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TRADEMARK OPPOSITION PROCEDURES – KEY LEARNINGS

*Document prepared by the Secretariat*

## CONTENTS

	<u>Page</u>
I. INTRODUCTION .....	2
II. GENERAL OVERVIEW .....	2
III. RELATION BETWEEN OPPOSITION AND EXAMINATION PROCEDURES.....	3
(a) General.....	3
(b) Observations .....	4
IV. GROUNDS FOR OPPOSITION .....	5
(a) Absolute Grounds .....	5
(b) Relative Grounds .....	6
V. OPPOSITION PROCEDURE .....	6
(a) Publication .....	6
(b) Opposition <i>Fora</i> .....	7
(c) Entitlement to File an Opposition.....	7
(d) Opposition Period .....	7
(e) Arguments and Evidence .....	8
(f) Settlement .....	9
(g) Appeal.....	10
(h) Related Procedures .....	11
VI. DEVELOPMENTS.....	11
(a) Preliminary Indication .....	11
(b) Mandatory Initial Disclosure .....	12

ANNEX

## OPPOSITION PERIOD

## I. INTRODUCTION

1. At the seventeenth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), held in Geneva from May 7 to 11, 2007, the SCT requested the Secretariat to draft a working document for its next session, setting out “Key Learnings” in the field of Opposition Procedures. This document would be drawn from submissions already received from SCT Members, the report of the seventeenth session and any further submissions from SCT Members specifically addressing the issue of key learnings (see document SCT/17/7, paragraph 13).

2. Accordingly, the Secretariat has prepared the present document, which is based on the Summary of Replies to the Questionnaire on Trademark Law and Practice (document WIPO/STrad/INF/1, hereinafter referred to as the “Questionnaire”) which includes the replies received from 73 Member States and three intergovernmental organizations, and the deliberations of the seventeenth session of the SCT (SCT/17/8 Prov., paragraph 99 onwards). It is also based on information submitted by the following members of the SCT, as agreed at the sixteenth session of the Standing Committee: Australia, Bulgaria, China, Croatia, Denmark, Ecuador, Finland, France, Japan, Moldova, Morocco, Norway, Republic of Korea, Russian Federation, Slovakia, Slovenia, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States of America, the European Community and the Benelux Organization for Intellectual Property (BOIP) on behalf of Belgium, Luxembourg and the Netherlands.

3. As further requested by the SCT, the Secretariat elaborated a draft of the document which was posted on the SCT Electronic Forum, seeking comments from Member States to be used in the final version of the document (see document SCT/17/7, paragraph 14). The present document includes those comments, as well as the observations made by Member States during the eighteenth session of the SCT (see document SCT/18/10 Prov., paragraphs 157 to 245).

## II. GENERAL OVERVIEW

4. In general, and independently from the type of opposition procedure that a country may have (pre-registration, post-registration, limited to certain grounds or without limitations), the presence of this procedure as part of the trademark registration and protection system is a distinctly positive feature. It provides an opportunity to review decisions on examination thereby introducing the possibility of internal checks and balances. It also enables third parties and industry to provide the Trademark Office (hereinafter referred to as “the Office”) with additional information and evidence, which the Office may not have at its disposal and which could prevent the registration of a particular trademark. This could be the case, for example, of any claims relating to the existence of prior rights or information to the effect that a specific term is considered descriptive by industry and should therefore be left free for general use.

### III. RELATION BETWEEN OPPOSITION AND EXAMINATION PROCEDURES

#### (a) General

5. The relationship between examination and opposition procedures depends on a number of factors, but most importantly on the extent of the examination carried out by the Office. In certain systems, the Office may examine an incoming application as to formal, absolute and relative grounds for refusal and an opposition may be based on those same grounds. As a result of the examination on relative grounds, certain trademarks that are found to be in conflict with earlier rights may already be excluded at this stage. In other systems, however, examination takes place only after opposition. In such cases, the Office decides only when all the arguments and evidence have been received from the parties.

