

2004 USE REQUIREMENTS FOR REGISTRATION AND RENEWAL OF REGISTRATIONS IN THE FOLLOWING COUNTRIES:	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY
Algeria	The use of a trademark in Algeria is not required for filing an application for its registration or for maintaining its registration in force. However, a trademark registration is subject to cancellation pursuant to the decision of a court obtained to this effect by any interested party.		No. A trademark registration is valid for ten years from the date of filing of the trademark application. Thereafter, a trademark registration is renewable for periods of ten years, following the application and payment of the prescribed renewal fees. A grace period of six months is granted for late renewal of a trademark registration, subject to the payment of a fine. <b>Use is not mandatory in order to obtain the renewal of the trademark.</b>	
Argentina	No. The right over a trademark is acquired exclusively by its registration.	Trademark Law (Law No. 22.362 - B.O. 2/1/81 -)	The renewal of a registration requires the presentation of a sworn statement stating whether the trademark was used for a determined period of time, at least in one of its classes, or if it was used as designation,	Trademark Law (Law No. 22.362 - B.O. 2/1/81 -)

2004 USE REQUIREMENTS FOR REGISTRATION AND RENEWAL OF REGISTRATIONS IN THE FOLLOWING COUNTRIES:	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY
			<p>indicating, as the case may be, the product, service, or activity.</p> <p>Once the decision which approves the registration or renewal has been issued, the corresponding certificate will be granted to the petitioner.</p>	
Australia	A person may apply for registration of a trademark if he claims to be the owner and he is using or intends to use the trademark in relation to particular goods or services, has authorized or intends to authorize another person to use the mark, or intends to assign the mark to a corporate body.		No. The payment of the fee is enough to obtain the renewal of the trademark right.	

2004 USE REQUIREMENTS FOR REGISTRATION AND RENEWAL OF REGISTRATIONS IN THE FOLLOWING COUNTRIES:	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY
Austria	Use of trademark is not necessary for filing an application or for renewing a registration.		Use of a trademark is not necessary for filing an application or for renewing a registration. However, the lack of intention in good faith to use the trademarks or its lack of use for 3 years following the registrations renders the registration vulnerable to cancellation.	
Bahamas	The first user or the person who intends to use a trademark is entitled to its registration. Any person claiming to be the proprietor of a trademark used or proposed to be used may file an application for its registration.		No. The payment of the fee is enough to obtain the renewal of the trademark right.	

2004 USE REQUIREMENTS FOR REGISTRATION AND RENEWAL OF REGISTRATIONS IN THE FOLLOWING COUNTRIES:	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY
Barbados	No. Any interested person may apply to register a trademark.		<p>The renewal application must be accompanied by a statement that the trademark has been used by the owner or a registered licensee during the year preceding the renewal application date or the reasons for its lack of use, excluding insufficient finances.</p> <p>Use of the trademark in a form differing in non-distinctive elements and its use in connection with one or more of the goods or services of any class for which registers are deemed sufficient use.</p> <p>Application for removal of a trademark from the register may be filed on the grounds that the mark has not been used in Barbados during five (5) years preceding application for renewal.</p>	

2004 USE REQUIREMENTS FOR REGISTRATION AND RENEWAL OF REGISTRATIONS IN THE FOLLOWING COUNTRIES:	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY
Benelux	No		No	
Bolivia	No. Following Decision 486 of the Andean Community Commission, in Bolivia, the rights over a trademark are acquired the moment in which it is registered and no evidence of its use is required in order to obtain such registration.	Decision 486 of the Andean Community Commission	No. Article 153 of Decision 486, specifically provides that “For purposes of the renewal, no evidence of the use of the trademark shall be required and it shall be renewed in the same terms of the original registration. However, the owner may reduce or limit the products or services indicated in the original registration”.	Decision 486 of the Andean Community Commission
Brazil	As general rule, the acquisition of industrial property rights in Brazil is through an administrative procedure of registration conducted before the Brazilian Patent and Trademark Office (INPI). In fact, Brazilian law follows the so-called attributive system with respect to the acquisition of rights. It is necessary that the		No. The trademark registration is valid for ten years and may be renewed indefinitely, upon request, for successive 10 year periods. If the owner fails to use a registered trademark in connection with the goods or services for a period longer than five years, such trademark may be cancelled for	

