

Indo-UK Patrika



Welcome to the Autumn issue of Kingston Smith's Indo-UK Patrika quarterly newsletter, strategically timed between the two festive seasons of Diwali and Christmas. This edition of the newsletter looks at the recent tax and compliance changes in the UK; the change in outlook of Indian businesses when considering tax havens to enter the UK; the changing immigration landscape in the UK with emphasis on policy reforms, compliance checks and the Investor and Entrepreneurs' Visa categories which are becoming more popular; whilst reviewing Indian interest in the AIM market and providing a brief introduction to the importance of trademarks and IP protection in the UK.

The new penalty regime for personal tax returns – is it a problem for employers?

Tim Stovold, tax partner at *Kingston Smith LLP*, considers the implications of the recent changes to the penalty regime for personal tax returns and how it will impact both employers and employees.

As many Indian companies carrying on a part of their business within the UK will know, HM Revenue & Customs are increasingly requiring that Indian employees working temporarily in the UK complete self-assessment personal tax returns. In the past, this has not been a major concern as most of these returns would show zero liability and therefore, even if they were filed late, there would be no payment or penalty due. However, all of this is due to change in relation to the returns due on 31 January 2012.

There can be a number of reasons why HM Revenue & Customs will require a tax return to be filed by an Indian employee working in the UK. Most often it will be as a result of the employee being paid on a tax equalised basis under a modified PAYE scheme, as the submission of employee tax returns is a condition of this scheme. However, there can be other reasons too, including the need to claim the personal allowance which is no longer automatically available for Commonwealth citizens and now needs to be claimed under the tax treaty between India and the UK.

The deadline for filing 2010/11 returns online remains 31 January 2012, with paper returns needing to have been submitted by the end of last month (October 2011), so online filing is the only option for those who have not yet filed returns. To file online, each employee will need a Unique Tax Reference or UTR (similar to the Indian PAN). Our experience is that the Revenue are currently working through a large number of requests for UTRs so if your employees have not yet obtained one, they should start this process now.

The requirement to file returns is an obligation of the employee and not the employer even though employers who operate modified PAYE schemes are expected to facilitate the filing of the returns to be compliant with the scheme. However, if an employee suffers a penalty for failing to file a tax return where the only reason they needed to do so is that their employer has seconded them to the UK, we can reasonably expect the employees to try to pass the liability for penalties on to their employers. For this reason, we are recommending that employers issue a very clear policy statement to their employees now about what their position is on late filing penalties.

Under the new penalty regime, which applies to 2010/11 returns onwards, there is a £100 penalty if the filing deadline is missed, even by one day. In the past this was limited to the amount of any tax liability outstanding at the end of January so could be mitigated by paying any tax likely to be due even if the return was not filed on time. However, this £100 penalty will now apply regardless of any tax outstanding, and indeed will still apply if there is a refund.

Further penalties can also fall due:

Length of delay	Penalty
1 day late	A fixed penalty of £100. This applies even if you have no tax to pay or have paid the tax you owe.
3 months late	£10 for each following day - up to a 90 day maximum of £900. This is as well as the fixed penalty above.
6 months late	£300 or 5% of the tax due, whichever is the higher. This is as well as the penalties above.
12 months late	£300 or 5% of the tax due, whichever is the higher. In serious cases you may be asked to pay up to 100% of the tax due instead. These are as well as the penalties above.

So, for a return due to be filed by 31 January 2012 the daily penalty will apply if the return is not filed by the end of April. For a return that is filed in say, August 2012, there would be a penalty of at least £1,300. Remember these penalties apply even if there is no actual tax liability.

As you can see, even relatively small numbers of employees working in the UK could give rise to very large amounts of penalties in aggregate. If you have not yet determined a strategy for dealing with this issue, please do get in touch and we can advise on best practice in this area.

Are “tax havens” the way forward for structuring investments on the India-UK corridor?

Geetika Mehra, partner at *Mehra Goel & Co*, New Delhi, associate firm of *KS International*, reviews the preference of Indian businesses to use tax havens to structure their investments, and how these tax jurisdictions stack up and are being closely monitored.

