

Trade Mark Registration with Marshall Marks

Registration of your brand as a trade mark is the only way that you can obtain formal legal rights in your brand. By achieving registration of your brand as a registered trade mark you will have the strongest claim to use it, as well as the right to prevent others from using it.

Registration of your brand as a registered trade mark with Marshall Marks is a two-step process.

In the first step you will be provided with **advice** as to whether your brand is likely to qualify for trade mark registration.

The second step is to **apply** for trade mark registration.

These steps and the costs are described in more detail below.

STEP 1 - ADVICE

You will be provided with a **Pre-Application Report** which will:

1. identify the trade mark that you should seek to register;
2. identify the goods and/or services in relation to which you should consider registering your trade mark;
3. classify those goods and/or services in accordance with the trade mark registration classification system;

4. identify any similar trade marks on the Trade Marks Register that may prevent your safe use of your trade mark;
5. provide an assessment of whether the registration of your trade mark is likely to be objected to based on the existence of similar trade marks and your trade mark's capability to operate as a trade mark under *Trade Marks Act 1995* (Cth); and
6. provide a cost estimate of applying to register your trade mark, including overcoming any objections raised against its registration, through to registration.

Step 1 is charged at a flat fee of \$550.00 (incl. GST) per trade mark.

STEP 2 - APPLICATION

If the Pre-Application Report under "Step 1" does not raise any serious issues to the registration of your brand as a trade mark you may wish to file an application to register your brand as a registered trade mark.

If you wish to go ahead with an application, we will provide you with our Trade Mark Application Instruction Sheet which sets out the details of the application that we will file on your behalf, including the trade mark, the goods/services claimed and the name of the entity making the application, which will be you or your company.

Application costs are determined by the number of classes in to which the goods and/or services that you apply to register your brand are categorised. Each class in an application will be charged at a rate of \$530.00 (incl. GST).

Registration costs of \$630.00 (incl. GST) per class will be incurred if your brand is accepted for registration and will need to be paid to achieve registration.

Other costs may be incurred in order to achieve registration and you will be informed of the likelihood and extent of these costs in the Pre-Application Report discussed in “Step 1”.

The minimum charge to obtain registration of your brand as a trade mark in a single class, including the Pre-Application Report, will be \$1,710.00 (incl. GST).

DISCLAIMER

The information contained in this Newsletter is for informational purposes only. It is not legal advice and should not be used as a substitute for legal advice. Marshall Marks hereby excludes any responsibility and liability caused as a result of reliance on or use of any of the information contained in this Newsletter.

ABOUT US

Marshall Marks is a registered trade mark attorney firm that specialises in the trade marks, design registration and copyright law.

Marshall Marks is part of the **Marshall IP Group**, which provides the services listed below.

Marshall Marks is located in the Illawarra region, about 80 kilometres south of Sydney.

MARSHALL IP GROUP'S SERVICES

Trade Marks - including trade mark applications, trade mark searching (“freedom to use” searches), oppositions, revocations and trade mark portfolio management;

Designs - including design registration applications, design searching (“freedom to use” searches), certification of registrations, oppositions and design registration portfolio management;

IT Agreements - including Software Licence Agreements, Software Development Agreements, Website Agreements;

IP Agreements - including licences of any type of IP, IP Assignments, Development Agreements and Technology Transfer Agreements;

Commercial Agreements - including Manufacturing Agreements, Confidentiality Agreements, Supply Agreements, Distribution Agreements, Website Policies and Agreements, Standard Terms of Business, Standard Terms of Sale;

Privacy Law - advice and assistance in relation to State and Federal Privacy Laws;

IP Enforcement & Defence - pre-litigious and litigious IP/IT matters, including negotiating and drafting Settlement Agreements;

IP/IT Audits & Due Diligence - identification of IP rights, vendor and purchaser IP due diligence services;

IP/IT Management - advising and assisting with the management of IP/IT portfolios;

IP/IT Advice - advising on IP/IT legal matters, generally; and

Corporate IP/IT - advising and assisting with IP/IT aspects of corporate transactions, such as company and asset sales, MBOs, Joint Venture Agreements, Shareholder Agreements, and Security Agreements containing or relating to IP/IT.