2004 USE REQUIREMENTS FOR REGISTRATION AND RENEWAL OF REGISTRATIONS IN THE FOLLOWING COUNTRIES:	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY
	<p>applicant be effectively engaged in the field of activities to which the products or services belong. The engagement in such activity may be either directly or indirectly. However, it is not necessary to provide documentation for this purpose, being enough a declaration of the applicant. Any person who, in good faith, at the date of priority or the date of application, has been using in Brazil an identical or similar trademark for at least six (6) months to distinguish or certify an identical, similar or related product/service, shall have preferential right to registration.</p>		<p>forfeiture by the INPI upon third party's request.</p>	
Brunei	<p>Although use itself is not required in order to obtain the registrations, the application must be accompanied by the applicant's declaration</p>		<p>No. However registration may be cancelled where there was no bona fide intent to use or no bona fide use of the mark for five</p>	

2004 USE REQUIREMENTS FOR REGISTRATION AND RENEWAL OF REGISTRATIONS IN THE FOLLOWING COUNTRIES:	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY
	<p>that the mark is used, or there is a <i>bona fide</i> intention to use the trademark.</p> <p>A person other than the proprietor may be recorded as a registered user of a registered mark, in respect of all or any of the goods for which it is registered, either with or without conditions.</p>		years.	
Bulgaria	No		No. No documents need to accompany the renewal request.	
Canada	No, if registration is based only on use and registration abroad. Otherwise, yes.	Trademarks Act, §§40(1) and 40(2)	No	Trademarks Act, §46
Cayman Islands	No		No	
Chile	No	Law 19.039	No	Law 19.039
China, People's Republic	No		No	
Colombia	No	Decision 486	No	Article 153 Decision 486

2004 USE REQUIREMENTS FOR REGISTRATION AND RENEWAL OF REGISTRATIONS IN THE FOLLOWING COUNTRIES:	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY
Community Trade Mark				
Costa Rica	No	Law No. 7978	No	Law No. 7978
Cuba				
Cyprus	No		No	
Czech Republic				
Denmark	No	§§12-15 and 27 of Trademarks Act		
Ecuador	No	No provisions	No	No provisions
Egypt	No	No provisions	No	No provisions
Estonia	No	Articles 28, 30, 34, 39, 46	No	Article 50
Fiji	No		No	Set. 36 Trademark Act Cap. 240
Finland	No		No	
France	No	Article L 712-1 French Intellectual Property Law	No	Article L 712-9
Georgia, Republic of	No		No	
Germany	No		No	



2004 USE REQUIREMENTS FOR REGISTRATION AND RENEWAL OF REGISTRATIONS IN THE FOLLOWING COUNTRIES:	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY
Greece	No		No	
Hong Kong, SAR	No		No	
Hungary	No	No provisions	No	No provisions
Iceland	No	Iceland Trademark Act No. 45/1997, Article 12	No	Iceland Trademark Act No. 45/1997, Article 27
India	No	Indian Trademark Act, Section 18	No	Indian Trademark Act, §25(2)
Indonesia	No		Yes	Declaration of use required; Indonesian Trademark Law, Article 36(a) and (b)
Ireland	No	Ireland Trademark Act, Section 37(2)	No	
Israel	No	No statutory reference	No	No statutory reference
Italy	No	No statutory reference	No	No statutory reference
Jamaica	No		No	
Japan	No	Japan Trademark Act, Section 3	No	Japan Trademark Act, §20, ¶1
Jersey	No		No	
Kenya	No	No statutory reference	No	No statutory reference