6. There might also be systems in which the Office may examine a trademark application as to formal and absolute grounds for refusal and oppositions may be raised on relative grounds. In such cases, the opposition procedure complements the examination process because certain issues that are not examined by the Office can be raised within the framework of the opposition procedure.

7. A system of full examination as to formal requirements as well as absolute and relative grounds for refusal may be considered sufficient for the Office to decide whether or not to register the mark for which registration is sought. In such a system, the examination process may be supplemented by an administrative cancellation procedure which permits to challenge a trademark on absolute and relative grounds after it has been registered.

8. In this regard, the advantages of the different examination and opposition modalities must be considered with reference to all parties involved, namely the applicant, the Office and third parties. Opposition systems can be categorized as being mainly “pre-registration” or “post-registration”, depending on the timing or the availability of the procedure, whether after publication of the application or the registration.

9. In pre-registration opposition systems, there seems to be a strong presumption of the ownership of a mark by the applicant once it succeeds at registration. This holds true, in particular, for trademark registration systems in which ownership is based on the use of the trademark rather than on registration. In order to uphold that presumption, it is considered preferable to test the claim to the ownership of the rights prior to registration rather than having to invalidate those rights eventually after they have been granted. This choice of system may also be linked to questions such as the accessibility of the *forum* designated to hear related procedures (i.e. invalidation or cancellation) or the costs associated with such procedures.

10. Furthermore, certain pre-registration opposition systems tend to limit examination by the Office to formal and absolute grounds, and allow for third parties to base opposition claims on either absolute or relative grounds, or only on relative grounds. In such systems, this is expected to have an influence on the number of oppositions filed with the Office, causing opposition rates to go up.

11. Keeping the length of time between application and registration limited seems to be one of the core elements in post-registration opposition procedures. It appears that there is a benefit in having an enforceable trademark right after the examination by the Office, even if

the possibility of an opposition still exists. A long pending application prevents the applicant from bringing a court action against infringers. Another benefit of post-registration opposition procedures may be that trademarks which are not susceptible to be opposed can be put to use within a relatively short time and can be enforced as a registered right.

12. The procedural modalities of post-registration opposition systems may differ depending on whether examination is based on absolute and relative grounds and the same grounds can be raised in opposition; or whether examination is limited to formal and absolute grounds, and relative grounds may only be raised by third parties in opposition procedures. In such systems, any cost savings are related to the reduction of the period of pendency of an application, and the amount and the type of evidence needed to substantiate the applicant's statements or to rebut the opponent's arguments.

13. Opposition procedures seemed to be an area in which future choices are indicated by experience. Thus, it is possible to observe important transitions from pre-registration to post-registration opposition systems and also *vice versa*. These changes were usually undertaken after consultation with the user community, so that none of the parties involved in the registration and continued protection of trademark rights would bear an unreasonable share of the cost involved in these procedures.

(b) Observations

14. The possibility to make "observations" is a relatively new feature of opposition procedures. Observations may be presented by third parties in connection with or in parallel to opposition procedures. The main objective of observations is to allow the Office to receive any information which could lead to the refusal of the registration of a particular sign. The person presenting the observation does not become a party to the proceedings and, usually, Offices do not reply to observations.

15. Offices which allow for observations may accept them on both absolute and relative grounds, or limit them to absolute grounds only. In some cases, third parties filing observations may be official institutions which have an interest in maintaining either the availability or the exclusivity of certain signs, for example, the Ministry of Agriculture in relation to names of seed varieties, or the national Olympic Committees in relation to the Olympic symbol.

16. There is no specific time limit to file observations, but it seems that they can be sent to the Office once the application has been published for opposition, during the opposition period or while the opposition is being dealt with. Observations are usually sent to the applicant for comments but a response, if any, is not in turn sent to the person filing the observation. The latter is normally responsible for monitoring the procedure. If the application proceeds to registration, a request could be made for invalidation, cancellation or post-registration opposition, as the case may be.

17. One particular system provides for a process similar to observations, called "letter of protest", which may be filed while the application is being examined. However, the letter does not go directly to the examiner but is sent to an independent reviewer, who determines whether the evidence submitted with the letter is not of an *inter partes* nature. If the evidence

is descriptive and it seems apparent that the examiner did not have this information previously, it will be submitted to complete the file. If a letter of protest is not included in the file, the person sending such letter may use it later in a notice of opposition.

