

Trademark search in India

FAQs – Part 1

For an entrepreneur, it is very important to find a brand for their product or services. You want to have a unique brand name for your product and service but, most of the time it is already taken. It is quite imperative to perform a **trademark search** for your brand name initially.

Before 1940, there was no law to protect trademarks in India. In 1940, **Trademark law** was passed in India to protect intellectual property of individuals as well as organizations. The **trademark law** was replaced with trademark and merchandise act 1958. This act provided protection against fraudulent use of trademarks by any other party.

In this article, we are going to discuss important frequently asked questions (FAQs) related to **trademark search** in India. **Trademark search** is one of the most important activities to be performed for a registration of a trademark. An incomplete trademark search can result in undesired risks including forfeiting of a trade mark due to infringement.



Q – What is a trademark search?

A – Trademark public search is a method to search for publicly available trademarks in case you are also protected from a future legal repercussion for using someone else's brand name.

Q – What are various benefits of a trademark check ?

A – Trademark check has got many benefits which includes-

- To identify risk associated with using existing brand name for a trademark. Same brand name might have been trademarked by some other firm.
- For identifying risk and opportunity in expanding to other markets with same trademark name
- In assessing the strength of claims and objections brought by others based on a client's use of the trademark.
- For identifying and mitigating potential infringement or copying of your brand's name.

Q – Where can one perform trademark search in India?

A – Trademark search can be performed on official [IPIndia public search portal](#).

Q – What are the different types of TM search on IPIndia portal?

A – Three types of trademark search that can be performed on IPIndia portal are –

1. Wordmark
2. Phonetic
3. Vienna code

Q – What do you mean by Wordmark search?

A – The wordmark search allows for retrieving trademarks which use the same word as that of the query entered. The trademark office website allows for a search query with three options:

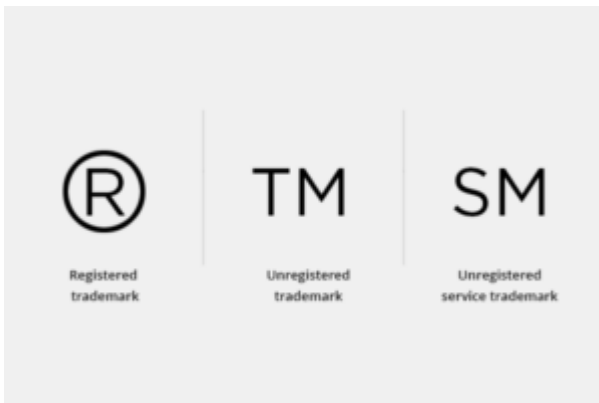
- Start With
- Contains
- Match with

For detailed explanation on each of the above methods, you can visit this [link](#).

Q – What is phonetic search?

A – The phonetic trademark search is quite similar to Wordmark search interface provide above. It searches for similarly sounding words that are entered during search. Phonetic search is also one of the most crucial searches to be performed during **IPIndia trademark search**.

Q – What is a Vienna code trademark search?



A – Vienna classification is only utilized when a logo contains a visual element in a trademark application. An application is sent to Vienna codification to make a final decision. It is mandatory to perform Vienna code search while

performing trademark search for trademarks that contain visual elements.

Q – Why IPIndia public search is important?

A – IPIndia public search is important due to following reasons-

1. It prevents rejection of trademark registration application.
2. It prevents infringement on existing trademarks
3. It reduces chances o revocation of existing trademarks

Q – What should be frequency of IPIndia trademark search?

A – An **IPIndia public Search** just not important during pre registration but also post registration of a trademark. Post registration trademark check will help you in finding out about possible infringement of your trademark as well possible revocation of your registered trademark.

Q- What is the importance of pre registration TM Search?

A – Pre registration trademark check is an mandatory step as it help in determining any trademark that already may have been registered by someone else's organization. It reduces risk of your trademark getting revoked due lack of proper research.

Q – What is the importance of post registration TM search?

A – It may be quite possible that any other organization is using your brand name or similarly sounding name for their products and services. You need to be on your toes to protect against infringement on your trademark. This can only be possible if **IPIndia public search** is performed post registration of trademark too.

Q – How can we conduct trademark search or various methods available to conduct trademark search?

A – In India, firm take two paths for a **TM Search**. These are internal trademark search and external trademark search. Internal trademark check is performed when a firm utilizes its internal resources such as its legal team to search for available TM search. While external **TM search** stands when a firm hire external resources to complete the task of **trademark public check**.

Q – Who should conduct a internal trademark search?

A – Internal **IPIndia search** is beneficial for smaller firm with limited budget and few intellectual property to safeguard.

Q – What are pros or merits of conducting a internal TM search?

A – Pros of conducting a internal TM search are –

- Costs associated with hiring a external agency for performing the task is saved.
- Presence of national and international databases have made task of a trademark search much more easier compared to earlier times.

Q – What are pros or merits for external TM search?

A – Pros for conducting a external TM search are-

- External professionals often have the niche expertise which is not possessed by internal team. This leads to a more comprehensive **IPIndia search**.
- An experienced third party have tried and tested their methods over a period of time and this results in tremendous improvements in final results for a firm.
- A **trademark registration search** is a time limited activity. External firms due to their expertise and well defined process for **trademark search online** which results in a process getting completed in a time bound manner.
- **IP trademark public search** is a global subject, a third-party team can also take into account factors such as variations on spelling, translations and linguistic and phonetic adaptations of search terms, as well as cultural differences.
- External trademark search teams have much larger resources compared to internal team.

