



What happens... with Inter Partes decisions?



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Intellectual Property!

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Great news! I have won my opposition/ cancellation procedure with BOIP. When will the trademark of defendant be struck from the register?

As always, that depends and will take a while...

The short answer: At least two months after the decision. The longer answer:

An opposition/cancellation is only final when it can no longer be appealed AND the delay to file an appeal at the BenCJ is two months after BOIP's decision.

So, the trademark will have to stay on the register for at least two months. However...

To give the court time to process appeals, BOIP waits an extra month.

After this delay, BOIP will automatically execute its decisions, unless instructed by parties not to do so.

They may have settled their conflict in the meantime.

By the way: If an appeal is filed, the court will inform both you and BOIP.





That's clear. They indeed appealed. I won again! By when is the trademark of my opponent gone?

Firstly: Thanks for telling us!

BOIP is not automatically informed of court decisions, so this information is vital.

After an appeal, BOIP will only strike the trademark if requested.

Parties may reach an agreement, even after a court decision, to settle on a different outcome.

If so, then both need to ask BOIP to follow what they agreed. Besides that...

There is second appeal possible, within three months after the decision of the BenCJ.



So once more a trademark cannot be removed quickly.

And again BOIP will respect an extra delay in order to be sure.



So, after 3 months, or in case of an appeal, after 4 months?

About that yes.

BOIP processes these once a month, so this is not a super hard or exact defined delay.

And what if nothing is heard from parties after an appeal?

BOIP empties its shelves on a regular basis.

If we remain in the dark on what to do after an appeal for too long, parties will be approached about these cases.

We hope you enjoyed our explainer. Don't keep the fun to yourself. Share the goodness with your colleagues and friends!



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Our explainer is a knowledge-packed rollercoaster. Buckle up and get ready for a wild ride! 🚀

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