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## IMPORTANCE OF PRIORITY CLAIM IN TRADEMARK APPLICATION

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It takes years of hard work to build Brand Value. One of the most valuable assets for any business is its Brand Name or Business Name and the same can be secured by filing Trademark Application.

While filing a Trademark Application, one has to provide information such as Name of the Applicant, Nature of the Applicant, Address of the Applicant, Priority Claim, Class and Description of Goods/Services in respect of which the mark is to be registered, etc.

In Column 9 i.e. *Statement as to use of Mark* we have to mention whether the trademark filed is new and yet to be used i.e. *Proposed to be Used* or the trademark is already in use. In case the Applicant is already using the mark then User Affidavit along with the supporting documents is required to be filed.

While filing a Trademark Application, many Applicants underestimate the importance of *Statement as to use of Mark* and provide either wrong priority date or file the trademark as *Proposed to be Used* even though the Trademark is already in use for many years. This can adversely impact the Brand Value and Goodwill earned over years of hard work.

**Therefore** the Applicant must be very cautious while filling the Column 9 i.e. *Statement as to use of Mark* as there is no point in filing a Trademark Application which cannot be relied upon in future. Not just this, providing wrong and unsubstantiated information in the Trademark Application can cause irreparable loss of goodwill and reputation to your business.

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