

October 2010

## UK IP OFFICE REDUCES OPPOSITION PERIOD BY ONE DAY

On the 30<sup>th</sup> September 2010, the United Kingdom Trade Marks Registry announced a change in the way it calculates the period for filing oppositions against United Kingdom trade mark applications.

The two month period for filing an opposition will now include the date of advertisement of the application. Upon review of the Trade Mark Rules following a challenge from a trade mark attorney firm, the United Kingdom Trade Marks Registry will from the 30<sup>th</sup> September 2010 interpret the 'automatic' opposition period of two months, as including the date of advertisement of the application, effectively shortening the opposition period by one day compared to the old policy.

Thus, for example an application advertised on the 1<sup>st</sup> October 2010 will now be open to opposition until 30<sup>th</sup> November 2010 (under the old policy this date would have been 1<sup>st</sup> December 2010), which can be extended by an additional period of one month until the 31<sup>st</sup> December 2010 (under the old policy this date would have been 1<sup>st</sup> January 2011) upon filing of the notice of threatened opposition, providing the notice was filed before the end of the automatic two month opposition period.

The new policy came into force on the 30<sup>th</sup> September 2010, and does not apply to any notices of opposition or notices of threatened opposition filed before that date.

### Why is this change important?

In the United Kingdom if an opposition is filed outside the prescribed periods given within the Trade Mark Rules 2008 it is automatically rejected.

You and your clients should bear in mind this important change to the period for calculating the opposition period, as if you file an opposition on the previously understood last day of opposition, your opposition will be rejected. Please take account this change in calculating opposition periods or the period for extending the opposition period when analysing trade mark watch notices and make sure your formalities staff have been informed of the change in practice and your docketing system and trade mark records systems have been updated. The old 'two month rule of thumb' no longer applies for filing oppositions.

The change in practice of the United Kingdom Trade Marks Registry appears to bring the UK out of line with most other countries in calculating opposition periods. The United Kingdom Trade Marks Registry has indicated that this policy may force a change in the wording of the Trade Mark Rules 2008, but for now the new policy will remain in force.

Contributor: Lee Curtis

For further advice, please contact your HGF representative or email [marketing@hgf.com](mailto:marketing@hgf.com) with your query.

Belgrave Hall, Belgrave St,  
Leeds, LS2 8DD, UK

Tel: +44 (0) 113 233 0100  
Fax: +44 (0) 113 233 0101  
Email: [marketing@hgf.com](mailto:marketing@hgf.com)

Harrison Goddard Foote also has offices in Aberdeen, Liverpool, London, Manchester, Sheffield, York and Glasgow  
Harrison Goddard Foote is regulated by the Intellectual Property Regulation Board

© Harrison Goddard Foote 2010

® Harrison Goddard Foote and HGF are registered trade marks

[www.hgf.com](http://www.hgf.com)