



Form TM7 Notice of opposition and statement of grounds

Fee £100 Opposition based on Section 5(1) and/or 5(2) ONLY

£200 Opposition based on, or including, any other grounds

Note: If you wish to oppose under Section 5(1) and/or 5(2) and one or more other grounds, the fee will be £200

Use this form to notify of an opposition to a trade mark application or international registration and to set out the grounds on which you are basing this opposition.

Do not use this form if you wish to file a Fast Track opposition under Section 5(1) and/or 5(2): use Form TM7F.

1. Trade mark number

Number of the trade mark you are opposing. If the opposition concerns an International Registration, help us identify the correct trade mark by adding "IR"

2. Full name of applicant/holder

Whose trade mark you are opposing

3. Full name of opponent

Person opposing the trade mark

Address

If the address is not within the United Kingdom, European Economic Area (EEA – which includes the European Union) or the Channel Islands you must have a representative in one of these regions and complete section 4 below

<input type="text"/>	
<input type="text"/>	
<input type="text"/>	
<input type="text"/>	Postcode

Email address

Complete if you have no representative and would like us to correspond with you by email

4. Representative name

If you have no representative, go to section 5.

Address

The address provided in this section must be in the UK, European Economic Area (EEA) or the Channel Islands.

NOTE: We will communicate with the representative if this section has been completed.

<input type="text"/>	
<input type="text"/>	
<input type="text"/>	
<input type="text"/>	Postcode

Email address

Complete if you would like us to correspond with you by email

5. Related proceedings If applicable, select location of any related proceedings and enter the case number allocated to the proceedings.	<input type="checkbox"/>	IPO Registry	<input type="checkbox"/>	UK Courts	<input type="checkbox"/>	EUIPO
	Number					

6. Opposition notification date
 If you have informed the applicant/holder of an intention to oppose the trade mark application, designation – enter the date you notified them.
 [**See Note]

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

7. Declaration

I believe that the facts stated in this form and the attached statement of grounds are true.

Signature

Name
 (BLOCK CAPITALS)

Date

8. Your reference
 Complete if you would like us to quote this in communications with you, otherwise leave blank.

Contact details
 Name, daytime telephone number of the person to contact in case of query.

Number of sheets attached to this form

Checklist

Please make sure you have remembered to:

- Sign and date the form
- Complete fee sheet (Form FS2)
- Enclose the fee and fee sheet. Make cheques payable to Intellectual Property Office

Where to send

Intellectual Property Office
 Trade Marks Registry
 Concept House
 Cardiff Road
 Newport
 South Wales
 NP10 8QQ

Please tick on what grounds you are opposing the trade mark and continue to the relevant section(s)

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.

Note: Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier trade mark.

> COMPLETE SECTION A

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.

Note: Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier trade mark. Ticking this box means that the total fee for this form is £200.

> COMPLETE SECTION B

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.

Note: Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier right. Ticking this box means that the total fee for this form is £200.

> COMPLETE SECTION C

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.

Note: Ticking this box means that the total fee for this form is £200.

> COMPLETE SECTION D

Opposition is based on other grounds.

Note: Ticking this box means that the total fee for this form is £200.

> COMPLETE SECTION E

SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.

Please tick the relevant section(s) that apply.

	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.

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

ABOUT THE EARLIER TRADE MARK

Trade mark number

Your trade mark

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Type of mark

Please tick

	UK		EUTM		International
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Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

Q1. Which goods or services covered by the earlier trade mark are relied upon for the opposition?

<input type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q2. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the publication date of the application you wish to oppose?

Yes

No > **GO TO Q4**

Q3. Has the trade mark been used?

Yes

No > **GO TO Q3b**

Q3a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

> **GO TO Q4.**

Q3b. Please state any proper reasons for non-use.

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DETAILS OF THE TRADE MARK YOU ARE OPPOSING

Q4. Which goods or services in the application that you are opposing do you claim are identical or similar to those covered by the earlier mark which you have listed at Q1 or Q3a (whichever is applicable)?

	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q5. Use this space to supply any further information about why you consider there is a likelihood of confusion and e.g. why you consider the respective marks or goods and/or services to be similar.

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SECTION B: Opposition is based on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending trade mark, that is identical with or similar to an earlier mark which has a reputation.

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

ABOUT THE EARLIER TRADE MARK

Trade mark number

Your trade mark

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Type of mark

Please tick

	UK		EUTM		International
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Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

Q1. For which goods or services covered by your earlier trade mark does it have a reputation?

	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q2. For which goods or services in the application (you are opposing) would use of the applicant's mark take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark?

	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q3. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?

Yes

No

Use this space to supply any further information

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QUESTIONS 4 TO 6 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q.3

Q4. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.

Q5. Is there any other basis for your claim of detriment to the reputation of the earlier mark? If so, please explain what the detriment would be and how it would occur.

Q6. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.

Q7. 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 application you wish to oppose?

Yes

No > **GO TO Q10**

Q8. Has the trade mark been used in the 5 year period ending on the date of publication of the opposed mark?

Yes

No > **GO TO Q9b**

Q9a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services (<i>please specify below, use a continuation sheet if necessary</i>)

> **GO TO Q10**

Q9b. Please state any proper reasons for non-use.

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Q10. Use this space to give any further information to explain why you are opposing the application on this ground.

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

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

ABOUT THE EARLIER UNREGISTERED TRADE MARK

Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

Q1. When and where was the earlier right first used in the UK?

Date used:

Enter date of first use

Where used:

Enter name of city/region or specify
'throughout UK' if used nationally

Q2. On which goods or services has the earlier right been used for?

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DETAILS OF THE TRADE MARK YOU ARE OPPOSING

Q3. For which goods or services (of the application that you are opposing) do you consider that use of the applicant's mark would amount to passing off?

	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q4. Why would use of the applicant's trade mark be contrary to law, particularly the law of passing off?

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SECTION D: Opposition is based on section 3 of the Trade Marks Act on the basis that the trade mark fails to satisfy certain requirements of a trade mark.

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

Please tick and complete the relevant section(s) that apply. (Use a continuation sheet if necessary)

3(1)(a) It is a sign that does not satisfy the requirements of section 1(1) because:

3(1)(b) It is a trade mark that 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:

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 goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

SECTION E: Opposition is based on any other grounds

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

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

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). See ††Note below.
Section 5(4)(b)	An earlier right by virtue of the law of copyright, design right or registered designs.
Section 60	Registered in the name of an agent or representative.
Rule 25(2)	Opposition to amendment after publication.
Rule 29	Regulations for collective or certification marks.
Rule 30(4)	Amendment of regulations for collective or certification marks.
Rule 32(3)	Alteration of registered mark.
Rule 53(2)	Removal of matter from the register.
Others	

†† For opposition on these grounds the following details should be supplied in the area below:

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

Alternatively you may wish to adapt Section A and Section B of this form.

Give details (including details of any right relied upon) to support the application under these grounds
(Use a continuation sheet if necessary)

[CONTINUED] Details to support your opposition under these grounds