

HOW TO OPPOSE OR DEFEND AN EU TRADE MARK APPLICATION

APPLICANT FOR AN EU TRADE MARK REGISTRATION

TIMELINE

BRAND OWNER WHO WISHES TO OPPOSE

The application is advertised by the EU IPO

3 months
During which opposition may be filed - EU IPO checks admissibility

Letter before action (optional)

Send opposition to EU IPO

2 months
Cooling off period. Parties can jointly extend by 22 months and opt out early of extended period

Parties can jointly agree Suspension of opposition for several 12-month periods

2 months
Opponent can extend by 2 months

Opponent's evidence and legal submissions

Applicant files evidence of fact and submissions

2 months
Applicant can extend for 2 months

2 months
Opponent can extend for 2 months

Opponent's evidence in reply

Decision by EU IPO, with possible costs award

Several months later

Decision by EU IPO, with possible costs award

Appeal possible to EU IPO Board of Appeal

2 months
And statements of grounds within 2 months thereafter

Appeal possible to EU IPO Board of Appeal

Option to appeal to Luxembourg courts thereafter

Option to appeal to Luxembourg courts thereafter