

SUPREMEiP

What is the publication of the trademark?

Trademark publication is the process by which a trademark application is made available to the public to allow interested parties to 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.

During the publication period, interested parties such as competitors or other stakeholders can file oppositions or objections against the trademark application within a specific time frame. The grounds for opposition can include, for example, the trademark being too similar to an existing trademark or not meeting the legal requirements for registration.

The publication period is typically several months long, and if no oppositions or objections are filed within that time, the trademark application proceeds to registration. If an opposition or objection is filed, the parties involved may enter into a dispute resolution process, including mediation, negotiations, or a formal hearing.

Trademark publication is an important step in the trademark registration process. It provides an opportunity for interested parties to raise concerns about a trademark's registration and can ultimately help ensure that only valid and enforceable trademarks are registered.

What is the procedure for trademark Journal PUBLICATION in Bangladesh?

In Bangladesh, the trademark publication process involves the following steps:

1. **Examination:** The trademark application is first examined by the Bangladesh Trademarks Registry to determine whether it meets the requirements for registration.
2. **Acceptance:** The Trademarks Registry accepts a trademark application if it finds it meets the Registration Requirements.
3. **Publication:** The accepted trademark application is then published in the Trademark Journal, an official publication of the Trademarks Registry. The publication's purpose is to notify the public that the trademark application has been accepted and is open for opposition.
4. **Opposition:** During the publication period, which lasts 2 (two) months from publication in the Trademark Journal, interested parties may file oppositions or objections to the trademark application. The grounds for opposition can include, for example, the trademark being too similar to an existing trademark or not meeting the legal requirements for registration.
5. **Certificate of Registration:** If no opposition or objection is filed within the publication period or if an opposition is unsuccessful, the trademark application proceeds to registration. The Trademarks Registry then issues a Certificate of Registration to the applicant.

It is important to note that publishing a trademark application in the Trademark Journal is a crucial step in the trademark registration process in Bangladesh. It allows interested parties to raise objections to registering a trademark and can ultimately help ensure that only valid and enforceable trademarks are registered.

Trademark [Opposition](#) in Bangladesh

Trademark opposition is a legal procedure in Bangladesh that allows interested parties to challenge trademark registration. If a third party believes that the trademark application may infringe upon their existing trademark rights, they may file an opposition to the trademark application during the publication period, which lasts for 2 (two) months from the date of publication in the Trademark Journal.

Here are the steps involved in the trademark opposition process in Bangladesh:

1. **Filing of Notice of Opposition:** The third party who wishes to challenge the trademark application must file a Notice of Opposition with the Trademarks Registry within the opposition period. The Notice of Opposition must set out the grounds for the opposition and provide evidence to support the opposition.
2. **Response/counter-statement:** Once the Notice of Opposition is filed, the applicant has a set period to respond to the opposition. The response must address the grounds for opposition and provide evidence to support trademark registration.
3. **Evidence Exchange:** After the response is filed, both parties may have the opportunity to provide further evidence and arguments to support their positions. This evidence exchange period is an integral part of the opposition process and can determine the outcome of the opposition.
4. **Hearing:** If the parties cannot resolve the opposition through the evidence exchange process, a hearing may be scheduled. At the hearing, both parties can present their arguments and evidence to an adjudicator.
5. **Decision:** After the hearing, the adjudicator will decide whether the opposition is successful or not. If the opposition is successful, the trademark application will not proceed to registration. If the opposition is unsuccessful, the trademark application will proceed to registration.

It is important to note that trademark opposition in Bangladesh is a complex legal process that requires expert legal advice. Parties seeking to oppose or defend against a trademark registration should seek the assistance of a qualified trademark lawyer in Bangladesh. [Learn more.](#)

Relevant trademark laws for publication in Bangladesh

The relevant laws governing trademark publication in Bangladesh are the Trademarks Act, 2009, and the Trademarks Rules, 2015.

The Trademarks Act of 2009 provides for the registration of trademarks in Bangladesh. It sets out the registration requirements, the registration procedure, and the rights and obligations of trademark

owners. Section 19 of the Trademarks Act, 2009 deals with the publication of trademark applications in the Trademark Journal and provides that once the Registrar accepts a trademark application, it shall be published in the Trademark Journal.

The Trademarks Rules, 2015, provide detailed procedural rules for registering trademarks in Bangladesh, including the process for filing and examining trademark applications, the opposition procedure, and the publication of trademark applications. Rule 18 of the Trademarks Rules, 2015 deals specifically with the publication of trademark applications and sets out the requirements for the content of the Trademark Journal.

Additionally, the Trademarks Registry, the government agency responsible for administering the Trademarks Act, 2009, and the Trademarks Rules, 2015, has issued various guidelines and circulars providing further guidance on the trademark publication process in Bangladesh.

According to section 17. of the Trademark Act, 2009

(1) When an application for registration of a trademark has been accepted, whether absolutely or subject to conditions or limitation, the Registrar shall, as soon as may be after acceptance, cause the application as accepted together with the conditions or limitations, if any, subject to which it has been accepted, to be advertised in the prescribed manner :

Provided that the Registrar may cause the application to be advertised before acceptance if it relates to a trademark to which section 6(2) applies or in any other case where it appears to him that it is expedient because of any exceptional circumstances so to do.

(2) Where an application under sub-section (1)?

(a) has been advertised before acceptance or

(b) after the advertisement of an application, an error in the application has been corrected, or the application has been permitted to be amended under section 19. The Registrar may cause the application to be advertised again or notify the Registrar in the prescribed manner of the correction or amendment made to the application.

It is important to note that trademark law in Bangladesh is complex and constantly evolving. Parties seeking to register a trademark or oppose a trademark registration should seek the assistance of a qualified trademark lawyer in Bangladesh.