

99081001064000

Trade mark cancellation (at the request of a third party)

Heruntergeladen am 05.07.2025

<https://fimportal.de/xzufi-services/6000041-99081001064000/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99081001064000
Leistungsbezeichnung I	Trade mark cancellation (at the request of a third party)
Leistungsbezeichnung II	Trade mark cancellation (at the request of a third party)
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • §§ 42, 55 Markengesetz (MarkenG) – älteres Recht • §§ 49, 53, 55 Markengesetz (MarkenG) – Verfall • §§ 50, 54 Markengesetz (MarkenG) – absolute Schutzhindernisse
Teaser	<p>In principle, action can also be taken against trade marks by third parties. If, for example, you believe that your earlier rights have been infringed by a trade mark, you can, under certain conditions, apply to have the trade mark cancelled.</p>
Volltext	<p>Application for full or partial cancellation of a trade mark; opposition to the registration of a trade mark / to the granting of protection for an internationally registered trade mark</p> <p>In principle, action can also be taken against trade marks by third parties. If, for example, you believe that your earlier rights have been infringed by a trade mark, you can, under certain conditions, apply to have the trade mark cancelled.</p> <p>You can also have a trade mark only partially cancelled - i.e. only for some of the goods or services for which it is registered. For the remaining goods or services, the trade mark is still available to the previous owner after the cancellation procedure.</p>
Erforderliche Unterlagen	<p>Depending on the reason why you want to cancel a trade mark, you will need the following application forms:</p> <ul style="list-style-type: none"> • Cancellation due to absolute grounds for refusal: "Antrag auf vollständige bzw. teilweise Löschung einer Marke wegen absoluter Schutzhindernisse" (application for complete or partial cancellation of a trademark due to absolute grounds for refusal) • Cancellation due to an earlier right: "Widerspruch gegen die Eintragung einer Marke bzw. gegen die

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Schutzgewährung für eine international registrierte Marke" (opposition to the registration of a trade mark or to the grant of protection for an internationally registered trade mark)

• Cancellation due to revocation: "Antrag auf vollständige bzw. teilweise Löschung einer Marke wegen Verfall" (application for full or partial cancellation of a trade mark due to revocation)

Voraussetzungen

To have a trade mark cancelled, you must have one of the following grounds.

You are of the opinion that the trade mark was registered contrary to absolute grounds for refusal,

- because it is a trade mark that is unprotectable per se (example: the designation is too general) or
- because the proprietor caused the application to be filed in bad faith (example: the trade mark was registered in order to
- exclude third parties from using it and to earn money through claims for damages).
- You assume that you have an earlier right to the trade mark in question.
- You believe that the trade mark has lapsed (it has not been used for at least five years).

Kosten

- Cancellation due to absolute grounds for refusal: EUR 300.00
- Cancellation due to an earlier right: EUR 120.00
- Cancellation due to revocation: EUR 100.00

Verfahrensablauf

Cancellation due to Absolute Grounds for Refusal

- You can obtain the required form from the above-mentioned departments or on the Internet.
- Complete the form in full and submit it - together with any attachments - to the above-mentioned departments.
- The Deutsches Patent- und Markenamt (DPMA) will inform the trade mark proprietor of your cancellation request.
- The trade mark proprietor has two months to object to the cancellation, otherwise the trade mark will be cancelled.

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If the trade mark proprietor objects to the cancellation, you can file an action with an ordinary court.

Cancellation due to an Earlier Right

- File an opposition with the Deutsches Patent- und Markenamt (DPMA) within three months of registering the trade mark and pay the fee due.
- You can obtain the required form from the above-mentioned departments or on the Internet.
- You may have to prove that you are also using the earlier trade mark.

If the opposition period has already expired, you can file an action for cancellation with an ordinary court.

Cancellation due to Revocation

There are two procedures for this case:

Application for Cancellation of the Trade Mark

- You can obtain the necessary form from the above-mentioned departments or on the Internet.
- Submit the application to the above-mentioned departments and transfer the cancellation fee.
- If the trade mark proprietor does not object within two months, the trade mark will be cancelled.

If the trade mark proprietor objects to the cancellation, you must file an action for cancellation due to revocation with an ordinary court.

Cancellation Action

You can also file an action for cancellation due to revocation of the trademark with an ordinary court without a prior cancellation request.

Bearbeitungsdauer

Frist

Cancellation due to Absolute Grounds for Refusal • Cancellation can be requested at any time.
Cancellation due to an Earlier Right • Opposition:

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	<p>Submission within three months of publication of the trade mark entry • Cancellation proceedings: Application in court at any time Cancellation due to Revocation • Application if a trade mark has not been used for five years.</p>
weiterführende Informationen	
Hinweise	<p>The Deutsches Patent- und Markenamt (DPMA) is entitled to have a trade mark cancelled ex officio in special cases (example: there are absolute grounds for refusal).</p> <p>The trade mark owner can also have the trade mark cancelled, for example if they no longer wish to use the trade mark.</p>
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	