**BEFORE THE REGISTRAR OF TRADE MARKS, AFFIDAVIT**

In the matter of Trade Mark Application No. \_\_\_\_\_\_\_\_\_\_\_

**AFFIDAVIT**

In support of request made to record the name of a Subsequent Applicant/Proprietor

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Indian citizen, s/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, R/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ do hereby solemnly affirm and declare as follows:

1. That I am an Indian national and residing at the above mentioned address.

2. That I am \_\_\_\_\_\_\_\_\_\_(designation) of ‘( Society name)’, a Society duly registered and validly existing under the Society Registration Act, 1860 having its address at Address (hereinafter referred to as ‘the Society’).

3. I state that I am familiar and well conversant with the facts and circumstances of the present matter and competent and authorized to swear this affidavit and make necessary statement in respect thereof.

4. I state that the trade mark application no. \_\_\_\_\_\_\_\_\_\_\_\_\_was filed on \_\_\_\_\_\_\_\_\_\_with The Office of The Registrar of Trade Marks, New Delhi by M/s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ a company duly incorporated and validly existing under the Companies Act 1956, and presently known as “\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_”having its office at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

5. I state that the trade mark application no. \_\_\_\_\_\_\_\_ was filed with the Office of The Registrar of Trade Marks, New Delhi for obtaining the registration of a mark for services falling under class \_\_\_\_.

6. I state that the registration of the mark filed for registration under trade mark application no. \_\_\_\_\_\_\_\_\_\_\_\_ is presently pending.

7. I state that a Deed of Assignment dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was entered by and between the Society and (Company name).”

8. I state that by virtue of Deed of Assignment dated \_\_\_\_\_\_\_\_\_\_\_\_\_, the entire rights, title and interest vested in the trade mark filed for registration under trade mark application no. \_\_\_\_\_\_\_ stand transferred/ assigned to the Society together with the goodwill of the business connected with and symbolized by the said trade mark, more particularly, as described in the Schedule attached as Annexure-A of the said Deed of Assignment.

9. I state that for all legal purposes and intent the averments contained in the Deed of Assignment dated November \_\_\_\_, 2015 and its Annexure –A be read as part and parcel of present affidavit and the same are not repeated herein for the sake of brevity.

10. I state that with effect from \_\_\_\_\_\_\_\_\_\_\_ (being the date on which the aforementioned Deed of Assignment was executed) Society is entitled to have its name entered in the records of The Registrar of Trade Marks as “Subsequent applicant/proprietor” of the Trade Mark filed for registration under application no. \_\_\_\_\_\_\_.

11. I state that as per Article 2(a) of the Deed of Assignment dated \_\_\_\_\_\_\_\_\_ “( .” expressly agrees that it shall not object to Company Name) recording of Society name as “Subsequent Applicant/proprietor” of the Trade Mark filed for registration under trade mark application no. \_\_\_\_\_\_\_.

12. I state that no legal proceedings with respect to the trade mark filed for registration under trade mark application no. \_\_\_\_\_\_\_\_\_\_ are presently pending in any Court of law or Tribunal in India, wherein the adoption, ownership, title and/or use of the trade mark is being questioned, challenged and/or disputed.

13. I state that this affidavit is executed in order to be produced before the appropriate authorities in support of the request to record the name of the Society i.e ( Society name). “” as “Subsequent applicant/ proprietor” of the Trade Mark pending registration under trade mark application no. \_\_\_\_\_\_\_\_\_.

Dated this \_\_\_\_\_ day of January 2016.

Place : New Delhi

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deponent

Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Designation \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Society Name)

VERIFICATION

Verified at New Delhi on this \_\_\_\_ day of January 2016 that the facts and statements made herein above paras are true and correct to the best of my knowledge and belief and nothing material or relevant has been concealed therefrom.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deponent

Tags: trademark