commencement of use by the applicant himself should be stated at 9.

⁸If there has been no use of the trade mark in respect of all the goods specified at 3, the items of goods in respect of which the mark has actually been used should be stated.

⁹For additional matter if required: otherwise to be left blank.

¹⁰Signature of the applicant or of his agent (legal practitioner or registered trade marks agent or person in the sole and regular employment of the applicant — See Sec. 123.)

¹¹State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM-3

Fee : Rs. 30

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for registration of an invented word (or words) as a defensive trade mark in Part A¹ of the register. Section 47. Rule 45.

B (To be filed in triplicate accompanied by ten representations of the trade mark and a statement of case in triplicate).

One representation to be fixed within this space.

Application is hereby made for registration in Part—^{A¹}
B of the register of the above word(s)
as a defensive trade mark in class^a
in respect of^a
in the name of^a
..... of^a
..... who is (are) the proprietor(s) of the same trade mark registered in
class^a in respect of ^a
under No.

The particulars of the facts on which I (we) rely in support of this application are set forth in the accompanying statement of case.

Dated this day of 19....

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at^a

¹Strike out whichever is not applicable.

²Registrar's direction may be obtained if the class is not known.

³Specify the goods. Only goods included in one and the same class should be specified.

⁴Insert legibly the full name, description (e.g. occupation and calling) and nationality of the applicant. In the case of a body corporate or firm the country of incorporation or the names and descriptions of the partners composing the firm and the nature of registration, if any, as the case may be, should be stated. See rule 16.

⁵State here the address as entered in the register in respect of the ordinary registration of the trade mark.

⁶State the class in which the applicant's mark is registered.

⁷State the goods in respect of which the mark is registered.

⁸Signature of the applicant or of his agent.

⁹State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM-4

Fee : See entries Nos. 4 and 5 of the First Schedule
--

TRADE AND MERCHANDISE MARKS ACT 1958

Application for registration of a Certification Trade Mark under section 62. Rule 127.
 (To be filed in quadruplicate accompanied by four copies of the draft regulations with form TM-49)

One representation to be fixed within this space and ten others to be sent separately. Representation of a larger size may be folded but must then be mounted upon linen or other suitable material and affixed hereto : See rule 28.

Application is hereby made for registration in Part A of the register of the accompanying Certification Trade Mark in class¹.....in respect of²
 in the name of³
 whose address is⁴

The applicant (s) is (are) not carrying on business in the goods of the kind for which registration of the said Certification Trade Mark is sought.

Dated this.....day of.....19....

.....

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at⁵

¹Registrar's direction may be obtained if the class is not known.

²Specify the goods. Only goods included in one and the same class should be specified. A separate application form is required for each class.

³Insert the full name, description (occupation and calling) and nationality of the applicant. If the applicant is a body corporate, the nature and country of incorporation should be stated. See rule 16.

⁴Here insert the full address of the applicant. [Address of the principal place of business or of residence in India, if any (see rules 3 and 17) or address for service in India together with the address in the home country abroad (See rules 16 and 18)].

⁵Signature of the applicant or of his agent (legal practitioner or registered trade marks agent or person in the sole and regular employment of the applicant. See Sec. 123).

⁶State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM-5

Fee : Rs. 30

TRADE AND MERCHANDISE MARKS ACT, 1958

Notice of opposition to application for registration of a trade mark. Section 21 (1). Rule 51.
(To be filed in triplicate)

IN THE MATTER OF Application No.....by.....I (or We)¹.....
hereby give notice of my (or our) intention to oppose the registration of the trade mark advertised under the above number for class.....in the Trade Marks Journal, dated the..... day of19.....No.....page.....

The grounds of opposition are as follows :—

2.....

All communications in relation to these proceedings may be sent to the following address in India³

Dated thisday of19.....

To

The Registrar of Trade Marks,
The Office of the Trade Marks Registry at⁴

¹State full name and address. An address for service in India should be given if the opponent has no place of business or of residence in India.

²If registration is opposed on the ground that the mark resembles marks already on the register the numbers of those marks and of the Journals in which they have been advertised are to be set out. The numbers of any marks in the Refused Textile Marks List that are relied on should also be given.

³To be stated only by an opponent who has given the address of his principal place of business or of residence in India but who desires to give for the purpose of the opposition proceedings an address in India different from that address.

⁴Signature of the opponent or of his agent.

⁵State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM-6

Fee : Rs. 15

TRADE AND MERCHANDISE MARKS ACT, 1958

Form of counter-statement (Sections 21, 46, 47, 56 and 58. Rules 52, 95, 102 and 105)
(To be filed in triplicate)

IN THE MATTER OF an opposition No..... to application No.....
for the registration of a trade mark.

I (or We)¹.....
the applicant (s) for registration of the above trade mark, hereby give notice that the following are the grounds on which I (or we) rely for my (or our) application:—

.....
(or We) admit the following allegations in the notice of opposition

All communications in relation to these proceedings may be sent to the following address in India:—

Dated thisday of19.....

To

The Registrar of Trade Marks,
The Office of the Trade Marks Registry at⁴

¹State the full name and address as stated in the application for registration.

²To be stated only by an applicant who has given the address of his principal place of business in India but who desires to give for the purpose of the opposition proceedings an address in India different from that address.

³Signature of the applicant or of his agent.

⁴State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM-7

Fee : Rs. 20

TRADE AND MERCHANDISE MARKS ACT, 1958

Notice of intention to attend hearings, Sections 21, 46, 47 (4), 56 and 58. Rules 59 (1), 95, 102 and 105.

IN THE MATTER OF¹

I (or We)²
 hereby give notice that the hearing in reference to the above matter, which by the official notice to me (or us), dated the day of 19.....
 is fixed for A.M. or P. M. at
 the on the day of
 19..... will be attended by me (or us) or by some person on my (our) behalf.
 Dated..... this day of 19.....

To

The Registrar of Trade Marks,
 The Office of the Trade Marks Registry at⁴

¹Insert particulars as in the official notice.

²Insert name and address.

³Insert the office of the Trade Marks Registry or place at which hearing will take place according to the official notice.

⁴Signature of person giving the notice or of his agent.

⁵State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM-8

Fee : Rs. 40

TRADE AND MERCHANDISE MARKS ACT, 1958

Notice to the Central Government of opposition to an application for registration of a Certification Trade Mark under sub-section (3) of section 64 of the Act. Rule 130 (1).

(To be accompanied by four copies each of the application and a statement of case).

IN THE MATTER OF an application No.
 for the registration of a Certification Trade Mark
 by

I (or We)¹
 hereby give notice of my (or our) intention to oppose the registration of the Certification Trade Mark advertised under the above number for Class in the Trade Marks Journal of the day of 19... No. ...
 page

The grounds of opposition are as follows²:-

The facts and matters set forth in the enclosed statement of case are true to the best of my (our) knowledge, information and belief.

All communications in relation to these proceedings may be sent to the following address in India³.....

Dated this..... day of 19.....

To

The Central Government,
 Through the Registrar of Trade Marks,
 The Office of the Trade Marks Registry at⁴

¹State full name and address—An address for service in India should be stated if the person giving notice has no principal place of business in India—See rules 16 and 18.

²The grounds should be limited to the matters specified in section 63 of the Act.

³To be stated only by an opponent who has given the address of his principal place of business in India but who desires to give for the purpose of these proceedings an address in India different from that address.

⁴Signature of the person giving notice or of his agent.

⁵State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM-9

| Fee : Rs 20 |

TRADE AND MERCHANDISE MARKS ACT, 1958

Form of counter-statement in reply to Notice to the Central Government of Oppositionⁿ to an application for registration of a Certification Trade Mark. Section 64(3), Rule 130 (1).

(To be filed in quadruplicate)

IN THE MATTER OF an opposition No.....
to application No.for registration of a Certification Trade Mark.

I (or We)¹.....

the applicant (s) in respect of the above-numbered application, hereby give notice that the following are the grounds on which I (or we) rely as supporting my (or our) application.....

I (or We) admit the following allegations in the notice of Opposition:

All communications relating to these proceedings may be sent to the following address in India² :

Dated this day of 19.....

To

The Central Government,
Through the Registrar of Trade Marks,
The Office of the Trade Marks Registry at⁴.....

¹Insert name and address as stated in the application for registration.

²To be stated only by an applicant who has given the address of his principal place of business or of residence in India but who desires to give for the purposes of these proceedings only an address in India different from that address.

³Signature of the applicant or of his agent.

⁴State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM-10

| Fee : Rs. 20 |

TRADE AND MERCHANDISE MARKS ACT, 1958

Hearing by the Central Government of an Opposition under sub-section (3) of section 64 of the Act to an application for registration of a Certification Trade Mark. Rule 130 (1).

Notice of Attendance at Hearing.

I (or We)¹.....

hereby give notice that the Hearing by the Central Government of the arguments in the case of Opposition No..... to application No..... for the registration of a Certification Trade Mark which is fixed for..... A. M. or P.M. at the²..... on the day of 19..... will be attended by me (or us) or by some person on my (or our) behalf.

Dated this day of 19.....

To

The Central Government,
Through the Registrar of Trade Marks,
The Office of the Trade Marks Registry at⁴.....

¹Insert name and address.

²Insert the place at which hearing will take place according to the official notice.

³Signature of the applicant or of his agent.

⁴State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM-II

Fee : See entries

Fee for registration of a trade mark. Rule 62 (1)

(If the applicant has furnished a printing block for advertisement, this Form must be accompanied by one unmounted representation of the mark exactly as shown in the Form of application.)

I (or We)¹.....
transmit the prescribed fee for the registration of the Trade Mark No.....
in Class....

Dated thisday of19.....

To

The Registrar of Trade Marks,
The Office of the Trade Marks Registry at *.....

¹Insert full name, address and nationality. See rule 16.

*Signature of the applicant or of his agent.

*State the name of the place of the appropriate office of the Trade Marks Registry— See rule 4.

FORM TM-13

Fee : Rs. 30 *plus*
renewal fee
prescribed in any of
the entries Nos. 27
to 30 of the First
Schedule

TRADE AND MERCHANDISE MARKS ACT, 1958

Restoration of trade mark removed from register for non-payment of renewal fee.
Section 25 (4). Rule 69.