18. While observations are considered to be a useful feature, statistics show this is a very limited procedure as compared to oppositions. It seems that very few observations raise grounds that lead to the reopening of an examination. When the examiner has access to a good number of information sources, reliance on this type of procedure may be less important. However, Offices still consider it useful to have the possibility of receiving observations, especially when the examination is limited to a particular set of grounds.

#### IV. GROUNDS FOR OPPOSITION

19. While a distinction between absolute and relative grounds for refusal (and, thus, opposition) is widely accepted, not all systems do necessarily follow that categorization, and oppositions may also be raised on any ground provided by law. However, the distinction seems to be important for Offices that have limited the type of grounds which may be raised in examination, in opposition or when presenting observations.

##### (a) Absolute Grounds

20. There appears to be a certain difficulty in appreciating a ground for refusal stating that the mark is “registered or applied for in bad faith”. In several systems, where bad faith is pleaded, there must be clear and sufficient evidence to establish such a serious allegation, which makes this ground a particularly difficult one.

21. It may be possible to anticipate that difficulty to a certain extent by including a statement in the application to the effect that the applicant knows that he or she is the only person entitled to the sign. If an opponent can prove that this statement signed by the applicant is untrue, the opposition may succeed. This possibility may also be available in invalidation and cancellation procedures.

22. In systems where rights are granted as a result of use, an opposition may be based on the grounds that “the mark has been abandoned”. A claim of abandonment may be raised in opposition and in cancellation or invalidation procedures. This means that the applicant is no longer using the mark and has no intention to resume use of the mark. In such systems, one of the basis for application is intent to use the mark. Thus an opponent may claim that the applicant never had a *bona fide* intention to use the mark in commerce.

23. In most systems, however, a claim of abandonment is related to cancellation and invalidation procedures on the basis of non-use of the mark. There is a period (usually three to five years) after which such a claim may be filed. If in this case, the holder of the right can prove that non-use was excusable, for example due to circumstances beyond the holder’s control, a claim for non-use is not likely to succeed. It should be noted, however, that most commonly, cancellation procedures on the basis of non-use have to be settled by the judiciary and not in the framework of the Office.

24. Conflicts with provisions of international law sometimes concern symbols such as the Red Cross and the Red Crescent, which are protected by special conventions. Other provisions of international law which may carry an obligation to refuse trademark

registrations are, for example, Article 6<sup>ter</sup> of the Paris Convention for the Protection of Industrial Property, or a Resolution by the Assembly of the World Health Organization (WHO) concerning international nonproprietary names for pharmaceutical substances (INNs).

25. The existence of a prior registered right on a geographical indication in the jurisdiction concerned, might constitute a bar to registration. Depending on the applicable system for the protection of geographical indications, such a potential or actual conflict may be considered a ground of opposition.

26. There may also be specific grounds under national legislation to prevent the use of trademarks which are related to a specific field of activity (e.g., a pharmacy or a bank) the exercise of which would normally require a specific authorization from the State.

(b) Relative Grounds

27. Under some laws, where a registered mark has become well-known among the consumers for the goods and services covered, its holder may obtain registration of that same or a similar mark for goods and/or services belonging to other classes even where, in respect of those latter goods and/or services, the mark is not used or is not intended to be used. This type of registration is referred to as “defensive mark”. It is considered that the use by others of the well-known registered mark for different goods and/or services could be taken as indicating a connection between those goods and/or services and the holder of the well-known mark.

28. Where registered defensive marks exist, such marks cannot be attacked for non-use. However, the applicant needs to claim at the outset that the application is made for a defensive mark and nominate the mark on which the application for the defensive mark is based.

## V. OPPOSITION PROCEDURE

(a) Publication

29. In addition to the publication in paper form, which usually takes the form of an official gazette, the Office may provide for publication of trademark applications and registrations on its Internet website. However, mere publication on the Internet might not be sufficient. Trademark agents usually monitor the Office Gazette, whether on paper or by electronic means. Nevertheless, there are a large number of unrepresented applicants from particularly small businesses, for the benefit of whom it might be necessary to extend the reach of Office publications.

30. The regular office publication might be supplemented by a special “in-house” information service, whereby the Office informs the holder of a trademark each time his mark is mentioned in later examination reports. Experience shows that holders that have signed up for that service find it quite useful and rather inexpensive. Another possibility is the notification, prior to the publication, of holders whose rights might be affected by the new mark. This procedure is not binding for the Office but it provides information to potential opponents.

(b) Opposition *Fora*

31. Depending on the type of opposition system in place, opposition procedures may be held before the Office or another *forum*, such as a judicial or administrative appeal body. The role of the Office itself may change from purely administrative to that of tribunal acting in a quasi-judicial capacity. In many cases, the body receiving the opposition is already a collegiate body composed by lawyers or legal experts whose decisions may be subject to appeal.

(c) Entitlement to File an Opposition

32. Experiences in relation to the issue of standing to file an opposition are contrasted. In some systems, once a trademark application has been published, it may be opposed by any person on a number of grounds. In such systems, there is usually no distinction between absolute and relative grounds, whereby the opponent would not need to assert, for example, a specific relationship or prior right on the opposed sign.

33. On the contrary, for an opposition to be accepted in many systems, the opponent must have standing, which follows either from an application for registration or the registration of a mark. In certain systems, this is formulated generally as having a direct and legitimate interest. However, some form of legitimate interest may be needed to base an opposition on a specific relative ground, namely the conflict with a well-known or famous mark. Or, standing to oppose may depend on the grounds asserted in the opposition and this will be determined by the Office. The opponent may bring a number of claims as long as it can be proved that standing derives from one of them.

(d) Opposition Period

34. The opposition period usually comprises an initial time limit, after which extensions may be granted. Depending on whether the system in place provides for pre-registration or post-registration opposition, the initial time limit may be counted from the date of publication of the application or the registration of the mark. In some systems, the initial time limit might be counted from the date of acceptance of the application. Extensions may be granted automatically when they are requested within the initial opposition period. Beyond that period, it is necessary to show good cause or agreement between the parties.

35. The table contained in the Annex reproduces information provided by SCT Members in their replies to the Questionnaire on Trademark Law and Practice and complemented or updated in their submissions or during the discussion at seventeenth session of the SCT.

36. Concerning the length of the time limit for opposition, three developments can be observed. First, the reduction of the number and length of possible extensions of the opposition period, for example to six months, may lead to enhanced legal certainty. On the other hand, the extension of the initial time limit, to for example two months instead of 30 days, might be beneficial to the interests of foreign applicants. Legislative changes concerning the length of the opposition period are made in consultation with the users. There is a strong connection between the length of the opposition period and the opportunity for the parties to reach an amicable settlement.



37. Second, electronic filing of oppositions and electronic publication results in time savings and allows any interested party to monitor its own trademark registration and to get early knowledge of a trademark application to which it might wish to oppose. The use of new technologies in trademark applications is also important in territories with a difficult geography and which have a centralized Office, because it provides access to information within a reasonable time.

38. Third, time limits for opposition are only one part of the overall time limits for proceedings before the Office. Time limits must be reasonable and proportionate, and take into account the interests of both the applicant and the opponent, who may be domestic or foreign. Under this perspective, very short time limits are detrimental to foreign applicants or opponents, while too long time limits are detrimental to the interests of the applicant who would wish to know, within a reasonable time, whether the trademark is opposed or not.

(e) Arguments and Evidence

(i) *Notice of Opposition*

39. In general an individual opposition procedure commences through a notice of opposition. This communication may be submitted to the Office in writing, using the means of communication accepted by the Office (paper, fax or by electronic means of transmittal). In some national Offices, the date of receipt of the notice of opposition may be the starting point of other actions by the Office, such as the transmission of the notice to the applicant and the indication of a time limit for reply. In some systems, whether or not the applicant replies to a notice, the Office may proceed to examine the opposition.

(ii) *Examination by the Office*

40. Upon receipt of the notice of opposition, the Office may examine for compliance with requirements, such as the entitlement to file the opposition, whether the submission is timely and whether a fee has been paid. The Office may also check whether a power of attorney has been filed and a time limit may be granted to comply with this requirement. In the case of electronic filing of oppositions, this may be part of an automated process.

41. At this stage, certain Offices may also verify the grounds for opposition or the existence of at least one ground, as the case may be. There are significant differences between systems that require the submission of evidence to substantiate the claims included in the notice of opposition and systems that require and evaluate evidence only once adversarial procedures have started. This may also be an opportunity to evaluate the question of standing to file the opposition.

42. Opposition procedures may provide an opportunity for the applicant to invoke the absence of use of the prior mark that the opponent has relied on. In such a case, both parties submit evidence and arguments in support of their respective claim or defense.

(iii) *Notification to the Applicant or Holder*

43. The notice of opposition is communicated to the applicant or holder, who may answer to that notification within a prescribed time limit. There are certain differences regarding the required conduct from the applicant or holder. For example, the applicant is required to file

an answer to the opposition, by simply denying or affirming each of the allegations that have been sent with the opposition. Extensions may be granted to obtain that response. The lack of response from the applicant is interpreted as withdrawal of the application, or the Office may not require a response from the applicant and proceed to examine the opposition.

(iv) *Consideration by the Office*

44. The manner in which the Office or the opposition body may assess the proceedings depends on national laws and regulations. In general, the opposition body bases its decision on the information and evidence submitted by the opponent and the applicant. In certain cases, oral hearings may be held upon request from one of the parties; in other cases, the Office may deem that a hearing is necessary. At this time usually, no new evidence may be submitted but the opposition body may take the opportunity to question the parties about their arguments.

(v) *Filing of evidence*

45. Usually, a paper record is constituted, which contains all the evidence submitted by the parties. Keeping this paper record is important as it will help the opposition body make its ultimate determination in the case. In conformity with due process rules, both parties get a chance to submit evidence, usually within a specific time limit. In most systems, oral hearings are few and most decisions are based on the arguments and evidence filed with the Office. However, recent developments indicate a different trend (see Section VI) whereby a reduction of the amounts of evidence filed with the Office in the framework of opposition procedures is contemplated, upon considerations of a better use of time and human resources spent in processing that information.

(f) *Settlement*

46. Opposition procedures usually allow for settlement between the parties. At various stages of the opposition procedure, the parties may get together and settle their dispute. In fact, the additional time periods resulting from extensions of the initial time limit may allow the parties to settle at an early stage. Equally, after the formal opposition is filed, the parties may request the suspension of the opposition procedure in order to enter settlement talks.

(i) *“Cooling-off” Period*

47. A relatively new feature in opposition procedures is the so-called “cooling-off” period. This consists of a single period of time (for example, nine or 22 months), which is granted after the initial opposition time limit upon request from one of the parties. During this period, the parties may get together and evaluate their positions with a view to reaching an amicable settlement.

48. The experience with this new feature seems quite encouraging. A good percentage of oppositions are settled during the cooling-off period. Both parties save time and effort as they avoid having to compile and file evidence, which is often very costly. During this period, there is no cost risk for the parties because if the opposition is settled there will be no awarding of costs. As an additional measure the Office may reimburse the opposition fee to the opponent, provided the opposition is withdrawn due to a restriction or a withdrawal of the application.

49. One important aspect of this feature is to provide an effective way to get the parties to settle rather than to litigate. Such a perception has been welcome by the users of the system and it has been stressed that a similar effect may be reached by granting extensions of time to both the opponent and the applicant.

(ii) *Letter of Consent*

50. One recurring issue in connection with letters of consent is whether a letter of consent from the holder of a prior registration should be accepted by the Office in any case, even where the mark applied for is identical or very similar for identical or similar goods or services. Although the issue is not essentially related to opposition procedures, it seems to be most relevant in a system of *ex officio* examination in which the Office might raise an objection to this form of settlement.

51. Generally, it can be differentiated between a letter of consent submitted in the case of two identical marks for identical goods or services and the case of two similar but not identical marks. An Office may raise an objection in any case, in order to avoid confusion among the consuming public and on the basis of a perceived role by the Office to protect consumers and preserve the public interest. However, a refusal may be limited to cases of conflicts between identical marks for identical goods and services, but in the case of similar marks, coexistence may be allowed if there is a written agreement between the parties.

52. Some courts have determined that in cases of agreement between the parties, there is usually little space left for a public policy argument in nevertheless refusing a new similar mark. It is considered that the parties are in the best position to know how they will avoid confusion in the marketplace. The Office may still issue a refusal if it considers that the letter of consent will not take care of the possibility of confusion, but it may also withdraw that refusal if the applicant provides an explanation as to how confusion will be avoided. Where a new application is refused on the basis of a trademark which is actually not used in the marketplace, there would be no argument for consumer protection.

(g) *Appeal*

53. Appeals are necessary as they are an essential condition of any legal system. To provide the opportunity of appeal is also required by due process and mandated by international treaty obligations that take into account the interests of all parties involved.

54. There are different modalities of appeal but, generally, there exist a combination of initial appeals before administrative quasi-judicial bodies, whose decisions may in turn be subject to appeal before judicial bodies. In most systems, access is available to the highest national tribunals. In certain systems, however, the opposition itself is considered a form of appeal.

55. The status of the appeal to a decision in opposition procedures may change in certain systems, as it goes through the different instances. In some systems, the losing party in an opposition may have a double possibility to appeal the decision of the opposition body, by either filing an appeal proper, in which case the party has no right to introduce new evidence or a new trial, in which the losing party may introduce additional evidence and present new arguments. However, in certain systems, appeals to the higher courts may be restricted only to issues of law.

56. As regards the number of appeals available in national systems, both the absence and the excess of available instances may be detrimental to a reasonable functioning of the trademark system. For example, too many instances of appeal may be dilatory and indicate a less efficient use of judicial resources, especially in the absence of specialized courts dealing with intellectual property matters. There are also other elements to be taken into account, such as the cost and time involved in appealing decisions, as well as the likelihood of success in such instances.

(h) Related Procedures

57. Apart from opposition, there might also be the possibility of raising objections against the registration of a mark. This is particularly true for systems that do not provide for opposition procedures or have limited opposition systems in place. However, related procedures such as invalidation and cancellation of trademarks should be available in every system.

58. Invalidation and cancellation procedures provide an opportunity to review trademarks which could have been improperly granted or signs which have lost the reason to be protected due, for example, to non-use. Ideally, the fact that a party has lost an opposition should not preclude it from bringing invalidation or cancellation action, nor the fact that that party did not bring an opposition although it could have brought it. In addition, reasonable time limits should be available to bring these actions.

## VI. DEVELOPMENTS

59. In general, national systems provide enough flexibility to undertake periodical reviews of procedures aimed at reducing costs both for the Office and the user community, as well as improving the overall efficiency of the trademark administration. Some recent experiences concern the following developments.

(a) Preliminary Indication

60. One particular case concerns an assessment of the cost of filing and examining formal evidence in opposition procedures, for both the Office and the parties. From this assessment resulted an indication that in most cases, the evidence that was filed, even though very voluminous did not actually help the Office in reaching its decision. It therefore decided to find a way of reducing the amount of evidence filed and to lower costs.

61. This led to the introduction of a practice called “Preliminary Indication”, which is a letter issued by the Office to both parties in an opposition procedure, after the cooling-off period has passed, the counterstatement has been filed and the two parties are joined in the proceeding. The letter gives a preliminary indication as to whether or not the opposition is likely to succeed. There is no appeal on this decision or indication and if either of the parties disagrees with it, it may continue the procedure, submit evidence and wait for a final decision after which there will be an appeal route.

62. Introduction of this practice raised the issue of whether the Office would compromise its quasi-judicial capacity in giving that preliminary indication. Consultations with the users of the system showed support for the initiative. Nevertheless, not all cases may be suitable for a preliminary indication, especially if the decision is a fine one, such as in determining likelihood of confusion. But in cases where the outcome is clear, such a tool could be useful.

(b) Mandatory Initial Disclosure

63. Another case addresses the issue of cost in relation to the evidence filed in opposition procedures in a slightly different manner. In this particular situation, the parties are required, early in the proceeding, to disclose information and evidence that supports their case. The parties may meet with or without a member of the opposition body to evaluate their claims and decide whether or not they are viable.

64. This mandatory initial disclosure constitutes an amendment to the Office procedural rules and is aimed at reducing the claims as a first step, and also reducing the evidence that would be filed to support those claims. It is expected that this practice will improve settlement prospects and lead to an early resolution of cases.

[Annex follows]

## ANNEX

## OPPOSITION PERIOD

Country	Initial Time Limit	Starting Date	Extensions Available
Australia	3 months	acceptance of application	YES
Bangladesh	4 months	publication of application	YES
Brazil	2 months	publication of application	YES
Canada	2 months	publication of application	YES
Chile	1 month	publication of application	NO
China	3 months	publication of application	NO
China: Hong Kong (SAR)	3 months	publication of application	YES
Colombia	1 month	publication of application	YES
Costa Rica	2 months	publication of application	NO
Croatia	3 months	publication of application	NO
Czech Rep.	3 months	publication of application	NO
Denmark	2 months	publication of registration	NO
Ecuador	2 months	publication of application	YES
Egypt	2 months	publication of application	
El Salvador	2 months	publication of application	YES
Estonia	2 months	publication of application	NO
Finland	2 months	publication of registration	NO
France	2 months	publication of application	NO
Georgia	3 months	publication of application	NO
Germany	3 months	publication of registration	NO
Hungary	3 months	publication of application	NO
Iran (Islamic Rep. of)	more than 3 months	publication of application	
Ireland	3 months	publication of application	NO
Israel	3 months	publication of application	YES
Italy	3 months	publication of application	NO
Jamaica	2 months	publication of application	YES
Japan	2 months	publication of registration	NO
Kyrgyzstan	3 months	publication of application	YES
Latvia	3 months	publication of registration	NO
Lithuania	3 months	publication of registration	NO
Mauritius	3 months	publication of application	YES
Moldova	3 months	publication of application	YES
Morocco	2 months	publication of application	YES
New Zealand	3 months	publication of application	YES
Norway	2 months	publication of registration	NO
Oman	1 month	publication of application	NO
Pakistan	2 months	publication of application	YES
Panama	2 months	publication of application	NO
Peru	1 month	publication of application	YES
Portugal	2 months	publication of application	YES

Country	Initial Time Limit	Starting Date	Extensions Available
Rep. of Korea	3 months	publication of application	NO
Romania	3 months	publication of registration	NO
Saint Lucia	3 months	publication of application	YES
St. Vincent and the Grenadines	3 months	publication of application	YES
Singapore	2 months	publication of application	YES
Slovakia	3 months	publication of application	NO
Slovenia	3 months	publication of application	YES
Spain	2 months	publication of application	NO
Sri Lanka	3 months	publication of application	YES
Sudan	8 months	publication of registration	NO
Swaziland	3 months	publication of application	YES
Sweden	2 months	publication of registration	NO
Switzerland	3 months	publication of registration	NO
Thailand	3 months	publication of application	NO
The former Yugoslav Rep. of Macedonia	3 months	publication of application	NO
Trinidad and Tobago	3 months	publication of application	YES
Tunisia	2 months	publication of application	NO
Turkey	3 months	publication of application	NO
Ukraine	more than 3 months	the application filing date	NO
United Kingdom	3 months	publication of application	NO
USA	1 month	publication of application	YES
Uruguay	1 month	publication of application	NO
Zambia	2 months	publication of application	YES
BOIP	2 months	the first day of the month following the publication of the application	NO
EC	3 months	publication of application	NO
OAPI	6 months	publication of registration	NO

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