

## Australia Trademark Registration Procedures and Fees (2022)

Unless otherwise indicated, Australia Trademark Registration stated in this quotation refers to trademark registrations in accordance with the *Trade Marks Act 1995*. All fees in this quotation are valid until 31 March 2022.

The legal basis of Australia's trademark is the Trade Marks Act 1995. Australia is a member of the Paris Convention and the Madrid Union. Australia adopts first-to-use basis for trademark protection. Trademark registration is valid for 10 years from the date of application and could be renewed for 10 years before the expiry date.

Our fees for filing an application in Australia are USD700 (HKD5,530) for the first class and USD550 (HKD4,345) for each additional class. The fees cover 20 goods/services per class. Each 10 items (less than 10 items will be calculated as 10 items) in excess of 20 will be charged at USD10 (HKD79). The fee for obtain certificate is USD200 (HKD1,580) for each application.

For the purpose of registering a trademark in Australia, you will need to provide some basic information of the proprietor (individual or company), such as the full name and address. You are also requested to select the goods/services for each class.

A registration in Australia usually takes 6-8 months from the date of filing the application which includes 2 months of Publication for the Opposition period.

If the application is being rejected by the IP Australia or opposed by any third party, Kaizen can help to response to the rejection or opposition and our fees will be quoted upon request.

IP Australia will not issue paper Certificate of Registration for the registrations, only an electronic Certificate of Registration will be issued.

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## 1. Australia Trademark Registration fees

Services	Fees (USD)
<b>Step 1: Pre-filing search</b>	
First class (word mark) (with report)	200.00
Each additional class (word mark) (with report)	150.00
(1) Pre-filing search is not compulsory in Australia. (2) Pre-filing search is limited to the IP AUSTRALIA's database only. (3) Pre-filing search report will be delivered in 3 working days by email.. (4) Pre-filing search result provides no assurance as to the availability of the use or registration.	
<b>Step 2: Trademark Application</b>	
First class	700.00
Each additional class	550.00
(1) Fees cover 20 items of goods/services per class. Each 10 items (less than 10 items will be calculated as 10 items) in excess of 20 will be charged at USD10 (HKD79). (2) Multi-class application is acceptable in Australia.	
<b>Step 3: Trademark Registration</b>	
Each application	200.00

The fees cover the following services:-

- (1) Conduct 1-time preliminary identical search for word mark – without report;
- (2) Analysis the registrability of the mark;
- (3) Classify the goods/services;
- (4) Translate the goods/services into the specified language (first 20 items at no cost);
- (5) Country-specific adaptation and conversion of goods/services designation where applicable (first 20 items at no cost).

Notes:

- (1) All fees are exclusive of bank charges, priority claim, notarization or legalization fees, courier fees (mailing of Power of Attorney or Certificate of Registration) and taxes, if any.
- (2) The fees quoted above apply only to trademark applications which are unrejected, unopposed and proceed without any complications. If the application is being rejected or opposed or complication is incurred, we can help to respond and our fees will be quoted upon request.

## 2. Calculation of Registration Costs

### Example 1: One mark one class

If you want to have your trademark "ABC" registered in Class 25 (clothing, footwear, headgear), that is, one mark one class, the total fees for trademark pre-filing search, registration request and certificate are:

Pre-filing search: USD200.00  
Request for registration: USD700.00  
Final registration/Certificate: USD200.00  
**TOTAL: USD1,100.00**

### Example 2: One mark two classes

If you want to have your trademark "ABC" registered in Class 25 (clothing, footwear, headgear) and Class 26 (lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers), that is, one mark two classes, the total fees for trademark pre-filing search, registration request and certificate are:

Pre-filing search:  $\text{USD}200 + \text{USD}150 = \text{USD}350.00$   
Request for registration:  $\text{USD}700 + \text{USD}550 = \text{USD}1,250.00$   
Final registration/Certificate: USD200.00  
**TOTAL: USD1,800.00**

