

Trademark Filing Checklist (India)

Pre-filing checklist covering clearance search, class selection, documents, and post-filing tracking

HOW TO USE THIS TEMPLATE

1.	Complete this checklist BEFORE filing any trademark application.
2.	A clearance search is mandatory — filing on a conflicting mark wastes money and invites opposition.
3.	Choose the right class(es) — trademark protection is class-specific; underprotecting leaves gaps.
4.	DPIIT-recognised startups pay Rs. 4,500 per class instead of Rs. 9,000 — 50% reduction.
5.	Online filing via ipindiaonline.gov.in is faster and creates an immediate online filing date.

SECTION 1 — MARK DETAILS

Mark to be Filed	[Wordmark only / Device mark (logo) / Combined wordmark and logo — specify]
Exact Text of Mark (if wordmark)	[Write the exact text — capitalisation and spelling matter]
Description of Logo/Device (if applicable)	[Describe the logo — attach image file as separate document]
Colour Claim	[Yes — specific colour(s): [Pantone/hex codes] / No — black and white filing covers all colours]
3D Mark or Sound Mark?	[No — standard mark / Yes — describe special elements]

SECTION 2 — APPLICANT DETAILS

Applicant — Full Legal Name	[Company full legal name exactly as per MCA / PAN for individuals]
Applicant — CIN / PAN	[CIN or PAN]
Applicant — Registered Address	[Address — must match official records]
Applicant Category	[Proprietorship / Partnership / Private Limited / LLP / Individual]
DPIIT Startup Status	[Yes — recognised / No — not recognised (full fee applies)]
Trade Mark Agent (if using)	[Agent's name and registration number]

SECTION 3 — CLASS SELECTION

The Nice Classification has 45 classes (34 for goods, 11 for services). File in every class relevant to your current and planned products/services. Check each class you need:

Paragraph ('caseSensitive': 1 'encoding': 'utf8' 'text': 'Description (abbreviated)' 'frags': [ParaFrag(__tag__='b', bold=1, fontName='Helvetica-Bold', fontSize=8, greek=0, italic=0, link=[], rise=0, text='Description (abbreviated)', textColor=Color(.266667,.266667,.266667,1), us_lines=[]) 'style': 'bulletText': None 'debug': 0)] #Paragraph	Paragraph ('caseSensitive': 1 'encoding': 'utf8' 'text': 'Description (abbreviated)' 'frags': [ParaFrag(__tag__='b', bold=1, fontName='Helvetica-Bold', fontSize=8, greek=0, italic=0, link=[], rise=0, text='Description (abbreviated)', textColor=Color(.266667,.266667,.266667,1), us_lines=[]) 'style': 'bulletText': None 'debug': 0)] #Paragraph	Paragraph ('caseSensitive': 1 'encoding': 'utf8' 'text': 'File?' 'frags': [ParaFrag(__tag__='b', bold=1, fontName='Helvetica-Bold', fontSize=8, greek=0, italic=0, link=[], rise=0, text='File?', textColor=Color(.266667,.266667,.266667,1), us_lines=[]) 'style': 'bulletText': None 'debug': 0)] #Paragraph	Paragraph ('caseSensitive': 1 'encoding': 'utf8' 'text': 'Goods/Services Description' 'frags': [ParaFrag(__tag__='b', bold=1, fontName='Helvetica-Bold', fontSize=8, greek=0, italic=0, link=[], rise=0, text='Goods/Services Description', textColor=Color(.266667,.266667,.266667,1), us_lines=[]) 'style': 'bulletText': None 'debug': 0)] #Paragraph
9	Software, apps, computer programs, downloadable digital content	■ Yes / ■ No	[Describe specific goods]
35	Advertising, business management, online retail services	■ Yes / ■ No	[Describe specific services]
36	Financial services, insurance, real estate	■ Yes / ■ No	[Describe specific services]
38	Telecommunications, internet communication services	■ Yes / ■ No	[Describe specific services]
42	Scientific research, IT services, SaaS, cloud computing, design	■ Yes / ■ No	[Describe specific services]

Other	[Specify class number]	<input type="checkbox"/> Yes / <input type="checkbox"/> No	[Describe]
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SECTION 4 — PRE-FILING CLEARANCE SEARCH

Trademark Registry search completed?	[Yes — date: DD/MM/YYYY / No — must complete before filing]
Search portal used	[ipindiaonline.gov.in/trademarkfiling / Attorney search tool]
Identical marks found in relevant classes?	[Yes — describe conflicts / No — clear]
Phonetically similar marks found?	[Yes — describe risks / No — clear]
Visually similar marks found (for logo/device marks)?	[Yes — describe risks / No — clear]
Clearance search result (attorney opinion)	[Clear to file / File with risk of opposition from [mark name, class X] / Do not file — high conflict risk]
Domain name available?	[yourmark.com — available / taken by [entity]]
Social media handles available?	@yourmark on Instagram / Twitter / LinkedIn — available / taken]

