



# Application for Permission to File Further Evidence

## 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 Permission to File Further Evidence

## 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.



# Application for Permission to File Further Evidence

Note: This form is only to be used in opposition proceedings where a Notice of Opposition was filed prior to 15 April 2013

## 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 Reasons for Filing Further Evidence

A declaration setting out the reasons for filing further evidence must accompany this application form.

The declaration should include:

- reasons for applying;
- nature of the evidence;
- information supporting that, with reasonable diligence, the evidence could not have been obtained earlier;
- information showing that the evidence is likely to have an important effect on the outcome of the opposition proceedings;
- information showing that the evidence to be relied upon is credible.

Declaration is attached

## Part 3 Important Information for Filing an Application for Permission to File Further Evidence

1. IP Australia will give a copy of the application for permission to file further evidence to the other party. The other party has the right to make representations concerning the application.
2. If permission is granted to file further evidence and you have not already done so, you will be given a timeframe in which to file the evidence. IP Australia will give a copy of the further evidence to the other party.
3. The other party will be given a timeframe in which to file evidence in response to the further evidence.
4. Evidence must be in the form of a declaration.
5. 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.
6. The *Trade Marks Office Manual of Practice and Procedure* contains more information about evidence. The Manual can be accessed via IP Australia's website at [www.ipaustralia.gov.au](http://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](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)