

SECTION B: The application for Invalidation is based on Section 5(3) of the Trade Marks Act: The trade mark is either identical or similar to an earlier trade mark which has a reputation. Using the later mark would take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier 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 proprietor or licensee of the earlier trade mark can rely on these grounds to support the application for invalidation.

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

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

ABOUT THE EARLIER TRADE MARK

Q1. Trade mark number Your trade mark	
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Q2. 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.

Q3. 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.

Q4. For which goods or services covered by your earlier trade mark did it have a reputation when the later trade mark was applied for?

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

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

Q5. For which goods or services of the later mark would use of that mark take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark?

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>

Q6. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?

Yes

No

Use this space to supply any further information

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QUESTIONS 7 TO 9 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q.3

Q7. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.

Q8. Is there any other basis for your claim of detriment to the reputation of the earlier mark? If so, please explain what the detriment would be and how it would occur.

Q9. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.

Q10. 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 10a

No > GO TO Q12

Q10a. Has the trade mark been used within the 5 years prior to the date of the application for invalidity?

Yes > GO TO Q10b

No > GO TO Q10c

Please note, if you are relying on a comparable mark please see TPN 2/2020 for when it may be permissible to rely on use in the EU rather than solely in the UK.

Q10b. For which of the goods and services listed at Q4 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>)

Q10c. Please state any proper reasons for non-use.

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Q11. 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 Q11a

No > GO TO Q12

Q11a. 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 Q11b

No > GO TO Q11c

Please note, if you are relying on a comparable mark please see TPN 2/2020 for when it may be permissible to rely on use in the EU rather than solely in the UK.

Q11b. For which of the goods and services listed at Q4 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>

Q11c. Please state any proper reasons for non-use.

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Q12. Use this space to supply any further information to explain why you are seeking to have the registered trade mark declared invalid on this ground.

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