### Example 3: Two marks one class

If you want to have your trademarks "ABC" and "DEF" registered in Class 25 (clothing, footwear, headgear), that is, two marks one class, the total fees for trademark pre-filing searches, registration requests and certificates are:

Pre-filing searches:  $\text{USD}200 + \text{USD}150 = \text{USD}300.00$   
Request for registration:  $\text{USD}385 + \text{USD}260 = \text{USD}770.00$   
Final registration/Certificate:  $\text{USD}200 + \text{USD}200 = \text{USD}400.00$   
**TOTAL: USD2,200.00**

The fees illustrated in the above examples are based on the assumption of a smooth case (i.e., no rejection, opposition or complications) requiring no additional item in each class. Moreover, the fees are exclusive of bank charges, courier fees and other expenses, if any.

### 3. Requirements

- (1) A completed trademark search/registration order form.
- (2) A soft copy of the trademark in JPEG format.
- (3) A priority document when priority is claimed (extra charge will be charged for filing priority claim documents).

### 4. Procedures

Step	Description	Duration
1	Client places an order for pre-filing search (not compulsory) and provides all information of the registration, such as the name of trademark, class(es) and item(s) by email or other ways and settles Kaizen's invoice, if any.	Client's schedule
2	Kaizen conducts a pre-filing search with the provided information.	1-2 days
3	Client places an order for application and provides the further documents listed in Section 3 by email or other ways and settles Kaizen's invoice.	Client's schedule
4	Kaizen files trademark application to IP AUSTRALIA upon receipt of client's payment and instructions. Kaizen sends the filing receipt and reports to client.	2-3 days
5	Trademark Office conducts the formality examination.	1-2 months
6	Trademark Office conducts substantive examination and issues Notice of Acceptance for Registration or Notice of Rejection*.	3-4 months
*	Kaizen quotes the fees for responding to the office action. Client confirms the quotation and settles Kaizen's invoice. Kaizen helps to respond to the office action. Trademark Office reviews the response and re-consider the acceptance of registration.	Trademark Office's schedule
7	Trademark Office publishes the Acceptance for Registration of the application on the Trademark Gazette.	2 months
8	If no objection is raised by a third party, Kaizen informs client about the registration and collects the registration fee and courier fee, if any. Client settles the courier fee.	Client's schedule
**	If an opposition is raised, Kaizen quotes the fees for responding to the opposition. Client confirms the quotation and settles Kaizen's invoice. Kaizen helps to respond to the opposition. Trademark Office reviews the arguments of both parties and makes a decision.	Trademark Office's schedule
9	Kaizen settles the official registration fee, if any, obtains and forwards the Certificate of Registration and our report.	1-2 months

## 5. Payment Term and Payment Method

Upon receipt of your confirmation of engagement, we will issue and send an invoice together with the wiring instructions to you for your settlement. When you arrange the payment, please put our invoice number of account number in the message section and then send email a copy of the remittance receipt to us for our records. Because of the nature of service, we require full payment in advance. And once the service is commenced, no refund of service fee will be made.

We accept cash, HKD check, TT and credit card through Paypal. An extra handling fee of 5% will be charged if paid by Paypal. If a China or Taiwan Value-Added Tax invoice is required, 7% or 5% additional charge will be incurred.

## 6. Refund Policy

No refund of fees will be made after the commencement of services. For example, if we have conducted a pre-filing search and found an identical mark is already in the register, the application will not be processed, and the fees for the pre-filing search will not be refunded. If we have already filed an application and the application is refused or objected by CTMO or any other party, there will be no refund of fees.

If you have prepaid our fees for all three stages of an application and the search result indicates that an identical mark is already in the register, the application will not be processed. The fees for the non-rendered services, i.e., filing for application and issuing of certificate of registration, will be refunded after deducting the incurred bank wiring charges.

*If you wish to obtain more information or assistance, please visit our official website at [www.kaizenip.com](http://www.kaizenip.com) or contact us through the following:*

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