

Australian and International Search Services

Scale of Charges and General Information

2012

Searchmarque® is a professional trade mark research solutions provider to both legal\Intellectual Property professionals and corporate\commercial business customers located both in Australia and overseas. Our cost effective new trade mark availability (clearance) research products and services are however mostly utilised by law firms, in-house corporate lawyers, IP departments and patent and trade mark attorney firms.

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GLOBAL TRADE MARK RESEARCH SERVICES
Cost-effective Outsource Solutions for Brand Clearance

Australian Search Products 2012

REPORT DISPATCH TIMES AND CHARGES

1. FULL AVAILABILITY SEARCH (ATMOSS plus COMSMART® Common Law) > 2 DAY: \$345 > 5 DAY: \$295 > 7 DAY: \$245

This is our most comprehensive clearance search that covers all 45 classes for the one fixed charge. It will provide peace of mind that you have taken prudent action to avoid the possibility of infringement and to also expose any potential obstacles to both use and registration. We believe that this premium search product, which includes our industry/ business focused COMSMART® Common Law Search element, will satisfy due diligence obligations. It is the only word mark search that we recommend be conducted before a new trade mark is used and before the lodgment of an application for registration.

The search includes the following stages/elements:

- > A comprehensive search of the Australian Trade Marks Office Databank (ATMOSS) covering the designated primary and their officially related classes.
- > An identical and near identical screening element of all 45 classes.
- > A phonetic screening element in the primary classes.
- > COMSMART® Common Law Search element as described in search item No.3 below.

2. FULL ATMOSS DATABANK SEARCH (No Common Law) > 2 DAY: \$250 > 5 DAY: \$200 > 7 DAY: \$150

The search includes the following:

- > A comprehensive search of the Australian Trade Marks Office Databank (ATMOSS) covering the designated primary and related classes.

This search does not cover Common Law or the International Register (Madrid Protocol) and as such must be considered as a limited search.

3. COMSMART® COMMON LAW SEARCH > 2 DAY: \$270 > 5 DAY: \$230 > 7 DAY: \$190

The evolving and invaluable search product includes but is not limited to the following stages/elements:

- > Our Comsmart® computer software generated comprehensive identical and near identical Common Law search element covering trade/ commercially relevant research materials, directories and carefully selected internet search engines as experience deems appropriate.
- > An identical screening element of the National Names Databank covering Federal Company Names and State Business Names.
- > An identical screening element of Internet Domain names.
- > An identical screening element of unregistered, lapsed, abandoned or refused trade mark applications and registrations.
- > An identical screening element of Applicant/Owner names of trade mark registrations/applications.
- > An identical screening element of International Applications/Registrations designating Australia under the Madrid Protocol

4. LOGO/DEVICE AVAILABILITY SEARCH > 2 DAY: \$395+ > 5 DAY: \$355+ > 7 DAY: \$295+

This is a comprehensive search to locate visually identical and deceptively similar trade marks. The search will cover *up to five (5) designated classes* for the indicated cost. Additional classes may be designated at a cost of 15% per class of the indicated search cost for the chosen Dispatch Time. If the trade mark includes a word element, a separate search should be ordered.

5. IDENTICAL ATMOSS DATABANK SCREENING SEARCH > 2 DAY: \$135 > 5 DAY: \$125 > 7 DAY: \$105

The search includes the following:

- > An identical and near identical, singular and plural screening element of the Australian Trade Marks Office Databank (ATMOSS) covering all 45 classes.

6. OWNER (ACQUISITION/PURCHASE) SEARCH > 2 DAY: \$195 > 5 DAY: \$185 > 7 DAY: \$165

This is a comprehensive search in the name of one legal entity (and its former names) or an individual person's name to reveal live, lapsed and refused trade mark applications and registrations. The report includes a listing plus a status report for each entry revealed by the search.

