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An opposition may delay or even prevent registration. However, if no opposition is lodged, the application may proceed to registration, subject to payment of registration fee.

- **Where can I obtain the forms?**

Applications are made by completing a prescribed Form 4. This form and further information regarding trade marks can be collected at the address stated on this brochure.



## Intellectual Property Office of Papua New Guinea

**Address:**

The Registrar  
Intellectual Property Office of Papua New Guinea  
P O Box 5053  
Boroko, NCD  
Papua New Guinea

**Location:**

3rd Floor, Credit House  
Cuthbertson Street  
Down Town, Port Moresby  
National Capital District

**Contact:**

Phone: (675) 321 7311/308 4434  
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## Intellectual Property office of Papua New Guinea



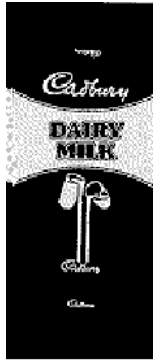
## What is a Trade Mark?



- **What is Trade Mark ?**

A Trade Mark in this context is defined as a word/words or a symbol/s which indicates a connection in the course of trade between a trader and particular goods or services provided.

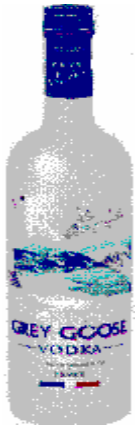
It is important that the trade mark chosen must be distinctive, and must be seen as invented or newly coined words which does not remove or diminish the rights of other traders to describe or praise their goods or services.



Generally, a trade mark that describes goods or services in which a laudatory term, such as the Melanesian Pidgin words NAMBAWAN or SUPA, or an ordinary geographical name or a mere surname is used, cannot be described as a good trade mark, and shall therefore be refused registration. There are other restrictions specified in the Trade Marks Act.

- **Why do I need to register my Trade Mark ?**

It is important to protect a trade mark by obtaining a registration from (IPOPNG). The main purpose of the Act is to provide the owner of a trade mark, the legal title to having exclusive use of its trade mark for the goods and services for which it is registered, and to protect against unauthorized use of the trade mark



The Register is divided into two parts which are called Part A and Part B respectively. If a trade mark is distinctive, it will qualify for registration in Part A of the Register. A trade mark which is non-distinctive, but is capable of becoming distinctive over time, will qualify for registration in Part B of the Register. The registration requirements can be found in Sections 15, 16 and 17(2) of the Trade Marks Act (Ch. 385)

An applicant must specify the goods to which a trade mark is applied, or to be applied in the future.



An application must be limited to the goods in one class only. The applicant must also specify the classification, to which category of the goods and services fall under, for example clothing and footwear are categorized under class 25.

In order to ensure a correct classification, the applicant must clearly describe the goods or services to which the trade mark is being actually applied, and should also avoid the use of the expression "and all other goods or services in this class".

- **When did the Trade Marks Act come into force?**

The Trade Marks Act in relation to "new" applications came into full implementation in 1980. A new application refers to a trade mark which was not on the Australian Register prior to Independence, but to that which came into operation after the implementation of the Trade Marks Act.

- **What is the registration fee?**

For each application, a non refundable fee of K250 is charged. However, upon registration of a trade mark a fee of K350 is payable.



There are also specific charges relating to the association of trade marks, amendments, and so forth. These are listed in Schedule 4 of the Trade Marks Regulation. The owner of a certain trade mark is protected for an indefinite period subject to the payment of a renewal fee on or before every tenth (10th) year and thereafter.

- **Who may register a Trade Mark?**

Any one who claims to be the proprietor of a trade mark can apply. Thus, an ordinary person (a "natural" person) or company (a "legal" person) can apply. Joint owners of a trade mark can.

- **How can I apply for registration?**

Applicants are required to make up at least eight (8) representations of the trade mark, each measuring 80 mm x 60 mm. One to be affixed to the application from and the other seven to accompany the application.

If the representations are larger than 80 mm x 60 mm, an additional fee of K25 is required. However, where larger sized representations are printed on a plastic material, such as labels, they may be accepted at the discretion of the Registrar.



- **How long does it take to register a trade mark?**

This varies from application to application. If the applicant has met all requirements in the application from including good quality representations, and the trade mark appears to a reasonable specification of goods and services, it may take about three months to process under the provisions of the Act which require publication, and a period for the receipt of any possible objections. After acceptance, a trade mark is advertised in the IPOPNG journal for opposition, a person may appeal against the ownership of a certain mark if he/she feels that he/she has better claims to ownership of the proposed trade mark. A period of not more than three months is allowed to lodge notice of opposition, unless otherwise extended if requested by the opponent.

If a mark exists in the Register for the same goods or services or that the mark has a similar nature or composition and with similar uses, the process may take longer than usual. In this case, the Registrar will have to set time limits from six to nine months