

DEADLINES UNDER TRADE MARKS ACT, 1999

The Trade Marks Act, 1999 introduces a system of very stringent deadlines, which if not maintained could lead to serious consequences. In an effort to assist our clients in docketing their records, we are providing hereinbelow some of the deadlines.

No	Particulars	Deadlines (Extensions)	Consequences of non compliance	Provision
APPLICATIONS				
1.	Certificate for claiming convention priority	2 months from date of filing if application. (extendible)	Priority claim may be denied.	S.154 R.26(2)
2.	Filing response to examination reports or requesting a hearing	1 month of date of communication (Extendible)	Application deemed to be abandoned.	R.38(5)
OPPOSITIONS				
3.	Filing Notice of Opposition on Form TM-5	3 Months from date of advertisement. (Extendible but only before expiry of period)	Opposition cannot be lodged.	S.21(1), R.47
4.	Form TM-44 seeking extension to file Notice of Opposition	Prior to expiry of 3 months from date of advertisement. (Not extendible)	Opposition cannot be lodged.	S. 21(1), R. 47(6)
5.	counter-statement in support of application on Form TM-6	2 months from receipt of notice of opposition. (Not extendible.	Application deemed to be abandoned.	S. 21(2), R. 49
6.	Evidence in support of opposition	2 months + 1 month Maximum (Not extendible)	Opposition deemed to be abandoned.	S. 21(4), R. 50
7.	Evidence in support of Application	2 months + 1 month Maximum. (Not extendible)	Matter shall proceed without Applicant's evidence.	S. 21(4), R. 51

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8.	Evidence in Reply	1 month + 1 month maximum (not extendible)	Matter shall proceed without reply evidence.	S. 21(4), R. 52
9.	Intention to attend hearing in an opposition proceeding on Form TM-7	Within 14 days from receipt of hearing notice. (extendible but only prior to hearing date)	Registrar shall presume that the party does not wish to be heard.	R. 56(1)
10.	Presence at hearing in opposition proceeding	Day of hearing (adjournment possible on sufficient cause being shown)	If TM-7 is not filed and none appears at the hearing, application / opposition liable to be treated as abandoned.	R.56(3) and 56(4)
POST REGISTRATION				
11.	Renewal of marks registered under old Act	Upto 6 months prior to expiry of 7 years from last renewal/ date of registration	Registration is liable to be renewed	S. 159(6)
12.	Renewal of marks registered under new Act.	Upto 6 months prior to the expiry of 10 years initial term	Registration liable to be renewed.	S. 25(2)
13.	Renewal after expiration of the registration period	Maximum 6 months after expiry of the term (7 yrs or 10 yrs)	Registration liable to be renewed.	S.25(3) proviso R.64(3)
14.	Restoration	Within 6 months to a year after expiry of term. (not extendible)	Registration cannot be restored and is irrevocably lost.	S. 25(4)

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