

Trade Mark Applications - Evidence of Use

The purpose of the questionnaire is to obtain some information regarding your use of your trade mark in the UK. We will then use this information to compile a declaration for your signature.

The aim is that this evidence of your use will help to demonstrate your reputation in the mark in the UK. This is usually to show that the mark is now distinctive, but it may also be able to support your case in an opposition.

Application No.

Classes:

Mark:

QUESTIONNAIRE ON USE

The following questions should be answered as fully as possible and, should there be any other prevailing factors which influenced the extent to which you have used the mark or which help to establish your proprietorship thereof, please give us full information thereon. Please note that the UK Registrar is interested in details of use of the mark in the UK only. Use of the mark in other countries is not considered relevant. Please continue on a separate sheet if necessary.

Section 1: Who will be making the declaration?

Please give full name:

Address:

Position in the applicant company (if appropriate):

Length of Service:

a) with the company:

b) in the present capacity:

Section 2: Use of the trade mark

Date of first use of mark in question in the UK:

Has the use been continuous since then to the date of the present application?

If no, please give details

For what goods or services has the mark been used in the UK?

If for different goods or services at different times please give details:

If the user at any time has been different from the present applicant, please give details and say how the user and the applicant are/were related e.g. licensee.

Has the use of the mark been throughout the whole of the EU?

yes	no
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If no, please list (on a separate sheet of paper if necessary and as exhaustively as possible) the areas of Great Britain and Northern Ireland in which the goods have been sold or services have been performed.

Section 3: Turnover

Please state, by cash and by units, your annual turnover (for the United Kingdom only) in the goods/services with which the mark is used. If possible, please cover all years since the mark was first used. If past records are not completely available, please give the figures for at least the last five years, preferably for ten years:

Year	Turnover by cash	Turnover by units

Are these calendar years or financial years?

If the latter, please give the year-end date:

Are the figures ex-factory, wholesale or retail value?

If ex-factory or wholesale, what is the approximate multiplier to retail value?

Section 4: How is the mark used?

- a) Has it been embossed, printed, transferred, or otherwise applied directly to the goods? yes no
- b) Has the mark been used on labels or tags attached to the goods? yes no
- c) Has the mark been used on packets, boxes, cartons, crates or the like containing the goods? yes no
- d) Is the mark printed on your stationery? yes no
- e) Is the mark printed on your invoices? yes no
- f) Do you issue show cards or like display devices displaying the mark? yes no
- g) Do you issue pamphlets, brochures or the like bearing the mark? yes no

Please send samples or photocopies of any use made in the above forms.

Section 5: How is the mark publicised or advertised?

- a) Do you advertise the goods/services and the mark in the press? If yes, please give names of periodicals etc. concerned and attach samples or photocopies of publicised advertising materials:
- b) Have you advertised the goods/services on television? If so, please give full details of time, duration and frequency of such advertisement. Was the mark spoken in the advertisement? Is there a specific pronunciation?
- c) Is there any other way in which the mark has been used, e.g. on vehicles, exhibition stands, not covered by the above? If yes, please give details.

Please state the amounts spent during the past five years (at least), and preferably over the past ten years, in relation to the use of the mark in the United Kingdom as covered by the items concerned in sections 4 and 5 above:

Year	Cost of labels, letterheads, show cards, etc.	Cost of advertising	Other costs

Are these calendar years or financial years?

If the goods or services are addressed to a highly specialised expert market, please explain. If they are not advertised, please say why not.

Section 6: Supporting evidence

In certain instances, the UK Intellectual Property Office may require supporting evidence from persons in the trade affirming that they recognise the mark as yours and they understand the goods bearing the mark originate only from yourselves. Usually about twelve such declarations from persons in towns throughout Great Britain and perhaps Northern Ireland, together with one from a trade association, are necessary.

- a) Would you be able to provide names and addresses of appropriate persons, if necessary?

yes

no

- b) If your answer to a) above is yes, we suggest that the compiling of an appropriate list of persons whom we can contact should be put in hand should the Registrar request trade evidence.

Section 7: Further details

Please give details of any other use of the mark or any other factors not covered by the above:

Important:

Please return this questionnaire with samples or photographs of the goods, letterhead, labels, invoices, circulars, leaflets, tickets, price lists, or any other matter on which the mark has appeared. Please note that it is most important to include not only current printed matter but also material dating from the earliest use of the mark, or as close to that as possible. Dated evidence (e.g. newspaper adverts with the date of publication visible) are particularly important. Please also note that use prior to the date of the filing of the trade mark application is most important. Less weight is given to use after the date of filing.

This information is simplified and must not be taken as a definitive statement of the law or practice. For more information on Mewburn Ellis LLP and other intellectual property matters, please contact us or visit our website at www.mewburn.com. Mewburn Ellis LLP is a Limited Liability Partnership registered in England (no. OC306749). Registered Office at 33 Gutter Lane, London EC2V 8AS

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