

## COMMUNITY TRADEMARK OPPOSITIONS – CHANGE IN PRACTICE

The Community Trade Marks Office (CTM Office) has announced a change in practice with regard to Community Trade Mark Oppositions and the “cooling-off” period. (The “cooling-off” period is the period after an opposition has been filed but before the adversarial part of the proceedings commences and is designed to encourage the parties to try to reach an amicable settlement.)

The maximum period allowed for the cooling-off period is 24 months and, under the current procedures, it is usual for the parties to request extensions of the cooling-off period in two or three month blocks, up to the maximum of 24 months. This involves both parties having continually to request such extensions.

Under the new procedures, there will be no provision for seeking extensions of the cooling-off period in blocks of two or three months. Once a joint request to extend it beyond the initial 2 month period is made and accepted by the CTM Office, it will automatically be extended up to the maximum period of 24 months. There will be provision for an ‘opt out’ possibility whereby if, for example, settlement negotiations have broken down, either of the parties can advise the CTM Office that they wish to terminate the cooling-off period. This will then result in the immediate commencement of the adversarial part of the proceedings, and deadlines will then be set for the parties to file evidence to support their respective positions.

This new practice will be introduced on **1 March 2006** and all new oppositions that are filed after that date will fall under the new regime.

With regard to pending oppositions that, on 1 March, are already in the cooling-off period, any request to extend the cooling-off period will be granted to cover the remaining period up to the maximum of 24 months from the start of the cooling-off period.

This new procedure should result in a saving of costs for clients as it will be unnecessary to file successive cooling-off extension requests every two or three months.

Please let Ian Buchan, Sanjay Kapur or John Peacock know if you require any further information or advice.

The information in this Newsletter was correct at the date of release. More up to date information is available by contacting Eric Potter Clarkson LLP. All comments contained here are of a general nature and full professional advice should be sought on any specific problem.

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