Note:

1. The Indicated charges are for a comprehensive Searchmarque Search Report as a PDF sent by email only.
2. A bound presentation\ hard copy sent by express mail is available on specific request at an extra charge of \$25 per search.
3. Discounts are available for multiple orders received at the same time; details are available on request.
4. Indicated charges do not include mandatory 10% GST for Australian clients.

Search Order – Australia

This form lists our standard Australian searches which can be modified if required to suit specific requirements. We encourage you to contact us to discuss your requirements before placing any order. Any information you provide via this form will remain strictly confidential.

Trade Mark Information Section

Indicate the trade mark(s) you wish to research. If a logo is involved, please provide a copy.

Indicate all of the Primary Classes to be searched and the goods/services in respect of which the mark will/could be used or registered. Ensure that all of the goods and services of current and potential interest are indicated. We will determine the classes if necessary.

Indicate all of the **Primary Classes** to be covered by this search.

Indicate\ advise all of the **Goods and Services** for which the trade mark may be used or registered.

Indicate below the required Search Product and Report Dispatch Time. If uncertain, contact us to discuss before placing this order.

SEARCH PRODUCTS

REPORT DISPATCH TIMES

	URGENT 2 DAY	STANDARD 5 DAY	NON-URGENT 7 DAY
1. Full Availability Search (ATMOSS plus COMSMART® Common Law) (Word Mark)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Full ATMOSS Databank Search (No Common Law) (Word Mark)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. COMSMART® Common Law Search (Word Mark)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Logo/Device Availability Search (Graphics/symbols)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Identical ATMOSS Databank Screening Search (Word Mark)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Owner (Acquisition/purchase) Search (Name)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

> An Express one (1) day dispatch is available subject to certain conditions

Client Information Section *Indicate your firm/company details:*

Firm/company Name

Mailing Address

Phone No Fax No

Email Your Ref.

Indicate your name and details:

Name Title

Direct Phone No Email

Indicate other relevant information/special requirements.

Signature Date / /20

> Fax to: (61) 02 8572 6050 > Send by web: www.searchmarque.com > Send by email: mail@searchmarque.com

WIPO Nice Classification – Ninth Edition

CLASS HEADINGS — GOODS	
Class 1	Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning sub
Class 2	Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.
Class 3	Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
Class 4	Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.
Class 5	Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.
Class 6	Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.
Class 7	Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.
Class 8	Hand tools and implements (hand-operated); cutlery; side arms; razors.
Class 9	Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.
Class 10	Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.
Class 11	Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
Class 12	Vehicles; apparatus for locomotion by land, air or water.
Class 13	Firearms; ammunition and projectiles; explosives; fireworks.
Class 14	Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.
Class 15	Musical instruments.
Class 16	Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.
Class 17	Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.
Class 18	Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.
Class 19	Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.
Class 20	Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.
Class 21	Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

Class 22	Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.
Class 23	Yarns and threads, for textile use.
Class 24	Textiles and textile goods, not included in other classes; bed and table covers.
Class 25	Clothing, footwear, headgear.
Class 26	Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.
Class 27	Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).
Class 28	Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.
Class 29	Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats.
Class 30	Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.
Class 31	Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt.
Class 32	Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.
Class 33	Alcoholic beverages (except beers).
Class 34	Tobacco; smokers' articles; matches.
CLASS HEADINGS - SERVICES	
Class 35	Advertising; business management; business administration; office functions.
Class 36	Insurance; financial affairs; monetary affairs; real estate affairs.
Class 37	Building construction; repair; installation services.
Class 38	Telecommunications.
Class 39	Transport; packaging and storage of goods; travel arrangement.
Class 40	Treatment of materials.
Class 41	Education; providing of training; entertainment; sporting and cultural activities.
Class 42	Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.
Class 43	Services for providing food and drink; temporary accommodation.
Class 44	Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.
Class 45	Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.

