



Form TM7F

Notice of FAST TRACK opposition and statement of grounds

Fee £100

Use this form to notify of a fast track 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 your grounds are not limited to Section 5(1) and/or 5(2) based on already registered or protected marks, (use form TM7 instead).

Do not use this form if any of the earlier marks on which the opposition is based had been registered/protected for 5 years or more on the date that the opposed mark was published in the Journal AND you are not including proof of use of the mark(s) with this Notice (use Form TM7 instead).

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

NOTE: *It will no longer be possible for two (or more) parties to jointly oppose a trade mark based on earlier marks/rights that they each own, unless the parties jointly own the relevant earlier marks/rights. Separate oppositions will now be required. See section 38(2A) of the Act.*

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.

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.

IPO Registry

UK Courts

EUIPO

Number

6. Opposition notification date

If you have informed the applicant/holder of an intention to oppose the trade mark application, international registration – 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 registration or amendment may result in the opponent being ineligible for an award of costs.

7. 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

No more than three earlier trade marks may be relied upon to support this opposition. If you are relying upon more than one earlier mark you must repeat this section, including your statements to the points Q.1 to Q.13 below (to the extent relevant) for each earlier mark.

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

ABOUT THE EARLIER TRADE MARK

Trade mark number

Your trade mark

Type of mark

Please tick

 UK EUTM International

Date the mark became registered or protection was granted

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?

All goods and services

Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
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Q2. STATEMENT OF USE - Was the date on which the earlier trade mark became registered or protected 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose? This is the period referred to below as 'the relevant period'.

Yes

No > Go To Q11

If 'Yes' you must complete the statement below and also Q3 to Q10, before continuing to Q11.

I, (name)..... of (address) and holding the position of (position in company) , state the following in answer to the following questions.

Q3. For which of the goods and services listed at Q1 is use of the trade mark being claimed?

Q4. If the opposition is based upon a European Union Trade Mark or an International Registration protected in the Community, please explain where in the Community the mark has been used in the relevant period?

Q5. If the opposition is based on a national registration, or an international registration protected by the UK, please indicate if the mark has been used throughout the UK or, if only used locally or regionally, state where in the UK the mark was used.

Throughout the UK (tick)

or, in the following areas

Q6. Please provide a list of examples of the mark in use in the relevant period and indicate against each such entry the goods/services for which you claim it shows use of the mark. Examples of use of the mark could include in price lists, brochures, advertisements, invoices etc. The documents included in your list should be attached as exhibits, which should be clear and easy to read. Each exhibit should be numbered, e.g. exhibit 1, exhibit 2 etc. and the pages of each exhibit should also be numbered, e.g. 1/7, 2/7 and so on. The total number of pages attached as exhibits to this TM7F should not exceed 100 pages. (If you cannot provide examples of the mark in use, please go to Q7.)

Note: If you cannot provide examples from the relevant period but provide more recent examples instead, you must state clearly whether the mark was used in the same form and in the same ways during the relevant period or in some part of that period.

Q7. If no examples are available, a statement of how the mark was used during the relevant period should be provided along with an explanation as to why no examples of the mark in use are available.

Q8. Please provide details of the number of sales achieved under the mark in the UK (or in the EU if the earlier mark is registered or protected at Community level) during the relevant period. These figures should, if possible, be provided on an annual basis and, if possible, be split in relation to each of the goods/services for which use of the mark is claimed; estimates should be provided if exact figures are not readily available.

Note: You may provide financial turnover figures to illustrate the level of sales under the mark, but if you do please also provide an indication of the typical unit price for the product or service.

Q9. If you consider that the information already provided clearly shows genuine use of the mark during the relevant period in relation to the goods/services for which use is claimed, please go to Q10. If you wish to supplement the information already provided, please state how much was spent promoting the mark in the UK (or in the case of a European Union Trade Mark, in the Community) during the relevant period. Ideally, this should be broken down by year. Estimates may be provided if exact figures are not readily available.

Q10. Please provide any other information that you consider to be relevant.

Statement of truth – to be completed by the person identified at Q2 above

I believe that the facts stated in this form are true.

Signature

Name (BLOCK CAPITALS)

Date

DETAILS OF THE TRADE MARK YOU ARE OPPOSING

Q11. Please tick the relevant section(s) that apply.

5(1) It is identical with an earlier registered or protected mark and for identical goods or services as the earlier mark

5(2)(a) It is identical with an earlier registered or protected mark and for similar goods or services as the earlier mark.

5(2)(b) It is similar to an earlier registered or protected mark and for identical or similar goods or services as the earlier mark.
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Q12. 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 and listed at Q1?

All goods and services

Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
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Q13. 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.