



Form TM 20

Application to Declare a Registration or a Protected international trademark (BM) Invalid

Fee: \$198.00

Do not use this form to apply to revoke a trademark, use form **TM 17**

1. Trade Mark Number Number of the trademark you are applying to cancel. If the application concerns an international registration, help us identify the correct trade mark by adding "IR".									
2. Full Name of the registered owner or holder Whose trade mark you are applying to invalidate.									
Address	<table border="1"><tr><td colspan="2"></td></tr><tr><td colspan="2"></td></tr><tr><td colspan="2"></td></tr><tr><td>Postcode</td><td></td></tr></table>							Postcode	
Postcode									
3. Full name of applicant for cancellation									
Address If the address is not within Bermuda, you must also complete section 4 below.	<table border="1"><tr><td colspan="2"></td></tr><tr><td colspan="2"></td></tr><tr><td colspan="2"></td></tr><tr><td>Postcode</td><td></td></tr></table>							Postcode	
Postcode									
Email Address									

**4. Agent's Name**

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Address

The address provided in this section must be in Bermuda.

Postcode	

Email Address

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5. Related Proceedings

If applicable, tell us the opposition or cancellation number.

	Bermuda IPO		B e r m u d a C o u r t s	Overseas Courts
Number				

Please tick on what grounds you are basing your application for invalidation of the trade mark and continue to the relevant sections(s)

- ☐ Invalidation is based on Sections 7(1) or 7(2): The trade mark is either identical or similar to an earlier trade mark and is to be registered for identical and/or similar goods and services.
➤ **Complete Section A**
- ☐ Invalidation is based on Section 7(3): 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.
➤ **Complete Section B**
- ☐ Invalidation is based on Section 7(5)(a): Where the use of the registered owner's trade mark would be contrary to law, in particular, the law of passing off.
➤ **Complete Section C**
- ☐ Invalidation is based on Section 5: The trade mark is excluded from registration because it describes the goods/services, or is not distinctive, or consists of signs that are customary within the trade or the application has been made in bad faith.

➤ **Complete Section D**☐

Invalidation is based on other grounds.

➤ **Complete Section E****SECTION A: The application for invalidation is based on Sections 7(1) or 7(2) of the Trade Marks Act 2023 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.

Please tick the relevant section(s) that apply.

<input type="checkbox"/>	7(1)(b) It is identical with an earlier trade mark and for identical goods or services as the earlier mark						
<input type="checkbox"/>	7(2)(a) It is identical with an earlier trade mark and for similar goods or services as the earlier mark.						
<input type="checkbox"/>	7(2)(b) It is similar to an earlier trade mark and for identical or similar goods or services as the earlier mark.						
<i>You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.</i>							
ABOUT THE EARLIER TRADE MARK							
Trade mark number Your trade mark							
Type of mark Please tick	<table border="1"><tr><td><input type="checkbox"/></td><td>BDA</td><td><input type="checkbox"/></td><td>UK</td><td><input type="checkbox"/></td><td>International</td></tr></table>	<input type="checkbox"/>	BDA	<input type="checkbox"/>	UK	<input type="checkbox"/>	International
<input type="checkbox"/>	BDA	<input type="checkbox"/>	UK	<input type="checkbox"/>	International		
Representation of your trade mark Enter trade mark in the space provided – use a continuation sheet of necessary.							



Q1. Which goods or services covered by the earlier trade mark, are relied upon for the invalidation grounds for the sections indicated?			
	All goods and services		
	Some goods and services (please specify below, use a continuation sheet if necessary)		
Q2. 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		No > Go to Q4
Q2a. Has the trade mark been used within the 5 years prior to the date of the application for invalidity?			
	Yes		No > Go to Q2c
Q2b. For which of the goods and services listed at Q1 is trade mark use being claimed in the relevant period?			



	All goods and services		
	Some goods and services (please specify below, use a continuation sheet if necessary)		
Q2c. Please state any proper reasons for non-use.			
Q3. 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?			
	Yes		No > Go to Q4
Q3a. 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		No > Go to Q3c
Q3b. For which of the goods and services listed at Q1 is trade mark use being claimed in the relevant period?			



	All goods and services
	Some goods and services (please specify below, use a continuation sheet if necessary)
Q3c. Please state any proper reasons for non-use.	
DETAILS OF THE TRADE MARK YOU ARE SEEKING TO HAVE DECLARED INVALID	
Q4. 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 Q1?	
<i>Please use a continuation sheet if necessary</i>	
	All goods and services
	Some goods and services (please specify below, use a continuation sheet if necessary)



Q5. Use this space to supply any further information about why you consider there to be a likelihood of confusion and, for example, why you consider the respective marks or goods and/or services to be similar? <i>Please use a continuation sheet if necessary</i>

SECTION B: The application for Invalidation is based on Section 7(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

Trade mark number Your trade mark				
Type of mark Please tick	<input type="checkbox"/> UK	<input type="checkbox"/>	<input type="checkbox"/> EUTM	<input type="checkbox"/> International

Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.