Notes

1. It is most important that adequate\ appropriate Primary Classes are selected so that all relevant search classes are covered.
2. Refer to the Official Associated (Cross) Search Classes Schedule to ensure that all relevant associated classes are also covered by the Primary Classes selected.
3. Contact Us for assistance with selecting classes or use the following link to access WIPO Nice Classification.
<http://www.wipo.int/classifications/nivilo/nice/index.htm#>

Official Associated (Cross) Search Classes Schedule

As advised by IP Australia – ATMOSS Databank – 2010

Primary Class	Associated (Related) Search Classes (Covered by Search in the Primary Class)
1	31
2	-
3	5, 21
4	39
5	3, 10, 30, 31, 32
6	17, 19, 20, 22
7	8, 11, 12, 21
8	7, 21
9	16, 28, 37, 38, 41, 42, 45
10	5
11	7, 17, 19, 21, 37
12	7, 35, 37, 42
13	37
14	21, 35, 37, 40, 42
15	-
16	9, 41, 42
17	6, 11, 19, 37
18	-
19	6, 11, 17, 37
20	6, 21, 24
21	3, 7, 8, 11, 14, 20
22	6
23	26
24	20, 27, 40
25	35, 40, 42
26	23
27	24, 37
28	9
29	30, 31, 32
30	5, 29, 31
31	1, 5, 29, 30
32	5, 29, 33
33	32
34	14
35	12, 14, 25, 36, 40, 42, 43
36	35, 41, 42, 43
37	9, 11, 12, 13, 14, 17, 19, 27, 38, 42, 44
38	9, 35, 37, 41, 42
39	4, 35, 42, 43
40	14, 24, 25, 42
41	9, 16, 36, 38, 42, 43
42	9, 12, 14, 16, 25, 35, 37, 38, 40, 43
43	35, 36, 39, 41, 42
44	37, 42, 45
45	9, 42, 44

International Search products

Many years of extensive searching experience has shown us that it is most effective to initially discuss specific search requirements with our clients. This allows us to recommend the most efficient and cost-effective course of action. In some cases, screening or culling searches are more appropriate in the first instance than comprehensive searches. We adopt a practical, commonsense approach to new trade mark clearance, which enables us to achieve maximum savings for our clients.

We offer a limited number of standard searches as follows:

Country – USA

Federal PTMO Databank Availability Search (Word Mark) – This comprehensive clearance search covers the designated primary class and related classes for the one fixed charge. It will locate identical and similar marks though it is limited to Federal Trade Marks. It does not cover State Registrations or Common Law and as such must be considered as a limited search.

Full Availability Search (Word Mark) – This is the most comprehensive clearance search that covers the primary and related classes for the one fixed charge. It will provide peace of mind that you have taken prudent action to avoid the possibility of infringement and to also expose any potential obstacles to both use and registration. We believe that this premium search product, which includes an industry/business focused Common Law element, will satisfy due diligence obligations.

Country – UNITED KINGDOM/EU CTM/INTERNATIONAL REGISTER (MADRID PROTOCOL)

TMO Databank Availability Search (Word Mark) – This comprehensive clearance search covers the designated primary class and related classes for the one fixed charge in all three (3) of the above Registers. It does not cover Common Law, and whilst very comprehensive, it must be considered as a limited clearance search. A Common Law element for the United Kingdom is available at an additional charge.

Country – USA/EU CTM/INTERNATIONAL REGISTER

Identical Screening Search (Word Mark) – This is a valuable screening tool to be used in the initial stages of new trade mark availability research. The search will reveal identical and near identical trade marks in the above three (3) Registers. This search should always be followed by a comprehensive search, as its results are not conclusive.

Country – NEW ZEALAND

Full Availability Search (Word Mark) – This comprehensive clearance search covers the designated primary and closely related classes for the one fixed charge. This search product also includes a limited industry/business focused Common Law element.

Charges/General

Charges for the above described searches, our **ELIMINATOR™** search and for searches in other countries are available upon request. We offer many different types of cost-effective searches in most every overseas country. Regional searches can be constructed to suit specific requirements. Multiple orders at the same time may result in savings and we encourage you to always seek an estimate of our charges with this in mind.

