

Please note: This document is an example witness statement with further information contained in the notes below. The notes provided are for guidance only.

TRADE MARKS ACT 1994

**IN THE MATTER OF
Trade Mark application number 1234567
in the name of Bloggins Ltd
and
opposition number 456789 by Mark Jonesⁱ**

WITNESS STATEMENT

1. I, Mark Jones, of 14 Acacia Avenue, London W32 1XY am the director of Bloggers plc, a position which I have held since 2010. The facts in this statement come from my personal knowledge or the records of my company and I am duly authorised to speak on my company's behalf in the prosecution of this application.ⁱⁱ

2. My company has been using its trade mark since March 2001, initially in its shop in Acacia Avenue but expanding online and to premises in Manchester in 2003, Leeds in 2003 and both Birmingham and Edinburgh in 2005.ⁱⁱⁱ Attached at exhibit JS1 are press articles which discuss the opening of these shops. At exhibit JS2 I provide copies of advertisements which appeared in the press at the time to promote our shops' opening.^{iv}

3. Although the business began by selling overcoats, by the time the Manchester shop opened we sold a wide variety of articles of clothing. Now shown to me is exhibit JS3, which shows archive prints from the relevant period (25 November 2012 to 24 November 2017) of the clothing items available on our online site.^v I confirm that the full range of items was also available in-store. The trade mark is clearly visible on the website. Exhibit JS3 also contains photographs of the labels attached to our products, which show the trade mark. These have been used throughout the relevant period.^{vi}

4. Evidence of the publicity my company and its trade mark have received is shown at exhibit JS4, in the form of articles which appeared in national newspapers and magazines in the relevant period, as well as advertisements placed by us. Advertising spend was roughly £350,000 in each year of the relevant period. Evidence of advertising breakdown by publication is at exhibit JS5.^{vii}

5. Turnover in the relevant period was as follows:

2012/2013	£561,298
2013/2014	£732,987
2014/2015	£982,225
2015/2016	£813,562
2016/2017	£812,255

6. Produced at exhibit JS5 is a selection of invoices dated within the relevant period which show sales of goods under our trade mark.^{viii}

7. The fact in this witness statement are true to the best of my knowledge and belief.

SIGNED:

DATED:

ⁱ Opposition and cancellation details only need to be provided if you are involved in tribunal proceedings.

ⁱⁱ The witness statement must be in the name of an individual, so it is important you say who is giving this evidence and where your information comes from.

ⁱⁱⁱ The way in which you give information is not critical, as long as you explain the circumstances and try to support your claims (e.g. turnover figures) with documents ("exhibits": see guidance notes). If you are bringing a claim under s. 3(6) ("bad faith"), you may not need to give details about sales like in this example but you should try to explain all the relevant facts regarding the filing of the trade mark, including, for example, why your interest in the mark is legitimate. Any documents you are able to provide to back up your claims should be filed as exhibits.

^{iv} Providing independent evidence can help support your claims, particularly if it shows the range of goods/services you offered. Note how the documentary evidence (adverts) which supports the statements is introduced as exhibits.

^v Evidence about how long the trade mark has been used and where it has been used (whether that is in a particular area or throughout the UK, or in the EU if it is an EU mark) is important.

^{vi} It is important to make sure that you show which goods/services the trade mark has been used on, especially if you are applying for or relying on lots of different goods and services. Note how the witness confirms that the labels with the trade mark were used at the relevant time.

^{vii} Press articles and adverts, as well as the amount spent on advertising, are helpful in showing how widely your mark has been publicised, especially if they were in national publications.

^{viii} Invoices help support the claim to turnover made above. They sometimes also show the trade mark, the range of goods/services sold and how wide the geographical reach of the business is.