I (or We)¹.....
hereby apply that the Trade Mark numbered
in Class.....be restored to the register [and the registration of the said
Trade Mark in the class aforesaid be renewed; and that the notice of restoration and
renewal be sent to the following address in India :—

Dated thisday of19.....
.....

To

The Registrar of Trade Marks,
The Office of the Trade Marks Registry at².....

¹Insert full name, address and nationality of the registered proprietor.

²Signature of the registered proprietor or of his agent.

³State the name of the place of the appropriate office of the Trade Marks Registry—
See rule 4.

FORM TM-14

Fee : Rs. 20

TRADE AND MERCHANDISE MARKS ACT, 1958

Application under Section 16 (4) of the Act to dissolve the Association between a registered trade mark and (an) other registered trade mark (s). Rule 63 (2).

(To be accompanied by a statement of case).

IN THE MATTER OF a Trade Mark No.....registered in
Class

I (or We).....
being the registered proprietor (s) of the above-numbered Trade Mark, hereby apply that the
association of this Trade Mark with the following Trade Mark (s) registered in my (our)
name :—

¹{No.....registered in Class
No.....registered in Class

may be dissolved and the register amended accordingly.

The grounds for this application are set forth in the accompanying statement of case

Dated thisday of19.....
.....

To

The Registrar of Trade Marks,
The Office of the Trade Marks Registry at².....

¹Additional numbers may be given in signed schedule on the reverse of the Form.

²Signature of the registered proprietor (s) or of his (their) agent.

³State the name of the place of the appropriate office of the Trade Marks Registry—
See rule 4.

FORM TM-15

Fee - Rs. 10

TRADE AND MERCHANDISE MARKS ACT, 1958

Request for statement of grounds of decision. Rule 41(1)

IN THE MATTER OF¹.....

the Registrar is hereby requested to state in writing the grounds of his decision dated the day of 19..... after the hearing on the day of 19..... and the materials used by him in arriving at the decision.

Dated this day of 19.....

To

The Registrar of Trade Marks,
The Office of the Trade Marks Registry at²

¹Insert particulars identifying the application.²Signature of the applicant or of his agent.³State the name of the place of the appropriate office of the Trade Marks Registry—
See rule 4.

FORM TM-16

Fee : See foot-note below

TRADE AND MERCHANDISE MARKS ACT, 1958

Request for correction of clerical error, or for amendment. Sections 18 (4), 22 and 57.
Rules 43, 93, 99.IN THE MATTER OF¹.....

²(or We).....
being the³ applicant(s) in the above matter hereby
opponent(s)
registered proprietor(s).
registered user(s)

request that

⁴A copy of this request has been served on ⁵the registered proprietor(s).

the registered user(s)

Dated this day of 19.....

To

The Registrar of Trade Marks,
The Office of the Trade Marks Registry at⁶

¹Insert words and reference number identifying the entry or application or opposition.²Strike out words not applicable.³Strike out if not applicable.⁴Signature.⁵State the name of the place of the appropriate office of the Trade Marks Registry—
See rule 4.

Footnote.—Fee of Rs. 10/-. No fee is, however, payable where the request for correction or amendment is made as a result of an order of a public authority or in consequence of a statutory requirement.

FORM TM-17

Fee : Rs. 30 for the first trade mark and Rs. 5 for every additional trade mark included in the assignment.

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for the certificate of the Registrar under section 39(2) with reference to a proposed assignment of a registered trade mark. Rule 80.

(To be accompanied by a statement of case in duplicate and a copy of the proposed assignment.)

IN THE MATTER OF Trade Mark(s) No. (s).....
registered in the name of.....in
class(es).....

Application is hereby made by¹.....being the
registered proprietor (s) of the abovementioned registered trade mark(s) for the Registrar's certificate under section 39(2) with reference to a proposed assignment of the registered trade mark(s) No.(s).....to².....in circumstances that are stated fully in the accompanying statement of case.

Dated this day of 19

To

The Registrar of Trade Marks,
The Office of the Trade Marks Registry at.....

¹Insert the name and address of the registered proprietor.

²Insert the full name, address and nationality of the proposed assignee.

³Signature of the registered proprietor or of his agent.

⁴State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM-18

To be stamped under the law for the time being in force.

TRADE AND MERCHANDISE MARKS ACT, 1958

Affidavit [only to be furnished when required by Registrar in support of statement of case filed under Section 39(2) or accompanying a request under rule 71].

I, ¹..... of
do hereby solemnly and sincerely declare that the particulars set out in the statement of case, exhibit marked and left by me in connection with ²..... in respect of the Trade Mark No. in class are true and comprise every material fact and document affecting the present proprietorship of the Trade Mark, to the best of my knowledge, information and belief.

Declared at
this day of 19.....

Before me ⁴.....

¹Insert full name, address and nationality of deponent.

²Insert particulars of the proceedings concerned.

³To be signed here by the person making the declaration.

⁴Signature and title of authority before whom affidavit is taken. In India affidavit may be taken before any Court or person having by law authority to receive evidence or before an officer empowered by a Court to administer oath. Outside India affidavit may be taken before a Diplomatic or Consular Officer within the meaning of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, of such country or place or before a Notary of the place if the notarial acts done by notaries of the place have been recognised by the Central Government under section 14 of the Notaries Act, 1952.

FORM TM-19

Fee : Rs. 30 for the first trade mark and Rs. 5 for every other trade mark.
--

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for the approval by the Registrar under section 40 of a proposed assignment, or of a transmission of a trade mark, resulting in exclusive rights in different persons for different parts of India. Rule 80.

(To be accompanied by a statement of case in duplicate and a copy of the instrument proposed for the assignment or effecting the transmission.)

IN THE MATTER OF Trade Mark(s).....
 *{Registered under No.(s)in Class(es).....}

Application is hereby made by

* (I)^a the proprietor of the trade mark(s) shown in the accompanying statement of case (registered in his name)^b and (used by him)^c in respect of the following goods for the approval by the Registrar of a proposed assignment of the trade mark(s) to ^d..... in respect of the following goods to be sold or otherwise traded in in^e..... (and to^f.....) in respect of all the following goods to be sold or otherwise traded in in ^g.....) in circumstances that are stated fully in the accompanying statement of case.

* (II) ^h..... who claims that the trade mark(s) shown in the accompanying statement of case was (were) in respect of the following goods, namely and on the day of 19....., transmitted to him [ⁱ..... who was his predecessor in title,] by or from^j..... by whom the Trade Mark was then used in respect of the following goods namely all in circumstances that are stated fully in the accompanying Statement of Case, for the approval by the Registrar of the aforesaid transmission.

All communications relating to this application may be sent to the following address in India:

Dated this day of 19.....

11

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at ¹².....

*Strike out either paragraph (I) or paragraph (II).

¹To be struck out in the case of unregistered trade marks.

²Insert the name and address of the proprietor.

³Strike out either if not applicable.

⁴Insert the name(s) and address(es) of the proposed assignee(s).

⁵Insert the name(s) of the place(s) in India.

⁶Strike out the bracketed passage if not required.

⁷Insert the name and address of the person who claims a transmission to him.

⁸Insert the date of the transmission.

⁹Insert the name and address of the predecessor in title, if any.

¹⁰Insert the name and address of the person who transmitted.

¹¹Signature of the applicant or of his agent.

¹²State the name of the place of the appropriate office of the Trade Marks Registry—

See rule 4.

FORM TM-20

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for directions for the advertisement of an assignment of trade marks otherwise than in connection with the goodwill of the business. Section 41. Rule 77 (1).
(to be filed in duplicate)

Application is hereby made by¹.....
for the Registrar's directions with respect to the advertisement of an assignment of the following trade marks otherwise than in connection with the goodwill of the business in which they ²(had been) (were) used, namely :—

* (I) Registered Trade Marks :

Registration Number	Class	Goods in respect of which the mark has been or is used and is assigned
.....		
.....		

all of which are or were registered in the name of³..... who is the assignor;

* (II) Unregistered Trade Marks⁴ all being marks which² (had been) (were) used in his business in respect of the goods stated below, by³..... of who is the assignor :

*Representation of Mark	Goods in respect of which the mark has been or is used and is assigned.
.....	

The date of assignment was the day of 19 ..

The instrument effecting the assignment is sent herewith, together with a copy thereof.

It is suggested that advertisement shall be directed as follows, namely, in

All communications relating to this application may be sent to the following address in India :—

.....

.....

Dated this..... day of..... 19 ..

.....

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registrar,

FORM TM-21

Fee : Rs. 15, 30 or 45 for
extension of 1, 2 or 3
months respectively.

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for extension of time in which to apply for the Registrar's direction for the advertisement of an assignment of trade marks otherwise than in connection with the goodwill of the business. Sec. 41. Rule 77(3).

Application is hereby made by¹.....
for extension of time of².....month(s) in which to apply for the Registrar's directions for
the advertisement of an assignment of the following trade marks otherwise than in connection with
the goodwill of the business in which they³ (had been) (were) used, namely :

(I) Registered Trade Marks :

*Registration Number Class

Goods in respect of which the mark has
been or is used and is assigned.

.....
all of which are or were registered in the name of⁴.....of.....who
is the assignor.

(II) Unregistered Trade Marks, all being marks which⁵ (had been) (were) used in his business
in respect of the goods stated below, by⁴.....of.....
who is the assignor.

*Representation of Mark

Goods in respect of which the mark has been
or is used and is assigned.

The date of assignment was theday of.....19 ..

All communications relating to this application may be sent to the following address in India.

.....
.....

Dated thisday of19 ..

.....

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at⁶.....

*Additional marks and registration numbers which cannot be accommodated here may be
given in a signed schedule on the back of the Form.

¹Insert the name and address of the assignee (applicant).

²Insert "one", "two", or "three".

³Strike out words not applicable.

⁴Insert the name and address of the proprietor (assignor).

⁵Signature of applicant or of his agent.

⁶State the name of the place of the appropriate office of the Trade Marks Registry—See
rule 4.

FORM TM-22

Fee : Rs. 20

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for the consent of the Central Government to the assignment or transmission of a Certification Trade Mark. Section 42, Rule 133.

(To be filed in triplicate accompanied by three copies of the draft deed of assignment or by an affidavit and two copies of the affidavit).