With the high profile Vodafone case, where the Indian revenue authorities are appealing before the Supreme Court to tax capital gains arising on sale of shares of a Cayman Island company indirectly holding shares of an Indian company, and the Idea Cellular/AT&T case with similar facts, the practical applicability of using low tax jurisdictions in general, and Mauritius in particular, for inbound investments into India has become questionable. To add to this, the proposed introduction of the General Anti-Avoidance Rules (GAAR), to the impending Direct Taxes Code and pressures on the Indian Government to tighten screws on inflow of funds from tax havens, are challenging the use of treaty jurisdictions altogether.

It all started 30 years ago when the double taxation agreement between India and Mauritius provided that the capital gains tax can be subjected only in one of two countries. As it is nil in the island nation investors, including those from third countries, managed to avoid it altogether. While the Indian revenue authorities have challenged claims that the beneficial ownership of Mauritius resident companies rests in another tax jurisdiction, “form” over “substance” has been upheld unless there is judicial determination of a fraud or sham.

Today, India has double tax agreements with over 80 countries which ensure overseas investors can obtain tax credits in the host country if it has been taxed at source in India.

In addition to Mauritius, UK investors looking to do business in India can opt for structuring investments via other low tax jurisdictions like Cyprus, Netherlands, Dubai, Singapore and Hong Kong. The former two countries, being members of the Euro Zone, provide benefits of the parent subsidiary directive which is more helpful for outbound investment from India into the Euro Zone. In the last few years, Netherlands has become a leading and competitive European holding company regime due to the Participation Exemption Scheme, which provides complete tax exemption on all income (dividends and capital gains) from all qualifying subsidiaries, no withholding tax on outbound payments of interest and royalties, and its extensive treaty network. Dubai can be a preferred tax jurisdiction to have a nil domestic corporate tax burden on all offshore investments/dividends received in Dubai. Income from residual sources originating from India can enjoy zero tax for a Dubai resident company.

Investors looking at the equity route to enter India will normally prefer a Mauritius holding company since withholding tax on dividends received from India is a mere 5% vis-à-vis 15% if done directly from the UK. In addition, capital gains on the sale of shares in an Indian company are tax-free for a Mauritius resident. Withholding tax on interest payments from India are taxed at 10% if received in Cyprus, compared to 15% if received in the UK. Both Singapore and Hong Kong have similar low and simplified tax structures with respect to corporate, salary and withholding taxes. However, India does not have a double tax agreement with Hong Kong at present which makes it slightly less favourable when compared to Singapore.

With all this said, FDI inflows to India from Mauritius and Cyprus have seen a sharp decline over the last couple of years. While the FDI inflows from all the sources declined by 25% in 2010/11, the drop was steeper at about 33% to USD 6.98 billion from Mauritius. Likewise, the inflows from Cyprus were down by 44% to USD 913 million, according to the official figures. In 2009/10 FDI from Mauritius stood at USD 10.37 billion, again a decline from USD 11.22 billion in 2008/09. FDI inflows from Cyprus stood at USD 1.62 billion.

A significant reason for decline in FDI from Mauritius and Cyprus is attributed to the proposed introduction of General Anti Avoidance Rules (GAAR) in the Direct Taxes Code proposed to be effective in India from April 2012. Taxpayers, domestic and foreign, will witness a paradigm shift in the empowerment and approach of tax authorities in India towards taxation of transactions, structures and arrangements. The introduction of GAAR will legislatively empower the tax authorities to intervene in circumstances where they allege that the primary motive of a particular transaction or arrangement is to obtain a tax advantage. More importantly, the onus is on the taxpayer to prove that the transaction was not driven by tax consideration.

Then, there is immense pressure on the Government to tighten the screws on inflow of funds from tax havens. The Indian Government is currently facing pressure from the Supreme Court on the issue of “black money” and is therefore, reviewing the DTAA’s with many countries. In addition, it has identified 27 low tax jurisdictions with which it will exchange information and engage in agreements to bring the “black money” back into India.

Lastly, the impending judicial pronouncement by the Apex Court with respect to the Vodafone case will determine the future applicability and use of low tax jurisdictions for structuring cross-border transactions.

With respect to structuring foreign inbound and outbound investment and underlying taxation issues it is important to know who will rule the “substance” and “form” game. Until then, the benefits of low tax jurisdictions will continue to elude overseas investors.

Tax jurisdictions overview

Mauritius is preferred for inbound equity investment into India while Cyprus can be ideal for outbound investment from India.

Netherlands, despite a comparatively higher rate of corporate tax, is being preferred as a holding regime due to the Participation Exemption Scheme and a favourable image.

There is zero taxation on income from residual sources originating from India to a Dubai resident company.

Absence of a DTAA with Hong Kong makes Singapore a better option for structuring inbound investment via Asia into India.

Comply or die: immigration compliance is climbing up the agenda

David Crawford, partner at immigration law firm *Fragomen LLP*, discusses how, while the immigration policy reforms are hogging the headlines, immigration compliance checks are also equally climbing up the agenda.

The UK’s independent Migration Advisory Committee has been asked to look at the migration quota, salary and allowance packages and how to reduce the number of jobs that can be filled by non-EU workers. This latest review adds to a long list of immigration consultations undertaken since the coalition government, demonstrating that the appetite for review is still strong.

Parts of the review are to be expected, others will be welcomed. If the Government is to cap the annual number of economic migrants it is reasonable to ask for advice on how many should be able to enter. The proposal that vacancies paying over £70,000 should no longer have to be advertised in the Jobcentre for a month makes sense.

A major area of the consultations centres on the use of allowances in salary calculations. Existing policy means that businesses in the developing world often have to increase remuneration tenfold before they can transfer a member of staff to the UK. This latest proposal could mean they have to retain that salary when they return home. It is easy to see how that could seriously affect the UK’s trade relations with emerging economies and negatively impact the UK’s ability to attract multinational companies.

The attention to allowances is part of an examination of areas of immigration compliance concern to government.

The focus on compliance can be tracked back over five years and across three tangible shifts in the way that UK employers manage their non-EU workforce. Migration policy isn't only about plugging skills gaps anymore, managing risk and compliance is just as important. The latest and most understated of these developments means that employers should take the immigration rules more seriously than ever before.

The first significant change came in 2006 with the duty to check the immigration status of new and existing employees. The requirement was given teeth (and added impetus) by the introduction of civil penalties for firms that knowingly employed non-EU workers illegally. Almost exactly three years ago we saw a more fundamental change. In November 2008 the traditional work permit was replaced by Tier 2 of the Points Based System and the introduction of sponsor licenses. Tier 2 rationalized the immigration rules and brought a greater level of certainty to the system.

Sponsorship had a more fundamental effect. Licenses are required for any employer looking to recruit from outside of the UK and sponsors have direct responsibility to monitor and report on their immigrant workforce, ensuring that every element of guidance is followed. Companies that fail to adhere to the rules can be struck off the sponsor register and prevented from recruiting and transferring migrant workers. The implications are obviously severe. There are criminal charges for the worst offenders. Most immigration experts would point towards April's cap on migration and related rules for transferring staff as the final major change. In actual fact, the limit on migration can work for employers, although the added time constraints can be frustrating.

The real shift is more subtle. Over the last three to six months there has been a sharp increase in the frequency and thoroughness of compliance visits. We are also seeing far more take place without prior warning (now comprising 50% of the total). UK Border Agency officials paw over records: were all passports checked on day one and non-EU passports checked annually thereafter; are staff paid a declared salary above the stipulated rate; do sampled files contain the requisite papers and evidence; and are the workers called for interview doing the job you said they would be? When sponsorship is covered the officials can move on to unsponsored business visitors.

Every sponsor should be ready to answer these and other questions whether a visit is expected or not. Most employers already build the requirements in to business as usual process. At *Fragomen* we recommend that passport checks are a pivotal part of a new starter's induction. Annual audits of sponsorship and work entitlement for all non-EU employees are advisable and can be tied in to annual passport checks. Speedy access to all of this information is helpful. Keeping abreast of changes to the immigration rules is an absolute must. The migration system does not enjoy the same stability as tax

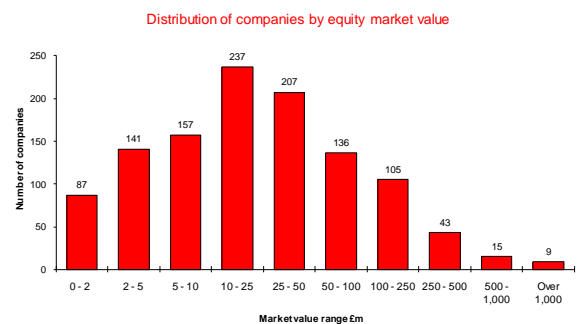
regulation and there have been four wholesale reforms of Tier 2 since it was introduced three years ago.

We remain in close and regular contact with government because of the pace of change over the last couple of years. The Government has published four consultations relating to immigration law since the election and the latest consultations indicate the process continues. It is easy to assume that the latest review is aimed no further than the Government's commitment to reduce migration. But it is also further evidence of a commitment to increasing compliance. Following the rules has never been more important.

The Indian AIM

Matthew Meadows, Director at boutique corporate finance advisory firm, *Devonshire Corporate Finance Limited*, throws light on the AIM market, the process and benefits of listing on the AIM, and the growing Indian interest to consider this option for their funding requirements.

The Alternative Investment Market ("AIM") is the London Stock Exchange's International Market for smaller growing companies. The graph below illustrates the spread of market values of the companies listed on AIM at 30 June 2011, and shows that approximately half of companies listed fall in the £5m to £50m bracket.



AIM was launched in 1995 and since then over 3,000 companies have listed in the exchange, making it the world's leading market for smaller companies.

Year	Number of companies			Market value (£m)
	UK	International	Total	
19/06/1995	10	-	10	82
1995	118	3	121	2,382
1996	235	17	252	5,299
1997	286	22	308	5,655
1998	291	21	312	4,438
1999	325	22	347	13,469
2000	493	31	524	14,935
2001	587	42	629	11,607
2002	654	50	704	10,252
2003	694	60	754	18,358
2004	905	116	1,021	31,753
2005	1,179	220	1,399	56,619
2006	1,330	304	1,634	90,666
2007	1,347	347	1,694	97,561
2008	1,233	317	1,550	37,732
2009	1,052	241	1,293	56,632
2010	965	229	1,194	79,419
2011 to Jun	928	223	1,151	75,599

As the table shows, there has been a drop in the total number of listed companies in the AIM market, from a peak of 1,694 before the recession to the total at 30 June 2011 of 1,151.

Total market capitalization of the companies currently listed, however, is showing signs of recovery and the AIM market overall appears to have bounced back from a pre 2008 average market cap of £57.6m to a low of £24.3m and at 30 June 2011 the average market cap of an AIM listed company stood at £65.7m.

Process of listing on AIM

PHASE 1

- Appoint and instruct an advisory team in the UK comprising:
 - Nominated Adviser (NOMAD)
 - Solicitor
 - Broker
 - Reporting accountant
 - Registrars
 - PR company
- Agree a timetable and any structuring issues
- Complete legal and financial due diligence on the company and produce the following documents:
 - Long form accountant's report
 - Working capital report
 - Short form accountants report

PHASE 2

- Undertake a company valuation
- Prepare a marketing presentation for potential investors
- Brief research analyst for preparation of pre IPO research note
- Complete admission document.

PHASE 3

- Undertake verification exercise, including getting directors' confirmation that all statements in documentation are correct
- Release research note
- Set size and price range
- Finalise all documentation

PHASE 4

- Pricing and allocation
- Closing
- Submit formal application
- When AIM admission is granted, trading starts

Other things to note

- The company must be a public company

- Accounts must be prepared under International Accounting Standards
- Fees for an IPO are typically in the region of £400-£500k
- For tax reasons it is often beneficial to put a UK holding company above the Indian company prior to admission.

