

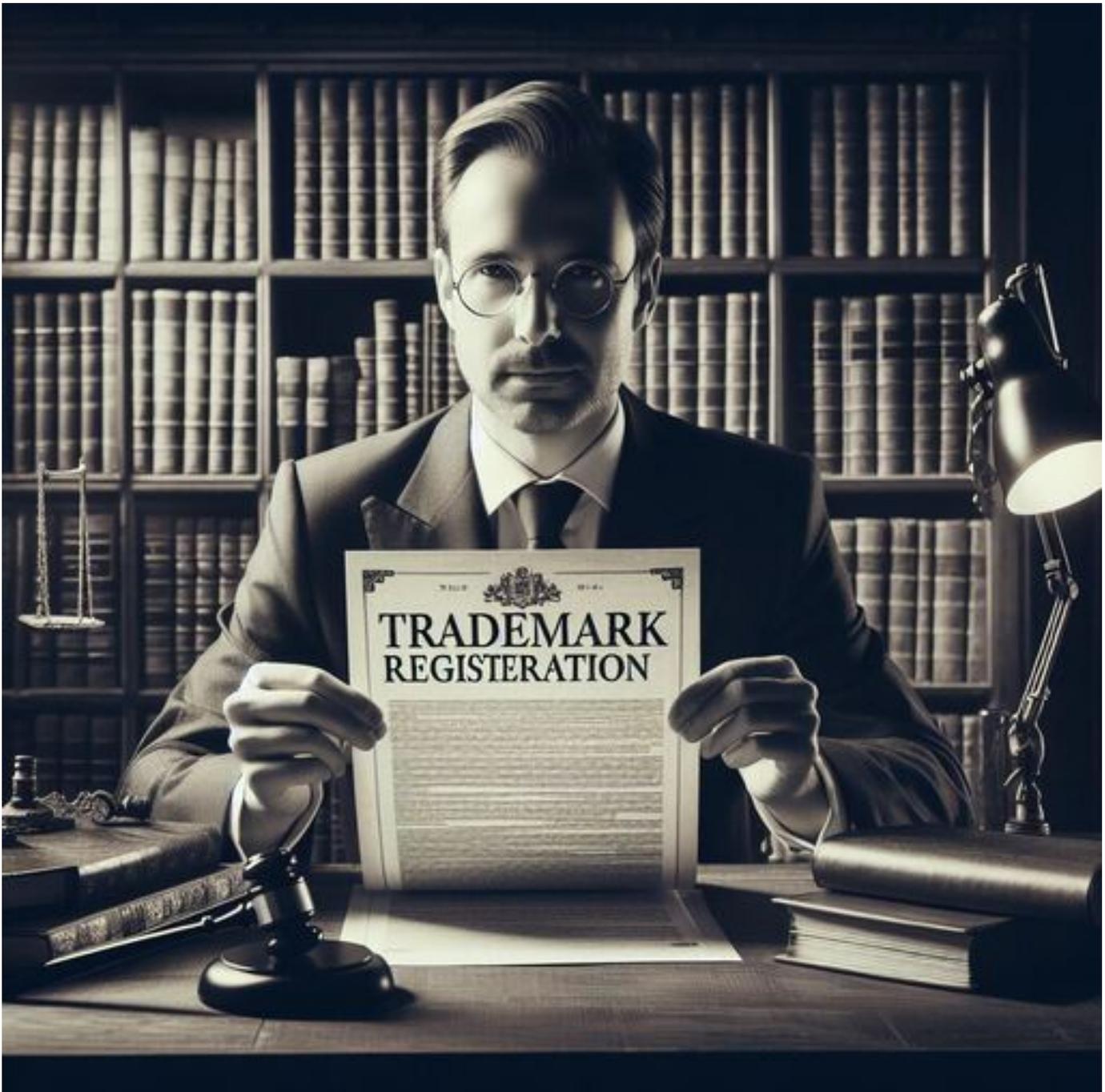
SUPREMEiP

What is a trademark?

In Bangladesh, a trademark is a unique symbol, word, phrase, design, or combination of these elements that distinguishes and identifies the goods or services of one business from those of another. Trademarks play a vital role in the industry by helping consumers recognize and differentiate between products and services.

The Trademarks Act 2009 governs the registration and protection of trademarks in Bangladesh. To obtain trademark protection in Bangladesh, the trademark owner must apply to the Department of Patents, Designs and Trademarks (DPDT) under the Ministry of Industries. Once the trademark is registered, the owner has exclusive rights to use the mark in connection with the goods or services it is registered for.

Trademark owners in Bangladesh can enforce their rights through legal action against any person or entity that uses their mark without permission or in a way that could create confusion in the market. The penalties for infringing a trademark in Bangladesh include fines and imprisonment and orders to pay damages and cease using the infringing mark.



How to obtain Trademark Registration in Bangladesh?

The trademark registration process in Bangladesh typically involves the following steps:

1. **Conduct a trademark [search](#):** Thoroughly search existing trademarks to ensure that the desired trademark is available for use and registration.
2. **Prepare and file the trademark application:** The trademark application should clearly represent the trademark and include details about the applicant and the goods/services it will be used in connection with.
3. **[Examination](#) of the trademark application:** The Registrar of Trademarks will examine the application to determine whether it complies with all requirements and whether the trademark can be registered.
4. **[Publication](#) of the trademark application:** If it passes the examination, it will be published in the Trademark Journal.

