

# Request to Amend a Trade Mark Application or Registration under S63 or S83 of the Trade Marks Act 1995

## Privacy Notice

The personal information collected on this form is collected for the purposes of the Trade Marks Act 1995 ([www.ipaustralia.gov.au/about-us/ip-legislation/](http://www.ipaustralia.gov.au/about-us/ip-legislation/)) and is protected by the *Privacy Act 1988* ([www.comlaw.gov.au/series/c2004a03712](http://www.comlaw.gov.au/series/c2004a03712)).

All personal information you provide on this form is handled in accordance with IP Australia's Privacy Policy ([www.ipaustralia.gov.au/about-us/what-we-do/privacy-policy/](http://www.ipaustralia.gov.au/about-us/what-we-do/privacy-policy/)).

The Privacy Policy contains relevant information, including:

- how you may seek access to and correction of the personal information we hold;
- how you may make a complaint about a breach of the Privacy Act and how we will deal with your complaint; and
- IP Australia's Privacy Contact Officer details.

Any personal information you provide will be used for the purposes of processing this form. IP Australia may also contact you, using the contact details you have provided, to request your feedback on our products and services.

IP Australia will publish your:

- name;
- address for service;
- address for correspondence; and
- details and history of your Trade Mark

in the Register of Trade Marks and on Australian Trade Mark Search. Once information is available on the internet, IP Australia has no control over its subsequent use and disclosure. You should be aware that the information (including personal information) held in IP Australia's online IP Rights databases is also available on request, subject to our terms and conditions.

As far as your personal information is concerned:

- you may provide a post office box address if you do not want your residential address to be published; and
- if you do not provide the personal information required on the form, IP Australia may not be able to process the form.

IP Australia will not otherwise use or disclose your personal information without your consent, unless authorised or required by or under law.



Australian Government

IP Australia

# Request to Amend a Trade Mark Application or Registration under S63 or S83 of the Trade Marks Act 1995

**Personal Details of Applicant**

(\* denotes mandatory fields)

*Name	ACN/ARBN/ABN		
*Address (can be a PO Box)			
	Country (if not Australia)	State	Postcode
2nd Applicant (if required)	ACN/ARBN/ABN		
Address (can be a PO Box)			
	Country (if not Australia)	State	Postcode
<input type="checkbox"/> Additional applicant details attached			

**\*Address for Service** (if different from the above address)**Address for Service of documents in Australia or New Zealand** (can be a PO Box)

Address			
	Country	State	Postcode

**OR****Agent Details** (only complete if you are being represented by an Agent authorised to act on your behalf)

Name			
Address			
	Country (if not Australia)	State	Postcode

**Optional Details:**

Telephone	(    )	Fax	(    )	Mobile Number	
Email Address				Customer Number	

By completing this form you consent to your personal information being handled in accordance with the Privacy Notice provided on page 1 of this form.

IP Australia publishes address details in our online databases and bulk data products. Please provide a post office box if you do not want your residential address to be published.



**Nature of Amendment:**

**Trade Mark:**

**Type or attach** a copy of your trade mark in the box as you wish it to be amended to.


<p>(insert image)</p>	<p>(insert image)</p>
-----------------------	-----------------------

**Goods and Services:**

Enter the current specification of goods and/or services in the box below (or attach to the back of this form). Use **STRIKETHROUGH** to show text to be deleted and **UPPERCASE** characters for amended/new text.

[illegible]

**(Note: if adding a class(es) additional fees may be required)**

**Other:** Indicate clearly the changes being requested

**Endorsement:**


**Priority details:**


**Other details:**


☐ All amendment details have been entered or attached to this form.

## Amendments to a Trade Mark Application/Registration

Under s63 of the *Trade Marks Act 1995* the Registrar may, at the request of the applicant or agent, amend an application for the registration of a trade mark in accordance with s64, 65 or 65A. The Registrar may also, at the request of the registered owner of a registered trade mark, amend particulars of a trade mark entered in the Register under s83. The rules for making amendments vary depending on whether you make them before or after the details of your application have been published. Particulars of an application are considered published when the details of the application are available on Australian Trade Mark Search. The Registrar will only consider the request if it is fair and reasonable to do so. For example, a request made a long time after filing your application might not be allowed. All amendments need to be considered carefully by the Registrar before they are granted in order to lessen the potential adverse impact of such an amendment on other parties. The Registrar may also require you to file a declaration in support of your request, and will conduct a search of Australian Trade Mark Search for marks that might become conflicting because of the proposed changes to your trade mark.

### Section 63 Amendments

#### Amendments before publication (s64)

If the particulars of an application have not yet been published under section 30, it is possible to request amendment of the particulars contained in the application form to correct a clerical error or an obvious mistake. The timeframe for an amendment before publication is **limited as details of an application are published on the same day as filed or within one business day**.

#### Amendments after publication (s65 and s65A)

If the particulars of an application **have been published**, the application may be amended as provided for under s65 and s65A. Only minor changes to the representation that do not substantially affect the identity of the trade mark may possible and it is difficult to add extra classes or goods and services that would extend the scope of the application as originally filed. An amendment which reduces the scope as originally filed, such as removing a class or deleting some of the goods and services may be allowed. S65A of the Act provides the Registrar with more scope, when it is fair and reasonable to do so to correct clerical errors or obvious mistakes in published applications not allowable under other parts of the Act. If the Registrar is satisfied that the request for amendment would be granted under s65A, it must be published on our website to give other parties an opportunity to oppose the amendment.

### Section 83 Amendments

#### Amendments after registration

Amendments after registration can include:

- correction of an office error
- future reclassification of goods or services
- amendment to the registered trade mark as published (provided it does not affect the identity of the trade mark)
- amendment to the goods and/or services covered by the registration or any other particulars of the registration, provided that such amendments do not extend the rights the owner of the trade mark has in the registration.
- amendments to the certificate of registration, after an amendment has been made to the registered particulars of a trade mark.