

Use of concurrent trademarks:

It is possible for two people to apply for and register the same trademark for the same goods and services. If the Registrar is satisfied that there has been honest concurrent use of two trademarks that are substantially identical, the Registrar may accept an applicant's trademark subject to any conditions or limitations that the Registrar thinks fit to impose.

If the applicant's trademark has been used only in a particular area, the limitations may include that the use of the trademark is to be restricted to that particular area. "Limitations" means limitations of the exclusive right to use the trademark given by the registration of the trademark, including the limitations of that right as to mode of use; or within a territorial area in Australia; or use in relation to goods or services to be exported.