

Defend Your Brand: Oppose Conflicting Trademarks in Malaysia

Is a new trademark application threatening your brand, or is an existing registration causing issues? Malaysia's Trademarks Act 2019 offers ways to challenge trademark registrations.

What is Trademark Opposition?

Trademark Opposition is a formal process allowing a third party to challenge a trademark application **before** it gets registered.

This is your chance to prevent a similar and/or potentially problematic mark which you believe will infringe your existing rights from entering the Register.

Who can apply for Opposition?

Anyone who believes that the published mark:

- Is confusingly similar to their existing trademark
- Is descriptive, generic, or non-distinctive
- Was filed in bad faith
- Conflicts with earlier rights (*such as well-known marks, copyrights, or unregistered use*)

When to Oppose?

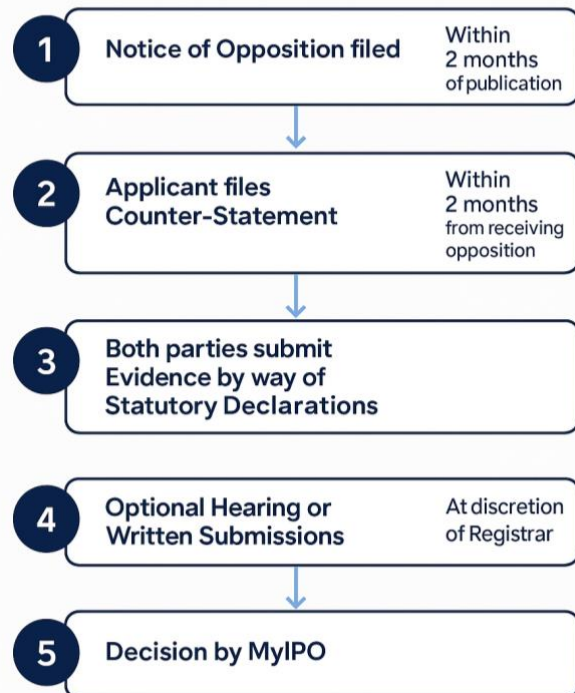
Can be filed within **2 months from the date of publication** in the Official Journal to file an opposition.

Grounds for Opposition:

- The applied-for trademark is similar or identical to your **earlier registered trademark** or **earlier used trademark**.
- The applicant is **not the rightful proprietor** of the trademark.
- The trademark falls under **absolute grounds for refusal** (e.g., *lacks distinctiveness, is descriptive, generic, deceptive, or contrary to public order/morality*).

- The trademark falls under **relative grounds for refusal** (e.g., *likelihood of confusion with an earlier mark, or the mark was applied for in bad faith*).

Opposition Procedure Overview



Cost:

The Cost for filing an Opposition is **HKD 6,800**.

Note: This leaflet is for informational purposes only and does not constitute legal advice