

Leaflet Trademarks in Australia

Territory

Trademark registrations in Australia are effective in the Commonwealth of Australia, Christmas Island, the Cocos (Keeling) Islands, Norfolk Island, and the Australian continental shelf, the waters above the Australian continental shelf, and the airspace above Australia.

Duration

The duration of the registration of a trademark is ten years from the date of filing the application, indefinitely renewable for ten-year periods.

Compulsory Use

A registration can be challenged on the basis of lack of use for three years when at least three years have passed since the trade mark was entered into the Register. Use of a trademark by an authorized user is taken to be use of the trademark by the owner.

Marking

Marking of goods and services protected by the trademark is advisable, because marked products may have implications for awarding compensation in case of past infringement. Possible marking: 'Registered Trade Mark', followed by registration number. Also the sign '®' may be used.