CHECKLIST OF DOCUMENTS FOR KEY FILINGS IN THE INDIAN REGISTRY

SR. NO.	TRADE MARK PROCEDURES	MANDATORY DOCUMENTS	DOCUMENT NATURE	TIMELINE	EXECUTION REQUIREMENTS
1.	Filing a trade mark application (without priority claim and without prior India use)	<ins>Individual/Companies</ins> • Power of Attorney (PoA)	• Original	**PoA** Must be filed along with the trade mark registration application. It is extendible. Application will be prosecuted only after filing the PoA.	**PoA** • Executed by applicant's authorised signatory; • Notarized at the place of execution; • Legalization is not required; and • Indian stamp duty (a nominal government levy) must be affixed prior to execution, or within 3 months of PoA's receipt in India.
2.	Filing a trade mark application (without priority claim and with prior India use)	<ins>Individual/Companies</ins> • PoA; and • User Affidavit.	• Original • Original	**PoA / user affidavit** Must be filed along with the trade mark registration application. It is extendible. Application will be prosecuted only after filing the documents.	**<ins>User Affidavit</ins>** • Executed by applicant's authorized signatory; • Notarized at the place of execution; • Legalization is not required; and • Indian stamp duty must be affixed prior to execution, or within 3 months of affidavit's receipt in India.
3.	Filing a trade mark application (with priority and without prior India use)	<ins>Individual/Companies</ins> • PoA; and • Priority document.	• Original • Certified copy	**PoA / priority document** Must be filed along with the trade mark registration application. It is extendible. Application will be prosecuted only after filing the documents.	**<ins>Priority document</ins>** • Certified by the Registrar or competent authority of the Trade Marks Office of that country.
4.	Filing a trade mark application (with priority and with prior India use)	<ins>Individual/Companies</ins> • PoA; • User Affidavit; and • Priority document.	• Original • Original • Certified Copy	**PoA / user affidavit / priority document**	

				Must be filed along with the trade mark registration application. It is extendible. Application will be prosecuted only after filing the documents.	• Notarization or legalization is not required. **Exemptions during COVID-19 pandemic:** An undertaking can be submitted to file the PoA, user affidavit, and the priority document subsequently. However, trade mark application will not be prosecuted until the aforesaid documents are filed.
5.	Notice of opposition or Counterstatement	• PoA • Opposed trade mark's journal publication	• Original • Photocopy	**Notice of opposition** Must be filed within four (4) months from the Trade Marks Journal's publication. Non-extendible. **Counterstatement** Must be filed within two (2) months from the opposition's official service. Non-extendible. **PoA** Must be filed along with the notice of opposition / counterstatement. It is extendible. Opposition will be prosecuted only after filing the PoA.	**Notice of opposition / Counterstatement** Applicant or its attorney can execute the notice of opposition and counterstatement. No notarization or legalization is required.

6.	Affidavit of Evidence	• Affidavit of Evidence in Support of Application/Opposition; • Documents supporting the claims in the affidavit; and • If the affidavit is filed on a company's behalf, a document evidencing the signatory's authority, such as extract of the commercial register.	• Original • Photocopy • Photocopy	**Affidavit of Evidence in Support of Opposition** Must be filed within two (2) months from the counterstatement's official service. Extendible only through an interlocutory petition, and in exceptional cases. **Affidavit of Evidence in Support of Application** Must be filed within two (2) months from the opponent's affidavit's receipt. Extendible only through an interlocutory petition, and in exceptional cases.	**Affidavits** • Must be executed by opponent's/applicant's authorized signatory; • Notarized at the place of execution; • Legalization is not required; and • Affixed with the Indian stamp duty prior to execution or within 3 months of receipt in India. **Exemptions during COVID-19 pandemic**: Currently, India's Supreme Court has extended all statutory filing deadlines until further orders. Therefore, the affidavits can be filed during the extended deadline. However, due to the pandemic induced delays and genuine inability to notarize, courier, or stamp the documents, many opponents / applicants are opting to file electronically executed copies of the affidavits without notarization and the stamp duty, within the statutory deadline, to demonstrate their *bona fides* in protecting their proprietary rights.
7.	Name and address change in the trade mark application / registration	• PoA; and • Document evidencing the changed name and address, such as commercial register or company incorporation certificate.	• Original • Certified copy	**PoA and supporting document** Must be filed along with the amendment application. It is extendible. Amendment application will be prosecuted only after filing the aforesaid documents.	
8.	Assignment recordation (for registered trademarks)	• PoA; • Deed of Assignment (DoA); • Affidavit confirming no disputes/legal actions pending in respect of the trade mark's ownership; and	• Original • Photocopy • Original • Original	**PoA / DoA / affidavit / statement of case** Must be filed along with the assignment recordation application. It is extendible.	

	Assignment recordation (for trade marks pending registration)	• Statement of case. • PoA; and • Deed of Assignment (DoA).	• Original • Photocopy	Application will be processed only after filing all the aforesaid documents.	Such affidavits are however, not ratified statutorily or in practice by the authorities. The opposition will proceed to the next stage only after the notarized and stamped affidavits are filed.
9.	Well-known designation application	• PoA; • Statement of Case; • Supporting Affidavit; and • Supporting documents.	• Original • Original • Original • Photocopy	**PoA / statement of case / supporting affidavit / documents** Must be filed along with the well-known designation application. It is extendible. Application will be processed only after filing all the aforesaid documents.	**Deed of Assignment** • Executed by the assignee; • Notarized at the place of execution; • Legalization is not required; and • Affixed with the Indian stamp duty prior to execution or within 3 months of its receipt in India.
10.	Interlocutory Petition	• PoA; and • Statement of Case.	• Original • Original	**PoA and Statement of Case** Must be filed along with the interlocutory petition. It is extendible. The petition will be processed only after filing the aforesaid documents.	**Supporting Affidavit** • Executed by the applicant; • Notarized at the place of execution. • No legalization required; and • Affixed with Indian stamp duty.
11.	Extension of time	• PoA	• Original	**PoA** Must be filed along with the extension request. It is extendible. The extension request will be processed only after filing the PoA.	**Statement of Case** Applicant or the attorney can execute the statement of case.

| 12. | Expedited process of application for registration | • PoA
• Statement of Case | • Original
• Original | **PoA / Statement of Case**

Must be filed along with the application.

The application will be processed only after filing the PoA and statement of case. | |
| 13. | Inspection of documents | • PoA | • Original | **PoA**

Must be filed along with the inspection request. It is extendible.

The inspection request will be processed only after filing the PoA. | |

ANA Law Group has a distinguished intellectual property practice and represents a niche clientele.

The Firm's IP clients include top multinational corporations including a large number of pharmaceutical companies, universities and educational institutions, etc. The Firm manages the trade mark portfolios for prestigious and valuable brands across India and the SAARC countries. The Firm's IP team comprises of Indian and internationally qualified and experienced attorneys and former senior officials of Indian IP Offices who have vast statutory and practical knowledge and exposure in all areas of IP laws. The solution-driven pragmatic IP advice coupled with speed, consistency, quality and ability to deliver under pressure are the unique attributes of the Firm's IP practice. Additionally, our team has significant experience in franchising/licensing matters. We have done several of such transactions (pure technology, trade mark, franchise, etc.) for numerous clients across a variety of industries. As we are a full-service law firm, we bring significant value to such transactions because our corporate and regulatory team provides assistance in the exchange control and other legal issues also with respect of such transactions.

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