

New “fast track” trade mark oppositions in the UK

A new “fast track” trade mark opposition procedure was introduced in the UK on 1st October 2013 as an alternative to the standard opposition procedure in some cases.

The fast track trade mark opposition procedure is aimed at providing a quicker and simpler way of dealing with straight forward opposition cases than under the standard procedure. It is hoped that the fast track procedure will enable an opposition to be decided in around 6 months, compared with 9 - 18 months under the standard procedure.

The fast track procedure aims to achieve this in several ways. For example, here are limits on both the grounds of opposition and the number of earlier registered rights that can be relied upon in a fast track opposition. In addition, where proof of use is required due to the age of the earlier registered rights, that proof must be provided at the time of filing the opposition. Once a fast track opposition has been filed, it will be possible to submit written arguments. However, the ability to file evidence and the availability of oral hearings will be limited and at the discretion of the UK IPO.

The period for filing opposition, the ability to extend the opposition period, the availability of a cooling off period and the possibility to appeal against the decision are the same under the fast track procedure as under the standard procedure.

Carpmaels’ trade mark team is highly experienced in dealing with trade mark disputes, including the filing and defending of UK opposition proceedings. We can advise you on whether a fast track or standard opposition would be most appropriate for your particular circumstances.

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Need advice?

For more information, please contact email@carpmaels.com.

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