



How to complete 'Notice of Opposition and Statement of Grounds' (Form TM7)

The form is divided into six parts. Notes are not provided where the required information is self explanatory, however the following is a help summary:

COMPULSORY SECTION

Details of the trade mark that you are opposing, this includes:

- Item 1:** The trade mark number
Item 2: Name of applicant/holder of the trade mark

Details of the opponent:

Note: If opposition is based on the grounds outlined in Sections A to C then opposition must be made by the 'proprietor' (owner) of the earlier trade mark

- Item 3:** Name and address of person opposing the trade mark.

Opposition notification

- Item 6:** If you have informed the applicant/holder of your intention to oppose the mark you must enter the notification date or the date that you filed the TM7A (Notice of threatened opposition).

Note: Launching an opposition without giving the applicant or holder a reasonable opportunity to withdraw may result in the opponent being ineligible for an award of costs.

SECTIONS A TO E

Select the relevant section(s) of the form that refer to the grounds on which you wish to base your opposition.

Where an opposition is based on more than one earlier right e.g. an opposition filed under Section 5(3) is based on two earlier trade marks, you will need to complete two Section Bs one for each right.

SECTION A - Opposition is based on Sections 5 (1) or 5 (2): The trade mark is either identical or similar to an earlier trade mark and is to be registered for identical and/or similar goods and services.

Details of your earlier trade mark

- Enter the trade mark number.
- Indicate whether UK or International UK mark
- Represent your mark – you may attach a paper copy of the mark on an additional sheet.

Q1 Provide details of goods and services covered by the earlier mark which are relied upon for opposition grounds.

Statement of Use

Q2 - Q3 The questions are routed dependent on your answer to Q2 - was the registration or protection process for the earlier trade mark completed 5 years or more before the date of the application (or priority date if applicable) of the trade mark you wish to oppose?

Details of the trade mark you are opposing

Q4 State which of the applicant's goods and services you claim are identical to those of your earlier right (identified in either Q1 or Q3 a)

SECTION B - Opposition is based on Section 5(3): The trade mark is either identical or similar to an earlier trade mark which has a reputation. Using the later mark would take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier mark.

Details of the earlier trade mark

- Enter the trade mark number.
- Indicate whether UK or International UK mark
- Represent your mark - you may attach a paper copy of the mark on an additional sheet.

Q4 - Q6 Should be answered if there is any other basis for your claim other than for your answer to Q3.

Statement of Use

Q7 - Q9 The questions are routed dependent on your answer to Q7 - was the registration or protection process for the earlier mark completed 5 years or more before the date of the application (or priority date if applicable) of the trade mark you wish to oppose?

SECTION C - Opposition is based on Section 5(4) (a): Where the use of the applicant's trade mark would be contrary to law, in particular, the law of passing off.

Details of the earlier unregistered trade mark

- Represent your mark - you may attach a paper copy of the mark on an additional sheet.

Q1 When (include a date of first use) and where the earlier right was first used in the UK.

Q2 Provide details of all goods and/or services for which earlier right has been used in respect of.

Q4 You need to outline in a short paragraph reasons to substantiate your claim as to why use of the applicant's mark would be contrary to law, particularly the law of passing off.

SECTION D - Opposition is based on Section 3: The trade mark is excluded from registration because it describes the goods/services, or is not distinctive, or consists of signs that are customary within the trade, or the application was made in bad faith.

S.3(6) This is an allegation of dishonest activity, dealings, or at the very least, commercial behaviour or activity which is below the standard regarded as acceptable by the community at large.

Any claim under section 3(6) must be particularly focussed, clear and concise reasons are needed to justify your allegation.

SECTION E - Opposition is based on other grounds.

S.5(1),(2),(3) You may choose to provide all relevant information in the blank area of this section of the form.

You will need to submit:

- Representation of the mark
- Details of any reference number and related jurisdiction, if relevant.
- Details of goods and services covered by the earlier mark, that are relied upon.
- Details of goods and services (in the application) which you consider to be similar or identical to those covered by the earlier mark.

Alternatively if you are basing your opposition on such grounds, you may wish to adapt Section A and Section B of this form.

S.5(4)b This section is normally pleaded where the claimant believes the mark should enjoy protection under another form of intellectual property right.

The basis for this section of the Act is Articles 4 (4) (c) (iii) and (iv) of the Directive which specifically refer to copyright and industrial property right.

For further information please see [TPN1/2010](#) (Tribunal Practice Notice).