Benefits of AIM listing?

Marketing

Preparing your company for a listing can provide an exit route for existing shareholders to realise some or all of their investment.

Market quality

AIM has greater credibility amongst institutional investors compared to more junior markets, partly due to the London Stock Exchange regulating it. This gives AIM companies access to potentially much greater amounts of finance than listing on the more junior markets.

Funding growth

Once listed, the company's shares can be used as currency for future transactions instead of cash, for example to help fund acquisitions.

Prestige

The higher profile of a listed company can increase awareness by customers and suppliers, providing a better competitive edge.

Retaining control

In the short to medium term the interest that you retain in your company may allow you to keep day to day control of it.

Motivating staff

Listing will permit you to motivate staff by offering them shares (or options over shares) for which there is a means of easily realising their investment.

Reputation

Regulation by the London Stock Exchange helps improve confidence and reputation of a company listing on AIM.

Tax advantages

Companies whose shares trade on AIM are treated as qualifying unquoted companies for tax purposes.

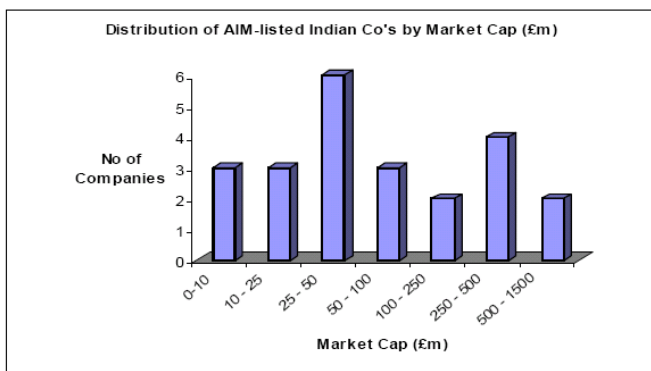
Recent Indian company AIM activity

The number of Indian companies listed on AIM has increased from three in 2005 to 24 by April 2011 and 31 by the end of June 2011.

Research carried out on the relative performance of the Indian companies listed on AIM compared with those listed on the Mumbai Sensex exchange shows that AIM listed

companies have seen share prices rise by 18% compared with the Sensex listed company growth of 9%.

The market cap of the AIM listed Indian companies at April 2011 is shown below:



Recent performance

The “India Watch Index” showed the strongest performance of any of the major London indices in the first half of 2011 with a growth of 2.65%. This compares favourably with the -8.54% performance of the AIM 100 and -8.10% performance of the AIM All Share, and indicates that Indian companies listed on AIM have been performing strongly. Top performers include EIH (a non-equity investment vehicle) and a couple of property companies, Alpha Tiger Property Trust and Hirco.

Of the five Indian companies to list on AIM in the 12 months to 30 June 2011, two have been energy companies and both have performed strongly. Caparo Energy were admitted to AIM in October 2010 and raised £50.2m, at an initial price of 117.5p per share, to develop a portfolio of wind farms. Jubilant Energy raised £53.4m at 80p per share in November 2010.

UK Investors and Entrepreneurs Visa – The new route

Rita Shah, partner at immigration law firm *JSK Law*, discusses the UK Investors and Entrepreneurs Visa and how these visas are becoming popular with Indian businessmen.

Entrepreneurs and Investors are encouraged to both invest in, and develop business activity in, the United Kingdom. Both immigration categories for Entrepreneurs and Investors fall under the Points Based System.

In April 2011 the Government “rolled out the red carpet” for Entrepreneurs and Investors.

Under the new visa rules those who invest substantial sums of money or create jobs will be fast tracked to settlement in the UK.

Entrepreneurs

The Tier 1 (Entrepreneur) Category exists to enable self-employed owner/managers who wish to establish, invest in, or take over a business in, the UK, to be admitted for a period of up to five years.

