



BUCHANAN LAW
Intellectual Property and Technology

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OUR TRADE MARK SERVICES & FEES

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INTRODUCTION TO OUR SERVICES

Thank you for considering us to undertake trade mark work on your behalf. For your ease of reference, set out below is a list of the most common activities we carry out in relation to trade marks, the fees for doing so, and a brief explanation of what is involved.

The fees you see below are set out by reference to the lifecycle of standard Australian trade mark applications and registrations:

- Search/assessment
- Trade mark application filing
- Trade mark application prosecution
- Trade mark opposition
- Trade mark registration (sealing)
- Trade mark renewal

Please note, however, that we also undertake Madrid Protocol (International) trade mark filing, prosecution, registration and renewal work for clients who wish to protect their mark overseas (e.g. those wishing to export); our Madrid Protocol services are currently available on request (POA).

There are many other trade mark services available upon request from us, including:

- BrandBuilderi (our brands service run for and in conjunction with design specialists)
- Trade mark assignment (transfer of proprietorship)
- Trade mark licensing
- Recordal of assignment and interests
- Trade mark watch services
- Non-use applications
- Register extracts and copies
- Trade mark portfolio management

OUR FEE STRUCTURE

We try to keep our fee system as simple and transparent as we can; this means we try to use fixed fees wherever possible. When we do use Time Costed fees (see below), this means that the activity varies in scope significantly in each instance.

All of our professional fees (listed as %Our Fees+in the following tables) are listed here in Australian Dollars (AUD) **exclusive of GST**. Please note that until funds have cleared into our accounts, we cannot treat payment as having been made.

T/C means Time Costed at the rate(s) for the Buchanan Team member(s) undertaking the activity; these rates are charged per hour (*pro rata* for each six minute unit of that) inclusive of GST depending on the Team member involved.

The official Trade Marks Office (IP Australia) fees set out are those applicable as at the date of issue and are subject to change independently of our fees.



NOTE TO OVERSEAS CLIENTS

Where we are providing services to persons operating independently overseas (**overseas clients**), our professional fees (listed as **Our Fees** in the following tables) will be charged to them **exclusive of GST**. Particularly when dealing with new clients, we may request payment of fees in advance; otherwise, we request payment promptly upon presentation of our invoice.

If, as is typical, it is not possible for an overseas client to provide either an Australian banker's cheque/draft (denominated in AUD) or a personal/corporate cheque drawn on an Australian account (denominated in AUD), then our preferred mode of payment is direct EFT with payment originating in AUD. When receiving any payment from overseas clients, we reserve the right to pass on transaction costs on subsequent invoices to ensure we recover expenses arising from exchange rate fluctuations, transaction fees and similar occurrences.

Please note that although we require written confirmation of instructions for our records, there are no prior requirements for Power of Attorney documents for us to act upon your behalf.

We are proud to be a member of the International Trademark Association (INTA).



TRADE MARK SEARCH/ASSESSMENT

<i>Activity</i>	<i>Official Fees</i>	<i>Our Fees</i>	<i>Total</i>
Status report on known registration/application	N/A	100	100
Inherent %egisterability+assessment*	N/A	500	500
Proprietor search	N/A	300	300
Exact search#	N/A	250	250
Infringement search#	N/A	700	700
Availability search#	N/A	1000	1000

*This assessment looks at whether there is some aspect of the mark in itself which would cause problems if/when seeking registration (e.g. descriptiveness, lack of distinctiveness, inherent deceptiveness, unfavourable connotations, breach of rules relating to protected symbols, etc.). Although listed separately for special request, please note that this assessment is included as part of a trade mark availability search as standard and without an additional fee.

#For your convenience, a brief description of what each search comprises is appended to this list below. Unlike some other firms, we fix our search fees, including our reporting of search results.

TRADE MARK APPLICATION FILING

<i>Activity</i>	<i>Official Fees</i>	<i>Our Fees</i>	<i>Total</i>
Filing one (1) standard* Australian trade mark application in one (1) class by electronic submission and with a custom specification in one(1) class of goods/services	160	700	860
Filing each additional class at the same time#	160 per class	200	360+
Filing each additional mark in an application with the same specification(s) at the same time^	160 per class	700	860+
Application for expedited examination	N/A	250	250

*This excludes series marks, collective marks, certification marks, defensive or other special subject matter/type marks such as smell, shape, colour and tactile (Price on Application).

