

TRADEMARK REGISTRATION FLOWCHART IN BANGLADESH

UNDERSTANDING TRADEMARKS IN BANGLADESH



Before diving into the registration process, it's important to understand what qualifies as a trademark in Bangladesh. A trademark can be a word, phrase, symbol, design, or a combination of these elements that distinguishes your goods or services from others in the market. Trademark registration and protection in Bangladesh are governed by the Bangladesh Trademarks Act of 2009.

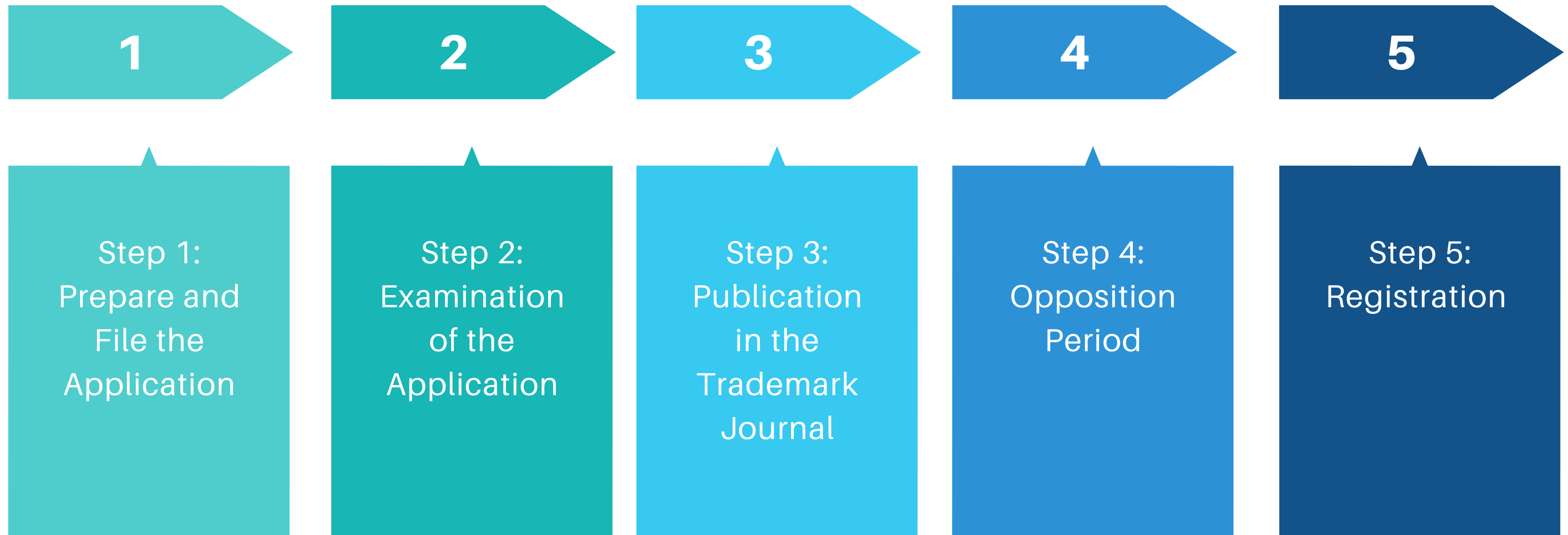


ELIGIBILITY FOR TRADEMARK REGISTRATION

To register a trademark in Bangladesh, the mark must meet certain criteria.

- **Distinctiveness:** The mark must be unique and capable of distinguishing your goods or services from others.
- **Non-Similarity:** It should not be deceptively similar to existing trademarks and must not be prohibited under the Trademarks Act of 2009.

STEP-BY-STEP PROCESS FOR TRADEMARK REGISTRATION



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**Step 1:
Prepare and
File the
Application**

Who can Apply?

Any individual (Natives and foreigners) claiming to be the proprietor of a trademark can apply to register the mark with the Registrar.

Multiclass possible?

A trademark application in Bangladesh can be filed for a single class only. Multiclass applications for the same trademark can be filed in Bangladesh by making separate applications.

Claiming Priority:

Application for a Trademark or a Priority Trademark An application claiming priority from a convention country can also be filed in Bangladesh within six months from the priority date. A certified copy of the Priority Documents is required.

What are the filing Requirements?

- (1) A simple POA: No notarization, no legalization, no original
- (2) Mark and applicant information

Timeline: Same-day online filing

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**Step 2:
Examination
of the
Application**

After filing the trademark application, the Trademarks Registry examines the trademark as to its inherent registrability or any similarity with existing marks. If any objection is raised (within six months to 1 year, depending on the backlog at the Registry), an official examination report will be issued by the Trademarks Registry. To overcome the objection, it is necessary to file a response to the examination report along with the supporting documents.

It is important to note that the Trademark Office may still issue objections to a trademark with these qualities, as there may be similar trademarks or trademarks with prior rights. The trademark applicant should be prepared to respond to objections through evidence or arguments.

Timeline: 6 months to 1 year.

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**Step 3:
Publication
in the
Trademark
Journal**

Trademark publication is making a trademark application available to the public so interested parties can file opposition or objections to it. In many countries, including Bangladesh, once a trademark application is filed, examined by the trademark office, and found acceptable for registration, it is published in the official Trademark Journal.

If the examination is successful, your trademark will be published in the Trademark Journal. This allows third parties to review the application and file oppositions if they believe the trademark infringes on their rights.

Opposition Period: 2 months.

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**Step 4:
Opposition
Period**

After publication, a two-month opposition period begins. If no oppositions are filed or if you successfully resolve any, your trademark will proceed to registration.

What are the Grounds for Trademark Opposition?

- There is a likelihood of confusion with an existing registered trademark.
- Violation of prior rights, such as prior use or well-known trademarks.
- Lack of distinctiveness or descriptive nature of the trademark.
- Generic or non-distinctive nature of the trademark.
- Offensive or deceptive trademarks.
- Contravention of the Trademarks Act or other applicable laws.

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Step 5: Registration

The application shall proceed to registration where there is no opposition or where the opposition was filed and decided in favor of the applicant.

- The mark is then registered seven years from the application filing or priority date.
- The trademark can be renewed from time to time for an unlimited period. Each renewal term is for ten years.

Example: The initial registration period is seven years from the date of application or priority date. For example, if the filing date is 01 March 2000, the registration is valid until 01 March 2007. Similarly, if the priority date is 01 January 2000, the registration is valid until 01 January 2007. This date is considered the first renewal due date or deadline.

Thank You



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