



**Geosys Pty Ltd**  
geoff@geoffmoller.com  
M0b 0411 351 110  
Ph (07) 5641 4583  
www.geoffmoller.com  
PO Box 6080  
Maroochydore BC Qld 4558

## **Information Regarding Trademark Applications Lodged before 10-Oct-2016**

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This information relates to trademark applications lodged before 10-Oct-2016 and is important as many trademark applications are still working through the Australian Trademarks application process.

**Note:** Trademark applications lodged on or after 10-Oct-2016 are under a new fee structure from IP Australia and more information from IP Australia can be found here:

<https://www.ipaustralia.gov.au/about-us/news-and-community/official-notice/ip-australia-fee-review-update-fee-changes-confirmed>

### **Introduction**

As you may be aware having a trademark in place is a very important intellectual property asset to own, but just as importantly not having a trademark in place puts the value of your business brand and ideas at great risk should someone else register the same or similar trademark to your brand then decides to try and stop you from using your own original idea or products and you then must defend your own brand or put at risk losing it altogether.

Although an Australian trademark application process takes on average eight months the first three weeks after a trade mark application is lodged are critical to be able to respond to any queries from IP Australia (depending on which process is chosen to lodge the application), I make myself available to you by phone, Skype or email to answer any queries which may come your way. Many clients ask me to be the direct contact for IP Australia until the application is well and truly underway.

International Trademark applications (if required) are a more protracted process and time frames don't match Australia's but the methodologies to the applications are very similar.

My fees are listed below for your perusal with a choice of either an hourly basis or a flat fee per trademark application plus the relevant government charges.

### **Fees – Australian Trademark applications**

To complete the Australian Trademarks database register search, advising and lodging the trade mark application(s) would be \$1,320 (Inc. GST) for up to three trademark applications in multiple (unlimited) classes plus the associated government application and registration fees. This covers up to 3 trademark applications or items if lodged at the same time and also covers all support for the first three weeks after a trademark application is lodged. Extra trademark applications (or items) were \$200 per item (Ex. GST).

The first three weeks are critical to be able to respond quickly to any queries from IP Australia (depending on which process is chosen to lodge the application).

Included in the fee:

- Examination and technical guidance on the opportunity to register of each Trademark item.
- Trademarks database search.
- Assisting to identify the appropriate Trademarks classifications and supplying the relative report(s).
- Support and guidance in the preparation and lodgement of the application.
- Trademarks headstart (as an option) and application lodgements.
- Correspondence – all email, phone and written (strictly for the first three weeks after lodgement).
- Unlimited technical support and guidance for three weeks after the trade mark applications are lodged.
- Monitoring and status updates of the trademark application during the 8-month process.

## Government and Other Fees Before the 10-Oct-2016!

The Australian government application fees and charges can vary for each application but expect \$200.00 per item per class (Ex. GST) for the application lodgement, alternatively starting from \$120 per item per class depending on the application lodgement style used. If you like I can explain more on how the government costs are made up when we next talk.

The most appropriate classifications (or categories) for your brand are yet to be determined as part of the trademark application process. It's very important to get this part right before the applications are lodged.

Other costs (after the first three weeks):

Hourly charges only where applicable after the first three weeks (covering extra research, preparation and lodgement of documentation and forms etc.)	\$275.00 per hour (Inc. GST)
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## Fees (Option)

An alternative method of engagement can be on a straight hourly basis if you feel that's more convenient.

Hourly fee for work as required..... \$275.00 per hour (Inc. GST)

\* Note minimum hours on initial engagement 2 hours.

## Government fees - Trademark application, Australia (prior to 10-Oct-2016)

Trademark application	Lodgement style	Government charge (Ex. GST)
Word mark	Headstart	\$200.00 per item per class
Logo, or composite image	Headstart	\$200.00 per item per class

Government charges need to be paid up front at the time of lodging the trademark applications or headstart lodgements.

## Government fees – Trademark registration (on acceptance of trademark application), Australia prior to trademark applications lodged before 10-Oct-2016

Once a trademark application has been approved the government fee for completing the trade mark process is \$300.00 per item per class (Plus GST or GST free if paid directly to IP Australia), but this is not payable until some 7½ months after the application is lodged.

Due in approximately 7 months' time and on acceptance of the trademark by IP Australia:

Trademark registration	Government and other fees (Inc. GST)
Word mark	\$300 per item per class
Logo or composite image	\$300 per item per class
Final trademark handling and processing fee (Geosys)	\$242 per trademark application

A Trademark registration in Australia lasts ten years before a renewal is due.

### Items (definition):

If, for example, you choose a name and a logo that would be two separate trademark applications or items; multiplying that by the number of classes you would like to protect the trademark in would give you the initial government application fee. So building the strongest protection whilst not trying to cover all the trade mark classes is a process and skill I have been able to deliver to (and on behalf of) my clients over time.

The exact government charges (on application lodgement) are yet to be confirmed.

The first action is to check to confirm that the names you want to register are still available and then determine under which classes to apply.

**Note:**

*Applying for a Trademark does not guarantee the success of an application, but you will receive indicators and correspondence along the way advising of its progress.*

Geosys Pty Ltd, its agents, staff or directors do not offer or provide legal or financial advice. Assistance is of a technical nature only. We do however work with qualified legal firms should the need arise and are able to confidently refer matters on when needed.

Trademark applications may typically fail for one of three reasons:

- a) It does not meet the criterion for a registered trademark in Australia.
- b) It's considered too similar to an existing registered trademark, or
- c) Someone opposes the registration of your trademark.

## Other:

Because all the initial government fees are payable up front when the application is lodged a 100% deposit would be required on acceptance of this proposal and placement of order.

If you have any questions whatsoever regarding this information pack, please do not hesitate to contact me.

I look forward to a favourable response and the commencement of what I hope will be a long and fruitful business relationship.

Thank you for the opportunity to work with you on protecting your brand.

Yours sincerely,



**Geoff Moller**

MBA

## I accept this proposal:

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(Please Print Name)

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(Company or Business Name)

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(Signature)

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(Date)

## About Geosys Pty Ltd

Geosys Pty Ltd is a boutique consulting firm with clients around Australia and overseas.

Our expertise covers the following Consulting Services:

- ✓ Trademark applications and brand protection.
- ✓ General Intellectual Property (IP) strategies and business planning.
- ✓ Management Consulting.