

Application for an Extension of Time to File Evidence in a Trade Mark Opposition



Privacy Notice

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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 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.



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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.

Part 4 Important Information for Filing an Application for an Extension of Time

1. If the request is in relation to an evidentiary period which commenced on or after 15 April 2013, the period in which to file evidence may only be extended if the Registrar is satisfied that:
 - the party has made all reasonable efforts to comply with all relevant filing requirements; and
 - despite acting promptly and diligently at all times to ensure the filing of the evidence within the period, is unable to do so; or
 - there are exceptional circumstances.

Exceptional circumstances include:

- a circumstance beyond the control of a party that prevents the party from complying with a filing requirement;
 - an error or omission by the Registrar or an employee that prevents a party from complying with a filing requirement;
 - an order of a court or a direction by the Registrar that the opposition be stayed.
2. The Registrar must give the other parties an opportunity to make representations in relation to an extension of time.
 3. 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.
 4. 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.

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. 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.