



INSTRUCTION GUIDE TO FILL FORM 4 APPLICATION

FORM 4 - APPLICATION TO REGISTER TRADE MARK/S OR SERVICE MARK/S.

Sets out below are the following instructions to help and guide the applicant to fill out the Form 4 Application. The applicant may consult a legal practitioner for further advice.

1. Representation of the mark:

Under this column, the applicant is required to attach/fix or paste firmly one representation of the proposed mark within the space provided and seven (7) others representation of this size must be attached to the application Form. All representations must be within the required measurement - 80mm x 60mm attached to the application Form.

The applicant must ensure that:

- (i) the representations are clear and legible and does not exceed the 80mm x 60mm size;
- (ii) a total of eight (8) representations, one to be affixed or pasted firmly on the application and seven (7) others to be attached to the application Form.

2. Registrable Trade Marks.

Seek protection or registration either in Part "A" or "B" of the Register.

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

- (i) **Part A** - A trade mark is registrable under Part A of the Register relates to marks not having direct reference to the character or quality of goods/services that are held prima facie distinctive qualify for registration under Section 15 (1) of the Trade Marks Act; and
- (ii) **Part B** - A trade mark is registrable in Part B of the Register relates to marks that are not distinctive but are capable of becoming

distinctive of goods/services are considered registrable under Section 16 of the Trade Marks Act.

The applicant must state either Part A or B, depending on one's observation of the mark and the circumstances surrounding the mark.

3. Classification.

Is the class number stated correctly?

The applicant must state the appropriate class number in panel (a) of the application Form for the goods or services it intends to seek protection.

The Goods and Services classification known as the "Nice Classification" which categorized list of goods and services that falls under different classes in the following:

(i) **Goods** - Classes 1- 34; and

(ii) **Services** - Classes 35 - 45.

Please refer to the "Nice Classification" for list of goods or services which the applicant desire to apply.

4. Statement of Goods and or Services:

Is the statement of goods or services correctly listed?

The applicant is required to specify the goods or type of service in the space provided under panel (a) of the application. If the statement of goods or services is lengthy, you may attach the list. The statement of goods or services must correspond with the category of the Class Number of the Nice Classification.

5. Name of Corporate entity or individual and the jurisdiction.

Is the name of the firm or company making an application show the country/state in which the individual, firm or company is registered or incorporated under relevant laws of the State or country?

The applicant making an application is required to insert the full name of the individual, firm or body corporate (individual, association, firm or company) in panel (b). 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. The names of all partners in the firm must be given in full.

6. Business Address

Is the business address of the company stated?

The applicant making an application is required to state the full trade or business address under panel (c) of the application document (ie., Postal Address, Street No, city/town, State and or country) where business is conducted.

7. Trading Style.

If the individual firm or a company is trading under a different trade name is it stated?

The applicant making an application is required to state its trading style or a name if it is trading in a different name but if it is not then, it is not applicable.

8. Strike out words, which are inapplicable.

Is Item (e) of the application correctly checked by deleting or striking out inapplicable wordings/phrasings.

The applicant making an application is required to delete or strike out the inapplicable phrase or words under Item (e) of Form 4 application document.

9. Additional information

Should there be any additional information, as required under Section 35(1) of the Trade Marks Act:

- (a) where the applicant intends to assign the trade mark to a firm or a corporation with a view to be used by a corporation of the trade mark in relation to goods/services which registration is sought; or
- (b) where the applicant intends to assign the trade mark to a person in relation to goods/services sought to be registered.

Additional information may only be required to be furnished should any of the above paragraphs applies.

10. Address for Service.

Full address for service to be stated.

The applicant (both national and foreign) making an application is required to provide an address for service in Papua New Guinea which all documents under the Act or the regulation will be served. If a foreign applicant making an application, it the requirement of s.40 of the regulation that an agent must be nominated to act as an address for service.

Under s.97 of the Trade Marks Act, the registered owner or each registered user of a trade mark must nominate a local address for service in Papua New Guinea.

11. Signature and Date

Form 4 application must be properly signed and dated.

The applicant making an application is required to sign and date the application. Where a person is authorised to sign the application document must state his/her full name and the position he or she holds with the firm or a company.

If a person is authorised to act on behalf of the firm or a company by signing and lodging the application, the Act and the regulation require that a person or an agent to produce evidence of his/her authority to act for the applicant or opponent. The name and position of a person employed by the company authorised to sign or execute an application on behalf of the company must be clearly stated in the application document. It is the requirement of the regulation that the person signing the application must be under a company Seal (if any).

For Further Information Contact:

The Registrar
Intellectual Property Office
Level 3, Credit Corporation Haus
PO Box 5053
BOROKO, NCD
Papua New Guinea

Phone: (675) 308 4434 / 321 7311
Fax: (675) 321 5155
Email: ipo@ipa.gov.pg