



Deletion from the register

According to [subsection 51 \(1\) of the Trade Marks Act](#), a trade mark is deleted from the register **6 months after expiry of its term of validity** if renewal of the term has not been requested. Deletion enters into force retroactively as of the date of expiry of the term. According to [subsection 51 \(2\) of the Trade Marks Act](#), a trade mark is deleted from the register before the prescribed time if a corresponding court judgement which has entered into force is submitted to the Patent Office or if the proprietor of the trade mark renounces the trade mark.

In practice, deletion of a trade mark is most complicated on the basis of [subsection 51 \(3\) of the Trade Marks Act](#) which states that a trade mark is deleted from the register at the request of an interested person if during one year as of the deletion of the company from the commercial register no written request is filed for the making of an entry in the register on the transfer of the trade mark. When filing an application of deletion with the Patent Office on previously stated grounds, it must also be proven that the trade mark entered into the register earlier impedes the proceedings of the later trade mark and its registration. The Trade Mark Department of the Patent Office must issue a notification concerning the impediment of the registration to the later applicant of the trade mark.

Was this information useful? * Yes
No

Please provide details:

Last modified 08.04.2019

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