I (or We)¹ registered in class(es) hereby apply for the consent of the Central Government to the assignment or transmission of the aforesaid Certification Trade Mark to²

³A draft deed of the proposed assignment is transmitted herewith.

⁴The circumstances under which the transmission takes place are set forth in the accompanying affidavit.

Dated this day of 19 ..

.....

To

The Central Government,
Through the Registrar of Trade Marks,
The Office of the Trade Marks Registry at⁵

¹Insert the name, address and nationality of the registered proprietor.

²Insert name, address, nationality and description of the proposed transferee.

³Strike out one of these paragraphs not required in any particular case.

⁴Signature of the registered proprietor or of his agent.

⁵State the name of the place of the appropriate office of the Trade Marks Registry — see rule 4

FORM TM-23

Fee : See entries Nos. 37
and 38 of the First
Schedule

TRADE AND MERCHANDISE MARKS ACT, 1958

Joint request by registered proprietor and transferee to register the transferee as subsequent proprietor of trade marks upon the same devolution of title. Section 44. Rule 71.

We¹
and²
hereby request, under rule 71, that the name of³ carrying on
business as⁴ at⁵ may be entered in the Register
of Trade Marks as proprietor of the trade mark(s) No in Class
as from the by virtue of⁶ of
which the original and an attested copy are enclosed herewith.

The assignment of the trade mark was⁷ (not) made otherwise than in connection with the goodwill of the business in which the mark⁸ (had been) (was) used⁹ (and there is sent h-erewith copy of the Registrar's direction to advertise the assignment, a copy of each of the advertisements, complying therewith, and a statement of the dates of issue of any publications containing them)

We declare that the facts and matters stated herein are true to the best of our knowledge¹⁰ information and belief.

Dated this day of 19.....

10
11
.....

To

The Registrar of Trade Marks

The Office of the Trade Marks Registry at¹¹

¹Full name address and nationality of registered proprietor, or other assignor or transmitter*

²Full name, address and nationality of transferee.

³Name of transferee

⁴Description of transferee (calling or profession).

⁵Address of the principal place of business in India, if any, of transferee. If there is no place of business in India state the address of the place of residence in India. If there is not even a place of residence in India state the address in the home country abroad and an address for service in India.

⁶Additional numbers may be given in a signed schedule on the back of the Form.

⁷Date of acquisition of proprietorship

⁸Full particulars of the instrument of assignment or transmission, if any, or statement of case

⁹Strike out any words not applicable (See rule 78).

¹⁰Signature of assignor or transmitter or of his agent.

¹¹Signature of transferee or of his agent.

¹²State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4

FORM TM-24

Fee : See entries Nos 37
and 38 of the First Schedule

TRADE AND MERCHANDISE MARKS ACT, 1958

Request to register a subsequent proprietor of a trade mark or trade marks upon the same devolution of title. Section 44. Rule 71.

I (or We) ¹
hereby request that my (or our) name may be entered in the Register of Trade Marks as proprietor of trade mark(s) No (s) ² in Class as from the ³

I am (or We are) entitled to the trade mark(s) by virtue of ⁴
of which the original and an attested copy are enclosed herewith.

The assignment of the trade mark was ⁵ (not) made otherwise than in connection with the goodwill of the business in which the mark ⁶ (had been) (was) used ⁶ (and there is sent herewith a copy of the Registrar's direction to advertise the assignment, a copy of each of the advertisements complying therewith, and a statement of the dates of issue of any publications containing them).

I (or We) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

Dated this..... day of 19 ..

⁶.....

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at⁷.

¹Insert full name, address of the principal place of business in India, if any, nationality and description of the applicant. If there is no place of business in India, state the address of the place of residence in India if any. If there is not even a place of residence in India state the address in the home country abroad and an address for service in India.

²Additional numbers may be given in a signed schedule on the back of the Form.

³State the date of acquisition of proprietorship.

⁴Insert full particulars of the instrument of assignment or transmission, if any, or statement of case.

⁵Strike out any words not applicable (See rule 78).

⁶Signature of transferee or of his agent.

⁷State the name of the place of the appropriate office of the Trade Marks Registry—
See rule 4.

FORM TM-25

Fee - Rs. 20, 40 or 60
for 2, 4 or 6 months'
extension respectively.

TRADE AND MERCHANDISE MARKS ACT, 1958

Application under Section 45(3) for extension of time for the registration of the name of a company as subsequent proprietor of a trade mark in the register. Rule 81.

Application is hereby made by¹

..... for an extension of time by² months of the period of six months allowed by section 45(3), and rule 81 for registering the name of³ by virtue of a single assignment as proprietor of the following Trade Mark(s) registered upon application(s) conforming to sub-section (i) of section 45.

*Registration Number

Class

All communications relating to this application may be sent to the following address in India :—

Dated this day of 19

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at*

¹Insert the name and address of the applicant

²Here insert "two" or "four" or "six".

³Insert the name of the company to be registered as subsequent proprietor.

⁴Additional numbers may be given in a signed schedule on the back of the Form

⁵Signature

⁶State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4

FORM TM-26

Fee - Rs. 40

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for the rectification of the register or the removal of trade mark from the register Section 46, 47(4) or 56. Rule 94

(To be filed in duplicate/triplicate along with a statement of case in duplicate/triplicate and accompanied by as many copies of each of them as there are registered users under the registration)

IN THE MATTER OF Trade Mark No registered in the name of in class

I (or We)¹

hereby apply that the entry in the register in respect of the above-mentioned Trade Mark may be (removed)² (rectified) in the following manner —

The³ Office of the trade marks Registry has been entered in the register as the appropriate office in relation to this trade mark

No action concerning the trade mark in question is pending in any Court.

All communications relating to these proceedings may be sent to the following address in India⁴.—

.....

Dated this day of 19

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at*

¹State full name, address and nationality. An address for service in India should be stated if the applicant has no place of business or of residence in India—See rule 18

²Strike out the word that is not applicable

³State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

⁴To be stated only by an applicant who has given the address of the principal place of business or of residence in India but who desires to give for the purpose of these proceedings an address in India different from that address.

⁵Signature.

FORM TM-27

Fee: Rs. 20.

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for leave to intervene in proceedings relating to the rectification of the register or the removal of a trade mark from the register. Rule 96.

IN THE MATTER OF the Trade Mark No.
 registered in the name of
 in class

I (or We)¹

hereby apply for leave to intervene in the proceedings relating to the rectification or removal of the entry in the register in respect of the above-mentioned trade mark.

My (Our) interest in the Trade Mark is

All communications relating to these proceedings may be sent to the following address in India:—

Dated this day of 19 ..

To

The Registrar of Trade Marks,
 The Office of the Trade Marks Registry at³

¹ State full name, address and nationality.

² Signature.

³ State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM-28

Fee: See entries Nos.
 42 & 43 of the First Schedule

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for registration of registered user. Section 49, Rule 82.

(To be filed in triplicate accompanied by the agreement in writing between the registered proprietor and the proposed registered user or a duly authenticated copy thereof, the other documents mentioned in rule 82(1), an affidavit setting forth particulars and statements as required by rule 82(2) and by two copies of each of the aforesaid documents)

Application is hereby made by¹
 who is (or are) the registered proprietor(s) of Trade Mark(s) No.(s)²
 registered in class in respect of³
 and by⁴ that the said⁵ may
 be registered as a registered user of the above-mentioned registered trade mark(s) in respect of⁶
 subject to the following conditions
 and restrictions⁷:—

⁸(The proposed permitted use is to end on the day of 19.....)

⁹(The proposed permitted use is without limit of period).

Dated this day of 19.....

10

To

The Registrar of Trade Marks,
 The Office of the Trade Marks Registry at¹¹

¹ Insert full name, address and nationality of the registered proprietor.

² Additional numbers may be given in a signed schedule on the back of the Form.

³ Here insert the specification as in the register.

⁴ Here insert the full name, description (calling or occupation) nationality and address of the principal place of business in India, if any, of the proposed registered user. If there is no place of business in India, state the address of the place of residence in India, if any. If there is not even a place of residence in India, state the address in the home country abroad and an address for service in India.

- ⁶Insert name of proposed registered user.
⁸Insert designation of goods (which must be comprised within the specification).
⁷Write none if there are no conditions or restrictions.
⁸Strike out the words that are not applicable.
⁹Signature of registered proprietor or of his agent.
¹⁰Signature of proposed registered user or of his agent.
¹¹State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM-29

Fee: See entry No. 44 of
the First Schedule

TRADE AND MERCHANDISE MARKS ACT, 1958

Application by the registered proprietor of a trade mark for variation of the registration of a registered user thereof with regard to the goods or the condition or restriction.
 Section 52(1) (a). Rule 89.

[To be filed in triplicate accompanied by a statement in triplicate of the grounds for the application and the written consent in triplicate (if given) of the registered user]

Application is hereby made by¹.....
 the proprietor of trade mark(s) No²..... registered in
 class..... in respect of³..... that the
 registration of⁴..... as a registered user of the abovementioned
 trade mark(s) in respect of⁵..... may be varied in the
 following manner⁶:—.....

Dated this..... day of..... 19.....

To

The Registrar of Trade Marks,
 The Office of the Trade Marks Registry at⁷.....

- ¹Insert the full name and address of the registered proprietor.
²Additional numbers may be given in a signed schedule on the back of the Form.
³Insert the specification as in the register.
⁴Insert the full name and address of the registered user.
⁵Insert the goods in respect of which the registered user is registered.
⁶State the manner in which the entry should be varied.
⁷Signature of registered proprietor or of his agent.
⁸State the name of the place of the appropriate office of the Trade Marks Registry—See Rule 4.

FORM TM-30

Fee: See entry No. 45 of
the First Schedule.

TRADE AND MERCHANDISE MARKS ACT, 1958

Application by the registered proprietor of a trade mark or by any of the registered users of the trade mark for the cancellation of entry of a registered user thereof—Section 52 (1)(b). Rule 90 (1)

[To be filed in triplicate accompanied by a statement in triplicate of the grounds for the application.

Application is hereby made by¹.....
 being (the registered proprietor)² (a registered user) of trade mark(s) No.³.....
 registered in class..... in respect of⁴.....
 for the cancellation of the entry under the above mentioned registration(s) of⁵.....

.....as a registered user of the trade mark(s) in respect of¹.....

The grounds for this application are set forth in the accompanying statement.

Dated this..... day of..... 19.....

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at².....

¹Insert the full name and address of the applicant or of the applicants.

²Strike out the words that are not applicable.

³Additional numbers may be given in a signed schedule on the back of the Form.

⁴Insert the specification as in the register.

⁵Insert the full name and address of the registered user whose entry is sought to be cancelled.

⁶Insert goods in respect of which registered user mentioned at⁵ is registered.

⁷Signature.

⁸State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM-31

Fee : See entry No. 46 of
the First Schedule.

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for cancellation of entry of a registered user of a trade mark Section 52(1)(c) or (d)
Rule 90(1).

(To be filed in triplicate accompanied by a statement in triplicate of the grounds for the application)

IN THE MATTER OF TRADE MARK(S) No.(s)¹.....
registered in Class.....in the name of².....

Application is hereby made by³.....for the
cancellation of the entry under the abovementioned registration(s) of⁴.....
as the registered user thereof in respect of⁵.....

The grounds of this application, particulars of which are given in detail in the accompanying
statement of case are⁶.....

All communications relating to this application may be sent to the following address in
India⁷:—

Dated this..... day of..... 19.....

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at⁸.....

¹Additional numbers may be given in a signed schedule on the back of the Form.

²Insert the name of the registered proprietor.

³Insert the name, address and nationality of the applicant for cancellation.

⁴Insert the name, address and description of the registered user as entered in the register.

⁵State the goods in respect of which registered user is registered.

⁶Insert one or more of the sub-clauses of clause (c) of section 52(1).

⁷To be stated only by an applicant who has given the address of the place of business or of
residence in India but who desires to give for the purpose of these proceedings an address
different from that address.

⁸Signature.

⁹State the name of the place of the appropriate office of the Trade Marks Registry—See
rule 4.

FORM TM-32

Fee: Rs. 20

TRADE AND MERCHANDISE MARKS ACT, 1958

Notice of intention to intervene in proceedings for the variation or cancellation of an entry of a registered user of a trade mark. Rule 92(2).

(To be filed in triplicate accompanied by a statement in triplicate of the grounds of intervention)

IN THE MATTER OF Trade Mark No. registered in
Class in the name of¹
and

IN THE MATTER OF registration of ² thereunder as a registered
user of the mark.

I (or We)³
hereby give notice of my(our) intention to intervene in the proceedings in the above matter.

All communications relating to these proceedings may be sent to the following address in
India:—

Dated this day of 19.....

To
The Registrar of Trade Marks,
The Office of the Trade Marks Registry at⁴

¹Insert the name of the registered proprietor.

²Insert the name and address of the registered user.

³Insert the full name, address and nationality of person giving notice.

⁴Signature of the person giving notice or of his agent.

⁵State the name of the place of the appropriate office of the Trade Marks Registry—See
rule 4.

FORM TM-33

Fee: See entry No. 48 of
the First Schedule and
footnote below.

TRADE AND MERCHANDISE MARKS ACT, 1958.

Request to enter change of name or description of registered proprietor (or registered user)
of trade mark upon the register—Section 57. Rules 93, 99.

I (or We)¹
hereby request that my (or our) name(s) and description(s) may be entered in the Register of
Trade Marks as ²proprietor(s)/registered user(s) of the trade mark(s) No.³
registered in class.....

I am (we are) entitled to ⁴the said Trade Mark.

use the said Trade Mark as registered user(s).

There has been no change in the actual proprietorship⁵/identity of registered user(s) of the
said Trade Mark, but⁶

The entry at present standing in the register gives my (or our) name(s) and description(s)
as follows:—

⁷A copy of this request has been served upon the registered user(s)/proprietor(s).

Dated this day of 19.....

To
The Registrar of Trade Marks,
The Office of the Trade Marks Registry at⁸

¹Insert present name and address of registered proprietor or registered user.

²Strike out the words that are not applicable.

³Additional numbers may be given in a signed schedule on the back of the Form.

⁴State the circumstances under which the change of name took place.

⁵Strike out if not applicable.

⁶Signature of applicant or of his agent.

⁷State the name of the place of the appropriate office of the Trade Marks Registry—See
rule 4.

Footnote.—Fee for the first mark Rs. 10; for every additional associated mark Rs. 5. No fee
however, payable where the application for alteration or change of name is made as a result of an
order of a public authority or in consequence of a statutory requirement.

FORM TM-34

Fee: See entry No. 49 of
the First Schedule and
footnote below.

TRADE AND MERCHANDISE MARKS ACT, 1958.

Request for alteration of the address of the principal place of business or of residence in India or of the address in the home country abroad in the Register of Trade Marks, Section 57. Rules 93, 98, 99.

IN THE MATTER OF trade mark(s) Nos.¹.....
registered in Class.....

I (or we).....of.....

being the registered proprietor² of the Trade Mark(s) numbered as above, request that the user

³address of my (our) principal place of business ⁴(or residence) in India or address in my (our) home country abroad in the Register of Trade Marks be altered to.....

⁵The change of address was ordered by⁴.....
on the.....day of.....19.... An officially certified
copy of the order is enclosed herewith.

A copy of this request has been served on the registered proprietor²
user

Dated this.....day of.....19....
.....

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at ⁶.....

¹Additional numbers may be given in a signed schedule on the back of the Form.

²Strike out word(s) not applicable.

³Strike out if not applicable.

⁴Insert the name of the public authority ordering the change and the date thereof.

⁵Signature of registered proprietor
user or of his agent.

⁶State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

Footnote:—Fee for the first mark Rs. 10; for every additional associated mark Rs. 5. No fee is, however, payable in case the alteration is made as a result of an order of a public authority.

FORM TM-35

Fee : Rs. 10.

TRADE AND MERCHANDISE MARKS ACT, 1958.

Application by registered proprietor of trade mark for the cancellation of entry thereof in the register. Section 57(1)(c). Rule 99.

IN THE MATTER OF Trade Mark No. Class.

Name of registered proprietor.

Address as entered in the register ...

Application is hereby made by the aforesaid registered proprietor that the entry in Part A¹—

of the Register of Trade Marks of Trade Mark No. in

B Class. may be cancelled.

²A copy of the application has been served on the registered user(s).

Dated this.....day of.....19...

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at ⁴.....

¹Strike out whichever is not necessary.

²Strike out if not applicable.

³Signature of the registered proprietor or of his agent.

⁴State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

FORM TM-36

Fee : Rs. 10

TRADE AND MERCHANDISE MARKS ACT, 1958

Application by registered proprietor of trade mark to strike out goods from those for which the trade mark is registered. Section 57(1)(d). Rule 99.

IN THE MATTER OF Trade Mark No.

Name and address of the registered proprietor.

Application is hereby made by the aforesaid registered proprietor for the striking out of ¹... from the goods for which the Trade Mark No. is registered in Class.

²A copy of this application has been served on the registered user(s).

Dated this.....day of.....19.....

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at ¹.....

¹Designate the goods to be struck out.

²Strike out if not applicable.

³Signature of the registered proprietor or of his agent.

⁴State the name of the place of the appropriate office of the Trade Marks Registry. See rule 4.

FORM TM-37

Fee Rs. 10

TRADE AND MERCHANDISE MARKS ACT, 1958.

Request by registered proprietor of a trade mark that a disclaimer or memorandum relating thereto may be registered. Section 57(1)(e) Rule 99

IN THE MATTER OF Trade Mark No. registered
in class

Application is hereby made by¹ being the registered proprietor of the trade mark numbered as above, for the addition to the entry in the Register in connection with the said trade mark registered in the class aforesaid of the following, namely:

*A copy of the application has been served on the registered user(s)

Dated this day of 19

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at ⁴

¹Insert name and address of the registered proprietor.

*Strike out if not applicable.

*Signature of the registered proprietor or of his agent.

⁴State the name of the place of the appropriate office of the Trade Marks Registry.—See rule 4.

FORM TM-38

Fee See entry No 53 of the First Schedule and footnote below

TRADE AND MERCHANDISE MARKS ACT 1958

Application by registered proprietor under section 58 for an addition to or alteration of a registered trade mark Rule 101

IN THE MATTER OF Trade Mark No.
.. . . . registered in Class

Application is hereby made by¹ being the registered proprietor(s) of the registered trade mark numbered as above for leave to add to or alter the said trade mark in the following particulars that is to say²

Twelve copies of the mark as it will appear when so altered are filed herewith.

*A copy of this application and a copy of the mark as it will appear when so altered have been served on the registered user(s).

Dated this day of 19

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at⁴

¹Insert name and address of the registered proprietor

*Fill in full particulars

*Strike out if not applicable

*Signature of the registered proprietor or of his agent

⁴State the name of the place of the appropriate office of the Trade Marks Registry. See rule 4

Footnote —Fee Rs 30, in the case of associated trade marks fee for the first registration Rs 30, for each additional registration Rs 10 No fee is however, payable in case the addition to or alteration of the mark is made as a result of an order of a public authority or in

FORM TM-39

Fee: Rs. 30

TRADE AND MERCHANDISE MARKS ACT, 1958.

Notice of opposition to application for addition to or alteration of a registered trade mark.
Section 38(2), Rule 102(2).

(To be filed in triplicate)

IN THE MATTER OF Trade Mark No.
registered in the name of in class
(or We)¹
hereby give notice of my (or our) intention to oppose the addition to or alteration of the Trade
Mark numbered and registered as above, so that it shall be in the form shown in the application
advertised in the Trade Marks Journal of the day of 19....
No. Page

The grounds of opposition are as follows:—

The² office of the Trade Marks Registry has been entered in the register as the
appropriate office in relation to the trade mark.

All communications relating to these proceedings may be sent to the following address in
India³:—

Dated this day of 19....

To

The Registrar of Trade Marks,
The Office of the Trade Marks Registry at⁴

¹State full name and address. An address for service in India should be stated if the person
giving notice has no place of business or of residence in India.

²State the name of the place of the appropriate office of the Trade Marks Registry. See
rule 4.

³To be stated only by an opponent who has given the address of his principal place of
business or of residence in India but who desires to give for the purpose of these proceedings an
address in India different from that address.

⁴Signature of the person giving notice or of his agent.

