

Form TM7

Official fee £200 due with this form

Notice of opposition and statement of grounds

Trade Marks Registry
Concept House
Cardiff Road, Newport
South Wales NP10 8QQ

Please read the notes below before completing this form

1. Trade mark number.	
2. Full name of the applicant, International registration holder, or registered proprietor.	
3. Full name and address (including postcode) of the opponent.	
4. Name and address (including postcode) of the opponent's representative (if any).	
5. Are there any related proceedings currently with the Registry or the courts? If so, give application, registration or opposition number.	
6. State the date that you notified the applicant, International registration holder, or registered proprietor that you intend to oppose the trade mark application, International designation or amendment. (Please see note below)	
7. Declaration. Your signature.	I believe that the facts stated in this notice and in the attached statement of grounds are true.
Your name in BLOCK CAPITALS.	
Date.	
8. Name and daytime phone number of the person we should contact in case of query.	
9. Your reference.	
10. Number of sheets attached to this form.	This is sheet 1 of

Notes Number every extra sheet and say in question 10 above how many you have used.

An opposition launched without giving the applicant, international registration holder or the registered proprietor a reasonable opportunity to withdraw the application, international designation or amendment, may result in the opponent being ineligible for an award of costs.

Before completing this form you should read the explanatory notes available.

Use this sheet if you are basing your opposition on section 3 of the Trade Marks Act.

- 3(1)(a) It is a sign which does not satisfy the requirements of section 1(1) because:
- 3(1)(b) It is a trade mark which is devoid of any distinctive character because:
- 3(1)(c) It is a trade mark which consists exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or rendering of services, or other characteristics of goods or services because:
- 3(1)(d) It is a trade mark which consists exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade because:
- 3(6) It is a trade mark which should not be registered for some or all of the goods and services in the application as the application was made in bad faith because:
- other State any other part of section 3 you rely on and give your grounds:
- State which of the applicant's goods or services you oppose under Section 3 grounds:
- All
- Some (please specify)

Use this sheet if you are basing your opposition on sections 5(1) or 5(2) of the Trade Mark Act on the basis of an earlier registered or pending mark.

Please note that opposition based on these grounds can only be made by the proprietor of an earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

- 5(1) It is identical with an earlier mark and for identical goods or services as the earlier mark.
- 5(2)(a) It is identical with an earlier mark and for similar goods or services as the earlier mark.
- 5(2)(b) It is similar to an earlier mark and for identical or similar goods or services as the earlier mark.

Details of the earlier trade mark

Number:

Is it a UK, Community or International mark?

Representation of the mark:

1. What goods or services covered by the earlier trade mark are relied upon for the grounds stated above?

- All
- Some (please specify)

2. **Statement of use provision**– Was the registration or protection process for the earlier trade mark completed 5 years or more before the publication date of the opposed application?

Yes No

3(a). If yes, and the mark has been used, for which of the goods and services listed at question 1 is use claimed?

All
 Some (please specify)

Or,

3(b). If yes and the mark has not been used, please state any proper reasons for non use.

Details of the mark you are opposing

4. Which goods or services in the application do you claim are identical or similar to those covered by the earlier mark and listed at question 3 (or at question 1 if the statement of use does not apply)?

All
 Some (please specify)

Use this space to give any further information to explain why you consider that there is a likelihood of confusion e.g, why you consider the respective marks or goods and/or services to be similar?

Use this sheet if you are basing your opposition on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending mark.

Please note that opposition based on these grounds can only be made by the proprietor of an earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

5(3) It is identical with or similar to an earlier mark which has a reputation.

Details of the earlier trade mark

Number:

Is it a UK, Community or International mark?

Representation of the mark:

1. For which goods or services covered by the earlier mark does it have a reputation?

All

Some (please specify)

2. State the goods or services in the application for which you say that use of the applicant's mark would take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier mark.

All

Some (please specify)

3. What do you say the unfair advantage or detriment would be?

4. **Statement of use provision**– Was the registration or protection process for the earlier trade mark completed 5 years or more before the publication of the opposed application?

Yes No

5(a). If yes, for which goods and services listed at question 1 is use claimed?

- All
- Some (please specify)

Or,

5(b). If yes and the mark has not been used, please state any proper reasons for non use.

Use this space to give any further information to explain why you are opposing the application on this ground.

Use this sheet if you are basing your opposition on section 5(4)(a) of the Trade Marks Act.

Please note that opposition based on these grounds can only be made by the proprietor of an earlier right.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

- 5(4)(a) by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade.

Representation or details of the earlier mark, sign or right.

If the opposition is under Section 5(4)(a), please answer the following questions.

1. When and where was the earlier right first used in the UK?

2. State in relation to which goods and services the earlier right has been used.

3. State which goods or services of the application you oppose under Section 5(4)(a).
 All
 Some (please specify)

4. Now state why you consider use of the applicant's mark would be contrary to law, particularly the law of passing off.

Use this sheet if you are basing your opposition on any other grounds and tick the appropriate box.

Statement of other grounds of opposition.

- | | | |
|--------------------------|-----------------------|---|
| <input type="checkbox"/> | Section 5(1),(2), (3) | If the opponent is claiming protection for an earlier trade mark under Section 6(1)(c) which is a well known trade mark as defined in Section 56(1) |
| <input type="checkbox"/> | Section 5(4)(b) | An earlier right by virtue of the law of copyright, design right or registered designs |
| <input type="checkbox"/> | Section 60 | Acts of agent or representative. |
| <input type="checkbox"/> | Rule 18(2) | Applications amended after publication. |
| <input type="checkbox"/> | Rule 22 | Regulations for collective or certification marks. |
| <input type="checkbox"/> | Rule 23(4) | Amendment of regulations for collective or certification marks. |
| <input type="checkbox"/> | Rule 25(3) | Alteration of registered mark. |
| <input type="checkbox"/> | Rule 45(2) | Removal of matter from the register. |
| <input type="checkbox"/> | Rule 47(1) | Reclassification of specification. |
| <input type="checkbox"/> | Others | |

Give details to support your opposition under these grounds: