

Filing of Form TM 11 by Joint-Opponents (Circular 3/2009, dated 20 November 2009)

Under the provisions relating to oppositions in the Trade Marks Act (Cap 332, 2005 Rev Ed) and Trade Marks Rules (Cap 332, 2008 Rev Ed), there is no prohibition against joint-opponents opposing a trade mark application.

In such an instance, it is sufficient for the purposes of the opposition that one Form TM 11 be filed. To reflect that there are joint-opponents opposing the registration of a particular trade mark, the opponents simply need to indicate, at Part 4 of TM 11, their particulars.

The fees chargeable for TM 11 are based on the number of classes included in TM 11.

Similarly, in such circumstances, for the purpose of filing evidence via statutory declarations (this will occur at a later stage in an opposition proceeding), the joint-opponents need to file only one set of evidence as long as it is clear from each statutory declaration that the deponent has been duly authorized by all the joint-opponents to give such evidence on their behalf.