2004 USE REQUIREMENTS FOR REGISTRATION AND RENEWAL OF REGISTRATIONS IN THE FOLLOWING COUNTRIES:	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY
Korea	No	Korean Trademark Act, Article 3	No	Korean Trademark Act, Articles 42(2)
Latvia	No	Article 23 of the Latvian trademark law	No	Article 23 of the Latvian trademark law
Lithuania	There is a grant of priority for use, but no use is required	Law on trademarks, Republic of Lithuania Art. 10 sect 2 and art.11	No	Article 36 of Law on Trademarks, republic of Lithuania
Malaysia	No	Section 3(1) of Trademark Act of 1976	No	Section 3(1) of Trademark Act of 1976
Mexico	No	Mexican Industrial Property Law, Chapter V, Article 113, Section III	Yes	Mexican Industrial Property Law, Chapter V, Article 134
New Zealand	No	Trademarks Act 2002, Section 32, Regulation 44(J) Trademark Regulations 2003	No	
Nicaragua	No, the right over a trademark is acquired exclusively by its registration.		No. The trademark registration is valid for ten years and may be renewed indefinitely, upon request, for successive 10 year periods	
Norway	No	Section 25a	No	Section 25a

2004 USE REQUIREMENTS FOR REGISTRATION AND RENEWAL OF REGISTRATIONS IN THE FOLLOWING COUNTRIES:	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY
Pakistan	No	None	No	None
Panama	No	None	No	None
Paraguay	No	None	No	None
Peru	No	None	No	Article 153 of Decision 486 of the Andean Community
Philippines	Yes	Section 124.2	Yes	Section 145
Poland	No	None	No	None
Portugal	No	Article 269, Industrial Property Code	No	Article 255, Industrial Property Code
Puerto Rico	No	10 LPRA Section 171a	No	Trademark Regulation Rule 43; 10 LPRA Section 171p
Romania	No	None	No	None
Russia	No	None	No	None
Saudi Arabia	Use not required for filing	Trademarks Law of Saudi Arabia, Article 3	No*	Trademarks Law of Saudi Arabia, Article (28)
Singapore	Use or bona fide intention to use is required	Singapore Trademark Act, §5 <a href="http://statutes.agc.gov.sg">http://statutes.agc.gov.sg</a>	No*	Singapore Trademark Act, §19 <a href="http://statutes.agc.gov.sg">http://statutes.agc.gov.sg</a>

2004 USE REQUIREMENTS FOR REGISTRATION AND RENEWAL OF REGISTRATIONS IN THE FOLLOWING COUNTRIES:	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION TO STATUTE, REGULATION OR GOVERNMENT AUTHORITY
Slovak Republic	Use not required for filing	Instruction on the official website of Industrial Property Office of Slovak Republic	No**	<a href="http://www.indprop.gov.sk">www.indprop.gov.sk</a>
Slovenia	Use not required for filing	Slovenia Industrial Property Act, Article 97 <a href="http://www.uil-sipo.si/">www.uil-sipo.si/</a>	No*	Slovenia Industrial Property Act, Article 52 <a href="http://www.uil-sipo.si/">www.uil-sipo.si/</a>
South Africa	Use not required for filing	Instruction on the website of South Africa Companies and Intellectual Property Registration Office	No*	<a href="http://www.cipro.co.za">www.cipro.co.za</a>
Spain	Use not required for filing	Official website of Spanish Patents and Trademarks Office	No*	<a href="http://www.oepm.es/">www.oepm.es/</a>
Sri Lanka, Republic of	Use not required for filing	The Code of Intellectual Property Act of 1997, §§102, 105	No*	<a href="http://www.saarcnet.org">www.saarcnet.org</a> (unofficial website)
Sweden	Use not required for filing	Trademark Act of 1994, Art. 17 <a href="http://www.prv.se">www.prv.se</a>	No*	Trademark Act of 1994, Articles 22 and 23
Switzerland	Use note required for filing	Instruction on the website of Swiss Institute of Intellectual Property	No*	<a href="http://www.ige.ch">www.ige.ch</a>
Syria	Use not required for filing	Trademarks Law of Syria, Art. 71 <a href="http://www.agip.com/laws/syria">www.agip.com/laws/syria</a>	No	Trademarks Law of Syria, Act. 70, Article 78
Taiwan	Use not required for filing	Trademark Act of 2003, §17 <a href="http://www.tipo.gov.tw">www.tipo.gov.tw</a>	No***	Trademark Act of 2003, §§22 and 23

\*Mark must be used within five years after registration; otherwise it may be subject to cancellation for non-use

\*\*A mark is vulnerable for non-use if it has not been used within five years during any period of its validity

\*\*\*A mark not being used for three successive years is subject to cancellation by IPO or upon request of interested party

Note:                      Related              foreign              trademark              laws              please              see              R:\Library\Statutes

COUNTRY	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION
Thailand	No	Trademark Act of 1991 (as amended by the Trademark Act (No. 2) 2000)	No	Trademark Act of 1991 (as amended by the Trademark Act (No. 2) 2000)
Trinidad and Tobago	No	Trademark Act, §19(1)	No	Trademark Act, §25A
Tunisia	No	Articles 6 and 21 of the Trademark Law No. 2001-36	No	Article 16 of the Trademark Law No. 2001-36
Turkey	No	Article 39 of the Decree Law No. 556 of July 27, 1995	No	Articles 40 and 41 of the Decree Law No. 556 of July 27, 1995
Ukraine	No	Article 13 of the Trademark Law of Ukraine	No	Article 18 of the Trademark Law of Ukraine

COUNTRY	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION
United Arab Emirates	No		No	None, however Article 22 of the Trademark Law states that Civil Court may, upon a petition filed by any interested party, order the cancellation of the registration of any trademark which was proven not to have been used for a period of five consecutive years unless the owner thereof submits justifications for the lack of use.
United Kingdom	No. There is no requirement for use, but there must be an intention to use.	<b>Section 32(3) of the UK Trademark Act 1994</b> -- The application shall state that the trademark is being used, by the applicant or with his consent, in relation of those goods or services, or that he has a <i>bona fide</i> intention that it should be so used.	No. The issue of vulnerability due to non-use is a different issue which is not considered by the Trademark Registry at the point of renewal. The conditions for renewal is as stated in Section 43 of the Act (see next column).	<b>Section 43(1) of the UK Trademark Act 1994</b> -- The registration of a trademark may be renewed at the request of the proprietor, subject to payment of a renewal fee.  <b>Section 43(3)</b> -- A request for renewal must be made, and the renewal fee paid, before the expiry of the registration.

COUNTRY	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION
United States	Yes, except for Paris Convention filings and Madrid Protocol filings.	(15 U.S.C. §§1051(a) and (d));  (15 U.S.C. §1126(e)) and (15 U.S.C. §§1141f(a) and 1141h(a)(3))	No, but under separate statutory provision, use must be shown during the same anniversary periods where the renewal is due	(15. U.S.C. §1059(a));  (15 U.S.C. §§1058(a)(3), 1141k(a)(2), and 1141k(b))
Uruguay	No	Article 19 of the Trademark Law of No. 17.011 states that the use of a trademark is optional. The use of a trademark shall be compulsory on the grounds of public utility decreed by the Executive Power.	No	Article 19 of the Trademark Law of No. 17.011 states that the use of a trademark is optional. The use of a trademark shall be compulsory on the grounds of public utility decreed by the Executive Power.
Venezuela	No	Andean Community Decision N° 486 (*)	No	Article 153 of Andean Community Decision N° 486 in force since December 1°, 2000 (*)
Vietnam	No	Civil Code of the Socialist Republic of Vietnam of October 28, 1995	No	Governmental Decree No. 63/CP of October 24, 1996

(\*) This law rules for all countries of the Andean Community (Bolivia, Colombia, Ecuador, Peru, and Venezuela)



COUNTRY	IS USE REQUIRED FOR REGISTRATION TO ISSUE?	CITATION	IS USE REQUIRED FOR RENEWAL OF REGISTRATION?	CITATION
Virgin Island (British)	No	The British Virgin Island Trademarks Act, Cap. 158. Section 17 states that the registration of a person as proprietor of a trademark shall be prima facie evidence of his right to the exclusive use of the trademark, and shall, after the expiration of five years from the date of the registration, be conclusive evidence of his right to the exclusive use of the trademark, subject to the provisions of this Act.	No	The British Virgin Island Trademarks Act, Cap. 158. Section 17 states that the registration of a person as proprietor of a trademark shall be prima facie evidence of his right to the exclusive use of the trademark, and shall, after the expiration of five years from the date of the registration, be conclusive evidence of his right to the exclusive use of the trademark, subject to the provisions of this Act.
Zimbabwe	No		No	