

ONLINE CHAT • GLOBAL BUSINESS OPPORTUNITIES • TRADEWINDS

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# FIEO NEWS

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Mr M Rafeeque Ahmed, President, FIEO (right) with Mr Narendra Modi, Chief Minister of Gujarat

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# Chat

## ON LEGAL ISSUES

Every Tuesday, other than holidays, from 4:00 pm to 5:00 pm Ms Aparna Jain, Partner & Advocate, Knowledgegia Consultants, for FIEO, will be available on the chat section of the Federation's website to clarify your queries/issues on Corporate Legal Affairs, Arbitration, International Agreement, Technology Transfer, Patents, Trade Marks, Brand Management, Copyright and related topics.

**Question:** We sent our export documents through our bank. The same was couriered by the bank using DHL courier service to the consignee's bank, but the courier reached the consignee somehow and they took delivery without paying me. Can you advise what legal action should be taken?

**Ans:** It appears that both the bank and the courier company are at fault and have connived and committed gross negligence. You should initiate actions - civil, consumer and criminal - against the bank and the courier company. The main allegations should be that they have acted in connivance with the consignee and committed fraud on your company. Further, due to their negligence and deficiency in services, you have suffered a monetary loss, loss of reputation, mental harassment, etc.

**Question:** I applied for a trademark registration on 05.09.2012. When will I get the registration?

**Ans:** The trademark registration process usually takes approximately 1 to 1 1/2 years to be completed. There are a few stages of the same which are Application, Examination, Hearing (if any), Advertisement, Opposition (if any) and then Registration. In your case, as you have filed the trademark application on 5.9.2012, first the examination shall be done by the trademark office. You should soon receive the Examination

report. It has to be responded within the statutory period of 1 month from the date of its issue. Thereafter, in case the examiner is satisfied it shall proceed for Advertisement in the trademark journal, otherwise he/she may call you or your trademark attorney for hearing.

Thus, the process takes around 1 year to 1 1/2 years for completion. However, we hope you are apprised that you can commence the use of TM immediately after you file the TM application.

**Question:** I have developed a new design/technology for a machine for use in the automobile industry. What is the remedy for protection so that the same is not copied? How much time does the process take?

**Ans:** Design protection is for the aesthetic appearance of a product, no mechanical features or advantages or process of manufacturing can be protected by design protection. However, in case the product is novel and unique in its appearance design, then registration should be applied for. The design application usually takes around 7 to 8 months for the procedure of application till registration.

As regards the technology or improvement of design which has resultant benefits, then patent should also be filed. The process of patent application till registration approxi-

mately ranges between 2 to 4 years depending upon various stages.

**Question:** I have a trademark registered in India, and I am going to export my goods to Australia under the same trademark. Is my Indian registration valid?

**Ans:** The trademark registration is a geographical protection. The registration in India protects you and gives you an exclusive proprietorship over Indian territory for the use of the trademark in respect of goods for which you are registered. For protection in Australia, you have to apply for trademark registration to the trademark office of Australia. ■

### Attention Members !!!

Are you receiving communication from FIEO on a regular basis? If not, update your correct e-mail address with FIEO's Regional Office today. Also, include the following e-mail addresses on your mailing safelist to ensure that you receive all email communication from FIEO:

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