



Intellectual Property Office

Form TM7

Notice of opposition and statement of grounds

Fee ☐ £125 Opposition based on Section 5(1) and/or 5(2) ONLY

☐ £250 Opposition based on, or including, any other grounds

Note: If you wish to oppose under Section 5(1) and/or 5(2) and one or more other grounds, the fee will be £250

Use this form to notify of an 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 you wish to file a Fast Track opposition under Section 5(1) and/or 5(2): use Form TM7F.

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 or company opposing the above trade mark.

Address

If the address is not within the United Kingdom, Gibraltar or the Channel Islands you must have a representative in one of these regions and complete section 4 below.

PLEASE NOTE: Publication of name and address and other information you provide. We publish the owner's name and address and other information you provide in our searchable records. You should provide a business or PO Box address if you do not want your home address published.

A copy of this form will also be sent to the trade mark applicant/holder.

	Postcode

If you are opposing on the basis of a comparable mark, please refer to TPN 2/2020 for information about the address for service that will apply to you.

ADDITIONAL INFORMATION: 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.

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.

4. Representative name If you have no representative, go to section 5.													
Address The address provided in this section must be within the United Kingdom, Gibraltar or the Channel Islands. <i>If you are opposing on the basis of a comparable mark, please refer to TPN 2/2020 for information about the address for service that will apply to you.</i>													
NOTE: We will communicate with the representative if this section has been completed.													
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.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"></td> <td style="width: 25%;">IPO Registry</td> <td style="width: 15%;"></td> <td style="width: 25%;">UK Courts</td> <td style="width: 15%;"></td> <td style="width: 20%;">EUIPO</td> </tr> <tr> <td colspan="6" style="height: 30px; vertical-align: top; padding: 5px;">Number</td> </tr> </table>		IPO Registry		UK Courts		EUIPO	Number					
	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, designation – 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 designation or amendment may result in the opponent being ineligible for an award of costs.													
7. Declaration	I believe that the facts stated in this form and the attached statement of grounds are true.												
Signature This can be typed or handwritten.													
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													

Please tick on what grounds you are opposing the trade mark and continue to the relevant section(s)

☐

Opposition is based on Sections 5(1) or 5(2): The trade mark is either identical or similar to an earlier trade mark and is to be registered for identical and/or similar goods and services.

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

> COMPLETE SECTION A

☐

Opposition is based on Section 5(3): The trade mark is either identical or similar to an earlier trade mark which has a reputation. Using the later mark would take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier mark.

Note: Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier trade mark. Ticking this box means that the total fee for this form is £250.

> COMPLETE SECTION B

☐

Opposition is based on Section 5(4)(a): Where the use of the applicant's trade mark would be contrary to law, in particular, the law of passing off.

Note: Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier right. Ticking this box means that the total fee for this form is £250.

> COMPLETE SECTION C

☐

Opposition is based on Section 3: The trade mark is excluded from registration because it describes the goods/services, or is not distinctive, or consists of signs that are customary within the trade, or the application was made in bad faith.

Note: Ticking this box means that the total fee for this form is £250.

> COMPLETE SECTION D

☐

Opposition is based on other grounds.

Note: Ticking this box means that the total fee for this form is £250.

> COMPLETE SECTION E

SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.

Q1. Please tick the relevant section(s) that apply.

☐	5(1) It is identical with an earlier mark and for identical goods or services as the earlier mark
☐	5(2)(a) It is identical with an earlier mark and for similar goods or services as the earlier mark.
☐	5(2)(b) It is similar to an earlier mark and for identical or similar goods or services as the earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

Information before you complete the rest of section A

Q2 – Q7 of section A are based on the earlier trade mark.

Q8 & Q9 of section A are based on the trade mark you are opposing.

ABOUT THE EARLIER TRADE MARK

Q2. Trade mark number

Your trade mark.

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Q3. 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.

Q4. 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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Q5. Which goods or services covered by the earlier trade mark are relied upon for the opposition?

These should be the goods and services of the earlier trade mark and not the trade mark you are opposing. These goods and services should also be identical and/or similar to those contained in the trade mark application.

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

Q6. 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 Q7

☐

No > GO TO Q8

Q7. 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 Q7a

☐

No > GO TO Q7b

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.

Q7a. For which of the goods and services listed at Q5 is trade mark use being claimed?

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

> GO TO Q8.

Q7b. Please state any proper reasons for non-use.

DETAILS OF THE TRADE MARK YOU ARE OPPOSING

Q8. 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 which you have listed at Q5?

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>

Q9. Use this space to supply any further information about why you consider there is a likelihood of confusion and for example why you consider the respective marks or goods and/or services to be similar.

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.

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?

