AUSTRALIAN TRADE MARK APPLICATION FLOWCHART

Prepare & File Application

12 WEEKS

Examination

Formalities Examined

Application examined to ensure it meets formal requirements.

Substantive Examination

Application examined to see if grounds for acceptance are met.

If application suitable for acceptance, clear report issued.

Examination Report

If application not yet acceptable, examination report issued.

Examination Response

UP TO 21 MONTHS

Acceptance

Notice of Acceptance is sent to the applicant. In some cases the Registrar may only accept an application subject to certain conditions or limitations.

1 – 2 WEEKS

Advertisement of Acceptance

Acceptance is advertised in the Official Journal of Trade Marks.

Opposition

Another person may oppose the registration of the trade mark.

3 MONTHS

9 MONTHS TO 2 YEARS

Registration

The Registrar must give the registered owner a certificate and advertise the registration in the Official Journal.

Initial registration is for a period of ten years from the filing date.

Hearing By Registrar

Opposition to Trade Mark application will be considered and a decision will be made.

Refusal to Register

After considering the case presented at opposition, the Registrar may decide to refuse to register the trade mark.

Renewal

Required every 10 years.

Appeal

Appeal to Administrative Appeals Tribunal (AAT), Federal Court, High Court

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