
Bangladesh - FAQ's on registering your brands

What are the different kinds of mark that can be registered as trade-marks under the Trade Marks Act, 2009?

- Word marks, logos, signatures, names, devices, labels, ticket, letter, symbol, numeral(s) and/or any Combination of these
- Combinations of colors

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 Bangladesh?

Yes.

Are multi-class permissible in Bangladesh?

No. Bangladesh is a country which allows only single class applications.

What documents are required when filing a trade mark application in Bangladesh?

Description of the mark. In case of a device mark, 15 (fifteen) copies Label /logo for each of the application.

- Goods/services in respect of which registration is sought.
- Date of first use of the mark in Bangladesh. 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.
- 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.

Does Registry issue acknowledgement of filing?

Once the application is filed, Registry issues the Filing receipt to the Agent/Applicant within 3-4 days.

How long does Registry take to examine the application?

The Registry examines and issues the Examination Report within 2-6 months of the filing of the application.

Is there any deadline to respond to the Examination reports?

Response to the Examination Report is required to be filed by the Agent/Applicant within two months of the issue of Examination report.

Is there any fee payable after acceptance of the mark in Bangladesh?

Once the mark is accepted and acceptance letter issued, the applicant is required to submit printing fees along with a proper Block/Positive of the mark for printing and publishing in the Trade Mark Journal. Also, after publication and expiry of the opposition period, the Applicant is requested to pay the registration fees for issue of certificate of registration.

What is the time period for filing an opposition?

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

What is the validity of the registration?

The duration of the registration of a trademark or service mark is 7(seven) years and it can be renewed for further period of every 10(ten) years.

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

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 six months up to a year and fine.

Can the applicant appeal a refusal to registration?

Yes. The Applicant can appeal against rejection of registration/opposition by the Registrar to the High Court within 3 months of decision.

Vatika Towers
10th Floor Block-B
Sector-54
Gurgaon-122002
National Capital Region (Haryana)
India

Tel. +91 124 4655999
Fax. +91 124 4045047
Email info@indiaiprights.com

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