



香港特別行政區政府知識產權署
The Government of the Hong Kong Special Administrative Region
Intellectual Property Department

For official use

Trade Mark Form T7

Counter-statement

Trade Marks Ordinance (Cap. 559)
Trade Marks Rules (Cap. 559A)

Important notes

1. General notes:

- a. This form is used to defend an application or registration against a third party who has filed an opposition (rule 16 of the Trade Marks Rules), Cap. 559A, or an application to revoke (rules 36 and 40 of the Trade Marks Rules), Cap. 559A, invalidate (rule 46 of the Trade Marks Rules), Cap. 559A, vary or rectify (rule 50 of the Trade Marks Rules) a trade mark registration. The Trade Marks Rules, Cap. 559A, can be viewed at www.ipd.gov.hk.
- b. This form must be signed and dated.
- c. Please complete this form in English unless otherwise stated.
- d. If there is not enough space for any part on this form, please continue on an additional sheet. Number each additional sheet and state the number of additional sheet(s).
- e. Please enquire through the following means:
 - E-mail: enquiry@ipd.gov.hk
 - Internet homepage address: www.ipd.gov.hk

2. Use of personal data:

- a. Personal data provided in this form and any supporting document will be used by the Registrar of Trade Marks ("the Registrar") for the "Purposes of Collection" set out in the Personal Information Collection Statement ("the PICS") at <https://www.ipd.gov.hk/en/privacy-policy-statement/personal-information-collection-statement/index.html>.
- b. In particular, **YOU SHOULD BE AWARE THAT** personal data collected by the Registrar may, in full or part, be—
 - (i) **made available online for public access and inspection;** and
 - (ii) **published or disclosed to the "Classes of Transferees" in or outside Hong Kong, China as set out in the PICS,** including but not limited to the World Intellectual Property Organization and other intellectual property authorities/institutions/organizations **which may subsequently make the relevant data available online for public access and inspection.**
- c. **DO NOT include in this form and any supporting document any irrelevant or unnecessary personal data (whether yours or others).**

3. Use of other information:

- a. Other information, including those information relating to any business enterprise or entity, provided in this form and any supporting document will also be so used by the Registrar for the purposes as referred to in paragraph 2.a. above.
- b. Such information collected by the Registrar may, in full or part, also be so made available online, published or disclosed as set out in paragraph 2.b.(i) and (ii) above.
- c. **DO NOT include in this form and any supporting document any information (whether yours or others) which is considered as confidential or commercially sensitive.**

4. Submission of application/request/notice:

In person or by mail to the Registrar of Trade Marks, 24/F, Wu Chung House, No. 213 Queen's Road East, Wanchai, Hong Kong, China.

* Denotes mandatory fields

01. *This counter-statement relates to

Trade Mark No.

Separate forms have to be filed if the counter-statement relates to more than one trade mark application or registration.

02. *Name of applicant for registration/owner of registered mark/intervenor filing this form

Please mark the appropriate box

- ☐ applicant for registration
☐ owner of registered mark
☐ intervenor

Name

03. *Name of opponent/applicant for revocation/invalidation/variation/rectification

Please mark the appropriate box

- ☐ opponent

Applicant for

- ☐ revocation ☐ invalidation
☐ variation ☐ rectification

Name

04. Please provide the following information by attachment

This form **must be** accompanied by details of the grounds for counter-statement to be set out by attachment(s). It must be filed within three months after the date of receipt of the notice of opposition or of the application for revocation on grounds other than non-use or declaration of invalidity, or within six months after the date of receipt of the application for revocation on grounds of non-use, variation or rectification.

The following are the details of the grounds for counter-statement to be set out:

- (a) The grounds on which you rely in support of your application/registration;
- (b) The facts alleged in the notice of opposition/application for revocation/declaration of invalidity/variation/rectification that you
 - (i) admit,
 - (ii) deny, with reasons, (and if you intend to put forward an alternative version of events, that version) and
 - (iii) are unable to admit or deny.

05. For counter-statement filed under rule 37(2) or 50(4) of the Trade Marks Rules

- (a) For counter-statement filed under rule 37(2) of the Trade Marks Rules, the item marked below is attached:

For application for revocation on grounds of non-use, under rule 37(2) of the Trade Marks Rules, the counter-statement must be accompanied by **either** evidence of the use made of the trade mark **or** a statement giving reasons for non-use. Evidence shall be filed by way of a statutory declaration or affidavit.

- ☐ evidence of the use made of the trade mark; **or**
☐ statement giving reasons for non-use

- (b) For counter-statement filed under rule 50(4) of the Trade Marks Rules, the item marked below is attached:

For application for variation or rectification, under rule 50(4) of the Trade Marks Rules, the counter-statement must be accompanied by **either** evidence in support of the counter-statement **or** a statement of no intention to file evidence. Evidence shall be filed by way of a statutory declaration or affidavit.

- ☐ evidence in support; **or**
☐ statement of no intention to file evidence

06. *Date of serving a copy of this counter-statement (and evidence or statement, if applicable) on the party named in Part 03 at its address of service

DD-MM-YYYY

The applicant for registration/owner of registered mark/intervenor shall, at the same time as he files the counter-statement, serve a copy of it (with copy of evidence/statement, if applicable) at the address for service of the opponent/applicant for revocation, invalidation, variation or rectification.

07. *Address for service

The address for service provided in this part shall be treated as being in substitution for any address for service previously filed.

All correspondence and/or document(s) will be sent to the address below.

- *(a) Name**

- *(b) Address**

You must provide details of an address for service in Hong Kong, China. Please note that a P.O. Box, a "care of" address or an address used solely for mail forwarding is not acceptable.

Flat/Floor/Building

Street/District

HONG KONG, CHINA

- (c) Telephone no.**
In Hong Kong, China

- (d) Fax no.**
In Hong Kong, China

- (e) Reference no.**

08. Agent's details

Go to Part 09 if you are not an agent.

If you have been duly authorized to act as an agent, please complete this part. The details provided in this part shall be treated as being in substitution for any agent's details previously filed.

(a) **Name**

(b) **Address**

As an agent, you must provide the address of the premises in Hong Kong, China where you reside or carry on your business activities. Please note that a P.O. Box, a "care of" address or an address used solely for mail forwarding is not acceptable.

Flat/Floor/Building

Street/District

HONG KONG, CHINA

(c) **Telephone no.**

In Hong Kong, China

(d) **Fax no.**

In Hong Kong, China

(e) **Reference no.**

09.*Declaration/Signature

Warning: It is an offence in law to furnish any false statement/information or make a false declaration in this form.

(If you are signing this form in the capacity of an agent) I/We declare that:

I/We have been duly authorized to act as an agent as stated in Part 08.

I/We reside or carry on business activities on the premises at the address in Hong Kong, China as specified in Part 08.

I/We confirm that I/we have read and understood the "Important notes" of this form.

*(a) **Authorized signature**

*(b) **Name of signatory**

*(c) **Official capacity of signatory**

Examples:

Authorized person, Director,
Partner or Principal Officer of
Applicant(s) or
Owner(s)/Agent.

*(d) **Date**

DD-MM-YYYY

10.Attachment(s)

Total number of attachment(s)