

EIP



Have your say on IPO fast track trademark opposition procedure

The Intellectual Property Office (IPO) has launched a public consultation on their plans for a simplified and more cost-effective trademark opposition procedure to run alongside the existing system.

Trademark holders, legal professionals, and others with an interest in trademarks are encouraged to have their say on the proposed procedural changes before 17 May 2013.

The changes would see the introduction of an opposition 'fast track' procedure within the Trade Mark Tribunal. This would only be open to brand owners seeking to oppose applications for new trademarks which are same as, or confusingly similar to their registered marks. More complex cases requiring the submissions of evidence would still need to use the existing procedure.

In addition, the plans would see a higher, refundable appeal fee for inter partes appeals to the Appointed Person. Head of EIP Brands, Simon Stanes has produced an executive summary of the proposals and issues involved.

The stated aim of the fast track is to improve access to opposition proceedings for SMEs by reducing their cost and complexity, whilst also increasing their speed. However, it does not appear that any detailed research has yet been carried out by the IPO. The extent to which the proposed fast track system could be used to block applications without providing the opportunity for a full defence remains unclear.

The IPO specifically invites comments from SMEs who have been discouraged from filing oppositions due to the cost and time involved or who conversely are happy with the current system.

It is vital that brand owners make their views known to the IPO, as the results of the consultation process are likely to be used as justification for any changes that are finally made.

Email the IPO with comments to: FastTrackOppResponses@ipo.gov.uk