> [Contact Us to order an Overseas Search Cost Estimate](#)

Estimate of Charges

Searchmarque[®] offers a range of cost effective Australian and International research services at fixed competitive charges.

In certain circumstances, we may be able to offer a reduction in our fixed charges for standard research products. This may apply for multiple search orders or where there are a number of trade marks to be searched that are similar or have a similar syllable.

The Scale of Charges which we publish covers the majority of our most frequently ordered research products. It is not however possible to cover all contingencies or individual requirements of our many clients. You are encouraged to enquire of us if we can assist should our scale not cover your specific requirement. We may be able to modify both our products and charges to suit your requirements and budget.

Contact us and we will readily provide an estimate of our charges to cover any specific requirements for Australia and/or overseas countries. In most cases, this information can be provided on a same day basis in order to give your client an immediate indication of anticipated costs.

Report Dispatch/Turnaround Times

The following are general guidelines for the benefit of clients.

Instructions must be received by the indicated times to enable reports to be completed and dispatched by the requested Dispatch Times.

Dispatch of reports is based upon working/business days.

Urgent 2 Day Search

Instructions must be received by 10.00am to be dated from that day. The report is sent via email only as a PDF by 4.00pm on the second day.

Standard 5 Day Search

Instructions must be received by 1.00pm to be dated from that day. The report is sent via email only as a PDF on the fifth day.

Non Urgent 7 Day Search

Instructions must be received by 1.00pm to be dated from that day. The report is sent via email only as a PDF on the seventh day.

Search Order(s)/Acknowledgements

Wherever possible, we would prefer to receive all orders via email. If sending an order by fax, please also confirm/advise briefly by email.

All search orders are usually acknowledged on the day of receipt. If you do not receive a formal acknowledgement of your order, please contact us by email and/or phone.



International Trade Mark Watching Services

The aim of trade mark watching is to prevent the registration of new trade marks that are identical to or very similar to trade marks that may infringe a company's existing trade marks, be they Common Law or registered trade marks.

An effective on-going trade mark watching service is an essential element of good trade mark management. It is simply not possible to rely upon the current examination systems of IP Australia (ATMO), let alone overseas Trade Mark Offices, to ensure that conflicting new trade marks are not accepted for registration.

Current figures in Australia indicate that less than 5% of applications are opposed. This in the main is probably due to the fact that the owners of existing trade mark registrations are simply not aware of the acceptance by the ATMO of potentially conflicting new trade marks. The Official Journal of Trade Marks, in which acceptance of new trade marks are advertised, is not generally high on the reading list of most company executives.

Searchmarque® offers three (3) categories of **BRANDWATCH™** watching service products which are designed to alert subscribers to potentially conflicting trade marks that have been recently lodged or accepted for registration. This personalised service will enable you the lawyer to report to your client to recommend an appropriate course of action which may include formal opposition proceedings.

LODGEMENT WATCH

The purpose of this product is to monitor the lodgement with the Australian Trade Mark Office of applications to register trade marks that could be considered as a. identical, b. similar or c. deceptively similar to the nominated trade mark. We will report details of possible conflicting applications to you so that you may take appropriate action before there is any substantial use of the conflicting mark.

This product involves a bi-monthly on-line search of the Australian Trade Marks Office Databank. We will provide you with a report that will list new trade mark applications lodged during the preceding two (2) months. Our report, which is the result of carefully selected search strategies, is designed to locate identical, similar or deceptively similar marks. Once we provide you with the bi-monthly report, which will list all located pertinent applications/marks, if any, you may order status reports for any entries that you consider worthy of further investigation. It may not be necessary to order further details. However, at least you have the reassurance that you will be forewarned of any possible infringements or conflicting marks.

