

FOI Release
Information released under the Freedom of Information Act

Title: Statistics of trade marks and designs filed without representation

Date of release: 23 January 2019

Information request:

- 1) The number of trade mark and design applications filed with the UKIPO without representation, over the last 5 years (2014 – 2019).
- 2) The number of international trade mark registrations without UK representation (and so representation overseas), over the last 5 years (2014 – 2019).
- 3) Of those UK trade mark applications/registrations (point 1), how many marks were opposed in the last 5 years?
- 4) Of those oppositions (point 2) how many were not defended for lack of filing a TM8 and counter-statement in the last 5 years?

Information released:

Please find attached an Excel spreadsheet of trade mark and design application figures for the last five calendar years (CYs), indicating how many are represented.

Please note that the totals for domestic and International trade marks are based on current information, not on whether they were represented at the time of filing. If an applicant engages, changes or dispenses with the services of an agent after the filing date we cannot provide you with that historical data. Individual case records list any such changes but we can only provide a dataset that reflects the current position.

The position is similar in respect of Designs but additionally, due to the variations in the way that cases were captured historically on the system in use prior to the introduction of DEPS, i.e. before 2 September 2016, we cannot guarantee the accuracy of the counts before that date.

The second attachment contains a breakdown of UK trade mark and International Registration oppositions.

Please note that if you compare the figures against the first spreadsheet attached, you will notice that whilst the totals are identical (apart from calendar year 2018 for which we are still processing received applications), the numbers of represented and unrepresented will have changed. This is because we cannot identify whether cases had representatives or not at the time of filing, only whether they have a

representative at this point in time. Some cases now have representatives where previously they did not and vice versa.

With respect to the TM7 and TM8 counts, we've tried to simplify it as it's possible for any one application to have multiple oppositions and for the applicant to have filed a counter statement against only some of them. Therefore, for every application, we've identified all oppositions and checked the status of each and if any of the oppositions have had a counter statement or TM8. An application might have two oppositions but only one TM8 filed. In that instance, we've said that the application was opposed and a TM8 filed and counted them as one application, one opposition and that it has had a TM8 filed.