

NEW ELEMENTS IN TRADE MARKS ACT, 1999

Major changes that have taken place in the Trade Marks Act, 1999 (in force since **15<sup>th</sup> Sept. 2003**) which has replaced the earlier Trade & Merchandise Marks Act, 1958 (now repealed) includes the following:

- a) It has enlarged the definition of trade mark. It now includes shape of goods, packaging and combination of colours which can be adopted as a trade mark.
- b) The Act provides for registration of trade mark for services in addition to goods
- c) It provides for a single Register of Trade Marks with simplified procedures for registration.
- d) The Act has simplified the procedure for registration of registered user (licensing of registered trade mark)
- e) Provides for registration of collective marks owned by association of persons.
- f) Provides for establishment of an Intellectual Property Appellate Board for speedy disposal of appeal from Registrar orders and decision
- g) Transferred the final authority for registration of certification of trade marks to the Registrar.
- h) Provides for enhanced punishment for the offences relating to trade marks on par with the Copyright Act, 1957 to prevent the sale of spurious goods.
- i) Prohibits use of someone else's trade marks as part of corporate names or name of business concern.
- j) Provides for filing of a single application for goods or services falling in more than one class (multi class filing)
- k) Increased the period of registration and renewal from 7 yrs to 10 yrs
- l) Has made some trade mark offences cognizable
- m) The Act has amplified the powers of the court to grant ex parte injunction in certain cases
- n) There are other related amendments to simplify and streamline the administration of the trade marks law and procedures in the country.