

## Merger

When you submit a trade mark application, you can apply to merge two or more trade mark applications into one application.

You can also apply to merge two or more already registered trade marks that you own into one registration.

You can apply for a merger at any time.

## Filing an application for merger

An application for the merger of trade mark applications or registrations must be made in writing.<sup>1</sup> There is no fee for filing an application to merge trade mark applications or registrations.

The Commissioner will accept any written communication that contains all the details required by the Regulations. This [Merger application form](#) will assist you in filing an application for a merger correctly.

## Minimum filing requirements

An application for the merger of separate trade mark **applications** must be made by the trade mark applicant.

An application for the merger of separate trade mark **registrations** must be made by the owner of the registered trade marks.

All applications must contain:

- The name of the applicant for merger;
- Their address for service;
- If the applicant has an agent, the agent's name; and
- The numbers of all applications or registrations to be merged.

## The merger process

### 1. Examination

The Commissioner examines all applications to merge separate trade mark applications or registrations to ensure they:

- Are for the same mark or series of marks;
- Have the same filing date and convention priority date, if any;
- Have the same status; for example, accepted for registration or registered;
- Are in the name of the same applicant or owner; and
- Are classified according to the same edition of the Nice Classification.

For more information about these requirements please review [Guideline No.18 Merger](#).

### 2. Reflection in the register

You can view the details of successfully merged applications or registrations through the [online register](#).

Merged marks take on the lowest trade mark or application number. Any changes to the application or registration are reflected in the details of that trade mark or application. The details of the other marks are viewable as a historic record; however, the status of those marks or applications, are noted as "Merged". The application or registration numbers also appear in the "Related Trade Marks" field of all marks.

### 3. Rejection

If the details of an application for merger are not in order, the applicant will be sent a Notice of Rejection of Merger, stating the grounds on which the Commissioner rejects the application to merge the trade marks.

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<sup>1</sup>Regulation 55(a) of the Trade Marks Regulation 2003.

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