

## **Opposition or objection to removal of matter from the register**

Section 57(7) authorises the Registrar to remove matter from the register, which appears to him to have ceased to have effect.

In such circumstances the Registrar shall, before he removes that matter from the register :

- if he considers it appropriate, publish a notice of his intention in the Hong Kong Intellectual Property Journal; and
- where it appears to him that any person is likely to be affected by the proposed removal, send a notice of his proposal for removal to that person.

After that different procedures apply :

- where a notice is published in the Hong Kong Intellectual Property Journal any person claiming to be affected by the removal may file a notice of opposition on Form T6 together with the specified fee (currently \$800). The opponent should, at the same time, file an address for service (rule 105(1)(q)). He must also file a statement of the grounds of opposition. The notice of opposition and statement of grounds must be received by the Registry within 3 months after the date of the publication of the Registrar's notice. This period can be extended but the opponent risks the removal taking place immediately after the aforesaid period (rule 67(7)) if the time extension application is made outside the prescribed period.
- where a person who is likely to be affected by the removal has been sent a notice

by the Registrar, he may file his objections to the removal in writing, file a request for a hearing, or do nothing. There is no specified form for the written objection and no fee payable; however, the written objections must be received by the Registry within three months after the date of the notice.

Thereafter the procedures merge.

The provisions of rule 74 apply thereafter. See chapter on Hearings.

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