



Form TM 10C

Notice of Defense – Filing a Counter-Statement

Fee: \$86.00

Use this form if your trade mark has been opposed or subject to cancellation (invalidation or revocation) proceedings and you want to defend your application or registration.

1. Trade Mark Number

If the time period concerns an International Registration, help us identify the correct case by adding “IR”.

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2. Opposition/Cancellation number

If the time period concerns opposition or cancellation proceedings, enter the opposition or cancellation number in the relevant field, otherwise leave blank.

Opposition number

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Cancellation number

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3. Name of applicant/ registered owner

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Address

Postcode	

4. Name of Agent

Person filing this counterstatement.

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Address

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Postcode	

Email Address:

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5. Interest in the trade mark (tick one of the options)		Recorded Applicant, Owner or Holder of the trade mark				
		Recorded Representative for the Applicant, Owner or Holder				
		Other (please Specify)				
6. Related proceedings If applicable, select location of any related proceedings and enter number.		Bermuda IPO		BDA Courts		Overseas Courts
	Number					

7. Request for “Proof of use”

Please see UK Tribunal Work Manual Section 3.1.10 Proof of use in opposition proceeding or Section 3.4.6 Proof of use in invalidation proceedings.

If the person opposing or applying to cancel your trade mark has provided a statement of use on grounds raised under Sections 7(1) and 7(2) and 7(3) of the Trade Marks Act 2023, you can request that they provide evidence to show that they are using their trade mark; this is called “proof of use”. If you do not request “proof of use”, the opponent’s statement of use will be accepted with the consequence that the earlier mark(s) may be relied upon for all the goods/services identified in the statement of use.

Do you want the opponent to provide “proof of use”?

	Yes		NO > Go to Section 8
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List of goods and/ or services

List goods/ services for which you require “proof of use”. Please use a continuation sheet if not enough space.

Note: If more than one trade mark is being relied upon by the opponent or cancellation applicant, please provide the number(s) of the trade mark(s) for which you would like the other party to provide “proof of use”.

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8. Counterstatement by defendant:

Your counterstatement is the reason(s) for your defence of your trade mark against the grounds presented by the opponent / applicant for cancellation.

The purpose of the counterstatement is to admit (agree), deny (disagree) or request proof of any of the grounds set out by the other party in their statement of grounds.

Please use a continuation sheet if not enough space.

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9. Declaration

I declare that the facts stated in this form and statement of case are true.

Signature**Name**

(BLOCK CAPITALS)

Date

Number of sheets attached to this form

10. Your reference

Complete if you would like us to quote this in communication with you, otherwise leave blank

Checklist

Please make sure you have remembered to:

- ☐ Provide the trade mark number
- ☐ Provide the opposition/cancellation number
- ☐ Sign the form

Email submissions with direct deposits to:

rgintellectualproperty@gov.bm

Post forms with cheques only to:

Intellectual Property Office
% Registry General
Government Administration Building, 4th Floor
30 Parliament Street
Hamilton HM 12
Bermuda

Fees and Payment Method

We will only process the form with this section completed (one form per payment)

Total fee paying (\$)

Your payment reference

- ☐ Payments by cheque, cash, debit or credit cards or revenue stamps can be made in office by **3:15PM**.
- ☐ **Cheque** – make payable to ‘Accountant General’
- ☐ **Bank Transfer / Direct Deposit**

Beneficiary Bank: **HSBC Bank of Bermuda Limited**, 37 Front Street, Hamilton 11, Bermuda
Beneficiary Name: **GOVERNMENT OF BERMUDA** – Registry General

Beneficiary Account Number: **010-125250-001** Bermuda Dollar Account
Beneficiary Account Number: **010-125250-501** US Dollar Account

Reference – Trade Mark name or number(s) or your name and reference number(s)