

UK TRADEMARK APPLICATIONS – CHANGES IN OPPOSITION PROCEDURE

Changes have been announced to the opposition proceedings for UK trademark applications. These come in to effect on **1 October 2008**.

Opposition Term

At present, a UK trademark application can be opposed within a period of 3 months following the date of the publication of the application in the Trade Marks Journal.

The time limit for opposing a UK application is to change:

- The initial period for opposing an application will be **2 months** from the date of publication.
- It will be possible to apply to have this 2 month period extended, by **1 month only**, if an appropriate request is made to the UK-IPO prior to the expiry of the 2 month period.

The cost of applying for the one month extension of time will be £65.

If no extension request is filed, and no oppositions are lodged, the application will proceed to registration after the 2 month initial opposition period.

As over 90% of all published UK applications do not encounter an opposition, the aim of this change is to speed up the UK registration process.

“Cooling Off” Period

At present, if an opposition is filed to a UK application, it is possible for both parties to enter a non-extendible “cooling off” period of 9 months, before the adversarial stages of the proceedings commence. The “cooling off” period is usually entered into if the parties are trying to reach some form of agreement.

It will now be possible for both sides to agree to an extension to this “cooling off” period by a further 9 months.

It will still remain possible for either side to terminate the “cooling off” period should they wish to if, for example, settlement negotiations break down.

The aim of this change is to provide the parties with adequate time to negotiate an agreement without having to progress the opposition to the adversarial stage, at which more significant costs would be incurred.

If you require any further information please contact Sanjay Kapur, John Peacock or Jackie Tolson.

The information in this Newsletter was correct at the date of release. More up to date information is available by contacting Potter Clarkson LLP. All comments contained here are of a general nature and full professional advice should be sought on any specific problem. Please note that all our Newsletters can be found on our website at www.potterclarkson.com.

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