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Yes

☐

No

Use this space to supply any further information

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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.

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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?

	All goods and services
	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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SECTION C: Opposition is based on Section 5(4)(a) of the Trade Marks Act, where the use of the applicant's trade mark would be contrary to law, in particular, the law of passing off.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

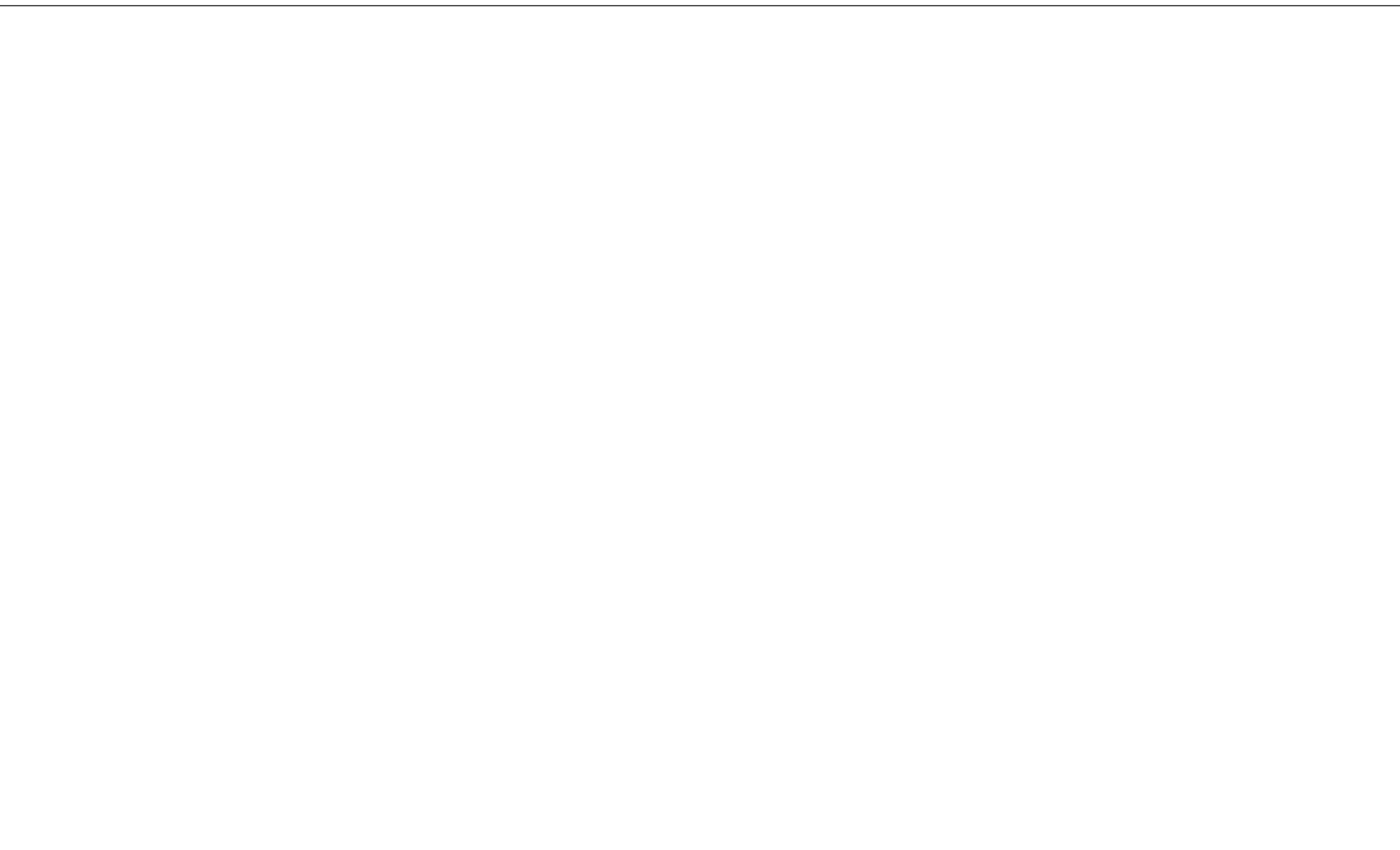
ABOUT THE EARLIER UNREGISTERED TRADE MARK

Q1. 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.



