

HOW TO OPPOSE OR DEFEND A TRADE MARK APPLICATION IN THE UK

APPLICANT FOR A UK TRADE MARK REGISTRATION

TIMELINE

BRAND OWNER WHO WISHES TO OPPOSE

The application is advertised by the UK IPO

2 months
During which opposition may be filed - may be extended to 3 months by request

Letter before action (optional)

Send opposition to UK IPO

Applicant files their defence (counterstatement). Applicant may request proof of use of trade marks over 5 years old

2 months
During which defence must be filed - if both parties agree may extend by seven months and then by nine months

Brand owner files evidence of fact, and evidence of use, if required.

Legal submissions (optional)

Applicant files evidence of fact

Legal submissions (optional)

2 months
Extension may be requested by brand owner if very good reasons

2 months
Extension may be requested by applicant, if very good reasons

Brand owner indicates if reply evidence will be filed

1 month

1 month

Brand owner files any reply evidence (optional)

Option to request hearing (or decision is made based on the papers)

File any legal submissions

Few weeks

Option to request hearing (or decision is made based on the papers)

File any legal submissions

Hearing by UK IPO

Several weeks later

Hearing by UK IPO

Decision by UK IPO, with possible costs award

Several months later

Decision by UK IPO, with possible costs award

Option to appeal to court or appointed person

28 days

Option to appeal to court or appointed person.