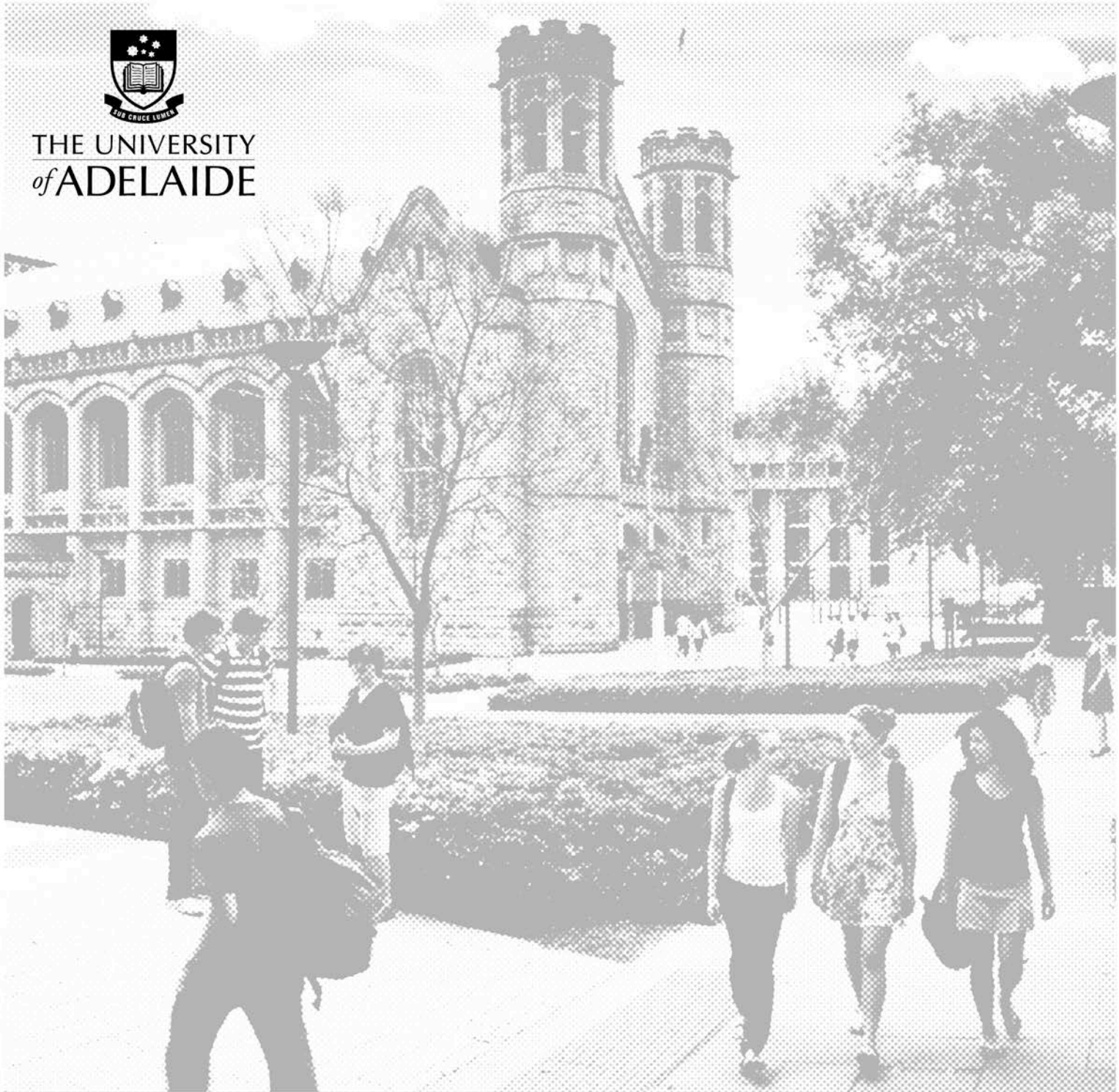




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Marketing and Communications

# Trademarks: process and registration

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## Trademarks

This guide provides an overview of University trademarks and the application process. The information is based on advice from IP Australia [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)

In line with the University's Brand Policy, organisational units wishing to apply for a trademark must seek approval via the Council Secretariat. The Council Secretariat must work closely with Marketing and Communications and the Vice Chancellor to manage this process.

