



# Application for Removal / Cessation of Protection for Non-Use

## Privacy Notice

The personal information collected on this form is collected for the purposes of the Trade Marks Act 1995 (TM Act) ([www.ipaustralia.gov.au/about-us/publications/ip-legislation/](http://www.ipaustralia.gov.au/about-us/publications/ip-legislation/)) and is protected by the *Privacy Act 1988* ([www.comlaw.gov.au/series/c2004a03712](http://www.comlaw.gov.au/series/c2004a03712)).

All personal information you provide on this form is handled in accordance with IP Australia's Privacy Policy ([www.ipaustralia.gov.au/about-us/corporate/privacy-policy/](http://www.ipaustralia.gov.au/about-us/corporate/privacy-policy/)).

The Privacy Policy contains relevant information, including:

- how you may seek access to and correction of the personal information we hold;
- how you may make a complaint about a breach of the Privacy Act and how we will deal with your complaint; and
- IP Australia's Privacy Contact Officer details.

Any personal information you provide will be used for the purposes of processing this form, and any opposition proceedings purposes, as provided under the TM Act. IP Australia may also contact you, using the contact details you have provided, to request your feedback on our products and services.

IP Australia may disclose your personal information to:

holders of relevant international trade marks; and

the World Intellectual Property Organization in Switzerland, in accordance with the requirements of the Madrid Protocol ([www.wipo.int/madrid/en/](http://www.wipo.int/madrid/en/))

Once personal information is disclosed overseas, IP Australia will have no control over its subsequent use and disclosure.

IP Australia will publish your:

- name;
- address;
- address for service;
- address for correspondence (if applicable); and
- Trade Mark details and history

in the Register of Trade Marks and Australian Trade Mark Search. Once information is available on the internet, IP Australia has no control over its subsequent use and disclosure. You should be aware that the information (including personal information) held in IP Australia's online IP Rights databases is also available on request, subject to our terms and conditions.

As far as your personal information is concerned:

- you may provide a post office box address if you do not want your residential address to be published; and
- if you do not provide the personal information required on the form, IP Australia may not be able to process this form.

IP Australia will not otherwise use or disclose your personal information without your consent, unless authorised or required by or under law.



# Application for Removal / Cessation of Protection for Non-Use

## Personal Details of Customer

(\* denotes mandatory fields)

*Name	ACN/ARBN/ABN		
*Address (can be a PO Box)	Country (if not Australia) State Postcode		
Telephone	Fax number	Mobile number	
Email Address			
2nd Name (if required)	ACN/ARBN/ABN		
Address (can be a PO Box)	Country (if not Australia) State Postcode		
Telephone	Fax number	Mobile number	
Email Address			
<input type="checkbox"/> Additional customer details attached			

## \*Address for Service

Address for service of documents in Australia or New Zealand (can be a PO Box)

Address	Country State Postcode		
Telephone	Fax number	Mobile number	
Email Address	Your reference		

By completing this form you consent to your personal information being handled in accordance with the Privacy Notice on page 1 of this form and the IP Australia Privacy Policy.

IP Australia publishes address details in our online databases and bulk data products. Please provide a post office box if you do not want your residential address to be published.



# Application for Removal / Cessation of Protection for Non-Use

## Part 1 Formality Details

(Enter in numeric order and use block letters)

Trade Mark No.	International Registration No.(s) (if applicable)	In the name of	ACN (if applicable)	Fee paid
Total fees paid:				

## Part 2 Ground(s) to be Relied on

The application is made on the following ground(s):

Section 92(4)(a)

that, on the day on which the application for the registration of the trade mark was filed, the applicant for registration had no intention in good faith:

- (i) to use the trade mark in Australia; or
- (ii) to authorise the use of the trade mark in Australia; or
- (iii) to assign the trade mark to a body corporate for use by the body corporate in Australia;

in relation to the goods and/or services to which the non\_use application relates and that the registered owner:

- (iv) has not used the trade mark in Australia; or
- (v) has not used the trade mark in good faith in Australia;

in relation to those goods and/or services at any time before the period of one month ending on the day on which the non-use application is filed.

Section 92(4)(b)

that the trade mark has remained registered for a continuous period of 3 years ending one month before the day on which the non-use application is filed, and, at no time during that period, the person who was then the registered owner:

- (i) used the trade mark in Australia; or
- (ii) used the trade mark in good faith in Australia;

in relation to the goods and/or services to which the application relates.

**Note:** An application on the ground referred to in paragraph 92(4)(b) may only be made:

- After a period of 5 years from the filing date in respect of the application for registration of the trade mark, if the filing date in respect of the application for registration of the trade mark is **before** 24 February 2019; or
- After a period of 3 years beginning from the date the particulars of the trade mark were entered in the Register, if the filing date in respect of the application for registration of the trade mark is **on or after** 24 February 2019.

## Part 3 Other Formality Requirements

Proceedings concerning the trade mark are not pending in court.

**Part 4 Type of Removal** (please tick one of the following boxes)

ALL the goods/services for which the trade mark is registered/protected.

OR

ONLY the following goods/services for which the trade mark is registered / protected.

(You must identify the goods/services to be removed in the space below. For a multi-class trade mark if you wish to remove all the goods/services in a particular class, nominate the class number).


If you need more space please attach additional A4 sheets of paper as required.

**Optional** (for clarification purposes only).

Please indicate the goods/services for which the trade mark will remain registered/protected.


If you need more space please attach additional A4 sheets of paper as required.

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**Part 5 Important Information for Filing an Application for Removal/Cessation of Protection for Non-Use**

1. A non-use application may be opposed within two months from the day on which the application is published on our website.
2. If the non-use application is opposed and you intend to continue with the removal / cessation of protection, you will be required to file a notice of intention to defend.
3. If the non-use application is not opposed the trade mark will be removed / protection will cease for the goods and/or services specified in the non-use application.
4. A fee applies to the filing of this form - see Schedule 9 of the *Trade Mark Regulations*. A list of the relevant fees is available on IP Australia's website.
5. The *Trade Marks Office Manual of Practice and Procedure* contains more information about the removal / cessation of protection of a trade mark for non-use. The Manual can be accessed via IP Australia's website at [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au).

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**Part 6 General Information**

1. IP Australia will give relevant documents filed in an opposition to the other party.
2. IP Australia does not offer or provide any legal, financial or business advice or financial assistance in respect to the opposition and hearing process. The Trans-Tasman IP Attorney Board provides a list of registered professionals on their website - [www.ttipattorney.gov.au](http://www.ttipattorney.gov.au). Alternatively you may wish to consult a telephone or business directory.
3. Opposition proceedings are legal processes and once started the unsuccessful party or parties may be liable for costs being awarded against them. The matters and amounts that may be awarded are set out in Schedule 8 (Costs, Expenses and Allowances) of the *Trade Marks Regulations*.
4. You can find more information about trade mark oppositions by searching 'trade mark oppositions' on the IP Australia website at [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au).