



# Notice of Intention to Defend

## 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/](http://www.ipaustralia.gov.au/about-us/publications/ip-legislation/)) and is protected by the *Privacy Act 1988* ([www.comlaw.gov.au/series/c2004a03712](http://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/](http://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/](http://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 Australian Trade Mark Search. 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.



# Notice of Intention to Defend

## 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

(IMPORTANT: This e-mail will be used for filing/receiving evidence electronically. See Part 4.7 of this form.)

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.



# Notice of Intention to Defend

## Part 1 Formality Details *(Enter in numeric order and use block letters)*

Trade Mark No.	International Registration No.(s) <i>(if applicable)</i>	In the name of	ACN <i>(if applicable)</i>

## Part 2 Intention to Defend

I intend to defend the trade mark application/removal application against the following opposition(s):

Opposition by:

Opposition by:

Opposition by:

Opposition by:

## Part 3 Application for an Award of Costs

I wish to apply for an award of costs.

## Part 4 Important Information for Filing a Notice of Intention to Defend

1. A notice of intention to defend is an important document in the opposition process. Opposition proceedings are legal processes and costs may be incurred. See Part 5.3 below.
2. The following will occur if you do not file a notice of intention to defend:
  - the trade mark application will lapse; or the IRDA will not be protected; or
  - the trade mark will NOT be removed from the Register; or the international trade mark will remain protected.
3. You should have been given a copy of the statement of grounds and particulars in relation to this opposition.
4. The notice of intention to defend must be filed within **one month** from the day on which IP Australia gives the applicant / holder a copy of the statement of grounds and particulars.
5. A fee does NOT apply to the filing of this form.
6. The *Trade Marks Office Manual of Practice and Procedure* contains more information about a notice of intention to defend. The Manual can be accessed via IP Australia's website at [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au).
7. Information about filing / receiving evidence electronically in opposition proceedings is available on IP Australia's website. When this form is processed, you will receive an email from Objective Connect inviting you to view the evidence folders for this matter.

## Part 5 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](http://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*. An award of costs is decided at the conclusion of the matter. To apply for an award, please refer to Part 3 of this form.
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](http://www.ipaustralia.gov.au).