



Form TM8
Notice of defence and counterstatement

No Fee

Use this form if your trade mark has been opposed or subject to cancellation proceedings and you want to defend your application or registration.

1. Trade mark number

If the defence concerns an International Registration, help us identify the correct case by adding "IR."

2. Opposition / Cancellation number

Enter the opposition or cancellation number in the relevant field.

Opposition number

Cancellation number

3. Name of applicant/registered owner

4. Full name

Person filing this counterstatement.

Address

The address must be in the United Kingdom, Gibraltar, or the Channel Islands.

Please note for certain proceedings it may be permissible to rely on an address for service in the EEA, please refer to Tribunal Practice Notice 2/2020 for further information.

Postcode

Email address

In order to enable us to correspond with you by email, please provide an email address to be used for the purposes of these proceedings and any subsequent appeal to the Appointed Person.

5. Interest in the trade mark

Tick one of the options.

Recorded Applicant, Owner or Holder of the trade mark

Recorded Representative for the Applicant, Owner or Holder

Other
(Please specify)

6. Related proceedings

If applicable, select location of any related proceedings and enter number.

IPO Registry

UK Courts

EUIPO

Number

7. Request for “proof of use”

Please see Tribunal Work Manual Section 3.1.10 Proof of use in opposition proceedings or Section 3.4.6 Proof of use in invalidation proceedings.

If the person opposing or applying to cancel your trade mark has provided a statement of use on grounds raised under sections 5(1) and 5(2) and 5(3) of the Trade Marks Act, you can request that they provide evidence to show that they are using their trade mark; this is called “proof of use”.

If you do not request “proof of use” the opponent’s statement of use will be accepted with the consequence that the earlier mark(s) may be relied upon for all the goods/services identified in the statement of use.

This is not applicable if this is a fast track opposition, in these circumstances please go straight to Section 8.

Do you want the opponent to provide “proof of use”?

Yes

No > **GO TO Section 8**

List of goods and/or services

List goods/ services for which you require ‘proof of use’. Please use a continuation sheet if not enough space.

Note: If more than one trade mark is being relied upon by the opponent or cancellation applicant, please provide the number(s) of the trade mark(s) for which you would like the other party to provide “proof of use”.

8. Counterstatement by defendant:

Your counterstatement is the reason(s) for your defence of your trade mark against the grounds presented by the opponent / applicant for cancellation.

The purpose of the counterstatement is to admit (agree), deny (disagree) or request proof of any of the grounds set out by the other party in their statement of grounds.

Please use a continuation sheet if not enough space.

9. Declaration

I believe that the facts stated in this notice of defence and counterstatement are true.

Signature**Name**

(BLOCK CAPITALS)

Date

Number of sheets attached to this form

10. 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.

Checklist

Please make sure you have remembered to:

Provide the trade mark number

Provide the opposition/cancellation number

Sign the form

Email your form to us:

Send your form, saved as a PDF to:

forms@ipo.gov.uk

For help saving your form as a PDF see:

<https://www.gov.uk/government/publications/how-to-file-documents-with-the-intellectual-property-office/how-to-file-documents-with-the-intellectual-property-office>

If you cannot email your form, post to:

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