

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

Q1. Trade mark number

Your trade mark

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Q2. Type of mark

Please tick.

	UK		International UK
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Please note, tick the "UK" box above if your mark is a national UK mark, a comparable mark deriving from a registered EUTM or IR(EU), or a national UK mark which constitutes a re-filing of a pending EUTM – please see TPN 2/2020 for further information.

Q3. Representation of your trade mark

Text only – enter your trade mark only and no other supporting information.

Or

An image – if you are unable to put your image in the box below, you can attach an image of the earlier trade mark to your email or print the image if sending by post.

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Q4. For which goods or services covered by your earlier trade mark does it have a reputation?

These should be the goods and services of the earlier trade mark and not the trade mark you are opposing.

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

Q5. 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?

These should be the goods and services of the trade mark you are opposing and not the earlier trade mark.

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

Q6. 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

QUESTIONS 7 TO 9 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q6.

Q7. 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.

Q8. 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.

Q9. 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.

Q10. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?

You should tick 'no' if the earlier trade mark was registered less than 5 years before the application or priority date of the application you are opposing.

Yes > GO TO 11

No > GO TO Q13

Q11. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?

Yes > GO TO 12a

No > GO TO Q12b

Please note: If you are relying on a comparable mark please see TPN 2/2020 for when it may be permissible to rely on use in the EU rather than solely in the UK.

Q12a. For which of the goods and services listed at Q4 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 Q13

Q12b. Please state any proper reasons for non-use.

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Q13. Use this space to give any further information to explain why you are opposing the application on this ground.

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