These explanatory notes are numbered in the same way as the items on the form itself.

1 Your references

State your own reference or own file number here. BOIP will use this reference in all correspondence.

The contact is the person within your organisation filing the cancellation claim and providing additional information if necessary.

2 Bank details

Please state your IBAN number in case we need to refund.

3 Claimant details

A claimant may be an individual or a corporate body. The claimant's details must, where appropriate, correspond to the details of the owner of the rights invoked under item 7 on the form. If the claimant is an individual, make sure to provide his/her surname and first name in full. Include the claimant's street address in the address. Correspondence from the BOIP may be sent to a post office box if desired.

Important: If you do not supply a street address in the EU or EEA, you must provide either a correspondence address in the EU or EEA or a representative whose business or residential address is in the EU or EEA!

4 Representative

This item is reserved for use by a representative. A representative is an external bureau or an independent expert. They can provide advice on trademark protection, and handle all formalities on behalf of the claimant. For more information on the services of representatives and a list of addresses, please consult the website of the professional association for trademark representatives and lawyers specialised in intellectual property in the Benelux, the 'BMM' (www.bmm.eu). If you use the services of a representative, he/she must have a residential or business address in the EU or EEA.

If you do not plan to enlist the services of a representative, you may skip this item.

5 Trademark registration against which the cancellation claim is directed

Enter here the registration number of the trademark against which you wish to lodge an cancellation claim. Also include the details of the applicant and the relevant trademark, in order to facilitate identification of the contested trademark. Also state whether the trademark is a Benelux trademark, or an international trademark with protection in the Benelux territory.

It is also possible to claim the cancellation of a trademark application. However, the procedure will be suspended until such time as this trademark has been registered.

Goods and/or services

On the form, you may state that you are lodging cancellation claim against all goods and/or services.

It is also possible to lodge a cancellation claim against only some of the goods and services. Use Appendix A to indicate that you only wish to oppose a limited number of class numbers, or to limit your cancellation claim to specific good and/or services within these classes. If you wish to do so when submitting the cancellation claim, you may use only the terms from the goods and services listed in the contested trademark.

We recommend being selective in your choice of goods and services, as the other party will only be ordered to pay the costs if the cancellation claim is deemed well-founded for all the goods and services against the claim which has been lodged.

6 Grounds for the cancellation claim

The legal grounds on which the cancellation claim is based must be stated here. This can be done by ticking the BCIP ground applicable to the contested trademark. The list as presented contains all the grounds on which BOIP is competent to decide in a cancellation procedure.

We recommend that you only indicate those grounds that you actually consider to be applicable and not simply indicate all grounds. Invoking more than three grounds has an effect on the amount of the fees to be paid for the cancellation procedure. It should be noted that it is possible, until the submission of arguments, to add new grounds to the cancellation claim. In this case, too, additional fees are payable if the number of grounds invoked exceeds three.

7 Invoked rights

This item can be skipped if the cancellation claim is only based on grounds for revocation and/or absolute grounds for invalidity.

This item must be completed if the cancellation claim is (partly) based on the existence of an earlier trademark granting a right in the Benelux territory. In other words: an application for or a registration of a Benelux, EU or International trademark and/or a well-known trademark.

You must state the number, the applicant or the trademark proprietor and the trademark of the relevant applications or registrations. You must also indicate whether the cancellation claim relates to a Benelux application, a Benelux registration, an EU trademark or an International trademark. If the cancellation claim is based on a trademark application, the proceedings will be suspended until such time as this trademark has been registered.

The cancellation claim may be based on multiple rights. Use Appendix B if more than three rights are invoked. Please note that an additional fee will be charged for each additional right invoked beyond the third.

Capacity of the claimant

The claimant may take action in the capacity of an applicant/trademark proprietor, or in the capacity of a licensee. It is possible to act in both capacities, if multiple rights are invoked.

The claimant acts as applicant/trademark proprietor if he/she is the applicant/trademark proprietor of the invoked Benelux, EU or International trademark(s), or the owner of a well-known trademark.

The claimant acts as licensee if there is a licensing agreement between the licensee and the applicant/trademark proprietor as described in the above paragraph. The licence must be registered. The trademark proprietor must also have granted permission for the cancellation claim to be submitted by the licensee.

Goods and/or services

On the form, you may state that your cancellation claim is based on all goods and/or services covered by the invoked right.

It is also possible to base your cancellation claim on only some of the goods and services. Use Appendix C to indicate that you only wish to invoke a limited number of classes, or to limit the invoked rights to specific goods and/or services within these classes. If you wish to do so, you may only use the terms of the goods and services listed in the trademark application or registration.

It is possible to submit a limitation request at a later stage, i.e. when submitting your arguments in support of the opposition. In this case, you must do so in the language of the proceedings.

8 The right invoked is a well-known trademark

If you invoke a well-known trademark as defined in Article 6bis of the Paris Convention, in principle this means that you do not possess a valid registration or application in the Benelux. You may list the trademark in the box.

