



Trade Marks Office

Application for an Extension of Time under section 224

DO NOT USE THIS FORM if you are:

- Applying for an extension of time to file a notice of opposition to:
 - the registration of a national trade mark which has been advertised as accepted; or
 - the extension of protection of an international trade mark which has been advertised as accepted.

USE FORM TM00002

- Applying for an extension of time to serve evidence in any type of opposition proceeding

USE FORM TM00013

Please note this is not an e-form

The application may be considered as not filed if you do not correctly complete this form or if insufficient fees are paid.

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Part 1 Formality details that must be provided

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In this part you must give details such as the Trade Mark number(s), the international trade mark number (if applicable) and the name that the trade mark is in, as well as details of the person applying for an extension of time, including their name, address for service and contact details.

Part 2 Extension details

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In this part you must:

- nominate the length of the extension (if more than 3 months see part 4, point 5 on page 6)
- indicate the reason for the extension
- confirm you have included a supporting declaration
- indicate why the extension is required

Part 3 Declaration in support of extension application

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The extension application **must** be supported by a declaration which contains sufficient information to satisfy IP Australia that the reason for the extension is valid and that it is appropriate to grant it.

Part 4 Section 224 of the *Trade Marks Act 1995*

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In this part you will find section 224 of the *Trade Marks Act 1995* in full.

Part 5 General information

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This part gives general information about contacting IP Australia, payment options and finding information about section 224 extensions of time, trade mark matters in general and what type of assistance IP Australia does not provide.



Australian Government

IP Australia

Application for an Extension of Time under section 224

Part 1 Formality details

Filing Fee: \$100.00 per month per trade mark number

Trade Mark No(s) (Please list numerically)

International Registration No(s) (if applicable)

For Office Use Only

Correspondence Code(s)

- TE TER
 TEA TEP
 TDC (if declaration filed)
 TSD (if statutory declaration filed)

in the name of

 ACN/ARBN

Details of person seeking an extension of time (business name is not acceptable)

Name

 ACN/ARBN

Address

 State Postcode

Address for Service in Australia (if same as 'Address' please print 'as above')

 State Postcode

Telephone No.

 ()

Facsimile No.

 ()

Your Reference

Email

Part 2 Extension details

Application is made for an extension of time of

 month(s) from / /

The extension is needed because of

- an error or omission by a trade marks officer or employee circumstances beyond the control of the person concerned
 an error or omission by the person concerned or by his or her agent special circumstances
 The facts on which the extension is based are set out in the accompanying declaration.
PLEASE NOTE: If the application is made late, you must also explain why it is late.

The extension is required for

- Acceptance of a trade mark (national trade mark or an IRDA)*
 Registration of a trade mark (national trade mark)
 Opposing removal of a registered trade mark for non-use
 Opposing cessation of protection of a protected international trade mark for non-use
 Application for an award of costs
 Filing a bill of costs

***Only use this form if more than 21 months has passed since the date of the first report or if the application has lapsed without being accepted. If less than 21 months has passed and the application has not lapsed, use form TM/00/011(a)**

Signature (optional)

Date

 / /

Name (please print)



Australian Government

IP Australia

Declaration

Application for an Extension of Time under section 224 of the *Trade Marks Act 1995*

Part 3 Declaration in support of extension application

I,
(insert name of person making declaration)

of
 State Postcode
(insert the address of person making declaration)

do declare as follows:-

If you are making the declaration for the purposes of a business or on behalf of another person please complete whichever of the following is applicable

1. I am making this declaration in my capacity as

(state your position or office held and address of the place of business)

or I am making this declaration on behalf of another person

(insert name and address of other person)

Trade Mark No(s) for which an extension of time is sought

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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International Registration No(s) for which an extension of time is sought

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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2. I am applying for the extension of time because

<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

If you require more space please attach as many A4 sheets of paper as required. Please sign and date the last sheet attached and write the name of the person signing.

I make this declaration conscientiously believing the statements contained in this declaration to be true in every particular.

<input type="text"/>	<input type="text"/> / <input type="text"/> / <input type="text"/>	<input type="text"/>
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(Signature of person making declaration) Date Place

Before me,
(Signature of person before whom declaration is made) (Name and Title of person before whom declaration is made)

Name (Please print)

Please Note: See over for a list of persons before whom a declaration may be made.

A declaration under the **Trade Marks Act 1995** as amended may be made before (among others)

(g) a person before whom a statutory declaration may be made under the Statutory Declarations Act 1959

Under the Statutory Declarations Act 1959, as amended, a person before whom a declaration can be made includes:

(1) A person who is currently licensed or registered under a law to practise in one of the following occupations:

- Chiropractor
- Dentist
- Legal Practitioner
- Medical Practitioner
- Nurse
- Optometrist
- Patent Attorney
- Pharmacist
- Physiotherapist
- Psychologist
- Trade Marks Attorney
- Veterinary Surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

- Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
- Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the Consular Fees Act 1955)
- Bailiff
- Bank officer with 5 or more continuous years of service
- Building society officer with 5 or more years of continuous service
- Chief executive officer of a Commonwealth court
- Clerk of a court
- Commissioner for Affidavits
- Commissioner for Declarations
- Credit union officer with 5 or more years of continuous service
- Employee of the Australian Trade Commission who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3(d) of the Consular Fees Act 1955; and
 - (c) exercising his or her function in that place
- Employee of the Commonwealth who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3(c) of the Consular Fees Act 1955; and
 - (c) exercising his or her function in that place
- Fellow of the National Tax Accountants Association
- Finance company officer with 5 or more years of continuous service
- Holder of a statutory office not specified in another item in this list
- Judge of a court
- Justice of the Peace