Q – What are various demerits or cons associated with internal TM search?

A – Some demerits associated with internal IPIndia public search are –

- Internal employees lack the expertise associated with external **IPIndia public search** providers. This means that results provided by internal team would be less comprehensive compared to an external firm.
- Internal teams have got many other tasks other than **TM Search** that results in longer waiting time for a perfect result.
- Internal **trademark public search** also reduces efficiency of internal department. crucial time that is occupied in TM search can easily be utilized in some other important legal tasks.

Q – What are the various demerits or cons associated with external TM Public search?

A – Con or demerit associated with external TM public search are –

- Costs associated with external firm that is hired to complete a **trademark public search** is usually higher compared to internal team doing the same. This is crucial for smaller firm with budget constraint or a firm with limited intellectual property to protect.

Q – Which is more preferable for conducting a IPIndia search and why?

A – External TM check done by professional service provider is always more preferable compared to search done internally. Costs attached with foregoing a brand is many times higher compared to initial costs associated with hiring a external agency for it.



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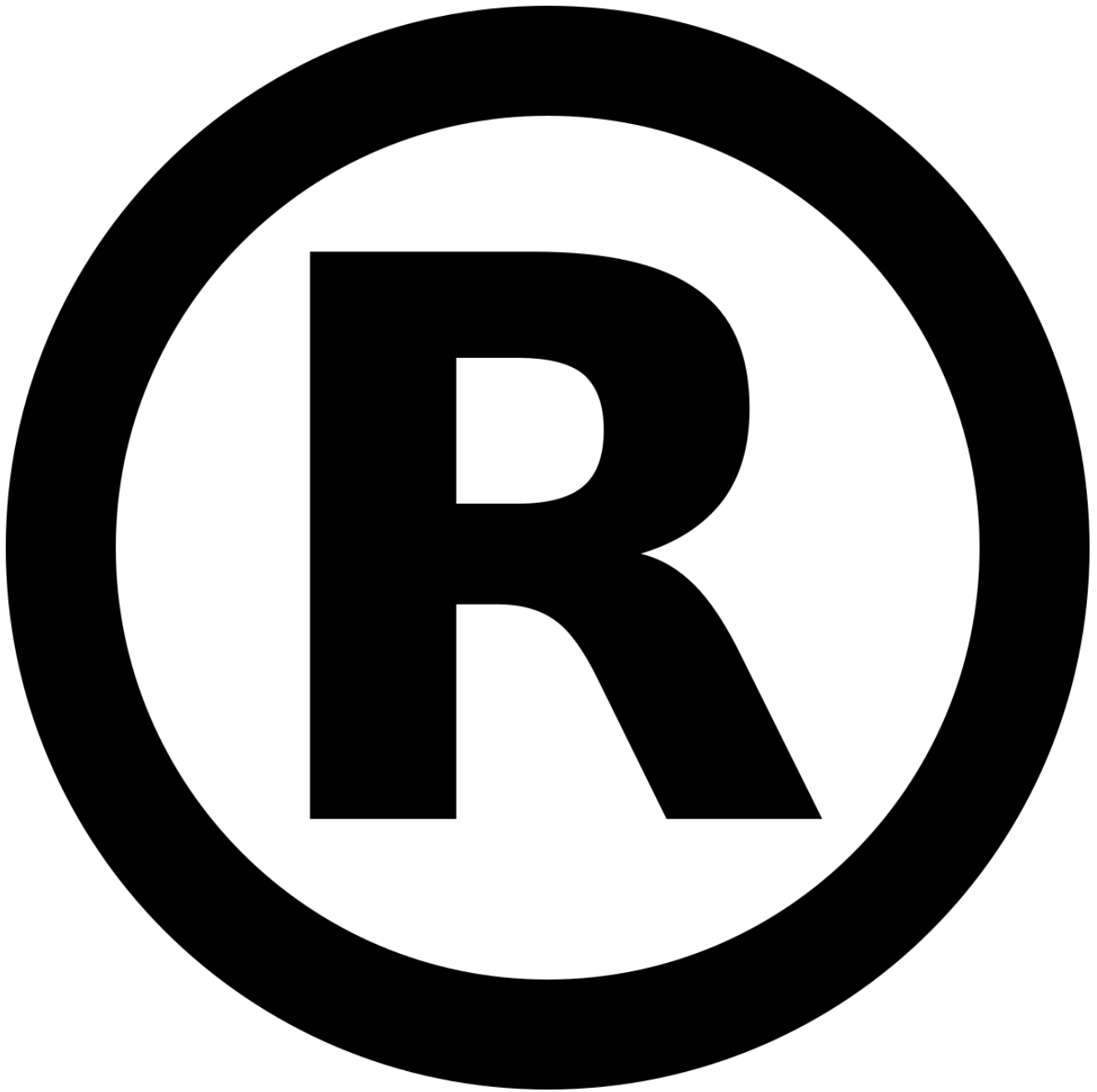
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