



Opposition Proceeding

- Trademark opposition is a formal process under the Trademark Act, 1999 and the Trademark Rules, 2017.
- It allows any interested party—individual, company, trust, or partnership—to challenge the registration of a trademark published in the Trademark Journal.

Initiation of Opposition:

Filing Notice:

- Submit a Notice of Opposition using Form TM-O along with the prescribed fee within the specified period.
- The notice must detail the grounds for opposition, such as similarity to an existing trademark, descriptiveness, lack of distinctiveness, bad faith, likelihood of confusion, or potential to offend public or religious sentiments.

Service of Notice:

- The Registrar serves the opposition notice to the trademark applicant or their authorized agent.

Applicant's Response:

Counterstatement:

- The applicant must file a counterstatement in Form TM-O within two months of receiving the opposition notice.



Opposition Proceeding

- Failure to submit the counterstatement may result in the application being deemed abandoned.

Evidence Exchange:

Submission of Evidence:

- The opposing party submits supporting evidence within two months after receiving the applicant's counterstatement.
- The applicant then provides their supporting evidence within two months of receiving the opposition party's documents.
- The opposing party may file additional evidence within one month of receiving the applicant's evidence, ensuring copies are sent to both the Registrar and the applicant.

Hearing and Decision:

Scheduling of Hearing:

- After all evidence is received, the Registrar schedules a hearing and sends notice (at least 15 days in advance) to both parties.

Adjudication:

- The Hearing Officer reviews the written submissions and evidence presented by both parties.
- If either party is absent, the proceedings may result in dismissal of the opposition or abandonment of the application.



Opposition Proceeding

Final Decision:

- The Registrar issues a written decision:
 - **In favour of the applicant:** The trademark is registered, and a certificate is issued.
 - **In favour of the opposing party:** The trademark registration application is rejected.