In any event, you must prove that the trademark is well-known by submitting appropriate evidence. This evidence should be submitted at a later stage in the proceedings, i.e. when submitting your arguments in support of the opposition.

Note: Well-known trademarks as defined in the Paris Convention are extremely rare in the Benelux territory. The Paris Convention allocates trademark rights to the owners of very well-known rights that may be interpreted as trademarks. The box 'well-known trademark' as defined in the Paris Convention is expressly not intended to indicate whether the invoked registered trademark has acquired a reputation.

9 Preferred cancellation claim language

Indicate your preference here for the language in which the proceedings should be carried out. In principle, the language of the proceedings will be the language in which the defendant's trademark was filed, which is in turn determined by the language of the that trademark. However, the defendant may be in agreement with your preferred language, in which case this will be the language used for the proceedings.

One exception to the proceedings being carried out in the language of the contested trademark is if this language is English. In this case, the language of the proceedings shall be the preferred language entered by you on the forms.

If the trademark application is an international trademark application, the defendant may choose the language for procedural purposes (Dutch, French or English) within one month of the date of the notification of admissibility. If no choice is made, the procedure will be conducted in your preferred language.

10 Would you like the other party's arguments to be translated into your preferred language (as indicated in item 8), if they are submitted in another language of the BOIP?

Here you may request the other party's arguments to be translated into your preferred language, should it not be the same as the language of the proceedings. The costs of the translations will be for your account.

Example: the language of the proceedings is Dutch, but you would like a translation of the arguments into English if the defendant does not agree with you choosing English as the language of the proceedings. In such a case, the BOIP will have the defendant's arguments translated for you (the costs will be for your account).

If the language of the proceedings has been set and one of the parties decides to use the other language, the translation costs will be charged to the party that decided to use the other language.

Example: the language of the proceedings is French, but you wish to submit the arguments in Dutch. In such a case, the BOIP will have your arguments translated, and the costs will be for your account.

During the cancellation claim procedure, you may give notice in writing that you no longer require the translations into the non-procedural language.

Please note that the documents submitted shall be considered authentic. If there are discrepancies between the submitted documents and the translations, the authentic document shall prevail over the translation.

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?

Here you may request the final decision to be translated into your preferred language. The costs of the translation will be for your account.

During the cancellation claim procedure, you may give notice in writing that you no longer wish to have this translation.

Please note that the decision issued by the BOIP in the language of the proceedings shall be deemed authentic. If there are discrepancies between the decision and the translation thereof, the authentic document shall prevail.

12 Fees

	Euro
basic fee	1.400
additional fee per ground invoked in excess of the third	140
additional fee per right invoked in excess of the third	140
suspension on request, for the first three consecutive periods	free of charge
suspension on request and extension in other cases, per four months	150
Translation of arguments	
- first four pages (page: maximum 30 lines of 80 characters maximum)	gratis
- every page or part thereof, above the fourth	57
Translation of the decision, per page or part of a page	46

The amounts referred to above shall not be subject to VAT. The above amounts shall apply in 2018. Amounts are subject to change annually.

The claim for cancellation will be dealt with after the completed form and the full amount of owed fees have been received by the BBIE.

13 Payment

You can pay by transferring the required amount to one of the following bank accounts:

in the Netherlands

- bank account IBAN: NL68 ABNA 0240 0367 00 BIC: ABNA NL2A (ABN AMRO)

in Belgium

- bank account IBAN: BE24 0014 3183 0538 BIC: GEBA BEBB (BNP Paribas Fortis)

in Luxembourg

- bank account IBAN: LU50 0030 0556 7430 0000 BIC: BGLL LULL (BGL BNP Paribas)

Direct debit from a bank account is not possible.

If you have a current account at BOIP, you may request to debit your current account. In that case, check the box and fill in the (four-digit) number of your current account. If you do not have a current account but would like to apply for one, please contact us via our website www.boip.int.

14 Attachments

State here the nature of any attachment you wish to include with the cancellation claim form.All documents must contain the reference (as entered at question 1) and the number of the contested trademark (as entered at question 5). If the form does not provide sufficient space to include the required information, you may include it in the form of an appendix.

15 Signature

Specify the name of the person responsible for signing the cancellation claim form. If the claimant is an organisation, also state the position (capacity) of the signatory. The form must be signed and dated.

Submitting the form
You can submit the cancellation claim form electronically via our website.

Alternatively, this form may be submitted by fax or mail to:

Benelux Office for Intellectual Property

P.O. Box 90404
NL-2509 LK The Hague, the Netherlands
Tel.: +31-70- 349 11 11 Fax.: +31-70-347 57 08
www.boip.int

Visiting address: Bordewijklaan 15, 2591 XR The Hague
Open Monday to Friday, 10 a.m. to 12 noon and 2 p.m. to 4 p.m.

Within 10 working days, the Benelux Office for Intellectual Property will send you a notification of (in)admissibility. This notification will also outline the remainder of the procedure.