- Magistrate
- Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the Marriage Act 1961
- Master of a court
- Member of Chartered Secretaries Australia
- Member of Engineers Australia, other than at the grade of student
- Member of the Association of Taxation and Management Accountants
- Member of the Australasian Institute of Mining and Metallurgy
- Member of the Australian Defence Force who is:

- (a) an officer; or
- (b) a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with 5 or more years of continuous service; or
- (c) a warrant officer within the meaning of that Act

- Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants Member of:

- (a) the Parliament of the Commonwealth; or
- (b) the Parliament of a State; or
- (c) a Territory legislature; or
- (d) a local government authority of a State or Territory

- Minister of religion registered under Subdivision A of Division 1 of Part IV of the Marriage Act 1961
- Notary public
- Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public
- Permanent employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority; or
- (c) a local government authority; with 5 or more years of continuous service who is not specified in another item in this list

- Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
- Police officer
- Registrar, or Deputy Registrar, of a court
- Senior Executive Service employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority

- Sheriff
- Sheriff's officer
- Teacher employed on a full-time basis at a school or tertiary education institution

Part 4 Section 224 of the Trade Marks Act 1995

TRADE MARKS ACT 1995

- SECT 224

Extension of time

- (1) The Registrar must extend the time for doing a relevant act that is required by this Act to be done within a certain time if the act is not, or cannot be, done within that time because of an error or omission by:
 - (a) the Registrar or a Deputy Registrar; or
 - (b) an employee; or
 - (c) a person providing, or proposing to provide, services for the benefit of the Trade Marks Office
- (2) If, because of:
 - (a) an error or omission by the person concerned or by his or her agent; or
 - (b) circumstances beyond the control of the person concerned;a relevant act that is required by this Act to be done within a certain time is not, or cannot be, done within that time, the Registrar may, on application made by the person concerned in accordance with the regulations, extend the time for doing the act.
- (3) If:
 - (a) a relevant act that a person is required by this Act to do within a certain time is not, or cannot be, done within that time; and
 - (b) on application made by that person in accordance with the regulations, the Registrar is of the opinion that special circumstances exist that justify an extension of that time;the Registrar may extend the time for doing the act.
- (4) The time allowed for doing a relevant act may be extended, whether before or after that time has expired.
- (5) If an application is made under subsection (2) or (3) for an extension of time for more than 3 months, the Registrar must advertise the application in the *Official Journal*. An additional two month extension of time is required to cover the advertisement period.
- (6) A person may, as prescribed, oppose the granting of the application.
- (7) An application may be made to the Administrative Appeals Tribunal for the review of a decision of the Registrar not to extend the time for the doing of a relevant act.
- (8) In this section, relevant act means:
 - (a) any act (other than a prescribed act) done in relation to a trade mark; or
 - (b) the filing of any document (other than a prescribed document); or
 - (c) any proceedings (other than court proceedings).

Part 5 General information

1. **Please Note:** ACN is an Australian company number, ARBN is an Australian registered body number. Australian business name numbers should not be entered in the space for ACN or ARBN.
2. A fee applies to the filing of this form - see item 5 in Schedule 9 of the *Trade Mark Regulations*.
3. The extension of time fee, with the completed form may be sent to IP Australia, PO Box 200, Woden, ACT 2606, Australia. IP Australia's hours of business are from 9am to 5pm, Monday to Friday (except public holidays).
4. You will find more information about extensions of time and trade mark matters in general in the *Trade Marks Office Manual of Practice and Procedure* located on IP Australia's website at www.ipaustralia.gov.au. Accessible by selecting 'Forms & Publications' in either the *Trade Marks* or *Resources* drop down menus and following the links.
5. Please note, however, that IP Australia does not offer or provide any legal, financial or business advice or financial assistance in respect to the examination, opposition and hearing, registration/protection and removal/cessation process. If you feel you need legal advice, a registered Patent and Trade Mark attorney, or solicitor who is experienced in trade mark matters would be able to advise you. 'IP professionals & sites', accessible through the drop menu *Resources* on IP Australia's website, may be of assistance to you in this regard.

How to contact IP Australia

Telephone

From within Australia call 1300 651 010 (at the cost of a local call)

From outside Australia call +61 2 6283 2999

Secure Fax

From within Australia 02 6283 7999

From outside Australia +61 2 6283 7999

Email/Internet

- Alternatively for further assistance you may email our Customer Service Centre at assist@ipaustralia.gov.au
- On-line services at our website address - www.ipaustralia.gov.au - may also provide you with the information you require.

Payment Options

For information about current methods of payment please see the *Payment Form for Credit Cards, Cheques and Money Orders (G/01/068)* at www.ipaustralia.gov.au. Select 'Forms & Publications' in either the *Trade Marks* or *Resources* drop down menus and follow the links to the sub-heading 'Making a Payment'.

Information and Advice

To access IP Australia's Information and Advice Policy document select the drop down menu *About IP Australia* on our home page at www.ipaustralia.gov.au. Select 'What is IP Australia?' and click on either option 'What we do' or 'What we cannot help you with' to access the document. This document makes clear the type of advice IP Australia does and does not provide to customers.