



सत्यमेव जयते

भारत सरकार

वाणिज्य और उद्योग मंत्रालय

कार्यालय महानियंत्रक एक्सव अभिकल्प एवं व्यापार चिन्ह

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GOVERNMENT OF INDIA

Ministry of Commerce & Industries

Office of the Controller General Patents, Designs and Trademarks

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INTELLECTUAL  
PROPERTY INDIA  
Patents/Designs/Trademark  
Geographical Indications

CG Office/TMR/Well-Known TM/ 355

Date:22/05/2017

### Public Notice

Trade Mark Rules, 2017 have come in to force with effect from 06/03/2017. Rule 124 provides for determination of a well-known trademark by the Registrar. For the sake of convenience to general public in filing applications under the said Rule, following general guidelines are being issued:-

- Application under Rule 124 shall be filed on TM-M with prescribed fee as per First Schedule.
- The application shall be filed only online through *compressive e-filing services* of trademarks made available at official website i.e. [www.ipindia.nic.in](http://www.ipindia.nic.in).
- The application should be accompanied with following documents:
  - Statement of case describing the applicant's rights in the trademark and describing the applicant's claim that the trademark is a well-known trademark,
  - Evidence in support of the applicant's rights and claim viz. evidence as to use of trademark, any applications for registration made or registration obtained, annual sales turnover of the applicant's business based on the subject trademark duly corroborated, evidence as to the number of actual or potential customers of goods or services under the said trademark, evidence regarding publicity and advertisement of the said trademark and the expenses incurred therefor, evidence as to knowledge or recognition of the trademark in the relevant section of the public in India and abroad,
  - Details of successful enforcement of rights, if any, relating to the said trademark in particular extent to which trademark is recognized as well-known trademark by any Court in India or Registrar of Trademarks,
  - Copy of the Judgment of any court in India or Registrar of Trademarks, , if any, wherein the trademark is determined as well-known trademark,
  - The size of the document submitted along with statement of case as evidence / supporting document should be in PDF format with resolution of 200 X 100 dpi on A4 size papers and total file size shall not exceed the limit of 10 MB.

- After the receipt of the application, the office will consider the claim of the applicant on the basis of documents submitted.
- The office may publish the details of trademark proposed to be included in the list of well-known trademarks.
- Any person, who wants to object the inclusion of the trademark in the list of well-known trademarks, may file his objection in writing to the Registrar of Trademarks stating out the reasons for his objection with supporting documents, if any.
- Copy of the objection may be communicated to the applicant for comments within stipulated time.
- Office will communicate the decision in respect of the objections to the parties concerned.
- Final decision of the office regarding inclusion of the trademark in list of well-known trademarks will be communicated to the applicant.
- In case the mark is determined as well-known, the same will be notified in the Trade Marks Journal and included in the list of well-known trademarks made available on the official website.

Sd/-

(Om Prakash Gupta)

Controller General of Patents, Design and Trade Marks