

PERFORMING A TRADE MARK SEARCH IN INDIA

I Why conduct a trade mark search in India?

- A trade mark is a form of intellectual property which aids in distinguishing products or services amongst consumers. Indian law grants legal protection to trade marks upon their registration in the Trade Marks Registry.



- Though not mandatory, conducting a trade mark search is a crucial step before filing an application for registration, to assess whether your proposed trade mark is already registered by any other companies or individuals or not, or is similar to any other registered trade mark. If it is, you might not be able to register it!

- Even if you do not plan to register your own trade mark in India, it is useful to conduct a trade mark search to ensure you will not infringe on someone else's rights by using your own unregistered logo or brand.

II Where can I conduct a trade mark search for India?

There are **3** publicly available databases in which one can search for trade marks registered in India.



The public database of the Indian Trade Mark Office, accessible online at <https://ipindiaonline.gov.in/tmrpublicsearch/>

TMView, an international trade mark database managed by the European Intellectual Property Office (EUIPO), containing the trade marks registered in participating countries, including India.

The **Global Brand Database (GBD)**, another international database managed by the World Intellectual Property Organization (WIPO), listing over 46 million trade marks registered across the world.

III How to search for a trade mark?

There are different criteria with which you can filter through these databases to find the trade marks you are looking for:

Words (all)

Phonetic (India + GBD)

Graphic elements

Administrative data

TMView and GBD also allow you to search with other specific criteria, such as dates of application or registration, application number, name of holder, etc.

The products or services

for which the trade mark is registered. The Nice Classification is another international classification used to search by product or services for which the trade mark has been registered (e.g. "Class 32" for beers, "Class 25" for clothing).

of a logo by using the Vienna Classification: is an international classification used to search by graphic elements of a trade mark (e.g. "Category 1" for stars, "Category 32" for circles).

TMView and the Global Brand Database allow you to conduct a "fuzzy" search: by searching for a word the database will also show you brands which do not match exactly but have a degree of similarity with the word you are looking for. For example, looking for "Insofar" will also give you results including word marks such as "Ensolar" or "Finsolar" which might not come up otherwise. This is an extremely useful tool to look for potentially similar but not identical marks.

Trade Mark Search

1 Visit official website <https://ipindia.gov.in>

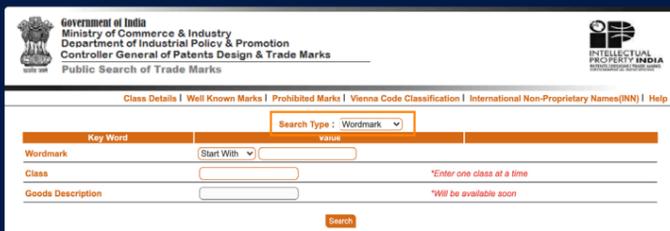


2 Select 'Trade Mark'



3 Select 'Public Search'

4 In the new page select the search type (Wordmark, Vienna Code or Phonetic)



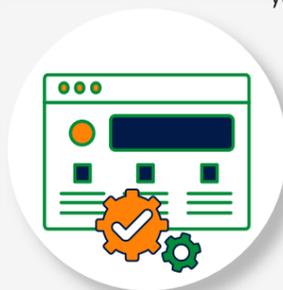
5 Select 'Search' after putting in the requisite details

6 A list of matching trade mark is displayed if there is a search hit

7 Choosing the option of 'Show Detail' will display all the information like application number and date, owner's details, trade mark status, validity and description.

IV After the search: interpreting the result

- If the search confirms that the chosen brand name/logo is not listed in the **Indian Trade Mark Registry**, you can proceed with filing your trade mark application.



- If there is a perfect match, you may have to change your proposed trade mark. You should check for which products or services existing trade marks are registered, and if they overlap with yours, you should disregard your trade mark and come up with a new one. You should consider not only your current products or services, but also those that your company is likely to offer in the future.

- If there is an "almost" match and there is a similar trade mark, proceed with caution! The question is whether there is a risk your proposed sign could be confused with the one already registered. If the goods or services are also similar, then it is advisable to come up with a new proposed trade mark.