Q1. For which goods or services covered by your earlier trademark did it have a reputation when the later trademark was applied for?	
	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
Q2. 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?	



	All goods and services	
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>	
Q3. 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

QUESTIONS 4 TO 6 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q3.

Q4. 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.

Q5. 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.



Q6. 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 behavior of the relevant public.	
Q7. 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?	
<input type="checkbox"/>	Yes
<input type="checkbox"/>	No > Go to Q9
Q7a. Has the trade mark been used within the 5 years prior to the date of the application for invalidity?	
<input type="checkbox"/>	Yes
<input type="checkbox"/>	No > Go to Q7c
Q7b. For which of the goods and services listed at Q1 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>



Q7c. Please state any proper reasons for non-use.		
Q8. 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?		
Q8a. 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?		
Q8b. For which of the goods and services listed at Q1 is trade mark use being claimed in the relevant period?		
	All goods and services	
	Some goods and services (Please specify below, use a continuation sheet if necessary)	



Q8c. Please state any proper reason for non-use.
Q9. Use this space to supply any further information to explain why you seek to have the registered trade mark declared invalid on this ground.

SECTION C: The application for invalidation is based on Section 7(5)(a) of the Trade Marks Act, where the use of the registered owner or holder's trade mark would be contrary to law, in particular, the law of passing off.



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

If the trade mark was published before **1 October 2007**, then anyone can use 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 UNREGISTERED TRADE MARK

Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

Q1. When and where was the earlier right first used?

Date used:

Enter date of first use

Where used:

Enter name of city/region or specify throughout UK' if used nationally

Q2. Which goods or services has the earlier right been used for?



DETAILS OF THE TRADE MARK YOU ARE SEEKING TO HAVE DECLARED INVALID	
Q3. For which goods or services, of the trade mark that you are applying to be declared invalid, do you consider that use of the registered owner's mark would amount to passing off?	
	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
Q4. Why would use of the registered owner's trade mark be contrary to law, particularly the law of passing off?	



SECTION D: An application for invalidation is based on Section 5 of the Trade Marks Act on the basis that the trade mark fails to satisfy certain requirements of a trade mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.	
Please tick and complete the relevant section(s) that apply. <i>(Use a continuation sheet if necessary)</i>	
<input type="checkbox"/>	5(1)(a) It is a sign that does not does not satisfy the requirements of Section 3(1) because:
<input type="checkbox"/>	5(1)(b) It is a trade mark which is devoid of any distinctive character because:
<input type="checkbox"/>	5(1)(c) It is a trade mark which consists exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or rendering of services, or other characteristics of goods or services because:
<input type="checkbox"/>	5(1)(d) It is a trade mark which consists exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade because:



	5(10) It is a trade mark which should not have been registered (for some or all of the goods and services in the application) as the application was made in bad faith:
	Other: State any other part of Section 5 you rely on and give your grounds:
State which of the registered owner's goods or services you want the registration to be invalidated under Section 5 grounds	
	All goods and services
	Some goods and services (<i>please specify below, use a continuation sheet if necessary</i>)

**SECTION E: The application for invalidation is based on any other grounds**

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

Use this sheet if you are basing your opposition on any other grounds and tick the appropriate box.

	Section 7(1),(2),(3) - If the applicant for invalidation is claiming protection for an earlier trade mark under Section 9(1)(b) which is a well-known trade mark as defined in Section 97(1).
	Section 7(5)(c) - An earlier right by virtue of the law of copyright, or the law relating to industrial property rights.
	Section 7(10) - If the applicant for invalidation is claiming that the registration of the trade mark is in the name of a person who is an agent or representative of a person who is the proprietor of the mark in a convention country.
Give details to support the application under these grounds <i>(Use a continuation sheet if necessary)</i>	

5. Declaration

I believe that the facts stated in this form and attached statement of grounds are true.

Signature**Name**

(BLOCK CAPITALS)



Date

Number of sheets attached to this form

6. Your reference

Complete if you would like us to quote this in communication with you, otherwise leave blank.

Your Contact details should we have a query

Name

Email

Phone

7. Checklist

Please make sure you have remembered to:

☐

Sign and date the form

☐

Include the Trade Mark Number

☐

Enclose the fee and fee sheet.

Fees and Payment Method

We will only process the form with this section completed (one form per payment)

Total fee paying (\$)

Your payment reference

- ☐ Payments by cheque, cash, debit or credit cards or revenue stamps can be made in office by **3:15PM.**
- ☐ **Cheque** – make payable to ‘Accountant General’
- ☐ **Bank Transfer / Direct Deposit**



GOVERNMENT OF BERMUDA

Registry General

Beneficiary Bank: **HSBC Bank of Bermuda Limited**, 37 Front Street, Hamilton 11, Bermuda

Beneficiary Name: **GOVERNMENT OF BERMUDA** – Registry General

Beneficiary Account Number: **010-125250-001** Bermuda Dollar Account

Beneficiary Account Number: **010-125250-501** US Dollar Account

Reference – Trade Mark name or number(s) or your name and reference number(s)