SECTION 5 — FILING DOCUMENTS REQUIRED

- Form TM-A — Application for registration — Completed and signed
- Representation of the mark (JPG/PNG — 8x8 cm, 300 DPI) — Attached
- Power of Attorney (Form TM-M) if using an agent — Signed and attached
- DPIIT recognition certificate (for 50% fee) — Attached if applicable
- Proof of use (if claiming prior use / Part B filing) — Attached if applicable
- Priority document (if claiming Convention priority) — Certified copy attached
- Filing fee payment — Rs. 4,500/class (startup) or Rs. 9,000 (others) — Payment prepared

SECTION 6 — POST-FILING TRACKER

Application Number assigned	[TM Application No. XXXXXXXXXX]
Filing Date	[DD/MM/YYYY]
Expected publication in TM Journal	[Approx. 12–18 months from filing — monitor]
Opposition period	[4 months from publication date — monitor for opposition]
Expected registration date	[Approx. 2–3 years from filing if no opposition]
Registration certificate issued	[Date — or 'Pending']
First renewal due date	[10 years from filing date — DD/MM/YYYY]

IMPORTANT NOTE

A trademark registration in India is Class-specific. Filing in Class 42 (software services) does not protect your mark for physical goods in Class 9. File in ALL classes relevant to your business now and in the near future. The cost of additional classes upfront is far lower than the cost of filing separate applications later. Template only — not legal advice.

TRADEMARK PROSECUTION AND OPPOSITION MANAGEMENT

7.1 After Filing — What to Expect. After your trademark application is filed, the prosecution timeline in India is approximately: Filing → Formality Check (4–8 weeks) → Examination (6–12 months) → Examination Report (objections, if any) → Response to Examination Report (within 30 days, extendable to 2 months) → Hearing (if required, after response) → Acceptance and Publication in TM Journal → Opposition Period (4 months) → Registration (if no opposition) → Certificate of Registration. The full process typically takes 2–3 years if uncontested.

7.2 Responding to Examination Reports. An Examination Report (office action) from the Trade Marks Registry is not unusual — most applications receive at least one. Common objections include: (a) Section 9 objection — mark is descriptive, laudatory, or lacks distinctiveness (e.g. 'BEST SOFTWARE' for software is descriptive); (b) Section 11 objection — the mark is similar to an existing registered mark; (c) Section 18 objection — formality issues (incorrect applicant name, class, or specification). Response must be filed within the time limit. For Section 9 objections, provide evidence of distinctiveness through use (trade mark use evidence, turnover, advertising expenditure, customer testimonials). For Section 11 objections, provide evidence of distinguishing features or negotiate coexistence.

7.3 The Opposition Procedure. After publication in the TM Journal, any person can file an opposition (Form TM-O, Rs. 2,700 for startup) within 4 months. If your application is opposed: (a) the Registrar sends you a copy of the notice of opposition; (b) you must file a counter-statement (Form TM-O) within 2 months; (c) both parties file evidence by affidavit; (d) a hearing is held before the Registrar; and (e) the Registrar decides whether to accept or reject the opposition. Oppositions can take 2–5 years to resolve. A well-drafted opposition response and strong use evidence significantly improve success rates.

7.4 Trademark Renewal and Maintenance. Indian trademark registrations last 10 years from the date of application and must be renewed every 10 years (Form TM-R, Rs. 4,500 for startup per class). The renewal application can be filed up to 6 months before the expiry date. A lapsed trademark can be restored within 1 year of expiry on payment of additional fees and a declaration of use. A trademark that is not used for 5 continuous years can be removed from the Register on application by any party — this is the 'non-use' vulnerability. Maintain records of trademark use (invoices, advertisements, screenshots) to defend against non-use challenges.

ADVANCED TRADEMARK STRATEGY FOR STARTUPS

8.1 Filing a Trademark Series. Section 15 of the Trade Marks Act 1999 allows a single application to cover a series of marks that differ only in minor respects (different colours, different sizes of the same mark, slight variations). A series registration is cost-effective for protecting multiple variations of your logo at once. However, each mark in the series must be substantially identical in its essential features — you cannot combine completely different marks in one series application.

8.2 Well-Known Trademark Status in India. Under Section 11(6) of the Trade Marks Act 1999, the Registrar can declare a trademark 'well-known' in India. Benefits of well-known status: (a) protection across all classes of goods/services (even if the mark is only registered in specific classes); (b) easier to oppose similar marks in other classes; and (c) stronger basis for anti-dilution claims. The application for well-known status (Rule 124 of TM Rules 2017) requires submitting evidence of use, recognition, and reputation. Eligibility typically requires 5+ years of consistent, significant use in India with measurable brand recognition. This is a long-term goal for startups — but document brand usage data from day one to eventually support a well-known application.

8.3 Descriptiveness Objections — Overcoming Section 9. The most common objection to trademark applications is that the mark is 'merely descriptive' of the goods/services. For startups whose brand names include descriptive elements (e.g. 'QuickBooks', 'FoodPanda', 'EduTech'), responding to a Section 9 objection requires: (a) evidence of acquired distinctiveness through use — sales figures, advertising expenditure, customer testimonials, press coverage, and Google Search results showing the term being used as a brand identifier rather than a generic description; (b) argument that the mark is 'suggestive' rather than 'merely descriptive'; or (c) consent from the Registrar to proceed under Part B of the Register (marks that have acquired distinctiveness).