



Form TM8 Notice of defence and counterstatement

No Fee

Use this form if your trade mark has been opposed or subject to cancellation proceedings and you want to defend your application or registration.

1. Trade mark number If the defence concerns an International Registration, help us identify the correct case by adding "IR"													
2. Opposition / Cancellation number Enter the opposition or cancellation number in the relevant field	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; padding: 5px;">Opposition number</td> <td style="width: 60%; height: 30px;"></td> </tr> <tr> <td style="padding: 5px;">Cancellation number</td> <td style="height: 30px;"></td> </tr> </table>	Opposition number		Cancellation number									
Opposition number													
Cancellation number													
3. Name of applicant/registered owner													
4. Full name Person filing this counterstatement													
Address The address must be in the United Kingdom, European Economic Area (EEA) or the Channel Islands	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 30px;"></td></tr> <tr><td style="height: 30px;"></td></tr> <tr><td style="height: 30px;"></td></tr> <tr> <td style="width: 70%; height: 30px;"></td> <td style="width: 30%; text-align: center; vertical-align: middle;">Postcode</td> </tr> </table>					Postcode							
	Postcode												
5. Interest in the trade mark Tick one of the options	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"></td> <td>Recorded Applicant, Owner or Holder of the trade mark</td> </tr> <tr> <td></td> <td>Recorded Representative for the Applicant, Owner or Holder</td> </tr> <tr> <td></td> <td>Other <i>(Please specify)</i></td> </tr> </table>		Recorded Applicant, Owner or Holder of the trade mark		Recorded Representative for the Applicant, Owner or Holder		Other <i>(Please specify)</i>						
	Recorded Applicant, Owner or Holder of the trade mark												
	Recorded Representative for the Applicant, Owner or Holder												
	Other <i>(Please specify)</i>												
6. Related proceedings If applicable, select location of any related proceedings and enter number.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%; text-align: center;">IPO Registry</td> <td style="width: 25%;"></td> <td style="width: 25%; text-align: center;">UK Courts</td> <td style="width: 20%;"></td> <td style="width: 20%; text-align: center;">EUIPO</td> </tr> <tr> <td colspan="6" style="padding: 5px;">Number</td> </tr> </table>		IPO Registry		UK Courts		EUIPO	Number					
	IPO Registry		UK Courts		EUIPO								
Number													

7. Request for “proof of use”

Please see Tribunal Work Manual Section 3.1.10 Proof of use in opposition proceedings or Section 3.4.6 Proof of use in invalidation proceedings.

If the person opposing or applying to cancel your trade mark has provided a statement of use on grounds raised under sections 5(1) and 5(2) and 5(3) of the Trade Marks Act, you can request that they provide evidence to show that they are using their trade mark; this is called “proof of use”.

If you do not request “proof of use” the opponent’s statement of use will be accepted with the consequence that the earlier mark(s) may be relied upon for all the goods/services identified in the statement of use.

This is not applicable if this is a fast track opposition, in these circumstances please go straight to Section 8.

Do you want the opponent to provide “proof of use”?

Yes

No > **GO TO Section 8**

List of goods and/or services

List goods/ services for which you require ‘proof of use’. Please use a continuation sheet if not enough space.

Note: If more than one trade mark is being relied upon by the opponent or cancellation applicant, please provide the number(s) of the trade mark(s) for which you would like the other party to provide “proof of use”.

8. Counterstatement by defendant:

Your counterstatement is the reason(s) for your defence of your trade mark against the grounds presented by the opponent / applicant for cancellation.

The purpose of the counterstatement is to admit (agree), deny (disagree) or request proof of any of the grounds set out by the other party in their statement of grounds.

Please use a continuation sheet if not enough space.

9. Declaration

I believe that the facts stated in this notice of defence and counterstatement are true.

Signature

Name

(BLOCK CAPITALS)

Date

Number of sheets attached to this form

10. Your reference

Complete if you would like us to quote this in communications with you, otherwise leave blank.

Contact details

Name, daytime telephone number of the person to contact in case of query

Checklist

Please make sure you have remembered to:

- Provide the trade mark number
- Provide the opposition/cancellation number
- Sign the form

Where to send

Intellectual Property Office
Trade Marks Registry
Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