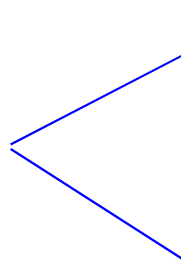


OPPOSITION DEEMED TO BE ENTERED

(A.42)

- Opposition in writing (A-42.3)
- Payment at opposition fee 
 - In time
 - In full

(Art. 42.3)

CAN NOT BE REMEDIED AFTER OPPOSITION TERM

ADMISSIBILITY OF OPPOSITION (R.18)

- Opposition filed within 3 months following publication (A.42.1).
- Opposition filed in one of the 5 languages of the OHIM (A.115.5).
- Clear identification of CTM opposed.
- Scope of opposition (goods or services opposed).
- Clear identification of grounds of opposition.
- If grounded on earlier rights, clear identification.

CAN NOT BE REMEDIED AFTER OPPOSITION TERM

LACK OF OTHER REQUIREMENTS

1- TO BE SUBMITTED WITHIN 1 MONTH AFTER OPPOSITION TERM

- Translation of opposition notice
(if not filed in one of the languages of the CTM
application) (A.115.2 / R.17.1)

LACK OF OTHER REQUIREMENTS (I/II)

2- TO BE REMEDIED WITHIN TERM GIVEN BY OHIM (2 MONTHS)

- REPRESENTATIVE (IF OPPOSER OUTSIDE EU)
(A.88.2.3).
- AUTHORIZATION (R.76.4).
- SIGNATURE OF OPPOSITION NOTICE
(R.79.a, b); 80.3, 4; 82.3, 4).

LACK OF OTHER REQUIREMENTS (II/II)

2- TO BE REMEDIED WITHIN TERM GIVEN BY OHIM (2 MONTHS)

- EVIDENCE OF EARLIER RIGHTS

- Registrations or applications → {
 - renewals
 - assignments
 - current status
- Well known marks
- Earlier unregistered rights
- Name, address opposer {
 - owner of rights
 - licences
 - successors in title

- TRANSLATION OF EVIDENCES AND ARGUMENTS.

OPPOSITION PROCEEDINGS (I/III)

- Notification of opposition, if admissible, to applicant.
- When multiple oppositions, notifications sent when admissible.
-
- Notifications to parties of
 - a) Number of opposition
 - b) Date of opposition proceedings
- Cooling-off period (2 months) (1).

(1) Extendible joint request of parties

OPPOSITION PROCEEDINGS (II/III)

- Possible settlement by
 - restriction of goods/services
 - withdrawal of application
 - withdrawal of opposition
 - Coexistence agreements.
- Requested of evidence of use (2)

(2) If earlier registration was, at least, 5 years old at publication date of opposed application

OPPOSITION PROCEEDINGS (III/III)

- OHIM sends for comments :
 - to applicant: opposition notice
 - to opposer: reply of applicant
 - to applicant: counter-reply of opposer

DECISION ON OPPOSITION (I/II)

- Examination of grounds of opposition and arguments filed by the parties to establish the basis on which the resolution should be taken:
 - Scope of opposition
 - Validity and proof of earlier rights

DECISION ON OPPOSITION (II/II)

- COMPARISON OF GOODS AND SERVICES
 - Identity
 - Similarity
 - Reputation of earlier registrations
- COMPARISON OF SIGNS
 - Similarities
 - Visual
 - Phonetic
 - Conceptual
 - Overall assesment