**Potential Opposition against United Kingdom Trade Mark Application**

**This questionnaire should be used to provide information that can be used to help compile the statement of grounds in an opposition against a United Kingdom trade mark application, including the designation of the United Kingdom in an International Registration.**

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| Application No: |  |
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| Applicant: |  |
|  |  |
| Mark:  |  |
|  |  |
| Class(es): |  |
|  |  |
| Publication Date: |  |
|  |  |
| Potential Opponent:  |  |
|  |  |
| Our Ref:  |  |

**Important**

Please give this document urgent and full attention; failure to supply us with sufficient information in sufficient detail could have an adverse effect on the opposition, including financial consequences. Vaguely worded oppositions which include grounds which cannot later be substantiated are no longer recommended. Also failure to give the applicant adequate warning of the intention to file opposition may have adverse financial consequences. If the space available is not sufficient, please continue on a separate sheet of paper.

1. **The following goods/services are covered by the application:**

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Q1 Please advise which goods and services are objectionable and why:

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1. **We are aware of the following prior applications and registrations which it may be possible to utilise:**

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| --- | --- | --- | --- | --- |
| Jurisdiction | Number | Mark | Class(es) | Over 5 years on the register? |
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|  Yes No |

Q2 Are there any other relevant applications or registrations (United Kingdom, European Union Trade Mark\* and International Registrations designating the United Kingdom and/or the European Union), including those belonging to third parties? If yes, please give details.

Q3 Please advise how the marks in the prior applications/registrations are used and on what goods/services, including, if possible, turnover figures, numbers sold, etc. For those marks which have been on the relevant Register over five years (marked Y for the cases of which we are aware) which are not in use, please advise when they were last used and on what goods/services, including turnover figures, numbers sold, etc., and explain why the marks are not currently in use**. For trade mark registrations that have been on the relevant register more than five years proof of use, demonstrating more than token use in the preceding five years from the publication date of the opposed application, or valid reasons for non-use (which will need to be circumstances beyond the proprietor’s control e.g. import restrictions, new regulatory requirements etc.; it is unlikely that the inability to sell a product will be a valid reason) will need to be provided if the opposition proceeds to the evidence stage.** Failure to provide proof of use or valid reasons for non-use will result in the relevant registration being disregarded (insofar as it has not been recently used or there is not a valid reason for non-use) in the opposition proceedings.

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Also, please note that five years’ non-use in general makes a mark vulnerable to cancellation for the goods/services on which it has not been used. These vulnerable registrations, even if not used in the opposition, may be attacked by the applicant.

\*previously known as Community Trade Mark (CTM)

1. **Use in the United Kingdom of an unregistered trade mark, a trading name, domain name may assist in an opposition; also the existence of copyright in logos etc. and registered designs (United Kingdom and/or European Union) may help.**

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|  Yes No |

Q4 Are you aware of any such use that might be relevant, and/or any copyright and/or designs? If yes, please give details, including dates of first use and in relation to what goods, how publicised, etc..

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1. **If a mark is well known or has a reputation, the rights given by the mark may be broader than for a less well known mark**

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|  Yes No |

Q5 Are you/your client’s marks well known, and/or do they have a reputation? If yes, please give details.

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1. **It may be possible to oppose on the basis of bad faith**

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|  Yes No |

Q6 Is there anything that makes you believe that the application or the behaviour of the applicant may have been in bad faith? For example, has the application been made by someone with special knowledge, e.g. a distributor or agent? Was the mark applied for soon after you/your client’s marks were subject to publicity?

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1. **Showing that confusion has occurred may assist**

Q7 Are you aware of instances of confusion between your goods/services and those of the applicant? If so, please explain.

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1. **Sometimes actual or potential oppositions can be settled amicably, for example by the applicant agreeing to limit his application and use to certain goods/services and undertaking how he will use the mark**

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1. **Sometimes actual or potential oppositions can be settled amicably, for example by the applicant agreeing to limit his application and use to certain goods/services and undertaking how he will use the mark**

Q8 Would you be prepared to consider an amicable settlement, and if so are there particular goods/services for which you/your client would tolerate use of the other side’s mark and if so, would there be particular conditions that you/your clients would wish to impose on the other side?

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1. **Other comments**

Q9 Do you have any other comments or information that might assist? For example, has the applicant applied for the mark elsewhere? If he has, did you take action, and what was the result?

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| Signed: |  |
|  |  |
| Date: |  |

This information will hopefully enable us to give you an initial assessment of the situation and suggest a possible course of action. Almost certainly we will need further information and supporting documents.