



STATEMENT OF USE

When an opposition is based upon an earlier trade mark which has been registered for five years or more at the date when the trade mark being opposed is published in the Trade Marks Journal (this period is known as 'the relevant period'), the opponent is required to state, on the TM7 'Notice of opposition', whether, and for which goods or services, the earlier registered trade mark has been used during that five year period.

The applicant may accept the opponent's statement, or s/he may put the opponent to proof of use of the earlier trade mark.

If the applicant has asked you to provide proof of use, please complete the statement below.

I, (name)..... of (address) and
holding the position of (position in company (if applicable)
....., state the following in answer to the following questions.

Q1. Please list the goods and/or services that your trade mark(s) has been used on.

Q2. If the opposition is based upon a Community Trade Mark or an International Registration protected in the Community, please explain where in the Community the mark has been used in the relevant period.

Q3. If the opposition is based on a national registration, or an international registration protected by the UK, please indicate if the mark has been used throughout the UK or, if only used locally or regionally, state where in the UK the mark was used.

Throughout the UK

or, in the following areas

Q4. Please provide a list of examples of the mark in use in the relevant period and indicate against each such entry the goods/services for which you claim it shows use of the mark. Examples of use of the mark could include price lists, brochures, advertisements, invoices etc. The documents included in your list should be attached as exhibits, which should be clear and easy to read. Each exhibit should be numbered, e.g. exhibit 1, exhibit 2 etc. and the pages of each exhibit should also be numbered, e.g. 1/7, 2/7 and so on.

(If you cannot provide examples of the mark in use, please go to Q6.)

Note: If you cannot provide examples from the relevant period but provide more recent examples instead, you must state clearly whether the mark was used in the same form and in the same ways during the relevant period or in some part of that period.

Q5. If no examples are available, a statement of how the mark was used during the relevant period should be provided along with an explanation as to why no examples of the mark in use are available.

Q6. Please provide details of the number of sales achieved under the mark in the UK (or in the EU if the earlier mark is registered or protected at Community level) during the relevant period. These figures should, if possible, be provided on an annual basis and, if possible, be split in relation to each of the goods/services for which use of the mark is claimed; estimates should be provided if exact figures are not readily available.

Note: You may provide financial turnover figures to illustrate the level of sales under the mark, but if you do please also provide an indication of the typical unit price for the product or service.

Q7. If you consider that the information already provided clearly shows genuine use of the mark during the relevant period in relation to the goods/services for which use is claimed, please go to Q8. If you wish to supplement the information already provided, please state how much was spent promoting the mark in the UK (or in the case of a Community mark, in the Community) during the relevant period. Ideally, this should be broken down by year. Estimates may be provided if exact figures are not readily available.

Q8. Please provide any other information that you consider to be relevant.

Statement of truth – to be completed by the person identified above

I believe that the facts stated in this form are true.

Signature:

Name: (BLOCK CAPITALS)

Date: