



Australian Government

IP Australia

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Official Notice

Oppositions to International Registrations Designating Australia*

The purpose of this notice is to draw some important points to the attention of potential opponents to International Registrations Designating Australia (IRDAs), under the Madrid Protocol.

1. Opponent not required to serve certain document(s) on the holder of an IRDA

The *Trade Marks Regulations* DO NOT require an opponent to serve either a notice of opposition, or an extension of time for filing notice of opposition, on the holder of an IRDA (see regulations 17A.29 and 17A.30).

- In respect to a notice of opposition a copy of the notice will be (together with relevant documents) sent to the International Bureau which will in turn send the notice (and documents) to the holder.
- In respect to an extension of time to file a notice of opposition the Trade Marks Office of IP Australia will advise both the holder and the opponent as to whether the application has either been allowed or refused.

Subsequent to the filing of the notice of opposition at this Office service of documents by the opponent on the holder, is only required once the holder has an address for service in Australia (see below).

2. When an IRDA is opposed, the holder must provide an address for service in Australia. An opponent is not required to serve evidence in support on the holder unless this is provided.

- The holder of an IRDA, who has not been required to provide an address for service in Australia during examination, and who wishes to contest an opposition against the IRDA **must**, within 3 months of the notice of opposition being filed, give the Registrar written notice of an address for service in Australia (see sub regulation 17A.33(3)). The Trade Marks Office, through the International Bureau, will notify the holder of this requirement.
- Unless the holder has provided an address for service in Australia the acknowledgement notice (to the opponent) of the notice of opposition will show the International Bureau in Geneva, Switzerland as the holder's address for service.
- The address of the International Bureau is NOT the holder's address for service for the purposes of sub regulation 17A.33 (3). An opponent is not required to serve documents on the holder unless and until the requirements of the regulations have been met, that is, until an address for service **in Australia** has been nominated.



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*** This notice supersedes the Official Notice of the same title appearing in the Official Journal of Trade Marks of 3 April 2002**

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