

# European Trademark Opposition Procedures

Formal requirements in a trademark related practice

## Topics

- Basics of opposition proceedings:  
process sequence, costs, legal remedies
- Jurisdiction and decision-making practice:  
how to find relevant arguments
- Likelihood of confusion: recognition and justification
- Further opposition grounds - Art 8(4) and 8(5) EUTMR
- Proper use of a trademark to protect your rights
- Elaboration of an opposition (grounds of appeal)

**Up-to-date:  
From the view of  
the EUIPO and  
the practitioner!**

## Your speakers



**Dr Wolfgang Schramek**  
Magister Lucentinus,  
Operations Department,  
EUIPO, Alicante (Spain)



**Dr Carola Onken**  
Attorney at law (Rechts-  
anwältin), KLAKA  
Rechtsanwälte Part mbB,  
Munich (Germany)

# Opposition proceedings in the trademark related practice

## Aims and objectives

This intensive two-day course will show participants how to prepare a European trademark opposition procedure competently. What is the deadline for filing a notice of opposition? What language should be used? What can be cited as justification? The experts will discuss all these questions and more. Attendees will acquire in-depth knowledge on filing an opposition and the entire associated system. Many practical exercises will enable you to see the various points of view of the opposing parties. By the end of this course, participants will understand how the proceedings progress.

## Who should attend?

- Administrators
- Office managers
- Formalities managers
- Legal assistants
- Paralegals

## Concept

Attendees will receive important practical advice on how to perform an opposition procedure. The main feature of this practical course is the several exercises. It does not merely deliver the theory - you will be supplied with a folder containing comprehensive documentation provided by the speakers, which will be an invaluable source of reference.

## Your speakers



**Dr Wolfgang Schramek**  
Magister Lucentinus,  
Operations Department,  
EUIPO, Alicante (Spain)

Dr Wolfgang Schramek studied law in Salzburg und Innsbruck, and obtained his Magister Lucentinus, Master in Intellectual Property, from Alicante University in 1997. Dr Schramek has been working on opposition cases since 2000, and as an examiner of absolute grounds since 2003. He became a member of the Cancellation Division in 2005 and a litigator for EUIPO at the General Court and ECJ in 2015. He also co-authored a German commentary on the entire opposition procedure at EUIPO with André Pohlmann, published by C.H. Beck Verlag, Munich.



**Dr Carola Onken**  
Attorney at law (Rechts-  
anwältin), KLAKA  
Rechtsanwälte Part mbB,  
Munich (Germany)

Dr Carola Onken specialises in advising and representing clients, in particular companies and associations, on trademark law and unfair competition law. Further focal points of her activity constitute German and European registration and objection proceedings, the representation of clients before the European Courts of Justice as well as the drafting and review of trademark licensing agreements.

## Formal requirements

### Filing an opposition

- The notice of opposition
- The choice of language
- The form of opposition
- EUIPO - online possibilities
- Legal grounds
- Advantages and disadvantages of an opposition

### Proceedings

- Deadline for statement of grounds
- Reimbursement of the opposition fee
- Legal remedies - how to apply

### Right-preserving use of opposed trademarks

- Legitimate reasons for non-use
- Proof of use
- Grace period
- Objection for non-use - refusal
- Required documents for furnishing

### Timely recognition and justification of likelihood of confusion

- Effect of marks
- Similarity of goods and services
- Similarity of opposing marks

### Further opposition grounds - Art 8(4) and 8(5) EUTMR

- Overview - related to practice

### Tactical development of submissions

- Answer (riposte) to the grounds of opposition
- Late submission of documents and untranslated texts

### Actual opposition proceedings

- Statement of opposition
- Basic principles
- Deadlines
- Fees
- Scope of opposition

### Amendments to European Union trademark law

- ...on opposition proceedings

### Further amendment to the implementation regulation for the European trademark

### Written draft of grounds for opposition and the response

You will have the opportunity to compile a statement of grounds for opposition as well as a response yourself. Our experts will correct your work and return it to you after the event.

Registration under  
service@forum-institut.com or  
Fax +49 6221 500-555

## Registration Form

Yes, I will attend the Practical Course

- European Trademark  
Opposition Procedures

\_\_\_\_\_  
Name

\_\_\_\_\_  
Position, department

\_\_\_\_\_  
Company

\_\_\_\_\_  
Street

\_\_\_\_\_  
Post code, city, country

\_\_\_\_\_  
Tel. no.

\_\_\_\_\_  
E-mail

\_\_\_\_\_  
Contact person at office

\_\_\_\_\_  
Date, signature

## How to register

- **Registration: +49 6221 500-500**
- **Conference no.: 18 02 144**

■ **Website:**  
www.forum-institut.com

■ **Date and venue**  
22 – 23 February 2018 in Amsterdam  
both dates: 9:00 - 17:00  
Amsterdam Marriott Hotel  
Stadhouderskade 12 · NL 1054 Amsterdam  
Tel. +31 20 6075555 · Fax +31 20 60075511

■ **Fee**  
€ 1450.00 (+ 21% VAT)  
The fee includes course documentation (including free download) as well as refreshments, lunch and a certificate. You will receive an invoice as well as confirmation.

■ **Hotel accommodation:**  
A limited number of rooms has been allocated at the hotel and is subject to availability. Please book at least six weeks prior to the seminar to obtain a hotel room at the discounted rate. All bookings should be made directly with the hotel quoting FORUM Institut and the course number.

## Any Further Questions?



Please feel free to contact me if you have any questions.

**Sabine Schilling**  
Conference Manager  
Tel. +49 6221 500-660  
s.schilling@forum-institut.de

## Cancellation Policy

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