



# Application for an Extension of Time to File a Notice of Intention to Oppose or a Statement of Grounds and Particulars



## 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.



# Application for an Extension of Time to File a Notice of Intention to Oppose or a Statement of Grounds and Particulars



## Personal Details of Customer

(\* denotes mandatory fields)

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

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.



# Application for an Extension of Time to File a Notice of Intention to Oppose or a Statement of Grounds and Particulars



## Part 1 Formality Details

(Enter in numeric order and use block letters)

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

## Part 2 Extension Details (Please tick the appropriate box.)

- I/We apply for an extension of time of \_\_\_\_\_ months from: \_\_\_\_\_ within which to file a notice of intention to oppose.  
(Number) (DD/MM/YYYY)
- I/We apply for an extension of time of \_\_\_\_\_ months from: \_\_\_\_\_ within which to file a statement of grounds and particulars  
(Number) (DD/MM/YYYY)

## Part 3 Grounds for Filing an Application for an Extension of Time (Please tick the appropriate box/es)

An application may be made on one or more of the following grounds and no other ground:

- an error or omission by the person, the person's agent, the Registrar or an employee;
- circumstances beyond the control of the person, other than an error or omission by the person, the person's agent, the Registrar or an employee.

**Note:** A declaration setting out the facts on which the above grounds are based must accompany this application.

If the period for filing a notice of intention to oppose or a statement of grounds and particulars has ended, the declaration **MUST** also include the reason why the application was not made before the end of the relevant filing period.

- Declaration is attached

## Part 4 Important Information for Filing an Extension of Time to File a Notice of Intention to Oppose or a Statement of Grounds and Particulars

1. An extension of time can be applied for within the period to file a notice of intention to oppose / statement of grounds and particulars.
2. 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 for removal / cessation of protection for non-use.
3. The period for filing a statement of grounds and particulars is **one month** from the day on which the notice of intention to oppose is filed with IP Australia.
4. A late application for an extension of time may be filed after the above periods but must be filed before the trade mark is entered on the Register.
5. The application must be accompanied by a declaration stating as comprehensively as possible, the facts and circumstances forming the basis for the grounds of the extension application (please see Part 3 of this form).
6. If the period for filing the notice of intention to oppose / statement of grounds and particulars has ended, the declaration must state the reason why the request for an extension of time was not made within the period.
7. A fee applies to the filing of this form - see Schedule 9 of the *Trade Mark Regulations 1995*. A list of the relevant fees is available on IP Australia's website.
8. The *Trade Marks Office Manual of Practice and Procedure* contains more information about extensions of time. The Manual can be accessed via IP Australia's website at [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au).

## Part 5 General Information

1. IP Australia will give relevant documents filed in an 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*.
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).