FORM TM-40

Fee: Rs. 10

TRADE AND MERCHANDISE MARKS ACT, 1958.

Application by the proprietor of a registered trade mark for the conversion of the specification.
Rule 105(1)

IN THE MATTER OF Trade Mark No.
registered in the name of in class
of the Fourth Schedule.

Application is hereby made by¹ the registered
proprietor of the above-numbered Trade Mark for the conversion of the specification of the above-
mentioned registration and² the specification(s) of the registered user(s) thereunder in consequence
of the amendment of the Fourth Schedule to the Trade and Merchandise Marks Rules, 1959.

The specification(s) entered in the register in accordance with the said Schedule prior to
amendment is (are):—

It is requested that the Registrar should propose the following specifications in accordance
with the amended schedule:—

Class

Class

²A copy of this application has been served on the registered user(s).

Dated this day of 19....

To

The Registrar of Trade Marks,
The Office of the Trade Marks Registry at³

¹Insert the name and address of the registered proprietor.

FORM TM-41

Fee : See entry No. 56 of
the First Schedule

TRADE AND MERCHANDISE MARKS ACT, 1958.

Notice of opposition to proposal for conversion of specification under Section 59(2). Rule 105(4).
[To be filed in triplicate accompanied by a statement in triplicate showing how the proposed conversion would be contrary to section 59(1)].

IN THE MATTER OF Trade Mark(s) No. (s)¹.....
registered in the name of.....in class.....of the
Fourth Schedule.

I (or We)².....hereby give notice of my (or
our) intention to oppose the proposal for the conversion of the specification(s) of the trade mark
(s) advertised in the Trade Marks Journal of the.....day of.....
19.....No.....Page.....

The grounds of opposition are as follows:—

The³..... office of the Trade Marks Registry has been entered in the register as the
appropriate office in relation to the trade mark(s).

All communications relating to these proceedings may be sent to the following address in
India⁴:—

Dated this.....day of.....19.....

To

The Registrar of Trade Marks

The Office of the Trade Marks Registry at⁵.....

¹The numbers of more than one trade mark (being associated trade marks) dealt with by the
same proposal may be given provided the specifications are the same and the marks are associated.

²State full name and address. An address for service in India should be stated if the person
giving notice has no place of business or of residence in India.

³State the name of the place of the appropriate office of the Trade Marks Registry. See
rule 4.

⁴To be stated only by an opponent who has given his place of business or of residence in
India but who desires to give for the purpose of the opposition an address in India which is different
from that address.

⁵Signature of the person giving notice or of his agent.

FORM TM-42

Fee : See entry No. 57 of
the First Schedule

TRADE AND MERCHANDISE MARKS ACT, 1958.

Request for the consent of the Central Government to alteration of the deposited regulations
governing the use of a certification trade mark. Section 65(2). Rule 132.

(To be accompanied by two duplicates of the application and four copies of the regula-
tions having the proposed alterations shown in red therein).

Application is made by¹.....
who is (or are) the proprietor(s) of the Certification Trade Mark(s) Nos².....³registered
in Class.....in respect of⁴.....that the deposited regulations governing the use
of the said Marks may be altered in the manner shown in red in the accompanying copies of the
regulations as proposed to be altered, and for the consent of the Central Government to such
alteration.

Dated this.....day of.....19.....

To

The Central Government,

Through The Registrar of Trade Marks,

The Office of the Trade Marks Registry at⁵.....

¹State name and address of the proprietor(s) as registered.

²If the same regulations apply to more than one registration of certification trade marks entered
in the register as associated marks, the numbers of all the registrations should be stated.

³Additional numbers and specifications may be given in a signed schedule on the back of the
Form.

⁴State the specifications of the respective registrations.

⁵Signature.

⁶State the name of the place of the appropriate office of the Trade Marks Registry.—See
rule 4.

FORM TM-43

Fee : Rs. 40

TRADE AND MERCHANDISE MARKS ACT, 1958.

Application to the Central Government for an order expunging or varying an entry in the register relating to a certification trade mark or varying the deposited regulations. Section 69.

Rule 131.

(To be accompanied by three copies each of the application and of a statement of case)
 IN THE MATTER OF CERTIFICATION TRADE MARK No.
 registered in the name of in class I (or we)

being an aggrieved person(s), hereby apply for an order of the Central Government that

I. ¹The entry in the Register in respect of the above-mentioned Certification Trade Mark may be ²expunged/varied in the following manner:—

II. ³The deposited regulations governing the use of the above-mentioned Certification Trade Mark may be varied in the following manner:—

The grounds of my (our) application are as follows⁴:—

The facts and matters set forth in the enclosed statement of case are true to the best of my (our) knowledge, information and belief.

All communications relating to these proceedings may be sent to the following address in India⁵:—

Dated this day of 19.....

To

The Central Government,
 Through The Registrar of Trade Marks,
 The Office of the Trade Marks Registry at⁶.....

¹State full name, address and nationality. An address for service in India should be stated if the applicant has no place of business or of residence in India. See rule 18.

²Strike out either paragraph if not applicable.

³Strike out word not applicable.

⁴Specify any of the grounds set forth in clauses (a) to (d) of section 69.

⁵To be stated only by an applicant who has given the address of the place of business or of residence in India but who desire, to give for the purposes of these proceedings an address in India different from that address.

⁶Signature.

⁷State the name of the place of the appropriate office of the Trade Marks Registry—See rule. 4.

FORM TM 44

Fee : Rs. 10

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for extension of time for giving notice of opposition—Section 21(1). Rule 51(2).

IN THE MATTER OF APPLICATION No.
 I (or we)¹
 hereby apply for extension of time of² for giving notice of opposition to the registration of the trade mark advertised under the above number for class in the Trade Marks Journal dated the day of 19.....

The reasons for making this application are as follows:—

All communications relating to this application may be sent to the following address in India³:—

Dated this day of 19.....

To

The Registrar of Trade Marks,
 The Office of the Trade Marks Registry at⁴.....

¹State, full name and address.

²Insert the period of extension required which shall not exceed one month beyond three months from the date of advertisement or re-advertisement, as the case may be, of the application in the Journal.

³To be stated only where the address given at ¹ is not an address in India.

⁴Signature.

⁵State the name of the place of the appropriate office of the Trade Marks Registry.—See

FORM TM-45

Fee : See entry
No. 61 of the
First Schedule

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for continuance of a Mark in the Refused Textile Marks List-Section 73(2) (110 & 116).
Rule 143.

I (or We)..... hereby apply that the Mark No..... in Class..... entered in the Refused Textile Marks List maintained under the Trade Marks Act, 1940 be continued in the said List for a period of seven years from the date of this application.

All communications relating to the application may be sent to the following address in India:—

Dated this..... day of..... 19.....

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at.....

¹Insert full name, address and nationality of proprietor.

²Signature.

FORM TM-46

Fee: See entries Nos.
62, 63 and 64 of the
First Schedule

TRADE AND MERCHANDISE MARKS ACT, 1958

Request for certificate of the Registrar (Section 115 or 125. Rules 119 and 120)

IN THE MATTER¹ OF Trade Mark No.....
registered in..... Class.....

I (or We)².....

hereby request the Registrar to furnish me (us) with ³his certificate to the effect that⁴.....
a certified copy

FORM TM-47

Fee: Rs. 10.

TRADE AND MERCHANDISE MARKS ACT, 1958.

Request for entry in the register and advertisement of a note of certificate of validity by the High Court under rule 123.

IN THE MATTER OF Trade Mark No.
 registered in class in the name of

I (or We)¹
 hereby request the Registrar to add to the entry relating to the above numbered Trade Mark in the register, and to advertise in the Trade Marks Journal, a note that in²

the High Court certified that the validity of the said registration came into question and was decided in favour of the proprietor of the Trade Mark in the terms of the accompanying officially certified copy of the certificate of validity.

Dated this day of 19.....

To

The Registrar of Trade Marks,
 The Office of the Trade Marks Registry at⁴

¹State the name and address of the registered proprietor.

²State the nature of the proceedings with the names of the parties to them, in which the certificate was given.

³Signature.

⁴State the name of the place of the appropriate office of the Trade Marks Registry.—See rule 4.

FORM TM-48

TRADE AND MERCHANDISE MARKS ACT, 1958.

Form of Authorisation of Agent in a matter or proceeding under the Act (Section 123 and rule 21)

I (or We)¹
 hereby authorise²
 of
 to act as my (or our) agent for³

and request that all notices, requisitions and communications relating thereto may be sent to such agent at the above address.

I (or We) hereby revoke all previous authorisations, if any, in respect of the

FORM TM-49

TRADE AND MERCHANDISE MARKS ACT, 1958.

Section 62(1). Rule 127(1)

(To be accompanied by four copies of the draft regulations)

Regulations for governing the use of Certification Trade Mark No.
 in Class in respect of¹
 (For Official Use)

Advertised in the Trade Marks Journal No. at page on the
 day of

(Date of application and registration.....19 ..)

¹Here specify the goods.

FORM TM-50

Fee : See entries Nos.
 50 and 51 of the First
 Schedule

TRADE AND MERCHANDISE MARKS ACT, 1958.

Form of request by a registered proprietor or a registered user of a trade mark who has no principal place of business in India, to enter, alter or substitute an address for service in India as part of his registration.

(Rules 93, 98, 99).

Request is made by¹
 who is the registered proprietor (user) of Trade Mark(s) Nos. registered in Class
 for the⁴ addition, alteration or substitution of an address for service in India
 in or to the entry thereof so that the address for service in India may read⁶

Dated this day of 19 ..

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at⁷

¹Here insert the full name and address of the person making the request.

²Strike out one of the words "proprietor" or "user" as the case may be.

³Additional numbers (where the marks are entered in the register as associated trade marks) may be given in a signed schedule on the back of the Form.

⁴Cancel the words that are not applicable.

⁵State here the precise entry or changed entry desired.

⁶Signature.

⁷State the name of the place of the appropriate office of the Trade Marks Registry—See rule 4.

NOTE : A registered proprietor or a registered user whose address for service in India has been altered by a public authority so that the changed address designates the same premises as before may make also the statement for which there is provision on the back of this Form in order to avoid payment of fees.

(To appear on the back of this Form)

(For use only in case an address for service in India is changed by a public authority, without change of premises).

