



# Application for an Extension of Time Under the Trade Mark Regulations 1995 for filing a Notice of Intention to Defend



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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/))

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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.

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- 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.

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Australian Government  
IP Australia

Trade Marks Act 1995

# Application for an Extension of Time Under the Trade Mark Regulations 1995 for filing a Notice of Intention to Defend



## Personal Details of Applicant

(\* denotes mandatory fields)

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

## \*Address for Service (if different from the above address)

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

Address			
	Country	State	Postcode

**OR**

### Agent Details (only complete if you are being represented by an Agent authorised to act on your behalf)

Name			
Address			
	Country (if not Australia)	State	Postcode

## Optional Details:

Telephone	( )	Fax	( )	Mobile Number	
Email Address				Customer Number	

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.

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# Application for an Extension of Time Under the Trade Mark Regulations 1995 for filing a Notice of Intention to Defend



**A fee applies to the filing of this form** - For details of fees see [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)

**Note:** This application may be considered as *not filed* if you do not correctly complete this form, or submit a declaration, or if insufficient fees are paid.

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## Part 1 Formality Details

Trade Mark Number

In the name of

Fee Paid



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## Part 2 Opposition

Opposition by:



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## Part 3 Extension Details

Application is made for an extension of time of

months.

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## Part 4 Intention to Defend

I intend to defend the trade mark application/removal application against the opposition(s) detailed above.

**Note:** If have not done so already, you must also file a Notice of Intention to Defend form.



# Declaration



## Application for an Extension of Time Under the Trade Mark Regulations 1995 for filing a Notice of Intention to Defend

### Part 5 Declaration in support of extension application

(\* denotes mandatory fields)

\*Title

*(of the matter in respect of which the declaration is made)*

\*IP Right Number in relation to which the declaration is made.

\*I,

*(insert name of the person making the declaration)*

*Of <input type="text"/>		
<input type="text"/>		
Country <i>(if not Australia)</i>	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 complete the following.*

#### I am making this declaration in my capacity as

State your position or Office held:

*Address of the place of business*

<input type="text"/>		
<input type="text"/>		
Country <i>(if not Australia)</i>	State	Postcode



## **Part 6 Relevant Provisions**

### ***Trade Marks Regulations 1995***

## **Part 5 - Opposition to registration**

### **5.13A Extension of time for filing - application**

(1) A person may apply to the Registrar to extend the period for filing, under subsection 52A(1) of the Act, a notice of intention to defend.

(2) The application must be made before the end of the period of 2 months beginning on the day after the end of the period mentioned in subregulation 5.13(1).

(3) The application must:

- (a) be in the approved form; and
- (b) be accompanied by a declaration stating the facts and circumstances forming the basis for the grounds for making the application.

Note: Regulations 21.6 and 21.7 deal with making and filing declarations.

(4) The application may be made only on either or both of the following grounds:

- (a) an error or omission by the person, the person's agent, the Registrar or an employee;
- (b) 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.

### **5.13B Extension of time for filing - grant**

(1) The Registrar may grant an application under subregulation 5.13A(1) for an extension of time only if the Registrar is satisfied that the grounds set out in the application justify the extension.

(2) However, if the application is made after the period mentioned in subregulation 5.13(1) has ended, the Registrar must not grant the extension unless the Registrar is satisfied that there is sufficient reason for the delay in making the application.

(3) The Registrar must decide the length of the extended period having regard to what is reasonable in the circumstances.

## **Part 9 - Removal of trade mark from Register for non-use**

### **9.15A Extension of time for filing - application**

(1) A person may apply to the Registrar to extend the period for filing a notice of intention to defend.

(2) The application must be made before the end of the period of 2 months beginning on the day after the end of the period mentioned in subregulation 9.15(1).

(3) The application must:

- (a) be in the approved form; and

- (b) be accompanied by a declaration stating the facts and circumstances forming the basis for the grounds for making the application.

Note: Regulations 21.6 and 21.7 deal with making and filing declarations.

- (4) The application may be made only on either or both of the following grounds:
  - (a) an error or omission by the person, the person's agent, the Registrar or an employee;
  - (b) 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.

### **9.15B Extension of time for filing - grant**

(1) The Registrar may grant an application under subregulation 9.15A(1) for an extension of time only if the Registrar is satisfied that the grounds set out in the application justify the extension.

(2) However, if the application is made after the period mentioned in subregulation 9.15(1) has ended, the Registrar must not grant the extension unless the Registrar is satisfied that there is sufficient reason for the delay in making the application.

(3) The Registrar must decide the length of the extended period having regard to what is reasonable in the circumstances.

## **Part 17A - Protected international trade marks under the Madrid Protocol**

### **Opposition to protection**

#### **17A.34HA Extension of time for filing - application**

(1) A person may apply to the Registrar to extend the period for filing a notice of intention to defend.

(2) The application must be made before the end of the period of 2 months beginning on the day after the end of the period mentioned in subregulation 17A.34H(1).

(3) The application must:

- (a) be in the approved form; and
- (b) be accompanied by a declaration stating the facts and circumstances forming the basis for the grounds for making the application.

Note: Regulations 21.6 and 21.7 deal with making and filing declarations.

- (4) The application may be made only on either or both of the following grounds:
  - (a) an error or omission by the person, the person's agent, the Registrar or an employee;
  - (b) 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.

#### **17A.34HB Extension of time for filing - grant**

(1) The Registrar may grant an application under subregulation 17A.34HA(1) for an extension of time only if the Registrar is satisfied that the grounds set out in the application justify the extension.

(2) However, if the application is made after the period mentioned in subregulation 17A.34H(1) has ended, the Registrar must not grant the extension unless the Registrar is satisfied that there is sufficient reason for the delay in making the application.

(3) The Registrar must decide the length of the extended period having regard to what is reasonable in the circumstances.

## **Opposition to application for cessation of protection**

### **17A.48QA Extension of time for filing - application**

(1) A person may apply to the Registrar to extend the period for filing a notice of intention to defend.

(2) The application must be made before the end of the period of 2 months beginning on the day after the end of the period mentioned in subregulation 17A.48Q(1).

(3) The application must:

- (a) be in the approved form; and
- (b) be accompanied by a declaration stating the facts and circumstances forming the basis for the grounds for making the application.

Note: Regulations 21.6 and 21.7 deal with making and filing declarations.

(4) The application may be made only on either or both of the following grounds:

- (a) an error or omission by the person, the person's agent, the Registrar or an employee;
- (b) 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.

### **17A.48QB Extension of time for filing - grant**

(1) The Registrar may grant an application under subregulation 17A.48QA(1) for an extension of time only if the Registrar is satisfied that the grounds set out in the application justify the extension.

(2) However, if the application is made after the period mentioned in subregulation 17A.48Q(1) has ended, the Registrar must not grant the extension unless the Registrar is satisfied that there is sufficient reason for the delay in making the application.

(3) The Registrar must decide the length of the extended period having regard to what is reasonable in the circumstances.