

SECTION A: The application for invalidation is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.

Note: If the trade mark registration you seek to have declared invalid was published for opposition purposes in the Trade Marks Journal **on or after 1 October 2007**, then only the registered owner or licensee of that earlier trade mark can rely on these grounds to support the application for invalidation.

If the trade mark was published prior to **1 October 2007**, then anyone can rely on these grounds to support the application for invalidation.

Q1. Please tick the relevant section(s) that apply.

<input type="checkbox"/>	5(1) It is identical with an earlier mark and for identical goods or services as the earlier mark
<input type="checkbox"/>	5(2)(a) It is identical with an earlier mark and for similar goods or services as the earlier mark.
<input type="checkbox"/>	5(2)(b) It is similar to an earlier mark and for identical or similar goods or services as the earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

Information before you complete the rest of section A

Q2 – Q7 of section A are based on the earlier trade mark.

Q8 & Q9 of section A are based on the trade mark you are invalidating.

ABOUT THE EARLIER TRADE MARK

Q2. Trade mark number

Your trade mark

Q3. Type of mark

Please tick

<input type="checkbox"/>	UK	<input type="checkbox"/>	International UK
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Please note, tick the "UK" box above if your mark is a national UK mark, a comparable mark deriving from a registered EUTM or IR(EU), or a national UK mark which constitutes a re-filing of a pending EUTM. Please see TPN 2/2020 for further information.

Q4. Representation of your trade mark

Text only – enter your trade mark only and no other supporting information.

Or

An image – if you are unable to put your image in the box below, you can attach an image of the earlier trade mark to your email or print the image if sending by post.

Q5. Which goods or services covered by the earlier trade mark, are relied upon for the invalidation grounds for the sections indicated?

These should be the goods and services of the earlier trade mark and not the trade mark you are invalidating.
These goods and services should also be identical and/or similar to those contained in the trade mark registration.

<input type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q6. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the date of the application for invalidity?

Yes > GO TO Q6a

No > GO TO Q8

Q6a. Has the trade mark been used within the 5 years prior to the date of the application for invalidity?

Yes > GO TO Q6b

No > GO TO Q6c

Please note, if you are relying on a comparable mark please see TPN2/2020 when it may be permissible to rely on use in the EU rather than solely in the UK.

Q6b. For which of the goods and services listed at Q5 is trade mark use being claimed in the relevant period?

<input type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q6c. Please state any proper reasons for non-use.

Q7. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the trade mark or international registration you wish to cancel?

You should tick 'no' if the earlier trade mark was registered less than 5 years before the application or priority date of the trade mark or international registration you are invalidating.

Yes > GO TO Q7a

No > GO TO Q8

Q7a. Has the trade mark been used within the 5 years prior to the application date (or priority date, if applicable) of the trade mark or international registration you wish to cancel?

Yes > GO TO Q7b

No > GO TO Q7c

Please note, if you are relying on a comparable mark please see TPN2/2020 when it may be permissible to rely on use in the EU rather than solely in the UK.

Q7b. For which of the goods and services listed at Q5 is trade mark use being claimed in the relevant period?

	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q7c. Please state any proper reasons for non-use.

DETAILS OF THE TRADE MARK YOU ARE SEEKING TO HAVE DECLARED INVALID

Q8. Which goods or services in the registration that you are seeking to be declared invalid do you claim are identical or similar to those covered by the earlier mark and listed at Q5?

Please use a continuation sheet if necessary

These should be the goods and services of the trade mark you are invalidating and not the earlier trade mark

	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q9. Use this space to supply any further information about why you consider there is a likelihood of confusion and for example why you consider the respective marks or goods and/or services to be similar?

Please use a continuation sheet if necessary

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