The change of address for service in India for the entry of which application is made on the other side of this Form was ordered by¹
 on the day of 19 ..

An officially certified copy of the order is enclosed herewith.

Dated this day of 19 ..

¹Here insert the name of the public authority ordering the change and date thereof.

²Signature.

NOTE : If the above statement be made and an officially certified copy of the order by the named authority necessitating the alteration be supplied, the Registrar if satisfied as to the facts of the case will not require any fee to be paid on Form TM-50 [See rule 98(3)].

FORM TM-51

Fee : Rs. 30 for
each mark

TRADE AND MERCHANDISE MARKS ACT, 1958

Application(s) No.

Application for registration of trade mark(s) (other than certification trade marks) consisting exclusively of a word or words (not being an invented word or invented words) relating solely to textile goods in Part A¹ of the register. Rule 138.

B

[To be filed in triplicate accompanied by five signed copies of the trade mark(s)].

Application is hereby made for registration of the Trade Mark(s) mentioned in the Form

* ANNEXURE TO FORM TM=51

Applications Nos. *.....

Name of applicant
(in block letters)

Address*.....

*Application No. (to be left blank by the applicant)	Trade Mark ¹	Language in which word/words is/are written	Translation in English if any of the word or words (in the case of words not in the English language)	Transliteration in Roman characters of the word or words in the case of words not in Roman characters	Description of goods in respect of which registration is sought ¹⁰	Whether the mark is being used and if so, the period during which and by whom it has been used in respect of the goods mentioned ¹¹
1	2	3	4	5	6	7

Dated this..... day of..... 19

Signature*

*If the space provided in this Form is not sufficient, the entries may be continued on additional sheets of paper. The size of each such additional sheet should be the same as that of this Form and entries should be made only on one side of the sheet leaving a margin of 1-1/2 inches (or 4 centimetres) on the left hand part of the sheet. Each such additional sheet should contain the

FORM TM-52

Fee: Rs. 30 for each mark

TRADE AND MERCHANDISE MARKS ACT, 1958

Application(s) No. (s)*

Application for registration of trade marks (other than certification trade marks) consisting exclusively of letters or numerals or any combination thereof relating solely to textile goods for specification of goods not included in any of the items of the Fifth Schedule in Part A¹ of the register. Rule 139

B

[To be filed in triplicate accompanied by five additional signed copies of the trade mark(s)]

Application is hereby made for registration of the Trade Mark(s) mentioned in the Form annexed hereto in Part $\frac{A^1}{B}$ of the register in class².....In the name(s) of³.....

whose address is⁴

Dated this.....day of.....19.....

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at⁷¹Strike out whichever is not applicable.²The Registrar's direction may be obtained if the class is not known.

³Insert the full name, description (occupation and calling) and nationality of the applicant. In the case of a body corporate or firm the country of incorporation, or the names and descriptions of the partners composing the firm and the nature of registration, if any, as the case may be, should be stated. See rule 16.

⁴The address of the principal place of business in India, if any, of the applicant should be stated. See rules 3 and 17. (If the applicant carries on business in the goods for which registration is sought at only one place in India such fact should be stated and the address of the place given. If the applicant carries on business in the goods concerned at more places than one in India the applicant should state such fact and give the address of that place of business which he considers to be his principal place of business. If however the applicant does not carry on business in the goods concerned but carries on business in other goods at only one place in India the fact should be stated and the address of that place given; and where the applicant carries on such business at more places than one in India such fact should be stated and the address of the place which he considers to be his principal place of business given. Where the applicant is not carrying on any business in India the fact should be stated and the place of his residence in India, if any, should be stated and the address of that place given. In addition to the principal place of business or of residence in India as the case may be, an applicant may, if he so desires, give an address in India to which communications relating to the application may be sent.) See Rule 19.

Where the applicant has neither a place of business nor of residence in India the fact should be stated and an address for service in India given along with his address in his home country abroad.

⁵For additional matter, if required; otherwise to be left blank.⁶Signature of the applicant or of his agent.⁷State the name of the place of the appropriate office of the Trade Marks Registry. See rule 4.

Footnote.—This Form to be used for applying for registration of one or more trade marks by an applicant. Each such trade mark will be treated as having been applied for separately for registration and a separate application number will be noted against it by the Trade Marks Registry in column (1) of the annexure to this Form.

*ANNEXURE TO FORM TM—52

Application (s) No. (s).....

Name of applicant.....
(in block letters)Address⁴.....

*Application No. (to be left blank by applicant)	Trade Mark	Description of goods in respect of which registration is sought ¹⁰	Whether the mark is being used; if so, the period during which and by whom it has been used in respect of the goods mentioned ¹¹
1	2	3	4

Dated thisday of19

Signature⁶

*If the space provided in this Form is not sufficient, the entries may be continued on additional sheets of paper. The size of each such additional sheet should be the same as that of this Form and entries should be made only on one side of the sheet leaving a margin of 1-1/2 inches (or 4 centimetres) on the left hand part of the sheet. Each such additional sheet should contain the name and address of the applicant at the top and bear the date and signature of the applicant or of his agent at the bottom as above.

*To be filled in by the Trade Marks Registry only.

¹⁰Only goods included in one and the same class should be specified. A separate application Form is required for each class.

¹¹If user by predecessor(s) in title is claimed the name(s) of such person(s) should be stated together with the date of commencement of use of the mark by the applicant himself. If there has been no use of the mark in respect of all the goods specified, the user for those items of goods in respect of which the mark has actually been used should be stated. If, however, the mark is proposed to be used, the words "proposed to be used" should be stated.

FORM TM-53

Fee : Rs. 30 for each mark

TRADE AND MERCHANDISE MARKS ACT, 1958.

Application(s) No.(s)¹.....

Application for registration of trade marks (other than certification trade marks) consisting exclusively of letters or numerals or any combination thereof relating solely to textile goods for specification of goods included in any of the items of the Fifth Schedule in Part A/B² of the register. Rule 15.

[To be filed in triplicate accompanied by five additional signed copies of the trade mark(s)]

Application is hereby made for registration of the trade marks mentioned in the Form annexed hereto in Part A/B² of the Register in item No.³.....and class.....in the name (s) of⁴.....whose address is⁴.....and who claim (s) to be the proprietor (s) thereof.

Dated thisday of19.....

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at⁷.....

¹Strike out whichever is not applicable.

²The Registrar's direction may be obtained if the item number and class are not known.

³Insert the full name, description (occupation and calling) and nationality of the applicant. In the case of a body corporate or firm the country of incorporation or the names and descriptions of the partners composing the firm and the nature of registration, if any, as the case may be, should be stated. See rule 16.

⁴The address of the principal place of business in India, if any, of the applicant should be stated. See rules 3 and 17. (If the applicant carries on business in the goods for which registration is sought at only one place in India such fact should be stated and the address of the place given. If the applicant carries on business in the goods concerned at more places than one in India the applicant should state such fact and give the address of that place of business which he considers to be his principal place of business. If however the applicant does not carry on business in the goods concerned but carries on business in other goods at only one place in India the fact should be stated and the address of that place given; and where the applicant carries on such business at more places than one in India such fact should be stated and the address of the place which he considers to be his principal place of business given. Where the applicant is not carrying on any business in India the fact should be stated and the place of residence in India, if any, should be stated and the address of that place given. In addition to the principal place of business or of residence in India, as the case may be, an applicant may, if he so desires give an address in India to which communications relating to the application may be sent). See rule 19.

Where the applicant has neither a place of business nor of residence in India the fact should be stated and an address for service in India given along with his address in his home country abroad.

⁶For additional matter if required; otherwise to be left blank.

⁶Signature of the applicant or of his agent.

⁷State the name of the place of the appropriate office of the Trade Marks Registry. See rule 4.

Footnote:—This Form to be used for applying for the registration of one or more trade marks by an applicant. Each such trade mark will be treated as having been applied for separately for registration and a separate application number will be noted against it by the Trade Marks Registry in column (1) of the annexure to this Form.

ANNEXURE TO FORM TM-53

Application(s) No.(s)*

Name of applicant.....
(in block letters)Address⁴

*Application No. (to be left blank by applicant)	Trade Mark	Description of goods as per sample attached in each case in respect of which registration is sought ¹⁰	Whether the mark is being used and if so, the period during which and by whom it has been used in respect of the good mentioned ¹¹
(1)	(2)	(3)	(4)

Dated this.....day of.....19 ..

Signature⁶

⁸If the space provided in this Form is not sufficient, the entries may be continued on additional sheets of paper. The size of each such additional sheet should be the same as that of this Form and entries should be made only on one side of the sheet leaving a margin of 1 1/2 inches (or 4 centimetres), on the left hand part of the sheet. Each such additional sheet should contain the name and address of the applicant at the top and bear the date and signature of the applicant or of his agent at the bottom as above.

⁹To be filled in by the Trade Marks Registry only.

¹⁰Only goods included in one and the same item of the Fifth Schedule should be specified. A separate application is required for each item *vide* rule 140.

Each sample should be mounted on a separate sheet of paper of the same size as of this Form and its description as used in the Form should be given below the sample. Each such sheet should bear the date and signature of the applicant or of his agent.

¹¹If user by predecessor (s) in title is claimed the name(s) of such person(s) should be stated together with the date of commencement of use of the mark by the applicant himself. If the mark proposed to be used the words "proposed to be used" should be stated.

FORM TM-54

Fee: Rs. 10

TRADE AND MERCHANDISE MARKS ACT, 1958

Request for search under rule 24(1)

The Registrar is hereby requested under rule 24(1) to search in Class ¹..... in respect of ²..... to ascertain whether any Trade Marks are on record which resemble the Trade Mark sent herewith in triplicate [each representation being mounted on a sheet of strong paper approximately 13 inches by 8 inches (or 33 centimetres by 20 centimetres) in size.]

Dated this.....day of.....19 ..

³.....
⁴.....

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at⁵

¹The Registrar's direction may be obtained if the class is not known.

²Here specify the goods (in the class stated) in respect of which the search is to be made.

³Signature.

⁴Address in India.

⁵State the name of the place of the office of the Trade Marks Registry within whose territorial limits the place stated in the address at⁵ is situate.

Footnote :—No fee is payable in cases where the directions of the Central Government for exemption from payment of fee have been obtained.

