



Notice of Intention to Oppose

Privacy Notice

The personal information collected on this form is collected for the purposes of the Trade Marks Act 1995 (TM Act) (www.ipaustralia.gov.au/about-us/publications/ip-legislation/) and is protected by the *Privacy Act 1988* (www.comlaw.gov.au/series/c2004a03712).

All personal information you provide on this form is handled in accordance with IP Australia's Privacy Policy (www.ipaustralia.gov.au/about-us/corporate/privacy-policy/).

The Privacy Policy contains relevant information, including:

- how you may seek access to and correction of the personal information we hold;
- how you may make a complaint about a breach of the Privacy Act and how we will deal with your complaint; and
- IP Australia's Privacy Contact Officer details.

Any personal information you provide will be used for the purposes of processing this form, and any opposition proceedings purposes, as provided under the TM Act. IP Australia may also contact you, using the contact details you have provided, to request your feedback on our products and services.

IP Australia may disclose your personal information to:

holders of relevant international trade marks; and

the World Intellectual Property Organization in Switzerland, in accordance with the requirements of the Madrid Protocol (www.wipo.int/madrid/en/)

Once personal information is disclosed overseas, IP Australia will have no control over its subsequent use and disclosure.

IP Australia will publish your:

- name;
- address;
- address for service;
- address for correspondence (if applicable); and
- Trade Mark details and history

in the Official Journal of Trade Marks, the Register of Trade Marks and the Australian Trade Mark On-line Search System (known as ATMOSS). Once information is available on the internet, IP Australia has no control over its subsequent use and disclosure. You should be aware that the information (including personal information) held in IP Australia's online IP Rights databases is also available on request, subject to our terms and conditions.

As far as your personal information is concerned:

- you may provide a post office box address if you do not want your residential address to be published; and
- if you do not provide the personal information required on the form, IP Australia may not be able to process this form.

IP Australia will not otherwise use or disclose your personal information without your consent, unless authorised or required by or under law.



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Personal Details of Customer

(* denotes mandatory fields)

*Name	ACN/ARBN/ABN		
*Address (can be a PO Box)	Country (if not Australia) State Postcode		
Telephone	Fax number	Mobile number	
Email Address			
2nd Name (if required)	ACN/ARBN/ABN		
Address (can be a PO Box)	Country (if not Australia) State Postcode		
Telephone	Fax number	Mobile number	
Email Address			
<input type="checkbox"/> Additional customer details attached			

*Address for Service

Address for service of documents in Australia or New Zealand (can be a PO Box)

Address	Country State Postcode		
Telephone	Fax number	Mobile number	
Email Address	Your reference		

By completing this form you consent to your personal information being handled in accordance with the Privacy Notice on page 1 of this form and the IP Australia Privacy Policy.

IP Australia publishes address details in our online databases and bulk data products. Please provide a post office box if you do not want your residential address to be published.



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Part 1 Formality Details

(Enter in numeric order and use block letters. Note: Fee applies only when opposing registration or protection of a trade mark; no fee applies when opposing removal or cessation of protection of a trade mark)

Trade Mark No.	International Registration No.(s) (if applicable)	In the name of	ACN (if applicable)	Fee paid
Total fees paid:				

Part 2 Type of Opposition Proceeding (Please tick the appropriate box)

Opposition to:

- Registration of the above trade mark / Protection of the above International Registration Designating Australia (IRDA).
- Removal of the above trade mark / Cessation of protection of the above international trade mark for non-use.

Part 3 Important Information for Filing a Notice of Intention to Oppose

- There are two parts to a notice of opposition:
 - a notice of intention to oppose; and
 - a statement of grounds and particulars.
- Depending on the type of opposition proceeding, the period for filing a notice of intention to oppose is **two months** from the day on which the following is advertised in the *Official Journal*:
 - acceptance of the trade mark application; or
 - acceptance of the IRDA; or
 - application for removal; or
 - application for cessation of protection.
- A fee applies to the filing of a notice of intention to oppose (this form) when opposing registration or protection of a trade mark. No fee applies when opposing removal or cessation of protection of a trade mark - see Schedule 9 of the *Trade Mark Regulations 1995*. A list of the relevant fees is available on IP Australia's website.
- A statement of grounds and particulars must be filed within **one month** from the day on which a notice of intention to oppose is filed with IP Australia.
- If a statement of grounds and particulars is not filed within the time allowed, the notice of opposition will be incomplete and the opposition will not proceed.
- The *Trade Marks Office Manual of Practice and Procedure* contains more information about a notice of intention to oppose. The Manual can be accessed via IP Australia's website at www.ipaustralia.gov.au.

Part 4 General Information

1. IP Australia will give relevant documents filed in the opposition to the other party.
2. IP Australia does not offer or provide any legal, financial or business advice or financial assistance in respect to the opposition and hearing process. The Trans-Tasman IP Attorney Board provides a list of registered professionals on their website - www.ttipattorney.gov.au. Alternatively you may wish to consult a telephone or business directory.
3. Opposition proceedings are legal processes and once started the unsuccessful party or parties may be liable for costs being awarded against them. The matters and amounts that may be awarded are set out in Schedule 8 (Costs, Expenses and Allowances) of the *Trade Marks Regulations 1995*.
4. You can find more information about trade mark oppositions by searching 'trade mark oppositions' on the IP Australia website at www.ipaustralia.gov.au.