- 5. **Opposition to the trademark registration:** Any person may file an opposition to the trademark registration within two months of the publication of the trademark application.
- 6. **Grant of trademark registration:** If no opposition is filed or any [opposition](#) is successfully overcome, the Registrar of Trademarks will grant the trademark registration and issue a certificate of registration.

A trademark may be registered in Bangladesh for seven years following the date of application. If the renewal payments are paid, the trademark may be renewed indefinitely; otherwise, it may be removed from the register due to non-renewal. Each term of renewal lasts for ten years.

Note: The trademark registration process can take several months to complete and may involve additional steps, such as responding to [objections](#) or filing amendments to the trademark application. It is recommended to seek the assistance of a trademark attorney to ensure a smooth and successful trademark registration process.

Registration COST and PROCEDURE

<p>Stage-1: Filling Cost of a Trademark in Bangladesh</p> <ul style="list-style-type: none"> • Who can Apply? Any individual claiming to be the proprietor of a trademark can apply to register the mark with the Registrar. Natives and foreigners have equal rights, but a local agent must represent a foreign claimant. • 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. • Types of applications: Trademark applications in Bangladesh can be filed in two categories: (1) Ordinary Applications (without claiming priority) and (2) Convention Applications (claiming priority from a convention country) • 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. In case of priority, a certified copy of the priority application must be filed within three months from the filing date in Bangladesh. <p>Filing Requirments;</p> <ol style="list-style-type: none"> 1. Simple POA: (There is no need for an original, notarization, or legalization; only a sufficient SCANNED copy is required.) 2. Name and complete address of the applicant: If the applicant is a company, the name and designation of the signatory (such as director or chairman) will also be requested. 	<p>\$70</p>
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3. Description of the Mark or Copy of the Label/Logo/Device Mark

4. A certified copy of the Priority Application (an application for a Trademark or a Priority Trademark Application claiming priority from a convention country) can also be filed in Bangladesh within six months from the priority date. In priority cases, a certifying copy of the priority application must be filed within three months from the filing date in Bangladesh. A notarized English version must also be submitted if the priority document is not in English. Note that a trademark application claiming priority from a convention country can be filed in Bangladesh within six months of the earlier filing date.

Timeline: 1/2 Working day Filing

Cost: Official Fee: \$70 +Professional fee: Contact Us

Stage-2: Examination, Office action of a Trademark in Bangladesh

After an application is filed, the IP Office examines it concerning its distinctiveness, possibility of deceptiveness, and conflicting trademarks. If an objection to a registration is raised, an official examination report will be issued within six months to 3 years, depending on the backlog at the Registry. If there is no objection, the trademark office will issue an acceptance letter (TMR-5).

Timeline: 6 months to 3 years, depending on the backlog at the Registry.

Formality Examination & Substantive Examination: After applying, the Registrar examines the distinctiveness, possibility of deceptiveness, and conflicting trademarks. If an objection to registration is raised, the Registrar will issue an official examination report within six months to 1 year, depending on the backlog at the Registry. The Registrar may accept or refuse the application subject to the ordinance's provisions. A trademark application in Bangladesh can be refused/ objected to by the Registrar on the following grounds:

- The mark is similar/ identical to an earlier trademark for the same or similar goods/services.
- The mark is similar/identical to an earlier trademark in respect of different goods/services.
- The mark is a commonly used and accepted name for any chemical element or compound.
- However, the above categories of marks may be registered if the proprietor of the earlier trademark consents to it or if honest concurrent use of the later mark has been established.

Further, the objections raised by the Registrar about an application are

forwarded to the applicant, and the applicant has to file an [appropriate reply](#) to the supporting documents to the official objections within 60 days. The Registrar may accept the application based on the reply and documents filed or list the application for hearing.

The applicant can file an appeal against the Registrar's decision, made at the hearing or without the hearing, within one month from the date of such communication to the Registrar. The appeal requires the applicant to state in writing the grounds for and materials used by him in arriving at his decision. When an application for trademark registration is accepted, the Registrar advertises it in the official Trademarks Journal, published and available on the Registry website.

\$40

Stage-3: Publication Cost of a Trademark in Bangladesh

After examination and upon the Registrar's acceptance of the response, the application is ordered for advertisement /[publication](#) in the Trademarks Journal. The Trademarks Journal advertises the application to invite the public to file an opposition against registering a mark.

Timeline: 6 to 18 months from the date of fee submission, depending on the backlog at the Registry.

Publication Cost: Official Fee: \$42 +Professional fee: [Contact Us](#)

[Opposition](#) of Published Trademark in Bangladesh: Upon publication of the trademark in the Trademarks Journal, any person can oppose the registration of the said trademark by filing a notice of opposition within the prescribed period of 2 months from the date the Trademarks Journal is made available to the public. The period to file the notice of opposition can be extended by a maximum period of 3 months upon filing a specified request for an extension of time thrice for one month each, along with the prescribed fee.

\$280

Stage-4: Registration Cost of a Trademark in Bangladesh

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 for seven years from the date of filing of the application. The trademark can be renewed from time to time for an unlimited period. Each [renewal](#) term is for ten years.

Timeline: 6 to 8 months from the date of fee publication if there is no opposition.

Registration Cost: Official Fee: \$280+Professional fee: [Contact Us](#)