FORM TM-55

Fee : Rs. 10

TRADE AND MERCHANDISE MARKS ACT, 1958

Request for Registrar's preliminary advice as to distinctiveness or capability of distinguishing, by a person proposing to apply for the registration of a trade mark. Section 103. Rule 23.

I (or We)¹.....
 hereby request the Registrar to advise me (or us) whether the accompanying trade mark² appears to him *prima facie* to be inherently adapted to distinguish or capable of distinguishing my (or our) goods so as to comply with the requirements of Section 9 of the Act for registrability in Part A or Part B of the register.

The goods in respect of which I (or we) propose to apply for registration of the said trade mark are³.....
 in Class⁴.....

The Registrar's advice may be sent to the following address in India⁵:-

Dated this.....day of.....19

To

The Registrar of Trade Marks,
 The Office of the Trade Marks Registry at⁶.....

¹State the name and address in full.

²To be sent in triplicate, each representation being mounted on a sheet of strong paper approximately 13 inches by 8 inches (or 33 centimetres by 20 centimetres) in size.

³Here specify the goods. Only goods included in one and the same class should be specified. A separate form of request is required for each Class.

⁴Insert the number of class (if known). In case of doubt the Registrar's direction may be obtained.

⁵State only if the address given at ¹ is not of a place in India.

⁶Signature.

⁷State the name of the place of the office of the Trade Marks Registry within whose territorial limits the place in the address in India stated in this request is situate.

Footnote.—If and when an application is made to register the trade mark, objection may arise if identical or deceptively similar marks are found on the records of the Trade Marks Registry. A prior notification of any such relevant marks (if they are to be found) can be obtained by a request to the Registrar on Form TM-54.

FORM TM-56

Fee : See entry No. 67 of
 the First Schedule

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for extension of time (not being a time expressly provided in the Act or prescribed by rule 81 or by rule 82 (4) or a time for the extension of which provision is made in the rules Section 101. Rule 106.

IN THE MATTER OF¹.....

I (or We)².....
 being the.....
 in the above matter hereby apply for an extension of time of³.....
 for⁴.....on the following grounds :-

Dated this.....day of.....19

To

The Registrar of Trade Marks,
 The Office of the Trade Marks Registry at⁵.....

¹Here insert words and reference number identifying the matter in respect of which the application is made.

²State full name and address.

³Insert the period of extension required.

⁴State the purpose for which extension of time is required.

⁵Signature.

⁶State the name of the place of the appropriate office of the Trade Marks Registry. See rule 4.

FORM TM-57

Fee : Rs. 10

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for review of Registrar's decision.

Section 97(c), Rule 115.

(To be filed in triplicate together with a statement in triplicate—*vide* Rule 115)

IN THE MATTER OF¹.....
 I (or we)¹.....
 being the..... in the
 above matter hereby apply to the Registrar for the review of his decision dated theday
 of.....19, in the above matter.

The grounds for making this application are set forth in the accompanying statement.

Dated this.....day of.....19.

To.....

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at⁴.....¹Here insert the words and reference number identifying the matter in respect of which the application is made.²State full name and address.³Signature.⁴State the name of the place of the appropriate office of the Trade Marks Registry. See rule 4.

FORM TM-58

Fee : Rs. 5

TRADE AND MERCHANDISE MARKS ACT, 1958.

Request to Registrar for particulars of advertisement of a mark. Rule 50.

I (or We)¹.....
 hereby request that I (or we) may be informed of the number, date and page of the Journal in which
 the trade mark sought to be registered under Application No..... in the name of..
 is advertised.

The information may be sent to the following address in India²:—

Dated this.....day of.....19.

To

The Registrar of Trade Marks,

The Office of the Trade Marks Registry at⁴.....¹ State full name and address.² State only if the address given at¹ is not of a place in India.³ Signature.⁴ State the name of the place of appropriate office of the Trade Marks Registry.
See rule 4.

FORM TM—59

Fee : Rs. 10

TRADE AND MERCHANDISE MARKS ACT, 1958

Request for duplicate or further copy of the certificate of registration [Rule 65 (3).]

FORM TMA-2

Fee : Rs. 20 plus continu-
ance fee specified in entry
No. 78 of the First Schedule

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for the restoration of the name of a person to the Register of Trade Marks Agents
(Rule 156)

(To be filed in triplicate)

I¹.....of.....
hereby apply for the restoration of my name to the Register of Trade Marks Agents in which
my name was entered under No..... My name was removed on.....
under clause (b) of rule 155 (1) of the Trade and Merchandise Marks Rules, 1959.
Dated this..... day of..... 19 ..

Signature

To

The Central Government,

Through the Registrar of Trade Marks,

The Office of the Trade Marks Registry at².....

¹Insert the name and address in full.

²State the name of the place of the appropriate office of the Trade Marks Registry—See
rule 150.

FORM TMA-3

Fee : Rs. 5

TRADE AND MERCHANDISE MARKS ACT, 1958

Application for an alteration of an entry in the Register of Trade Marks Agents
(Rule 157)

(To be filed in triplicate)

I¹.....being a registered trade marks agent (Registration
No.....) hereby request that my ²name, address of the place of
residence, address of the principal place of business or qualifications entered in the Register of
Trade Marks Agents may be altered as follows :—

Dated this..... day of..... 19 ..

Signature

To

The Central Government,

Through the Registrar of Trade Marks

FORM O-1

GOVERNMENT OF INDIA
TRADE MARKS REGISTRY
TRADE AND MERCHANDISE MARKS ACT, 1958.
Notice of non-completion of registration. Section 23(3).
Rule 61.

No
Notice is hereby given as required by section 23(3) of the Trade and Merchandise Marks Act, 1958, that the registration of the trade mark, in respect of which application numbered as above was made on the . . . day of . . . 19 . . . , has not been completed by reason of default on the part of the applicant. Unless registration is completed within twenty-one days from the date of this notice, the application will be treated as abandoned.

Dated this . . . day of . . . 19 . . .

Registrar of Trade Marks.

To

FORM O-2

GOVERNMENT OF INDIA
TRADE MARKS REGISTRY
TRADE AND MERCHANDISE MARKS ACT, 1958.
Certificate of registration of trade mark. Section 23(2). Rule 65(1).

Trade Mark No.

Date

Certified that the Trade Mark of which a representation is annexed hereto, has been registered in Part A (B) of the register in the name of . . . in Class . . . under No. as of the date . . . in respect of

Sealed at my direction this . . . day of . . . 19 . . .

Registrar of Trade Marks

Registration is for 7 years from the date first above-mentioned and may then be renewed for a period of 7 years, and also at the expiration of each period of 7 years thereafter. (See section 25 of the Trade and Merchandise Marks Act, 1958 and rules 66 to 69 of the Trade and Merchandise Marks Rules, 1959).

This certificate is not for use in legal proceedings or for obtaining registration abroad.

NOTE.—Upon any change of ownership of this trade mark, or change in address of the principal place of business or address for service in India, application should AT ONCE be made to register the change.

FORM O-3

GOVERNMENT OF INDIA
TRADE MARKS REGISTRY
TRADE AND MERCHANDISE MARKS ACT, 1958
Notice of expiration of last registration. Section 25(3)
Rule 67.

Registered Trade Mark No.

Class

Notice is hereby given as required in section 25(3) of the Trade and Merchandise Marks Act, 1958, that the registration of the aforesaid trade mark will expire on . . . and that the registration can be renewed for a further period of 7 years on receipt in the Trade Marks Registry of an application on the enclosed form TM-12 accompanied by the prescribed fee of Rs. . . . on or before the said date

Dated this . . . day of . . . 19 . . .

Registrar of Trade Marks.

FORM O-4

GOVERNMENT OF INDIA
 MINISTRY OF COMMERCE AND INDUSTRY
TRADE AND MERCHANDISE MARKS ACT, 1958
 Certificate of registration as a Trade Marks Agent
 (Rule 153)

No.....

This is to certify that.....

of.....
 was registered on this..... day of.....
19..... in the Register of Trade Marks Agents maintained under
 rule 146 of the Trade and Merchandise Marks Rules, 1959.

*Under Secretary to the Government of India,
 Ministry of Commerce and Industry.*

THE FOURTH SCHEDULE—Classification of goods—Names of the classes

(Parts of an article or apparatus are, in general, classified with the actual article or apparatus, except where such parts constitute articles included in other classes.)

1. Chemical products used in industry, science, photography, agriculture, horticulture, forestry; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.
2. Paints, varnishes, lacquers, preservatives against rust and against deterioration of wood; colouring matters, dyestuffs; mordants; resins; metals in foil and powder form for painters and decorators.
3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
4. Industrial oils and greases (other than edible oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuels (including motor spirit) and illuminants; candles, tapers, nightlights and wicks.
5. Pharmaceutical, veterinary and sanitary substances; infants and invalids foods, plasters, material for bandaging; materials for stopping teeth, dental wax; disinfectants; preparations for killing weeds and destroying vermin.
6. Unwrought and partly wrought common metals and their alloys; anchors' anvils, bells, rolled and cast building materials; rails and other metallic materials for railway tracks; chains (except driving chains for vehicles); cables and wires (non-electric); locksmiths' work; metallic pipes and tubes; safes and cash boxes; steel balls; horseshoes; nails and screws; other goods in non-precious metal not included in other classes; ores.
7. Machines and machine tools; motors (except for vehicles); machine couplings and belts (except for vehicles); large size agricultural implements; incubators.
8. Hand tools and instruments; cutlery, forks and spoons; side arms.
9. Scientific, nautical, surveying and electrical apparatus and instruments (including wireless, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision) life-saving and teaching apparatus and instruments; coin or counter-reading apparatus; talking machines; cash registers; calculating machines; fire-extinguishing apparatus).
10. Surgical, medical, dental and veterinary instruments and apparatus (including artificial limbs, eyes and teeth).
11. Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
12. Vehicles; apparatus for locomotion by land, air or water.
13. Firearms; ammunition and projectiles; explosive substances; fire works.
14. Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons); jewellery, precious stones; horological and other chronometric instruments.
15. Musical instruments (other than talking machines and wireless apparatus).

23. Yarns, threads.

26. Lace and embroidery, ribands and braid; buttons, press buttons, hooks and eyes, pins and needles ; artificial flowers.