APPLICATION OPPOSITION WATCH

This service will watch/monitor specific nominated pending Australian trade mark applications. The watch is based upon a specific serial number and is conducted on a monthly basis.

The purpose of the watch is to note and provide an early report of the acceptance of the nominated application(s) by the Trade Marks Office. A report, including an on-line progressive history status report, will be provided every month, irrespective of whether the status of the application has changed.

GLOBAL ACCEPTANCE WATCH \ REGIONAL

Under this service a specific trade mark (s) is nominated to be watched, with a view to locating possible conflicting marks that may be accepted for registration by the Australian and/ or overseas Trade Mark Offices.

This watch product will report similar conflicting marks in the designated primary class, as well as identical conflicting accepted marks in the primary and related classes. A report providing full details of the marks located will be provided in sufficient time to file a Notice of Opposition or to file an Extension of Time to consider opposition. A sample Watch Notice will be provided upon request. We recommend that, as the minimum, the most important and/or house marks should be covered by this service.

We are aware that some of our law firm clients cover the cost of a watching service for a number of their valued major clients. This prudent action enables the law firm to highlight potentially conflicting trade marks which might otherwise not have been noted by their clients. Trade Mark watching is also an effective method of monitoring the trade mark activities of your clients' competitors.

Contact Us now for details of our very competitive subscription charges or to initiate a BRANDWATCH™ Trade Mark Watching Service.

Note: This information is directed primarily to our law firm clients though it is of equal importance to our corporate clients.

About Searchmarque®

Searchmarque® is a trade mark research and information services provider to professional Australian and International clients.

Our business focus is to provide the legal and intellectual property profession with a wide range of personalised, quality, value added trade mark information, research services and products. Australian and overseas trade mark searching and report preparation constitutes our primary business activity.

We conduct low-cost overseas **ELIMINATOR™** screening searches as well as comprehensive **Full Availability** clearance searches. In some circumstances, we will use the services of carefully selected overseas research partners for more extensive research. We take pride in offering a suite of cost-effective overseas research solutions that can be **tailored to suit the specific requirements** of our professional clients. If necessary, we will create a new research product to suit a particular requirement and we encourage enquiries in this regard.

We have the **experience, expertise and local knowledge** to conduct comprehensive trade mark clearance research and to provide quality user-friendly reports at competitive charges.

Services for Professionals

Searchmarque® offers a range of cost effective services – designed with the lawyer and trade mark professional in mind – including the following:

- Conducting comprehensive new trade mark clearance/availability searches, including Common Law investigations, as well as the provision of quality, user-friendly reports.
- Analysis/interpretation of search results/reports as required. We do not, however, provide legal advice.
- Provision of Australian and International Trade Mark Watching, Protection and Investigation services.
- Conduct of confidential investigations and report preparation for trade mark non-use/removal actions; evidence collection.
- Renewal of trade mark registrations, recording of assignments, changes of name and associated maintenance actions; IP portfolio management.
- Address for Service facilities for International clients.

Call **Searchmarque®** on **1300 724 013** to discuss your requirements or to obtain an estimate of our charges. Alternatively, to order a search product online, or for more information, visit our website www.searchmarque.com

Important Information

Search Orders/instructions are accepted and processed, with reports delivered, on the basis that the client has been made aware of the existence of terms and conditions that are detailed in our Terms of Trading document. A copy of this document will be forwarded upon request or a current copy may be viewed on our website: www.searchmarque.com

Please review and take due note of all of our terms of trading before placing a Search Order and/or issuing instructions. Should you not accept any of the detailed terms and conditions under which we trade and wish to cancel a Search Order and/or instructions please advise us immediately.

Following your order, we will respond by sending a formal **Standard Search Order Acknowledgment** which is normally sent via email or fax. If you do not receive an acknowledgment within 24 hours of sending a Search Order, we may not have received it. If this is the case, please contact us to query the situation.

All of our listed charges are subject to change/confirmation and do not include GST unless otherwise noted.

Contact Us

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