

# Submission of a notice of opposition to registration of an object of industrial property

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Recipient

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Description:

If there are no valid reasons to decide otherwise, the examination of the matter on its merits in the written procedure shall be completed on the same day which has been determined as the time period by which additions to a response to a notice of opposition shall be submitted. If the examination of a matter in the oral procedure is determined, at least a month in advance, the Board of Appeal notifies the participants in the matter of the day, time, and place of the session of the Board of Appeal. A motivated decision by which a dispute is resolved on its merits shall be rendered by the Board of Appeal not later than within one month after the day when the examination of the matter in the written procedure has been completed, or when the session of the Board of Appeal, at the end of which the decision was taken, took place.

Description:

In accordance with the Law on Trade Marks or the Law on Designs, oppositions to registration of trade marks or designs may be filed by persons who are the owners of earlier rights or their successors, as specified in the applicable provisions; in certain cases, an opposition may be raised by any person (including by the professional association or association of manufacturers, traders or providers of services, as well as by an authority, whose purpose according to the laws and regulations is the protection of the rights of consumers).

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The Industrial Property Board of Appeal (also – the Board of Appeal) shall examine the notice of opposition to the registered trade mark or design. Interested persons may submit a notice of opposition within three months from the date of the official publication of the trade mark or design. If the notice of opposition is satisfied, the registration shall be invalidated from the date of registration. Registration may also be partially invalidated.

[Process description](#)

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## Process description

Submission of opposition to the registration of a trade mark or design

The following shall be indicated in a notice of opposition:

- 1) the submitter of the notice of opposition and his or her address, as well as the representative of the submitter of the notice of opposition, if such has been appointed, and his or her address;
- 2) the registration of an object of industrial property to which the notice of opposition has been submitted;
- 3) the subject of the notice of opposition (explanations of the submitter of the notice of opposition or justification of notice of opposition; characterisation of the circumstances of the matter and reference to evidence);
- 4) the information regarding earlier rights if the notice of opposition is based on the existence of earlier rights;
- 5) the substantive grounds of the notice of opposition (reference to the norms, which have been violated, upon registering the contested rights for the object of industrial property, or with which the notice of opposition has been justified);
- 6) the claim of the submitter of the notice of opposition;
- 7) the place and time of rendering of the notice of opposition;
- 8) the list of attached documents.

Also other information which is considered significant by the submitter for the examination of the matter may be indicated in the notice of opposition.

The notice of opposition shall be addressed to the Board of Appeal, and it shall be signed by the submitter of the notice of opposition or his or her representative. If a notice of opposition is submitted by a representative on behalf of its submitter, he or she attach to the notice of opposition a power of attorney or a reference to a power of attorney previously submitted to the Patent Office or the Board of Appeal.

#### Examination of opposition to the registration of a trade mark or design

The Industrial Property Board of Appeal shall draw up a reasoned decision no later than one month from the date on which the examination of the matter in the written procedure has been completed, or when the session of the Board of Appeal took place. The Board of Appeal shall send a copy of the decision to the parties on the decision day or on the next working day. The party may, upon request, receive a copy of the decision on the premises of the Board of Appeal.

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<https://www.lrpv.gov.lv/en/services/submission-notice-opposition-registration-object-industrial-property>