A list of University-approved trademarks is available on the Brand Policy [webpage](#).

## Understanding trademarks

A trademark is used to distinguish the goods and services of one trader from another. The IP Australia website states the following:

**A trademark is a right that is granted for a letter, number, word, phrase, sound, smell, shape, logo, picture and/or aspect of packaging. A registered trade mark is legally enforceable and gives you exclusive rights to commercially use, license or sell it for the goods and services that it is registered under. A trademark can be a letter, number, word, phase, sound, smell, shape, logo, picture, aspect of packaging or any combination of the above.**

Before deciding to apply for a trademark you must consider whether registering a trademark is an appropriate strategy, where you want the trademark registered and what is involved in the trademark application. The University Council Secretariat in conjunction with Marketing & Communications can provide guidance in this area.

## Benefits of trademarks

The public identifies a certain quality, reputation and image with goods and services bearing a trademark. The more successful a business is the more valuable the trademark becomes.

As the owner of a registered trademark you:

- have the exclusive right to use your registered trademark as a brand name for the goods and services specified in the registration
- have the exclusive right to authorise other people to use your registered trademark for the goods and services specified in the registration
- have a registered trademark that becomes personal property and can be sold
- have a registration that usually covers the whole of the Commonwealth of Australia
- may give the Australian Customs Service a notice objecting to the importation of goods that could infringe your trademark; and
- can be in a stronger position to stop others from using your trademark registration on the same or similar goods or services of your trademark registration.

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## Use of the ® symbol

Whilst it is good practice to identify registered trademarks through use of the ® symbol, the University does not encourage this practice.

## Trademark application process

The trademark application process is lengthy, and there are a number of steps in the process. The Council Secretariat will provide further information to complement the details below.

### Stage 1

Before applying for a trademark, a search should be conducted to see if there are any trademarks already being used by other traders that may affect the likelihood of the trademark not being approved.

Searches can be conducted using online databases, such as those detailed on the IP Australia website or by an IP Professional.

Once the application is submitted and its information has been published, you can't substantially change the details of your trademark application or add classes of goods and services.

Applications can be submitted either online or in paper form. Applications will be examined by IP Australia to ensure the requested trademark doesn't conflict with existing trademarks and adheres with the Trade Marks Act 1995. IP Australia will examine the application within 13 weeks.

### Stage 2

You will be issued with an examination report which will explain IP Australia's findings. If the report is clear of any issues the application will then be accepted and published.

If there are any deficiencies or objections applicants have 15 months to overcome/ address these objections.

### Stage 3

The accepted application is then published in the Official Journal of Trade Marks for 3 months and opens for third parties to oppose the application. If an opposition is received, the trademark application may take time to be resolved, in some instances up to 15 months. The application will be registered if no oppositions have been filed or once any objections received have been settled.

IP Australia will record the details of the trademark in the Register of Trade Marks, and then send a certificate of registration. The trademark will be registered from the date the application was filed - not from the date it was examined or accepted.

The earliest date a trademark can be registered is around seven and a half months after an application is filed. This fulfils IP Australia's international obligations to allow six months for applicants to claim a priority date based on an overseas filing.

Once your trademark is registered and all fees are paid, it will be enforceable.

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Your registered trademark can be renewed indefinitely. Initial registration is for 10 years. It must be renewed every 10 years to remain enforceable.

### **Cost of application and registration**

You should research the current application and registration fees online. Additional fees may apply if the application is opposed.

### **Renewal**

The initial period of registration of a trademark lasts for 10 years (calculated from the filing date).

Registrations can be renewed between 12 months before the renewal is due or up to 6 months after its expiry date. Additional fees apply if the registration is renewed after the expiry date.

A renewal reminder notice is issued to the address for service recorded on IP Australia's database, advising the timeframes for renewal and how to make payment. It is important that IP Australia is notified in writing of a change of address for the trademark service otherwise clients will not be notified of the need for renewal.

The IP registrar will renew the trade mark registration when all applicable fees are paid.

Further information can be found on the [IP Australia website](#).

For further information please contact:

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