

Cancellation of Trademarks.

What is Cancellation?

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Cancellation means removal of a registered trade and service mark in respect of any goods or services in which it is registered on application by an aggrieved person to the Court or to the Registrar.

Who can file and where?

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A cancellation application can be filed by any aggrieved person before the Court or Registrar of Trade and Services Mark at Business Registration and Licensing Agency (BRELA)

Grounds for Cancellation

01. Non-use of the registered trade or service mark for a period of three years or longer.
02. Fraud in the registration, renewal, assignment, or transmission of the registered trade and service mark.
03. Failure of the registered proprietor to adhere to the conditions pertaining to the said trade and service mark.

Non-use of the trade or service mark shall not be a ground for cancellation where:-

01. It is due to special circumstances preventing use of the mark and not any intention to abandon or not use the trade or service mark.
02. The non use is within five years from the date of first advertisement or two years from the date of the final decision on the registration whichever period expires later.

Defenses

Registered owners can build a helpful defense by keeping good records of continuous use of the mark from the registration date to the present.



For more information, please do not hesitate to contact us through: **info@extentadvisory.co.tz**

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