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## Pakistan - FAQ's on registering your brands

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### **What are the different kinds of mark that can be registered as trademarks under the Trade Marks Ordinance, 2001?**

- Word marks, logos, signatures, names, devices, labels, numeral(s) and/or any Combination of these
- Combinations of colours
- Shape of goods
- Sound marks
- Smell marks (None have so far been registered).

### **Is registration of a trade mark essential?**

Registration, though not essential, is advisable as it is prima facie documented proof of validity and ownership of the trade mark.

### **Who can apply to register a trade mark?**

Any person claiming to be the proprietor of a trade mark can seek registration. The application can be filed either on the basis of actual use (prior to the filing of the application) or intention to use.

### **Are service marks registrable in Pakistan?**

Yes

### **Are multi-class permissible in Pakistan?**

No. Pakistan only allows application to be filed in single class.

### **What documents are required when filing a trade mark application in Pakistan?**

- Description of the mark i.e. whether it is a word mark or a logo or device. If it is a logo or device mark, a representation of the mark must be provide.

- Class/es in which registration is sought
- Goods/services in respect of which registration is sought.
- Date of first use of the mark in Pakistan. Where a mark has not been used, confirmation that it is 'proposed to be used' should be provided.
- Name, address, legal status and trade description of the Applicant.
- Notarized and executed Authorization of Agent (this can be filed later).
- Where a priority claim is being made, a certified copy of the priority document together with a certified English translation (if the priority document is not in English). The priority document must be filed within three months of the date of filing the application.
- Transliteration and translation of non-English words appearing in the mark.

#### **What is the next step after filing of an application?**

Once the application is filed, Registry issues the Filing Certificate to the Agent/Applicant within 2-3 weeks' time.

#### **How long Registry does takes to examine an application?**

The Registry examines and issues the Examination Report within 6-10 months of the filing of the application.

#### **Is there any deadline to respond to the Examination reports/Show Cause Notice?**

Response to the Examination Report/Show Cause Notice is required to be filed by the Agent/Applicant within two months of the issue of Show Cause Notice. Three extensions each of one month are available to the Applicant/Agent.

#### **Until when can an advertised mark be opposed?**

Any advertised mark may be opposed within 2 months of date of publication of the Trade Marks Journal which is further extendible by two months.

#### **Does the mark automatically registered after publication if no opposition/s is filed against a mark?**

If no oppositions are filed to the published application within opposition of four months, the Trade Marks Registry will issue Demand Notice to the Agent/Application calling upon them to submit registration fee within one month.

**Is there any other formality after submitting the registration fee?**

Once the registration fee is submitted by the Applicant/Agent, the registration certificate in respect of the mark will be issued within 5-6 months' time.

**Can you use the symbol ® in connection with trade marks in Pakistan?**

Yes. Use of the symbol ® can be only in respect of a registered trade mark. Using the said symbol in connection with an unregistered trade mark, however, will amount to a false representation, which is a punishable offence with imprisonment of at least one month up to six months and fine or both.

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