

Trademark Rectification or Correction – Trademark Registration in Cbe

Trademark Rectification/correction:

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- [Trademark application](#) correction requires for a lot of reasons like an error occurred in the time of data entry or filing the trademark application. The correction of any errors in the trademark application can be made and it is permitted by the trademarks act 1999 and rules 2002.
- Here, we are going to look at the procedure for filing a trademark application, amendment or correction.

Form 16:

- The applicant who has been filed for trademark registration application can make a request for correction or amendment by filing a trademark form-16 along with the required documents and the prescribed fee.
- This has to be done before the registration of a trademark.
- When the application got submitted, the trademark office will upload the digitized version of TM-16 into the system. By an online search for the documents that have been filed for a trademark application, the uploaded TM-16 can be verified by the applicant.

Trademark amendments:

For the correction of clerical errors in the application, Form - 16 can be used. The requisition for correction of errors or amendments would seek the substantial alteration in the application for the [registration of a trademark](#) that would not be allowed.



- Any amendment in the applied trademark may alter proprietor details, specification of goods and services (except the deletion of some items), statement as to the use of the mark will not be permitted.
- The requisition for amendment in the proprietorship of a trademark on the basis of valid assignment or transmission , change in the service or in the address of the applicant, deletion or confinement of any items in the specification of goods or services, limitation/confinement in the area of sales of goods/services, multiclass application division, etc. can be allowed.

Data entry errors:

If any error occurs in the data entry and request for correction, the concerned trademark officer can make a change in the system along with the remarks to this effect in the system.



Correction in the trademark registration certificate:

In case of erroneous registration certificate and the request has been made for correction, the trademark office would examine the requested contents on the basis of relevant documents and if the request is accepted, provide a new trademark registration certificate and get back the erroneous certificate from the applicant.

Rectification

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It is a legal procedure to correct or rectify an error or an omission which has been made in the details of a trademark as recorded in the trademark register, even after the registration of a mark.

Grounds for filing an application for trademark rectification or cancellation:

- Registration has been made without any sufficient cause or registration that is obtained by misrepresentation of facts which is similar to an earlier mark registered.
- If the mark been wrongly registered or remained on the register even after its expiry;
- As per the recent advancement, making any amendments, changes or modification in connection with any [registered trademark](#).
- Registration has made without the sufficient cause of registration been obtained by misrepresentation of facts and similar to an earlier mark already registered.
- If a mark remains on the register wrongly or if it's against to some legal provisions of the act which causes confusion;

- If the registered trademark is not in use for more than five years by the proprietor;
- Non-renewal of the original or previous [registration of the trademark](#).
- A trademark can be expunged from the register in case the registration been obtained by fraudulence activity. Particularly, the registration been obtained by suppression of false statement or any suppression of material fact is known as the registration by fraud.
- Addition of certain class or goods or services in case it is against to the business extent of the [registered trademark](#).
- Non-conformity with one or more grounds which has been stipulated in section 9 and 11 of the Indian trademarks act of 1999.

Procedure for trademark rectification in

India:

- For trademark rectification or cancellation, the application form has to be filed in the prescribed format, the inclusion of the case statement and submit along with a prescribed fee.
- Further, the application can be submitted to the registrar or IPAB.
- The registrar can issue a notice to the registered proprietor in order to file a counter statement with the receipt of the application.
- Once the counter statement been filed, the matter will arrive at the evidence stage. In the form of an affidavit, the parties are required to file their respective evidence.
- After that, there will be a hearing stage. Subsequently, the order will be pas

Finally, in order to prevent the cancellation or removal and rectification of a registered mark from the register, appropriate precautions must be taken i.e. renewal of trademark from time to time. When you do nothing, it probably destroys the distinctive nature of the mark.



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