#In some circumstances where necessary for classification purposes, it is possible/necessary to add one or more extra classes after filing.

^Unlike some other firms, we fix our professional fees for a second and subsequent simultaneous application with the same specification(s) irrespective of the number of classes or goods/services involved.



TRADE MARK APPLICATION PROSECUTION

<i>Activity</i>	<i>Official Fees</i>	<i>Our Fees</i>	<i>Total</i>
Reporting official actions/correspondence*	N/A	300-900	300-900
Responding to official actions/correspondence	N/A	T/C	T/C
Preparing and filing of evidence of use	N/A	T/C	T/C
Preparing and filing of Hearing submissions	N/A	T/C	T/C
Attending Hearing	N/A	T/C	T/C
Applying for extension of time#	100 per month	250	350 per month

*This would typically include the Notice of Filing, the Examiner's Report(s) and, where relevant, the Notice of Acceptance.

#To prescribed limits in relation to acceptance.

TRADE MARK OPPOSITION

<i>Activity</i>	<i>Official Fees</i>	<i>Our Fees</i>	<i>Total</i>
Preparing and filing Notice of Opposition	250	700	950
Receiving and reporting on Notice of Opposition	N/A	300	300
Applying for extension of time*	150 per month	300	450 per month
Preparing and filing of evidence#	N/A	T/C	T/C
Lodging a request for an Opposition Hearing	500	300	800
Preparing and filing of Hearing submissions	N/A	T/C	T/C
Attending Hearing	N/A	T/C	T/C

*To prescribed limits for filing of Notice of Opposition or evidence.

#We do not currently make an additional charge for statutory declarations.



TRADE MARK REGISTRATION (SEALING)

<i>Activity</i>	<i>Official Fees</i>	<i>Our Fees</i>	<i>Total</i>
Undertaking registration (sealing) of one (1) Application, accuracy checking/forwarding Certificate of Registration*	250 per class	400	650+

*Unlike some other firms, we charge our professional fees at a fixed rate for registration (sealing) irrespective of the number of classes of goods/services registered.

TRADE MARK ADDRESS FOR SERVICE/RENEWAL

<i>Activity</i>	<i>Official Fees</i>	<i>Our Fees</i>	<i>Total</i>
Placing ourselves as address for service	N/A	N/A	N/A
Undertaking renewal of one (1) trade mark registration, accuracy checking/forwarding renewal documentation*	300 per class	400	700+

*Unlike some other firms, we charge our professional fees at a fixed rate for renewal irrespective of the number of classes of goods/services in the registration renewed.



SEARCH TYPES: A BRIEF EXPLANATION

Exact search

This is the most basic search type and it is only intended/suitable for quick Register reference only. It involves looking at the Australian Trade Mark Register dataset only to see whether there are marks which are identical or substantially identical marks to the search mark and, if so, whether they are either registered or applied for in classes of goods/services of interest and related ~~across~~ search classes. No assessment of the search mark in itself is undertaken and no off-Register sources are examined.

Infringement search

This second type of search is undertaken against the Australian Trade Mark Register dataset only with a view to identifying those registered (or, in the case of applications, potentially registrable) marks which the search mark might infringe by virtue of (a) being substantially identical or deceptively similar and (b) proposed for use in relation to overlapping goods services. This search type is intended/suitable for potential/actual registered trade mark infringement assessment purposes rather than pre-registration/pre-use purposes (e.g. it does not cover unregistered marks which may enjoy protection at common law). No assessment of the search mark in itself is undertaken and no off-Register sources are examined.

Availability search

This third and most comprehensive type of search is undertaken against both the Australian Trade Mark Register dataset and selected off-Register sources (e.g. White Pages, Yellow Pages, the ASIC company names/business names dataset) with a view to identifying the availability of the trade mark for both registration and (non-infringing) use. Although not guaranteeing freedom to register or use, this search type is ideal for pre-registration/pre-use situations in order to give a better picture of the likely issues arising. As part of this search, an assessment of the search mark in itself is undertaken (e.g. to see whether it meets the necessary criteria for registration, including possessing distinctiveness, lacking descriptiveness, lacking inherent deceptiveness, etc.).

For more details on searching and search types, please contact us.