



INTELLECTUAL PROPERTY OFFICE OF PAPUA NEW GUINEA

INSTRUCTION GUIDE FOR COMPLETING AN APPLICATION FOR REGISTRATION OF A TRADEMARK (FORM 4)

Below are set of guidelines to assist any applicant in completing the Form 4 Application form. The applicant may consult a legal practitioner for further advice.

The guidelines are set out as they appear on the application form.

1. Representation of the proposed trade mark:

Please include by inserting/affixing/scanning/pasting your proposed trade mark (*a representation of your proposed mark that which you intend to register and protect*) in the space provided (*allocated section on the application form*).

- Please ensure that your proposed trade mark fits the allocated section on the application form. This is measured as 8 x 6 cm. Thus, a representation must be within that required measurement. If your proposed trade mark exceeds the standard measurement, you will be required to pay an ‘oversize representation fee’ of PG K40.00.
- If your proposed trade mark is anything other than a plain word, please include an additional seven (7) copies of the trade mark with your application.

2. PART of the Register in which Registration is sought.

In this section, please select and indicate which Part of the Register you wish to seek and obtain registration and protection of your trade mark.

There are two parts to the Register - Part A and Part B.

- (i) **Part A** – This covers trade marks that are considered distinctive.

A trade mark registrable under Part A of the Register, relates to marks not having direct reference to the character or quality of goods/services and that are held prima facie distinctive to qualify for registration under Section 15 (1) of the Trade Marks Act; and

- (ii) **Part B** – This covers trade marks that are not distinctive but capable of becoming distinctive over time.

The applicant must state either Part A or B, depending on which best fits their proposed trade mark. In any case, your application and particularly your proposed mark will go through an examination process to determine its eligibility for registration under the nominated Part of the Register.

3. Class of goods or services

Please insert the appropriate Class of goods or services (number) for which you are seeking protection for your proposed trade mark.

Trade marks are registered for goods or services in certain classes and these classes determine the scope of protection of the trade mark. The classification of goods or services is based on the International Classification of Goods or Services [for the Purpose of Registration of Marks], NICE Classification, 9th Edition.

- (i) Classes 1 to 34 consist of Goods;
- (ii) Classes 35 to 45 consist of Services

Please consult the NICE Classification to obtain the appropriate class of goods/services for your mark.

4. Description of Goods or Services

Please provide the precise/clear description of goods or services for which you are seeking registration and protection.

This description should determine your nominated Class of goods or services.

You should also consult the NICE Classification to decide which category or Class best fits your description of goods or services. Please note that your description of goods or services is the scope of protection for which you are seeking registration of your trade mark. In other words, you are applying to register a trade mark for these goods or services.

Please note that description/statement such as, “*and all goods or services comprised in class*” is not acceptable.

5. Name of Applicant [Item (b)]

Please state the name of the applicant and place of incorporation.

- If the applicant is a company/corporate entity, please include the place of incorporation or the jurisdiction that certifies that it is a legal entity. In this context, the word “place” applies to a country/state/province/district.
- If the applicant is an individual, please include the place of citizenship.

The applicant is required to insert the full name of the individual, firm or body corporate (individual, association, firm or company). If a body corporate, firm or analogous body is making an application, indicate the State or country of incorporation or registration under its relevant laws.

6. Business Address (Place of business) [Item (c)]

Please insert the address (place of business) of the applicant.

7. Trading Style [Item (d)]

If the applicant is trading under a different trade name, please state clearly in this section.

8. Statement of Use of the trade mark [Item (e)]

Please indicate the status of use of your proposed trade mark by selecting the appropriate word/phrase and striking out those which are inapplicable.

9. Additional Matter

This section applies to the following circumstances:

- If you intend to assign or license your trade mark to another person (individual/body/corporate entity); or
- If you are not the legitimate owner of the trade mark however have been given rights to use the trade mark under a license/registered user agreement, assignment or any other contractual agreement;

Please include details in this section if either one of the above applies to your application.

Should the above apply, additional documentation should be furnished together with your application.

10. Address for Service.

Please state your full address (postal address) for service. This address will be deemed as the forwarding address for all correspondences on this matter.

- Please note that if the applicant is a foreign applicant, a local address (designated Papua New Guinea address) for service is required.

11. Signature and Date

Please insert name, signature and designation of the person who executes the application form. Please also ensure that the application is dated.

In doing so, please note the following: -

- If the applicant is an individual and the same person executes the form, a full name, title/designation and signature is required;
- If the applicant is a company/corporate entity or body corporate and the application has been executed by someone from within the company, the full name, title/designation, signature and corporate seal is required;
- However, if the applicant has engaged an agent to act on their behalf, the full name of the authorized person, title/designation and signature is required.