No. of item

- 6 Grey Chadars of Plain Weave and Khadi Chadars—Including all chadars of plain weave with no colour in the body but with or without a woven coloured heading or fancy heading, but not including Check Chadars and striped Chadars.
- 7 Grey Chadars of Twill Weave—Including only grey twill chadars with no colour in the body except a woven coloured heading.
- 8 Grey Dhoties including Tahmad—[This item relates only to grey ground dhoties (of all dimensions) with or without artificial silk, coloured yarn, folded yarn, or printed borders and headings.]
- 9 Grey Saries and Scarves and Sari Cloth—Including only grey ground Saries (of all dimensions) with or without artificial silk, coloured yarn or printed borders and headings and sari cloth in piece length but not including Saries with striped or check grounds, and dyed and printed saries.
- 10 Grey Dosuti—See note under item 1.
- 11 Grey Jaconets, Jagannathi, Mulls and Mulmulls—See note under item 1.
- 12 Grey Pagree Cloth—See note under item 1.
- 13 Grey Matting Weave and Canvas including filter cloth—See note under item 1.
- 14 Sambura Cloth—Grey Drill with red and black headings and coloured runner in the centre.
- 15 Whole Grey Dobby Cloth and Doria—See note under item 1.
- 16 Bleached Longcloth, Shirts, Cellular, Limbric, Poplin, Sheetings and Printers—Including all the above mentioned plain cloths with no colour in the body except a woven coloured heading.
- 17 Bleached Drills, Jeans and Duck—See note under item 16.
- 18 Bleached Twills—See note under item 16. This item does not include Striped Twills on bleached ground.
- 19 Bleached —Cloths and Domestics.— See note under item 16.
- 20 Bleached Coarse Cloth—See note under item 16.
- 21 Bleached Chadars—Including chadars of plain and twill weave.
- 22 Bleached Mulls, Jaconets and Nainsooks—See note under item 16.
- 23 Bleached Madapollams and Cambrics—See note under item 16.
- 24 Bleached Dhoties including Tahmad—This item relates only to plain bleached ground dhoties (of all dimensions) with artificial silk, coloured yarn, folded yarn or printed borders and headings.
- 25 Bleached Saries and Scarves—Including only plain bleached ground Saries (of all dimensions) with artificial silk, coloured yarn or printed borders and headings. ~~but not including~~ Saries with stripes or checks and dyed and printed
- 26 Bleached ~~Voiles, Mushlins, etc., Bleached.~~
- 27 Bleached Voiles, Mushlins, etc., Bleached—See note under item 16.
- 28 Bleached Dorias and Fancies—Including bleached cloth with bleached folded yarn stripes or checks.
- 29 Bleached Matting Weave and Canvas—See note under item 16.
- 30 Bleached Pugree Cloth—See note under Item 16.
- 31 Embroidered Voiles, Mushlins, etc., Bleached.
- 32 Bleached Flannel and Flannelettes and all bleached cloths raised on one side and Cotton Velvet.
- 33 Dyed Longcloth, Shirts, Cellular, Limbric, Poplin and Sheetings—Including the above-mentioned cloths dyed in the piece.

No. of Item

- 34 Dyed Drills—See note under item 33. This item also includes coloured warp or weft drills.
- 35 Dyed Twills—See note under item 33.
- 36 Dyed T-Cloths and Domestics—See note under item 33.
- 37 Dyed Coarse Cloth—See note under item 33.
- 38 Dyed Chadars—See note under item 33.
- 39 Dyed Dhooties including Tahmad, Saries and Shawls—This item includes dhooties, saries or shawls dyed in the piece.
- 40 Dyed Fancies—Including fancies with single colour warp or weft fancies or printed yarn in the warp or weft or both.
- 41 Dyed Pugree Cloth—See note under item 33.
- 42 Dyed Voiles.—Including bordered voiles.
- 43 Dyed Flannelettes.—Including Grey and self-coloured flannelettes and all dyed cloths raised on one side and cotton velvet.
- 44 Dyed Mulia.
- 45 Dyed Umbrella Cloth.
- 46 Coatings and Trouserings (including Sholapuri, Madras Cloth, Sunproof cloth, Tussore, Kashmere Cloth, Serges, Thana Cloth, Tweeds, Mazri, Malatia and Corduroy).—In addition to the goods enumerated above, this item includes cotton dyed coatings and coatings with artificial silk in the warp or in the weft as stripes or checks, either alone or in combination with dyed cotton yarn
- 47 Striped Drills and Jeans and Striped Twills—Including striped drills or twills with grey, bleached or coloured ground.
- 48 Bed Ticking—With coloured warp and grey or bleached weft.
- 49 Striped Coarse Cloth—Including both grey and bleached grounds.
- 50 Striped Shirtings, Striped Susia and Striped Zephyrs.—Including striped shirtings, etc. with grey, bleached or coloured ground but not including artificial silk striped goods.
- 51 Check Shirtings, Check Susis and Check Zephyrs.—See note under Item 50.
- 52 Check Chadars—Including plain check chadar and twill check chadar on grey, bleached or coloured ground.
- 53 Lungis and Sarongs.
- 54 Woven coloured Saries and Scarves.—(This* includes saries and scarves with striped or check grounds, but does not include saries and scarves in which there is artificial silk in the body of the cloth).
- 55 Check Cholas and Gunchas.
- 56 Artificial Silk Striped Shirtings.—This includes artificial silk shirtings with (a) an artificial silk warp and weft ; (b) an artificial silk warp or weft ; or (c) artificial silk only in stripes, either alone or in combination with coloured cotton yarn.
- 57 Artificial Silk Check Shirtings—On grey, white and coloured grounds.
- 58 Artificial Silk Brocades and " All Over Styles ".
- 59 Artificial Silk Dhooties, Saries and Scarves and Sari Cloth—(This item includes dhooties and saries in which an artificial silk warp or weft or both are used. It does not include dhooties, etc. in which artificial silk is used only in the borders).
- 60 Crepe Cloth—Grey, bleached and dyed. This item also includes crepe cloth yarn printed.
- 61 Dyed and Striped Dosuti—Including striped Dosuti bleached in the piece.
- 62 Printed Dhooties, Shawls, Rumals, Saries and other printed garments.—Including Voile saries also.
- 63 Printed longcloth, Shirtings, Cellular, Limbric, Poplins and Sheatings.—Grey, bleached and dyed grounds.

No. of item

-
- 64 Striped, Check and Printed Flannelettes.
- 65 Pure Silk Saries.
- 66 Leno and Mockleno, Bandage Cloth—Grey, bleached, dyed or striped including Gauze Cloth also.
- 67 Terry Towels including towelling cloth—Grey, Bleached, dyed, printed, striped or checked.
- 68 Huckaback Towels including towelling cloth.—Grey, bleached, dyed, printed striped or checked.
- 69 Honey Comb Towels including towelling cloth.—Grey, bleached, dyed printed, striped or checked.
- 70 All other Towels including towelling cloth.
- 71 (a) Dusters, Handkerchiefs, Rumals and Glass Cloth (serviettes).
(b) Table cloth and table covers, napkins.
- 72 Dobby and Jacquard Chadars, Bedspreads, Quilts and Counterpanes including Suzni.—Grey, bleached, or coloured.
- 73 Blankets and Malida Cloth.—All types, including cotton and wool union blankets; and shawls (not dyed or printed) or lohis of any fibres.
- 74 Durries and carpets including Satranj (floor carpets).
- 75 Dyed and Coloured Canvas.—Dyed or woven coloured.
- 76 Artificial Silk Zephyrs, Alpaca, Crepe, etc.—Plain and Fancy grounds (whole colour and unstriped).
- 77 Motor Hood Cloth.
- 78 Buckrum Cloth—Grey, bleached and dyed.
- 79 Striped Voiles—Bleached and or dyed in the piece.
- 80 Printed Voiles.—Grey, bleached and dyed.
- 81 Mookta Cloth—This cloth is woven with cotton warp and flax weft.
- 82 Artificial Silk Tapestry and Upholstering Fabrics, including cotton furnishing fabrics and casement cloths.—Grey, bleached, dyed and printed
- 83 Bedford Cord.—Bleached and dyed.
- 84 Printed Crepe.—Grey, bleached or dyed grounds.
- 85 Pure Silk Coatings.—Plain, striped or checked. This item also includes coatings made of artificial fibres, filaments and yarns.
- 86 Pure Silk Shirtings.—Plain, striped or checked.
- 87 Printed Drills, Twills and Jeans.
- 88 Corded Voiles.—Bleached, coloured, printed and bordered.
- 89 Printed Boski—Artificial Silk warp, weft or both.
- 90 Artificial Silk Striped Voiles.—Grey, bleached and dyed voiles with artificial silk stripes in the body of the cloth.
- 91 Bordered Voiles.—Bleached, dyed and printed (with or without artificial silk border).
- 92 Artificial Silk Satins.—Including satins made from 100 per cent artificial silk or artificial silk in the warp or weft.
- 93 Check Voiles.—Grey, bleached and dyed. (This item contains cotton voiles with grey, bleached or coloured grounds with check designs all over the body of the cloth).
- 94 Grey Flannelettes—Including all grey cloths raised on one side and cotton velvet.
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THE SIXTH SCHEDULE

Scale of Costs allowable in proceedings before the Registrar (Rule 114).

Entry No.	Matter in respect of which costs to be awarded	Amount
1	For one day's hearing involving examination of witnesses.	Rs. 30
2	For one day's hearing when there is no examination of witnesses.	Rs. 20
3	For adjournment of hearing granted on the petition of any party.	Rs. 5 <i>plus</i> cost for resummoning the other parties' witnesses who were due to be examined on the day.
4	For striking out scandalous matter from an affidavit.	Rs. 5.
5	For attendance of witnesses.— Subsistence allowance . . . Travelling allowance. . . .	Rs. 6 (<i>vide</i> Note below). The fare by rail or steamer for the first class or the second class each way and if there is no rail or steamer communication 25 nP or 12 nP per mile, depending upon the rank and status of the witness.

NOTE.—The rates of subsistence allowance and travelling allowance for witnesses shall vary according to the status of the witnesses subject to the maximum prescribed above.

[No. 7(7)-TMP/59]

K. V. VENKATACHALAM, Joint Secy.

