



**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 <i>(Please specify)</i>

**6. Related proceedings**

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

Number

IPO Registry

UK Courts

EUIPO

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## 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.

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**9. Declaration**

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

**Signature**

This can be typed or handwritten

**Name**

(*BLOCK CAPITALS*)

**Date**

Number of sheets attached to this form

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**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.

# Before you send us your form

Make sure you have:

- Answered questions 1 – 10.
  - Provided the trade mark number at question 1.
  - Provided the opposition/cancellation number at question 2.
  - Provided a signature and date at question 9. This can be typed or handwritten.
- | We aim to process this form within 20 working days (4 weeks).

**Email your completed PDF form to:  
forms@ipo.gov.uk**

**If you cannot email us your form, you can print and post your form to:  
Intellectual Property Office, Concept House, Cardiff Road, Newport, South Wales, NP10 8QQ.**

**Please note: It takes longer to process paper forms sent by post.**

**Data Privacy:** <https://www.gov.uk/government/publications/intellectual-property-office-privacy-notice-for-personal-data-processed-for-the-administration-of-ip-rights>