

## Grace Periods for Trademark Renewals

Country	Regular TM renewal time	Formal requirements for renewal	Publication of renewals	Grace period for renewals	Additional fees during grace period	Proceeding after expiry of grace period	Notification of owner/agent of pending cancellation due to non-payment	Restoration of lapsed TM	Possibility of re-registration by 3rd parties after lapse
<b>Australia (AU)</b>	A trademark may be renewed during 12 months preceding the expiry date.	The only formal requirements for the renewal of a trademark are to file the respective form and pay the renewal fee. Proof of use of a trademark is not required.	The renewal is published in the Australian Official Journal. The registered owner of the trademark is also notified of the renewal by the Registrar.	The grace period is 6 months from the expiration date of the trademark.	The extension fee for trademark renewals during the grace period is currently AUD 100 per class for each month or part of a month that has passed since the expiry date. It must be paid in addition to the renewal fee.	After the grace period the trademark will lapse.	If the Registrar has not received a request for renewal by 2 months prior to the expiry date, he must notify the trademark owner of the expiry date. In practice, IP Australia sends 3 letters regarding a trademark renewal, including 1 during the grace period.	A lapsed trademark cannot be restored.	A trademark that has not been renewed cannot be registered by a third party during the 6-month grace period following the expiry date unless the third party can show prior use or honest and concurrent use.
<b>Austria (AT)</b>	A trademark may be renewed during 12 months preceding the expiry date.	No other (formal) requirements have to be met than the payment of the renewal fee within time (or the grace period).	No.	The grace period for renewals is 6 months from the last day of the month the trademark was registered (due day of renewal).	For payment during the grace period the additional fee is 20 percent of the renewal fee per trademark renewal irrespective of number of classes involved.	The trademark will be cancelled from the Registry ex officio.	Neither the owner nor the agent will be notified of a pending cancellation due to non-payment.	A petition for restoration has to be filed within 2 months from the day on which the hindrance ceased to exist and not later than within 12 months after the day on which the time-limit has expired.	A lapsed trademark may be re-registered in the name of a third party at any time.
<b>Azerbaijan (AZ)</b>	A trademark may be renewed during 12 months preceding the expiry date.	For renewal purposes only a Power of Attorney is required. Proof of use is not required.	The renewal is published in the AzPTO's Official Bulletin.	The grace period is 6 months from the expiration date of the trademark.	Renewal during the grace period is subject to an additional fee of USD 60 per trademark independent of the number of classes or the type of the mark.	After the expiry of the grace period the trademark is automatically lapsed.	The trademark owner or his agent will not be notified of pending cancellation due to non-payment of fees. The cancellation is published in the AzPTO's Official Bulletin.	The mark cannot be restored.	The mark is blocked from re-registration by third parties for 3 years.
<b>Bahamas (BS)</b>	A trademark may be renewed during 3 months preceding the expiry date (USD 80). If the fee is not paid in due time, the pending removal of the trademark from the Register is advertised in the Gazette.	Power of Attorney	Yes.	The grace period is 1 month from the advertisement of pending removal. The period from expiry to publication varies.	Late renewal is subject to a Government penalty fee of USD 40.	After the expiry of the grace period, the trademark is automatically lapsed.	Yes, by notice in the Gazette.	Restoration is possible at any time following the expiration of the registration, at the discretion of the Registrar and upon payment of an additional fee. The lapsed mark be restored for the same period as if renewed on time.	The mark is blocked until that time as the Registrar allows the re-registration.