



Australian Government

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Official Notice

Introduction of the Trade Mark Assisted Filing Service

IP Australia is introducing a service to assist customers prior to filing trade mark applications under section 27 of the *Trade Marks Act 1995* (the Act). The Assisted Filing Service (AFS) will provide customers with a preliminary assessment of their proposed trade mark and information on the requirements for registration under the Act, including how their request might best be amended to meet the requirements of the Act.

Commencement:

The Assisted Filing Service (AFS) will commence on Monday 3 October 2005. The AFS has been implemented via changes to the *Trade Marks Regulations 1995*, in particular through the inclusion of a new Part 3A to the Regulations.

Information relating to the AFS can be accessed at the IP Australia website, www.ipaustralia.gov.au under the *Trade Marks* tab by selecting the link, *Assisted Filing Service*.

Conditions & Exclusions:

New subregulation 3A.3(3) includes provisions which enable the Registrar to specify the manner in which a request must be made, notify any conditions which must be complied with in relation to an AFS request, as well as any matters for which an AFS request is not available.

The following advice constitutes notification under subregulation 3A.3(3):

Access to the service is only available via the AFS electronic form which can be found on the *Online Services* section of the IP Australia website. This form requires the use of the official pick-list for the specification of goods and services.

The following advice constitutes notification under 3A.3(3)(f):

The types of trade marks listed below are currently excluded from the AFS:

- Certification, Defensive and Collective trade marks
- Series trade marks
- Divisional trade marks
- International Registrations Designating Australia
- Trade marks which contain or consist of a sign that is a colour, scent, shape, sound, an aspect of packaging, or any combination of those features

Application for these types of trade marks should be made through the standard filing and examination system.

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