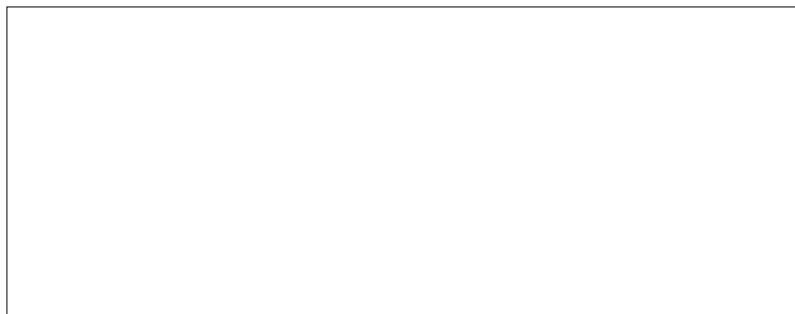
Q2. When and where was the earlier right first used in the UK?

Date used:

Enter date of first use.

Where used:

Enter name of city/region or specify
'throughout UK' if used nationally.



Q3. On which goods or services has the earlier right been used for?

DETAILS OF THE TRADE MARK YOU ARE OPPOSING

Q4. For which goods or services (of the application that you are opposing) do you consider that use of the applicant’s mark would amount to passing off?
These should be the goods and services of the trade mark you are opposing and not the earlier right.

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

Q5. Why would use of the applicant’s trade mark be contrary to law, particularly the law of passing off?

SECTION D: Opposition is based on section 3 of the Trade Marks Act on the basis that the trade mark fails to satisfy certain requirements of a trade mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

Please tick and complete the relevant section(s) that apply. (Use a continuation sheet if necessary)

3(1)(a) It is a sign that does not does not satisfy the requirements of section 1(1) because:

3(1)(b) It is a trade mark which is devoid of any distinctive character because:

3(1)(c) It is a trade mark which consists exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or rendering of services, or other characteristics of goods or services because:

3(1)(d) It is a trade mark which consists exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade because:

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3(6) It is a trade mark which should not be registered for some or all of the goods and services in the application as the application was made in bad faith:

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Other State any other part of section 3 you rely on and give your grounds:

State which of the applicant's goods or services you oppose under Section 3 grounds

All goods and services

Some goods and services *(please specify below, use a continuation sheet if necessary)*

SECTION E: Opposition is based on any other grounds

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

Use this sheet if you are basing your opposition on any other grounds and tick the appropriate box.

	Section 5(1),(2),(3)	If the opponent is claiming protection for an earlier trade mark under Section 6(1)(c) which is a well known trade mark as defined in Section 56(1). See ††Note below.
	Section 5(4)(b)	An earlier right by virtue of the law of copyright or the law relating to industrial property rights.
	Section 5(6)	Registered in the name of an agent or representative.
	Rule 25(2)	Opposition to amendment after publication.
	Rule 29	Regulations for collective or certification marks.
	Rule 30(4)	Amendment of regulations for collective or certification marks.
	Rule 32(3)	Alteration of registered mark.
	Rule 53(2)	Removal of matter from the register.
	Others	Others.

Others †† For opposition on these grounds the following details should be supplied in the area below:

- Representation of the mark.
- Details of any reference number and related jurisdiction if relevant.
- Details of goods and services covered by the earlier mark.
- Details of goods and services (in the application) which you consider to be similar identical to those covered by the earlier mark.

Alternatively you may wish to adapt Section A and Section B of this form.

Give details (including details of any right relied upon) to support the application under these grounds
(Use a continuation sheet if necessary)

[CONTINUED] Details to support your opposition under these grounds

Fees and payment

We will only process the form with this section completed (one form per payment)

To check the correct fee for this form, search on [GOV.UK for 'trade mark forms and fees'](#)

Total Fee Paying (£)

Your own reference (Optional)

Your contact details should we have a query

Name

Email

Phone

How would you like to pay?

Tick one

☐

Using a debit or credit card – you will need the internet to pay by card

- 1** Go to our secure website – <https://fees.ipo.gov.uk/pay>
- 2** Enter your name, email address and total amount to pay from above
- 3** As proof of payment, write below the 10-character reference code displayed from the online payment screen.
DO NOT write your debit/credit card number

☐

Deduct from IPO deposit account

IPO deposit account number

☐

Cheque – make payable to 'Intellectual Property Office'.

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Bank transfer

Reference – use your IPO deposit account number if you have one or an application number or your name if you don't.

Use the following bank account details

Sort code	20-18-23
Account number	80531766
Account name	Intellectual Property Office
SWIFT code	BARCGB22
IBAN number	GB92 BARC 2018 2380 5317 66

Before you send us your form

Make sure you have:

- ☐ Answered questions 1 – 8 and then the relevant Sections.
 - ☐ Provided a signature and date at question 7. This can be typed or handwritten.
 - ☐ Made payment by card, cheque, bank transfer or IPO deposit account.
 - ☐ Completed the payment sheet above.
- | 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/privacy-notice-for-personal-data-processed-for-the-administration-of-ip-rights>