

CORPORATE PROFESSIONALS
AUSTRALIA PTY. LTD.

All correspondence to:
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A.B.N. 32 006 901 471

TRADE MARK REGISTRATION

The information contained herein is provided to assist you in coming to terms with some of the issues concerning trade marks. This is not advice, nor is it intended as a substitute for formal advice. Items herein are general comments only and do not constitute or convey advice. We therefore recommend that formal advice be sought before taking action.

Where do I start?

There is a choice of options to suit your needs.

- Option 1 – **The basic search.** At a cost of \$55.00 including GST, we can do an identical name search on the IP Australia trade marks database and the ASIC company and business names database. The rest is up to you.
- Option 2 – **The advanced search.** At a cost of \$330.00 including GST we will do it all for you. We will search for identical names, similar names, phonetic similarities, part word searches etc on the IP Australia trade marks database and the ASIC company and business names database, as well as the White Pages and Yellow Pages. Goods and services are divided into 42 classes. It may be necessary to search several classes to make sure it covers trade marks used on all the goods or services similar to yours. You can provide instructions by mail, fax or e-mail. This really is a more reliable and useful alternative.

Who can apply for a trade mark?

Anyone who claims to be the owner can apply for registration of a trade mark, or:

- a Patent Attorney;
- a Trade Marks Attorney;
- a Solicitor.

What is the difference between a trade mark and a company or business name?

A company or business name identifies the name, style, title or designation under which a business is carried on. Registration of a business or company does not give you any proprietary rights – only a trade mark can give that kind of protection. A trade mark is used to distinguish your goods or services from your competitors. Registration gives you exclusive use of your trade mark throughout Australia. Registration of a company or business name that is substantially identical with or deceptively similar to a registered trade mark, may expose you to legal action for infringement. This may mean that all letterheads, printing, stationery, advertising brochures (including signage) have to be destroyed.

Are there any other costs?

Yes. For a single class trade mark there is a preparation and filing fee payable to Corporate Professionals Australia Pty. Ltd. of \$550.00 including GST. There is an application fee of \$250.00 per class with 'picklist' or \$330.00 per class without 'picklist' payable to IP Australia. If the application is successful, there is no registration fee payable to IP Australia. Successful applications are registered for 10 years from the date the application was filed. Registration continues as long as the renewal fees are paid every 10 years.

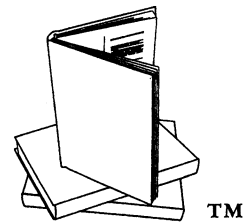
After acceptance and registration?

Once your trade mark is accepted and registered you have the exclusive right to its use in Australia for the goods and services for which it is registered. You can legally protect your trade mark and may sue for infringement if another person uses it, or a similar trade mark, as their brand name or on the same goods or services. Although you do not have to register a trade mark in order to use it, if the trade mark has not been registered, it may be expensive and time consuming to take action to protect an infringement under the common law. You may also seek protection against misrepresentation under the trade practices or fair dealing legislation and it is possible to consider action under the common law for passing-off.

What do I do now?

Simply complete the Trade Mark order form and email to: adrian@corpro.com.au

TRADE MARK ORDER FORM



CORPORATE PROFESSIONALS
AUSTRALIA PTY. LTD.

DATE:

YOUR NAME/FIRM NAME:

YOUR ADDRESS:

All correspondence to:
PO Box 2504, Taylors Lakes Vic 3038

Telephone: (03) 9853 4227

TELEPHONE:

EMAIL:

CONTACT PERSON/S:

E-mail: adrian@corpro.com.au

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Please indicate service required:

Basic search: ☐ Advanced Search: ☐ Advanced Search, Preparation and Filing: ☐

It is essential that consideration be given to the class of goods and/or services that the trade mark will be used for. Please make a choice from the classes of goods and services included with this order form (see reverse) and provide a concise description of the proposed trade mark use.

Class No(s):

Description:

Name of Applicant:

A.C.N. (if a company):

Address:

Directors:

Name:

Name:

Address:

Address:

Address for service of correspondence within Australia:

Telephone:

Email:

Trade Mark:

Most trade marks contain words, letters, numbers or graphics, or a combination of these elements.

Please supply two black and white high quality samples of your trade mark and place one copy of your trade mark in the box.

CLASSES OF GOODS

1. Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry
2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colourants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists
3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices
4. Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks for lighting
5. Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides
6. Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores
7. Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand operated; incubators for eggs
8. Hand tools and implements (hand operated); cutlery; side arms; razors
9. Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus
10. Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopaedic articles; suture materials
11. Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes
12. Vehicles; apparatus for locomotion by land, air or water
13. Firearms, ammunition and projectiles; explosives; fireworks
14. Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments
15. Musical instruments
16. Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks
17. Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal
18. Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery
19. Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal
20. Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics
21. Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steel wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthen ware not included in other classes
22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials
23. Yarns and threads, for textile use
24. Textiles and textile goods, not included in other classes; bed and table covers
25. Clothing, footwear, headgear
26. Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers
27. Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile)
28. Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees
29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats
30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice
31. Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt
32. Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages
33. Alcoholic beverages (except beers)
34. Tobacco; smokers' articles; matches

CLASSES OF SERVICES

35. Advertising; business management; business administration; office functions
36. Insurance; financial affairs; monetary affairs; real estate affairs
37. Building construction; repair; installation services
38. Telecommunications
39. Transport; packaging and storage of goods; travel arrangement
40. Treatment of materials
41. Education; providing of training; entertainment, sporting and cultural activities
42. Scientific and technological services and research and design related thereto; industrial analysis and research services; design and development of computer hardware and software; legal services
43. Services for providing food and drink; temporary accommodation
44. Medical services; veterinary services; hygienic and beauty care for human beings or animals; horticulture and forestry services
45. Personal and social services by others to meet the needs of individuals; security services for the protection of property and individuals