

# SUPREMEiP

## What is TRADEMARK OPPOSITION?

Trademark opposition is a legal process that allows third parties to challenge trademark registration. If a third party believes that the trademark application may infringe upon their existing trademark rights, they may file an opposition to the trademark application during the opposition period, which typically lasts for a certain period after the trademark application has been published for opposition.

The opposition process allows interested parties to challenge the trademark registration because the trademark is identical or similar to an existing trademark in the same or similar class of goods or services or because the trademark is likely to cause confusion or deceive consumers.

## Objection Period

The trademark is typically published in the Trademarks [Journal](#) for a specific period, usually 2 (two) months from publication. During this period, any person or entity with a legitimate interest can file an opposition.

## What are the Grounds for Trademark Opposition?

An opposition can be filed on various grounds, including:

- There is a likelihood of confusion with an existing registered trademark.
- Violation of prior rights, such as prior use or well-known trademarks.
- Lack of distinctiveness or descriptive nature of the trademark.
- Generic or non-distinctive nature of the trademark.
- Offensive or deceptive trademarks.
- Contravention of the Trademarks Act or other applicable laws.

## What are the requirements for filing a trademark opposition?

Filing an Opposition: To file an opposition, a party must submit a formal opposition notice to the Department of Patents, Designs, and Trademarks (DPDT) within the specified objection period. The opposition notice should include the following information:

- The name and address of the opposing party.
- The grounds for opposition.
- The details of the opposed trademark.

- Supporting evidence and arguments.
- The opposition fee, if applicable.

## What is the Cost and Procedure for trademark opposition in Bangladesh?

<p><b>Stage-1: Filing of Notice of Opposition</b></p> <p>Suppose a trademark is published in the Trademarks Journal. In that case, anyone can oppose trademark registration in Bangladesh by filing a notice of opposition within two months from the date the Trademarks Journal is made public. This period can be extended up to 3 months by filing a request for an extension of time, with a prescribed fee, up to three times for one month each. A trademark application can be opposed in Bangladesh based on the grounds mentioned in Sections 8, 9, and 10 of the Trademarks Act 2009.</p> <p>Cost: Official fee: \$75</p>	<p><b>\$75</b></p>
<p><b>Stage-2: Counterstatement</b></p> <p>Once the Notice of Opposition is filed, the trademark applicant has a set period of time to respond to the opposition. The response must address the grounds for opposition and provide evidence to support the registration of the trademark. The response must be filed within 2 months from the date of receipt of the Notice of Opposition, failing which the application shall be treated as abandoned.</p> <p>Cost: Official fee: \$60</p>	<p><b>\$60</b></p>
<p><b>Stage-3: Evidence</b></p> <p>After the response is filed, both parties may have the opportunity to provide further evidence and arguments to support their positions. This evidence exchange period is an important part of the opposition process and can determine the outcome of the opposition.</p> <p>Cost: Official fee: \$50</p>	<p><b>\$50</b></p>

<p><b>Stage-3(a) Evidence in support of opposition</b></p> <p>Within two months from the receipt by the opponent of the duplicate counter-statement, the opponent shall either leave with the Registrar such evidence by way of affidavit as he may desire to adduce in support of his opposition or shall intimate to the Registrar in writing that he does not desire to adduce any evidence in support of his opposition. He shall deliver to the applicant copies of any evidence that he leaves with the Registrar under this sub-rule. If an opponent takes no action under sub-rule within the time therein prescribed, he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition.</p> <p>Cost: Official fee: \$50</p>	<p><b>\$50</b></p>
<p><b>Stage-3 (b) Evidence in support of the application</b></p> <p>Within two months from the receipt by the applicant of the copies of affidavits in support of the opposition, the applicant shall leave with the Registrar such evidence by way of affidavit as he desires to adduce in support of his application and shall deliver to the opponent copies thereof.</p> <p>Cost: Official fee: \$50</p>	<p><b>\$50</b></p>
<p><b>Stage-3 (c) Evidence in reply by opponent</b></p> <p>Within one month from the receipt by the opponent of the copies of the applicants affidavits, the opponent may leave with the Registrar evidence by affidavit in reply and shall deliver to the applicant copies thereof. This evidence shall be confined to matters strictly in reply.</p> <p>Cost: Official fee: \$50</p>	<p><b>\$50</b></p>
	<p><b>\$50</b></p>

### **Stage-3 (d) Further evidence**

No further evidence shall be left on either side, but, in any proceedings before the Registrar, he may at any time, if he thinks fit, give leave to either the applicant or the opponent to leave any evidence upon such term as to costs or otherwise as he may think fit.

Cost: Official fee: \$50

### **Stage-3 (e) Exhibits**

Where there are exhibits to affidavits filed in opposition, copies or impressions of such exhibits shall be sent to the other party on his request and at his expense, or, if such copies or impressions cannot conveniently be furnished, the original shall be left with the Registrar in order that they may be open to inspection. The original exhibits shall be produced at the hearing unless the Registrar otherwise directs

### **Stage-4: Hearing**

If the parties are unable to resolve the opposition through the evidence exchange process, a hearing may be scheduled. At the hearing, both parties will have the opportunity to present their arguments and evidence to an adjudicator.

Cost: Official fee: \$45

**\$45**

### **Stage-5: Decision**

After the hearing, the adjudicator will issue a decision as to whether the opposition is successful or not. If the opponent is successful, the trademark registration will be refused or cancelled. If the resistance is unsuccessful, the trademark registration will proceed to registration.

It is important to note that the opposition period in Bangladesh is only 2 months, and it is therefore essential to act quickly if you wish to oppose a trademark registration. It is also recommended that parties seeking to oppose or defend against a trademark registration seek the assistance of a qualified trademark lawyer in Bangladesh.

## **Appeal**

If either party is dissatisfied with the DPDT's decision, they may have the right to appeal the decision to the Intellectual Property Appellate Board (IPAB) or the appropriate legal authority in Bangladesh.

It's essential to consult with a trademark attorney in Bangladesh when filing or defending against an opposition. Trademark opposition proceedings can be complex, and legal expertise can help you navigate the process effectively.