For initial applications:

- the applicant must show that he has access to at least £200,000, or £50,000 from a designated organisation;
- the funds must be held in a regulated financial institution and disposable in the United Kingdom;
- the applicant must have English language ability;
- the availability of a certain amount of funds for maintenance; and
- no employment is permitted other than in the business(es) invested in.

Entrepreneur pairs are permitted.

The immigration planning process should commence at a very early stage, certainly after making initial feasibility studies and financial costings and, in any event, before entering into major contractual and/or personnel commitments. Once the application is approved, the Entry Clearance Officer will grant entry clearance for an initial period of three years and four months, and extensions of stay will be granted for a maximum of a further two years, provided that the applicant:

- within six months of entry to the UK or grant of the visa, is registered with HM Revenue & Customs as self-employed; or registered a new business in which he is a director; or registered as a director of an existing business;
- is invested self/on his behalf at least £200,000 (£50,000) cash directly into one or more businesses in the UK (no investment in residential accommodation/property development/property management);
- is engaged in business activity at the time of the application for leave to remain; and
- created at least two full time jobs (30 hours per week) for at least 12 months.

After completing a continuous period of at least five years in the UK with permission to stay under the Tier 1 (Entrepreneur) Category, they are eligible for indefinite leave to remain (settlement) in the United Kingdom.

An accelerated route to settlement after three years is available if the turnover is £5 million and the business creates 10 jobs.

Under this route, this individual can only be absent from the UK for up to 180 days per year.

British Citizenship can be applied for after six years.

Investors

In recognition of the changing commercial and financial realities, the British Government introduced an entirely new "investor" immigration category in October 1994 and this remains under the Points Based System known as Tier 1 (Investor) Category.

This entitles an overseas national to apply for entry clearance to enter the UK to invest substantial sums in this country without imposing any requirement upon that person to actively manage or direct any particular business. However, where the individuals do not fulfil the criteria of other points based categories, the Tier 1 (Investor) category allows the overseas national to take up employment and be self employed.

The individual investor must have personal available funds under his own control and held in a regulated financial institution, and disposable in the United Kingdom, of at least £1 million to introduce to the UK. This money may be held overseas at the time of application, or it may already be in the United Kingdom. Under this section, the investor may rely on money that they own jointly with their spouse/civil partner. They may also rely on money that is owned solely by their spouse. The investor must have unrestricted right to transfer and dispose of the money held jointly and solely by their spouse/civil partner and the applicant must have permission from his/her husband/wife to have control of this money in the United Kingdom.

All of the £1 million funds required to meet the Tier 1 (Investor) requirements must be freely transferable to the United Kingdom and convertible to pounds sterling. Many countries have controls over the transfer of currency and, hence, the additional requirement to ensure that the money can be transferred to the United Kingdom.

Alternatively, the investor owns personal assets which, taking into account any liabilities to which they are subject, have a value exceeding £2 million; and the investor has money under his control, held in a regulated financial institution and disposable in the United Kingdom, amounting to no less than £1 million, which has been loaned to him/her by a financial institution regulated by the Financial Services Authority (FSA).

There is no requirement to demonstrate English language ability or to provide separate funds for personal maintenance for the Investor Category.

The investor must apply for prior entry clearance from the appropriate British Consulate abroad. Once the application is approved the Entry Clearance Officer will grant entry clearance for three years and extension of stay will be granted for up to a maximum of a further two years, provided the investor can demonstrate that he/she has invested not less than £1 million (if he has taken a loan) in the United Kingdom by way of United Kingdom Government bonds, share capital or loan capital in active and trading United Kingdom registered companies, other than those principally engaged in property investment. Where the investor has used his personal funds then at least £750,000 must be invested as above and the investor must physically introduce an additional sum of £250,000 into the UK.

The investment must be made within three months of the entry to the UK or grant of the visa.

After completing a continuous period of at least five years in the UK with permission to stay under the Tier 1 (Investor), they are eligible for indefinite leave to remain (settlement) in the United Kingdom.

