

**Form for submitting an application for a declaration  
of invalidity and/or for a declaration of revocation;  
"cancellation claim"**

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**1 Your references**

Reference

•

Contact

•

Telephone

•

E-mail

•

**2 Bank details** *(see the explanatory notes)*

IBAN

•

In the name of

•

BIC code

•

**3 Applicant**

Surname and first name, or name of organisation and legal form

•

Address

•

House number

•

Postal code

•

City

•

Country

•

P.O. Box *(optional, see the explanatory notes)*

•

Postal code

•

City

•

Country

•

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**4 Representative**

Name

•

Address

•

House number

•

Postal code

•

City

•

Country

•

P.O. Box (*optional, see the explanatory notes*)

•

Postal code

•

City

•

Country

•

**5 Registration against which the cancellation claim is directed**

Number

•

Benelux registration

Benelux application

International number

Name of the holder

•

Trademark

•

Goods and/or services against which the application for a declaration of invalidity and/or of revocation is directed:

All goods and services of contested trademark

The goods and/or services as indicated in **attachment A**

**6 Grounds for the cancellation claim**

You're obliged to specify these grounds further by selecting the ground concerned

**Grounds for revocation**

No genuine use has been made of the contested trademark (article 2.30bis(1)(a), 2.27(2));

The contested trademark has become generic (article 2.30bis(1)(a), 2.27(1)(a));

The contested trademark is misleading as a result of the use made of it (article 2.30bis(1)(a), 2.27(1)(b)).

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**Absolute grounds for invalidity**

The contested sign cannot constitute a trademark (article 2.30bis(1)(a), 2.2bis(1)(a));

The contested trademark is devoid of distinctive character (article 2.30bis(1)(a), 2.2bis(1)(b));

The contested trademark is descriptive (article 2.30bis(1)(a), 2.2bis(1)(c));

The contested trademark has become a customary indication (article 2.30bis(1)(a), 2.2bis(1)(d));

The contested trademark consists exclusively of the shape, or another characteristic, which results from the nature of the goods, is necessary to obtain a technical result or gives substantial value to the goods (article 2.30bis(1)(a), 2.2bis(1)(e));

The contested trademark is contrary to public order /morality (article 2.30bis(1)(a), 2.2bis(1)(f));

The contested trademark is misleading (article 2.30bis(1)(a), 2.2bis(1)(g));

The contested trademark is in conflict with article 6ter of the Paris Convention (article 2.30bis(1)(a), 2.2bis(1)(h))

*[attach a document proving protection];*

The contested trademark contains a protected designation of origin or geographical indication (article 2.30bis(1)(a), 2.2bis(1)(i))

*[attach a document indicating the designation of origin or geographical indication and proving protection];*

The contested trademark contains a protected traditional term for wine (article 2.30bis(1)(a), 2.2bis(1)(j))

*[attach a document indicating the traditional term and proving protection];*

The contested trademark contains a protected traditional speciality guaranteed (article 2.30bis(1)(a), 2.2bis(1)(k))

*[attach a document indicating the traditional speciality guaranteed and proving protection];*

The contested trademark contains a protected plant variety denomination (article 2.30bis(1)(a), 2.2bis(1)(l))

*[attach a document indicating the plant variety denomination and proving protection];*

The application for registration of the contested trademark was made in bad faith (article 2.30bis(1)(a), 2.2bis(2)).

**Relative grounds for invalidity (earlier trademarks)**

The contested trademark is identical to the invoked earlier trademark and is registered for identical goods or services (article 2.30bis(1)(b)(i), 2.2ter(1)(a)) *[indicate the details of the earlier mark or marks under point 7];*

The contested trademark is similar to the invoked earlier trademark, is registered for identical or similar goods or services and there exists a likelihood of confusion (article 2.30bis(1)(b)(i), 2.2ter(1)(b)) *[indicate the details of the earlier mark or marks under point 7];*

The contested trademark takes unfair advantage of, or is detrimental to, the distinctive character or the repute of the earlier trademark (article 2.30bis(1)(b)(i), 2.2ter(3)(a)) *[indicate the details of the earlier mark or marks under point 7];*

The contested trademark may cause confusion with the invoked well-known trademark within the meaning of Article 6bis of the Paris Convention (article 2.30bis(1)(b)(i), 2.2ter(2)(d)) *[indicate the details of the well-known trademark under point 8].*

**Relative grounds for invalidity (other)**

The contested trademark was applied for by an agent or representative in its own name without the authorisation of the proprietor of a trademark which is not protected in the Benelux (article 2.30bis(1)(b)(ii), 2.2ter(3)(b)) *[attach a copy of the registration of the trademark concerned];*

The contested trademark contains a protected designation of origin or geographical indication (article 2.30bis(1)(b)(iii), 2.2ter(3)(c)) *[attach a document indicating the designation of origin or geographical indication and proving protection].*

**7 Invoked trademarks**

(If more than three rights are invoked, use **attachment B**)

(1) **Number**

Benelux application

Benelux registration

EU number

International number

Trademark

Name of the holder

The applicant is acting in the capacity of:

