

# Made in the UK, Sold to the World

LCCI welcomed the Department of International Trade's new export strategy – *Made in the UK, Sold to the World* – when it was announced last autumn. Chief executive Richard Burge commented: "Businesses will be pleased to see the introduction of export support services that will help them overcome traditional barriers and kickstart their overseas trading journeys.

"For SMEs in particular, who are the lifeblood of our economy and who make up around 95 per cent of London businesses, it can be

difficult to access the expertise and guidance they need to boost their overseas exports.

## Pivotal

"We are pleased to see the government has included targeted measures to encourage the growth and trade capabilities of SMEs, such as the expansion of the DIT's Export Academy. London has a pivotal role to play in helping Britain become a nation of exporters and LCCI strongly supports this strategy which opens the door to international trade possibilities."

[www.gov.uk/government/organisations/department-for-international-trade](http://www.gov.uk/government/organisations/department-for-international-trade)



## Hong Kong winners

The British Chamber of Commerce in Hong Kong claimed the international chamber of the year award at last December's British Chambers of Commerce's annual Chamber Business Awards 2021 in an impressive shortlist which also contained the business groups in Australia and Dubai.

Award judges said the British Chamber of Commerce in Hong Kong showed just how much their entrepreneurial spirit is a driving force for their chamber and praised them for thinking outside the box.

### Inclusion and diversity

British Chambers chair Sarah Howard commented on "the innovative approach it has taken to engaging younger people in the world of business is truly inspirational, especially during the era of the pandemic. Its strong commitment to inclusion and diversity was also very heartening along with its dedication to promoting Net Zero goals. They are a great advertisement for the benefits that our Global Business Network can bring."

[www.britishchambers.org.uk](http://www.britishchambers.org.uk)

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## Demystifying third party oppositions to trade mark applications



Adjoa Anim provides an insight into opposition proceedings that can arise during trade mark oppositions.

**A brand can be formally protected by registering it as a trade mark. However, about 5% of trade mark applications in the UK are subject to third-party objection. This article provides a brief overview of the steps involved in an opposition and how to navigate the proceedings.**

### What is a trade mark opposition?

As part of the UK trade mark application process, details of an application are advertised for 2 months in an official online journal. The purpose of advertisement is to notify third parties of the application so they can object if they have prior existing and conflicting rights.

### Notification of an objection

Often a concerned prior mark holder will contact an applicant outlining some or all of the following:

- Requirement to make amendments to the application or to withdraw it; and,
- Requirement to promise to restrict or cease use of the mark.

There are various incentives to settling such matters through negotiation. Mainly this is about avoiding the costs/time involved in entering the formal opposition procedure before the UK Intellectual Property Office (UKIPO). If the parties are able to agree settlement terms, an opposition can be avoided. Many cases are settled at an early stage but not all.

### Opposition procedure

If the matter cannot be settled,

the prior trade mark owner can file an opposition against the application, with the UKIPO. This will state whether the opposition is against all or part of the application and details of the earlier rights relied on.

The UKIPO will review the notice of opposition and forward it on to the applicant, who will be given a period of time to (1) withdraw the application or make amendments that will render the opposition unnecessary or (2) respond with a counterstatement outlining why the opposition should be refused.

Both sides then provide any evidence and arguments in support of their case and the UKIPO ultimately reaches a decision. An oral hearing can be held prior to making a decision, however, the decision is often made based on written submissions only. The decision will accept or reject the opposition in full or in part i.e. allow the application to become registered or not. If no appeals are filed against the decision, the decision becomes final.

If an application is refused, the opponent might also want the applicant to stop use of the mark applied for. An applicant should consider whether to use/continue use of a refused mark very carefully and may need to take professional advice if they have not already.

Opposition proceedings can be a shock to the system involving – time, fees, business uncertainty about rights to use a mark. The recommendation is, often, to resolve these disputes outside of formal proceedings. However, where this is not possible, it may be necessary to fight the case.



If you have any questions about oppositions in the UK, EU or other foreign jurisdictions, please do not hesitate to contact Adjoa at [anim@hgf.com](mailto:anim@hgf.com).