



Trade Mark Form T7

Counter-statement

Trade Marks Ordinance (Cap. 559)

Trade Marks Rules (Cap. 559A)

Important notes

1. General notes:

- a. This form
 - is used to defend an application or registration against a third party who has filed an opposition (rule 16 of the Trade Marks Rules), Cap. 559A, or an application to revoke (rules 36 and 40 of the Trade Marks Rules), Cap. 559A, invalidate (rule 46 of the Trade Marks Rules), Cap. 559A, vary or rectify (rule 50 of the Trade Marks Rules) a trade mark registration. The Trade Marks Rules, Cap. 559A, can be viewed at www.ipd.gov.hk.
 - must be signed and dated.
- b. Please complete this form in English unless otherwise stated.
- c. If there is not enough space for any part on this form, please continue on an additional sheet. Number each additional sheet and state the number of additional sheet(s).
- d. Please enquire through the following means:
 - E-mail: enquiry@ipd.gov.hk
 - Internet homepage address: www.ipd.gov.hk

2. Use of Personal data:

- a. The provision of your personal data is voluntary. However, the Trade Marks Registry may be unable to handle your application, filing request or notice if you do not provide sufficient information.
- b. The Trade Marks Registry will use any personal data provided in this form and any document(s) filed in relation to it for processing your application, request or notice, as well as for the purposes of collection set out at www.ipd.gov.hk/eng/home.htm. **Any of the information provided may be made available for public inspection, in full or in part, pursuant to Rules 68 and 69 of the Trade Marks Rules, Cap. 559A. Such information may be accessed through the Internet.**
- c. The Trade Marks Registry may redact unsolicited personal data included with this form or any document(s) filed in relation to it before making them available for public inspection. Please **DO NOT provide any personal data (including personal data relating to third parties) which are not specifically required to be submitted.**
- d. Subject to the requirements of the Trade Marks Ordinance, Cap. 559, any person has the right to request access to and correct his/her personal data held in the trade mark records maintained by the Trade Marks Registry, pursuant to sections 18 and 22 of the Personal Data (Privacy) Ordinance, Cap. 486.
- e. For further details, please see the Personal Information Collection Statement at www.ipd.gov.hk/eng/home.htm.

3. Use of Other Information:

- a. The Trade Marks Registry will use any information relating to any commercial enterprise or entity provided in this form and any document(s) filed in relation to it for processing your application, request or notice, and for the purposes of collection set out at www.ipd.gov.hk/eng/home.htm. **They may be made available for public inspection, in full or in part, pursuant to Rules 68 and 69 of the Trade Marks Rules, Cap. 559A. Such information may be accessed through the Internet.**
- b. **DO NOT include any business information of your own or that of third parties which you consider to be confidential or commercially sensitive.** Where such information is included in this form or any document(s) filed in relation to it, the Registrar will treat it an express and voluntary consent given by you and any such third party to disclosure of all such information for the purpose of public inspection.

4. Submission of application/request/notice:

In person or by mail to the Registrar of Trade Marks, 24/F, Wu Chung House, No. 213 Queen's Road East, Wanchai, Hong Kong, China.

Note 1 Separate forms have to be filed if the counter-statement relates to more than one trade mark application or registration.

01 **Application no.** **Registration no. (Note 1)**

02 Name of **applicant for registration** **owner of registered mark** **intervenor** **filing this form**

03 Name of **opponent**
applicant for **revocation** **invalidation** **variation** **rectification**

Note 2 This form must be accompanied by details of the grounds for counter-statement to be set out on additional sheet(s) of paper. It must be filed within three months after the date of receipt of the notice of opposition or of the application for revocation on grounds other than non-use or declaration of invalidity, or within six months after the date of receipt of the application for revocation on grounds of non-use, variation or rectification.

04 Please provide the following information on additional sheet(s): (Note 2)

- (a) The grounds on which you rely in support of your application / registration;**
- (b) The facts alleged in the notice of opposition / application for revocation / declaration of invalidity / variation / rectification that you**
 - i) admit,**
 - ii) deny, with reasons, (and if you intend to put forward an alternative version of events, that version) and**
 - iii) are unable to admit or deny.**

Note 3 For application for revocation on grounds of non-use, under rule 37(2) of the Trade Marks Rules, the counter-statement must be accompanied by **either** evidence of the use made of the trade mark **or** a statement giving reasons for non-use. The Trade Marks Rules can be viewed at www.ipd.gov.hk.

Note 4 For application for variation or rectification, under rule 50(4) of the Trade Marks Rules, the counter statement must be accompanied by **either** evidence in support of the counter-statement **or** a statement of no intention to file evidence. The Trade Marks Rules can be viewed at www.ipd.gov.hk

05 For counter-statement filed under rule 37(2) of the Trade Marks Rules, the item marked below is attached:
(Note 3)

evidence of the use made of the trade mark; or

statement giving reasons for non-use

For counter-statement filed under rule 50(4) of the Trade Marks Rules, the item ticked below is attached: (Note 4)

evidence in support; or

statement of no intention to file evidence

Note 5 The applicant for registration/owner of registered mark/intervenor shall, at the same time as he files the counter-statement, serve a copy of it (with copy of evidence/statement, if applicable) to the address of service of the opponent/applicant for revocation, invalidation, variation or rectification address for service.

06 Copy of this counter-statement (and evidence or statement, if applicable) served on the address of service of the party named in Part 03. (Note 5)

on

(DD-MM-YYYY)

Note 6 You must provide details of an address for service in Hong Kong, China. Please note that a P.O. Box or “care of” address is not acceptable. The address for service you provide shall be treated as in substitution of any address for service previously filed. If you are a newly appointed agent, you have to notify the Registrar of Trade Marks of the address in Hong Kong, China where you reside or carry on your business activities by filing Form T5 or by notice in writing.

07 Signature

I/We confirm that I/we have read and understood the “Important notes” on page 1.

Signature

Name and Official
Capacity of Signatory

Date
(DD-MM-YYYY)

08 Address for service in Hong Kong, China (Note 6)

Name

Address

Your reference

Telephone no.

Facsimile no.

E-mail address

09 State the number of additional sheet(s) attached to this form