



QUESTION 5

Termination of rights of registered trade marks owing to non-use

Yearbook 1956, New Series No. 3, 59th Year, page 135
22nd Congress of Washington, May 28 - June 2, 1956

Q5

QUESTION Q5

Termination of rights of registered trade marks owing to non-use

Resolution

10 - Forfeiture of rights arising from the registration of marks in case of non-use

The Congress refers the question to the Executive Committee for further study.

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QUESTION 5

Termination of rights of registered trade marks owing to non-use

Yearbook 1958, New Series No. 5, 61st Year, page 255
Executive Committee of Oslo, June 10 - 13, 1957

Q5

QUESTION Q5

Termination of rights of registered trade marks owing to non-use

Resolution

1. The Executive Committee of Oslo unanimously pronounces itself in favour of a modification of article 5 C (1) of the Convention, by which the "reasonable term" should be five years to begin with the registration or with the last use of the trade mark.

2. In consequence, the Executive Committee of OSLO has proposed that article 5 C (1) of the Convention be amended as follows:

"In countries where the utilisation of a registered trade mark is compulsory, registration cannot be cancelled for non-use until after the lapse of five consecutive years of non-use running from the date of registration or in the case of use after the registration, from the last use, and in both cases, the cancellation may not be ordered unless the person interested cannot justify the causes of his inaction."

The Executive Committee has specified that it had with intent adopted in its proposition a very explicit wording.

3. The Executive Committee has considered that the proposition it has worked out does not include non-registered trade marks.

But the Executive Committee has uttered the wish that non-registered trade marks be assimilated to registered trade marks, as far as their nullity for non-use is concerned.

4. The Executive Committee considers the proposition of the American Group to pass beyond the compass of the present Question.

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QUESTION 5

Termination of rights of registered trade marks owing to non-use

Yearbook 1958, New Series No. 6, 61st Year, page 42
23rd Congress of Stockholm, May 26 - 31, 1958

Q5

QUESTION Q5

Termination of rights of registered trade marks owing to non-use

Resolution

The Congress:

1. expresses the wish that article 5 C (1) of the Union Convention should be modified as follows:

„In countries where the utilisation of a registered trade mark is compulsory, registration cannot be cancelled for non-use until after the lapse of five consecutive years of non-use running from the date of registration or in the case of use after the registration, from the last use. In both cases, the cancellation may not be ordered unless the person interested cannot justify the causes of his inaction.“

2. invites the Executive Committee to proceed to study the proposition of the Group of the United States according to which the registration of a trade mark might be cancelled at any time upon proof of abandonment.
3. Considers that the provision of article 5 C (1) of the Union Convention should not be extended to include non-registered trade marks.

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QUESTION 5

Termination of rights of registered trade marks owing to non-use

Yearbook 1960, New Series No. 10, 2nd Part, 63rd Year, page 12
24th Congress of London, May 30 - June 4, 1960

Q5

QUESTION Q5

Termination of rights of registered trade marks owing to non-use

Resolution

The Congress expresses the desire that art. 5 C (1) of the Convention be amended as follows:

„In the countries where the use of a registered trademark is compulsory, the registration may not be cancelled for non-use until after the lapse of five consecutive years of non-use running from the date for registration or, in the case of use after registration, from the last use.

In both cases, cancellation may not be ordered if the person interested can justify the causes of his inaction.»

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