

Overview Swiss Opposition Procedure according to the Swiss Trademark Act (TMA)

1/a	Opposition		
	Deadline	<i>Swiss national trademark registration</i>	<i>International trademark registration claiming protection in Switzerland after the first day of the month following the month of publication by WIPO</i>
	3 months	after publication (= registration)	
		Payment of official fees to Swiss Institute	
		Filing of opposition based on registered trademark	
			Official fees: CHF 800 per trademark
			Attorney's fees: typically around CHF 1'000 - 1'500
			Attorney's fees: typically around CHF 2'000 – 3'000
	(1 month)	Swiss Institute: Admission control	
	(1 month)	Deadline for late filing of Power of Attorney (extension)	
1/b	Answer to opposition		
	Deadline	Filing of answer to opposition	
	2 months		
	2 months	First extension possible without consent	
	2 months	Second extension possible without consent	
	Suspension of proceedings possible with consent		
		Answer to opposition without claiming non-use of older trademark	Answer to opposition claiming non-use of older trademark
	(1 month)	Swiss Institute: Admission control	
	(1 month)	Deadline for late filing of Power of Attorney (extension)	
2/a	Reply to the answer		
	Deadline	<i>Filing reply to answer to opposition: proof of use of trademark (furnishing prima facie evidence)</i>	
	2 months		
	2 months	First extension	
	2 months	Second extension	
		Suspension of proceedings	
	(1 month)	Swiss Institute	
2/b	Rejoinder to the reply		
	Deadline	<i>Filing rejoinder to the reply: degrade prima facie evidence of proof of use</i>	
	2 months		
	2 months	First extension	
	2 months	Second extension	
		Suspension of proceedings	
3	(4 months)	Swiss Institute	
		Swiss Institute: Decision When the opponent's trademark is given priority in opposition proceedings, the registration of the more recent trademark is annulled.	
		Compensation for winning party: for 1/a or 1/b and for 2/a or 2/b: CHF 1'000 each	
		The losing party is usually responsible for the proceeding costs (CHF 800) and for paying damages to the winning party in the range of CHF 1'000 (1/a or 1/b) to 2'000 (2/a or 2/b).	
		If opponent: Compensation for official fees	

4/a	Appeal to the Swiss Federal Administrative Court		
	Deadline	Filing of appeal (appellant)	Court fees: around CHF 4'000
	30 days	<ul style="list-style-type: none"> - new evidence is possible - appeal has suspensive effect - typically only one exchange of submissions 	Attorney's fees: typically around CHF 4'000
	(1 month)	Federal Administrative Court: Admission control / request for advance payment of court fees by appellant (around CHF 4'500)	
	(30 days)	Payment of requested advance payment	
	(1 week)	Federal Administrative Court: information of appellee about appeal	
4/b	Answer to appeal		
	30 days	Filing of answer to appeal (appellee)	Attorney's fees: typically around CHF 4'000
	30 days	First extension possible without consent	
	30 days	Second extension possible without consent	
		Suspension of proceedings possible with consent	
		Possible consultation of Swiss Institute	
	<i>Swiss Institute typically renounces to this possibility</i>		
	(1 week)	Federal Administrative Court: Admission / information of appellant about answer to appeal	
5/a	Reply to answer		
	30 days	<i>Only in rare cases / in particular in case of new evidence submitted to the court</i>	(Attorney's fees)
	(10 days)	<i>Filing of unsolicited reply to answer</i>	
	(1 week)	Federal Administrative Court: Admission control / information of appellee about reply to answer	
5/b	Rejoinder to reply		
	30 days	<i>Only in rare cases / in particular in case of new evidence submitted to the court</i>	(Attorney's fees)
	(10 days)	<i>Filing of unsolicited rejoinder to reply</i>	
6	Court Hearing		
	(3 months)	<i>Only in rare cases / the parties typically renounce to this right</i>	(Attorney's fees)
7	Federal Administrative Court: Decision		
	(6 months)	Decision is final (in the administrative proceedings); however the starting of civil proceedings is still possible	Compensation for winning party: typically CHF 2'000 - 4'000
			Losing party pays court fees (typically CHF 4'000)