Applicant/holder

Licensee

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Goods and/or services on which the application for a declaration of invalidity and/or revocation is based

All goods and services of the invoked rights

The goods and/or services as indicated in **attachment C**

---

(2) **Number**

Benelux application

Benelux registration

EU number

International number

Trademark

Name of the holder

The applicant is acting in the capacity of:

Applicant/holder

Licensee

Goods and/or services on which the application for a declaration of invalidity and/or revocation is based

All goods and services of the invoked rights

The goods and/or services as indicated in **attachment C**

---

(3) **Number**

Benelux application

Benelux registration

EU number

International number

Trademark

Name of the holder

The applicant is acting in the capacity of:

Applicant/holder

Licensee

Goods and/or services on which the application for a declaration of invalidity and/or revocation is based

All goods and services of the invoked rights

The goods and/or services as indicated in **attachment C**

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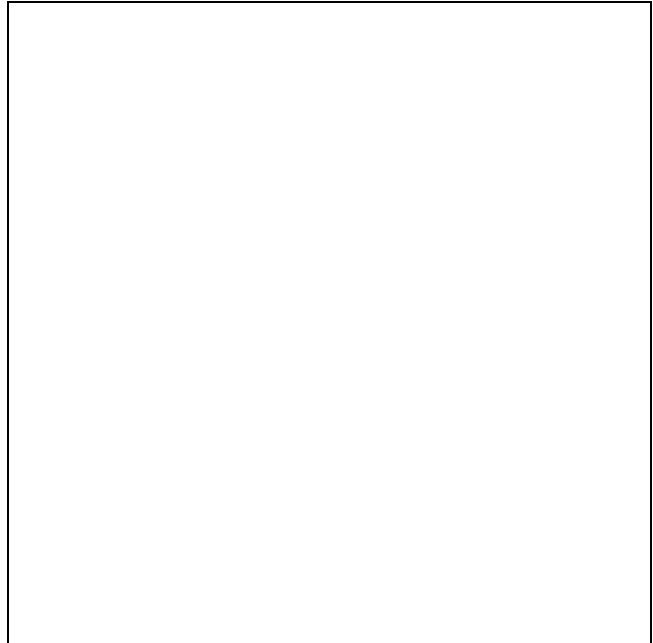
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**8 Invoked right is a well-known trademark as defined in Article 6bis of the Paris Convention**  
(see explanatory notes)

Please indicate the trademark in the appropriate  
box



The trademark is well-known for the following goods and services:

**9 Preference for the language of the proceedings**

(please tick the appropriate box)

English

Dutch

French

**10 Would you like the other party's arguments to be translated into your preferred language (as indicated in  
item 9), if they are submitted in another language of the BOIP?\***

(please tick the appropriate box)

Yes

No

\* This requires an extra fee, see explanatory notes.

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**11 Would you like the decision to be translated into your preferred language (as indicated in item 9) if it is issued in another language of the BOIP?\***

(please tick the appropriate box)

Yes

No

**12 Fees**

Amount

Basic fee application for a declaration of invalidity and/or revocation •

Supplementary fee per invoked right above the third •

Supplementary fee per invoked ground above the third •

**Total**

•

**13 Payment (see the explanatory notes)**

I will pay in accordance to the statement of the fees due stating the payment reference.

*(Please note: even if you did not receive a statement of the fees due, you have to ensure that the payment is transferred to our bank account within one month after sending the form).*

I will transfer the amount immediately.

Debit from account number:

*(Please note that this option only applies for customers with a current account with BOIP; a direct debit from a bank account is not possible).*

**14 Attachments**

Limitation of goods and/or services (attachment A) Yes No

Attachment supplementary invoked rights (attachment B) Yes No

Limitation of goods and/or services (attachment C) Yes No

Proof of the well-known trademark (paragraph 7) Yes No

**15 Signature**

Name

Date

•

•

Position

Signature

•

•

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*ATTACHMENT B*

**Supplementary invoked rights (item 7)**

(4) *Number*

•

Benelux application

Benelux registration

EU number

International number

Trademark

•

Name of the holder

•

The applicant is acting in the capacity of:

Applicant/holder

Licencee

Goods and/or services on which the application for a declaration of invalidity and/or of revocation is based

All goods and services of the invoked rights

The goods and/or services as indicated in **attachment C**(5) *Number*

•

Benelux application

Benelux registration

EU number

International number

Trademark

•

Name of the holder

•

The applicant is acting in the capacity of:

Applicant/holder

Licencee

Goods and/or services on which the application for a declaration of invalidity and/or of revocation is based

All goods and services of the invoked rights

The goods and/or services as indicated in **attachment C**(6) *Number*

•

Benelux application

Benelux registration

EU number

International number

Trademark

•

Name of the holder

•



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The applicant is acting in the capacity of:

Applicant/holder

Licencee

Goods and/or services on which the application for a declaration of invalidity and/or of revocation is based

All goods and services of the invoked rights

The goods and/or services as indicated in **attachment C**

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