Fast track settlement for Investors

- 1) For those who are able to invest at least £5 million in the UK, the residence period required to qualify for settlement is now reduced to three years, with a reduced period of residency of six months in each year. If you wish to rely on borrowed funds you must demonstrate net assets worldwide of at least £10 Million.
- 2) For those who are able to invest at least £10 million in the UK the residence period required to qualify for settlement is now reduced to two years, again with an annual six months residence requirement. If you wish to rely on borrowed funds, you must demonstrate net assets worldwide of at least £20 million.

For both of these new categories, British Citizenship can be applied for after five years (reduced from the current six year period), subject to compliance with the relevant residence requirements.

In the Government's pledge of cutting net immigration to UK and removal of settlement for Intra Company Transfers, and the removal of the Post Study Work Category for students from the Immigration Rules next year, the Investor and Entrepreneur Categories will be attractive alternative options for those who wish to invest, do business or work in the UK.

Protecting your intellectual property by trademark

Rishi Malliwal, partner at *Sprecher Grier Halberstam LLP*, examines the importance of protecting your intellectual property by getting your trademark registered and the associated benefits.

If you are starting a business in the UK – or moving your existing business to the UK – one of the most important things to consider is protecting your intellectual property. Your company's brand, its logo, or its associated slogans are all important assets which, if misused, can cause damage to your reputation and your bottom line. Luckily, the process of registering a trademark in the UK is fairly straightforward, and doing so can protect you from competitors trying to use the same or similar trademarks without your permission.

What is a trademark?

Trademarks are any signs, symbols or words that distinguish your company. They are the marks that make up your brand and develop your reputation. However, only certain types of trademark are protected by law. To be a trademark capable of registration, it has to be distinctive to the goods and services you provide. However, they cannot describe the quality, purpose or location of the goods and services offered ('Smith's Scottish Tailors', for example, could not be registered). They also must not be offensive, deceptive or words that have become customary in your line of trade.

What's the benefit of registration?

It is true that trademarks can be protected by law without being registered, as long as somebody is using your mark or representing your goods or services as their own (this is called 'passing off'). However, to succeed in a claim you would have to prove that you have built up enough reputation and goodwill in the relevant public's mind to confuse them, which can be difficult and expensive. You will also have to prove that you have been harmed financially by the unauthorised use of the mark. Registration allows you to establish in law that a particular mark is yours, and makes any potential legal action you may have to deal with much more straightforward. The very fact of registering often acts as a deterrent to competitors.

How do I register a trademark?

Trademarks in the UK are registered at the Intellectual Property Office (IPO). Feasibility checks are first conducted with the IPO's current database to ensure that no similar (or identical) trademarks have already been registered. On applying, you must list all the classes of goods and services you want the mark to cover – this cannot be changed later. Be aware, however, that the registration fee increases for every additional class you apply for. If

successful, you will have protection over that mark for ten years, from which point it can be renewed indefinitely.

Will I be protected then?

Once your trademark is registered, you are in a much stronger position against potential infringers, and are free to license and use your trademark as you wish. It is up to you to enforce the trademark, however – but be sure you know what you are doing, as the law protects against unjustifiable threats of trademark infringement. If you suspect someone of using your trademark, it is essential to get legal advice before writing to them. You will also only be protected in the UK, not anywhere else in Europe. To protect your mark in the EU, you can apply for a Community Trade Mark (that will also apply in the UK). You must follow a similar registration process with the Office for Harmonisation in the Internal Market (OHIM) to protect your mark throughout the EU.

Kingston Smith News

Tim Stovold, Partner, and Chandru Iyer, International Business Development Director, at *Kingston Smith LLP* will be travelling to India in November, covering the major Indian cities including Mumbai, Delhi, Bangalore and Chennai. Apart from meeting clients, prospects and business associates in these cities, the team will be presenting at seminars jointly hosted with London & Partners in Delhi and Chennai and with NASSCOM in Mumbai.

We hope you find this edition of our Indo-UK Patrika an interesting and informative read, and we welcome your feedback. Please email us your thoughts, ideas and suggestions.

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