

DECISIONS OF THE QUARTER

Important Decisions of the Boards of Appeal – 3rd Quarter 2017

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Menu

- Procedural Questions
 - Transfer
 - Seniority
- Absolute Grounds of Refusal
 - Do you understand some fun?
 - slogans
 - Non-traditional trade marks
 - Geographical names
 - Distinctive character acquired through use
- Relative Grounds of Refusal
 - The forest calls
 - Not for cocking
- Back from the Court
 - Still not used ...

My new number

3

Procedural Questions ...

Revocation of an entry in Register

R 2002/2016-2

- Office records transfer to party A
 - Copy of signed agreement filed
- Office receives another request for transfer to party B
- Office revokes first transfer
 - First transfer invalid since not signed by administrator appointed by Court
 - EUTM assigned to party B
- Court Proceedings in Belgium between party A and party B
 - First Instance decision rendered
 - Trade mark belongs to party A
 - Assignment must be executed with immediate effect
 - Judgment not final yet

Seniority Claim

R 1927/2016-2

- Seniority Claim for EE trade mark
- Office accepts seniority claim (05/03/1993)
- Request to correct
 - original TM_(SU) was applied for on 21/10/1983
- Request rejected
 - A priority date can only be accepted with max 6 months, but not with respect to 10 years
 - Office is not bound by national law which is in contradiction to PC

Do you understand fun?

Do you understand fun?

R 2244/2016-2

EUTMA

BREXIT

Cl. 5, 32, 34

Slogan

My new number

3

More than 100%

R 0049/2017-2

EUTMA



Cl. 24, 25

Cogitative process

R 273/2017-4

EUTMA

**AROUND THE CORNER,
AROUND THE WORLD**

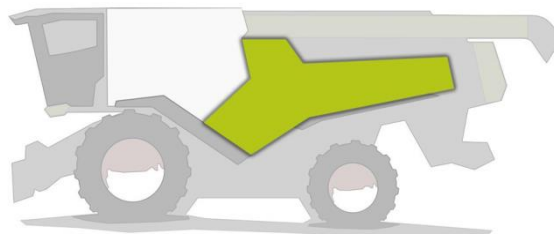
Cl. 39 (Car rental)

Non traditional trade marks...

Non traditional trade marks

R 2309/2016-4

EUTMA



Cl. 7 (combine harvesters)

Description

The trade mark consists of a stylised “Y” that is positioned on both the external lateral contours of the panelling behind the vehicle cabin in the longitudinal direction of the combine harvester. [...]

Non traditional trade marks

R 1374/2016-4

EUTMA



Cl. 33

The three-dimensional mark consists of a bottle closure (closure stopper or cap) with a cylindrical outer contour, a ring and a cord. The ring is placed around the neck of the bottle. The cord is fastened to the closure stopper or closure cap and led through the ring and is thus connected with the ring. [...]

Non traditional trade marks

R 1624/2016-5

EUTMA

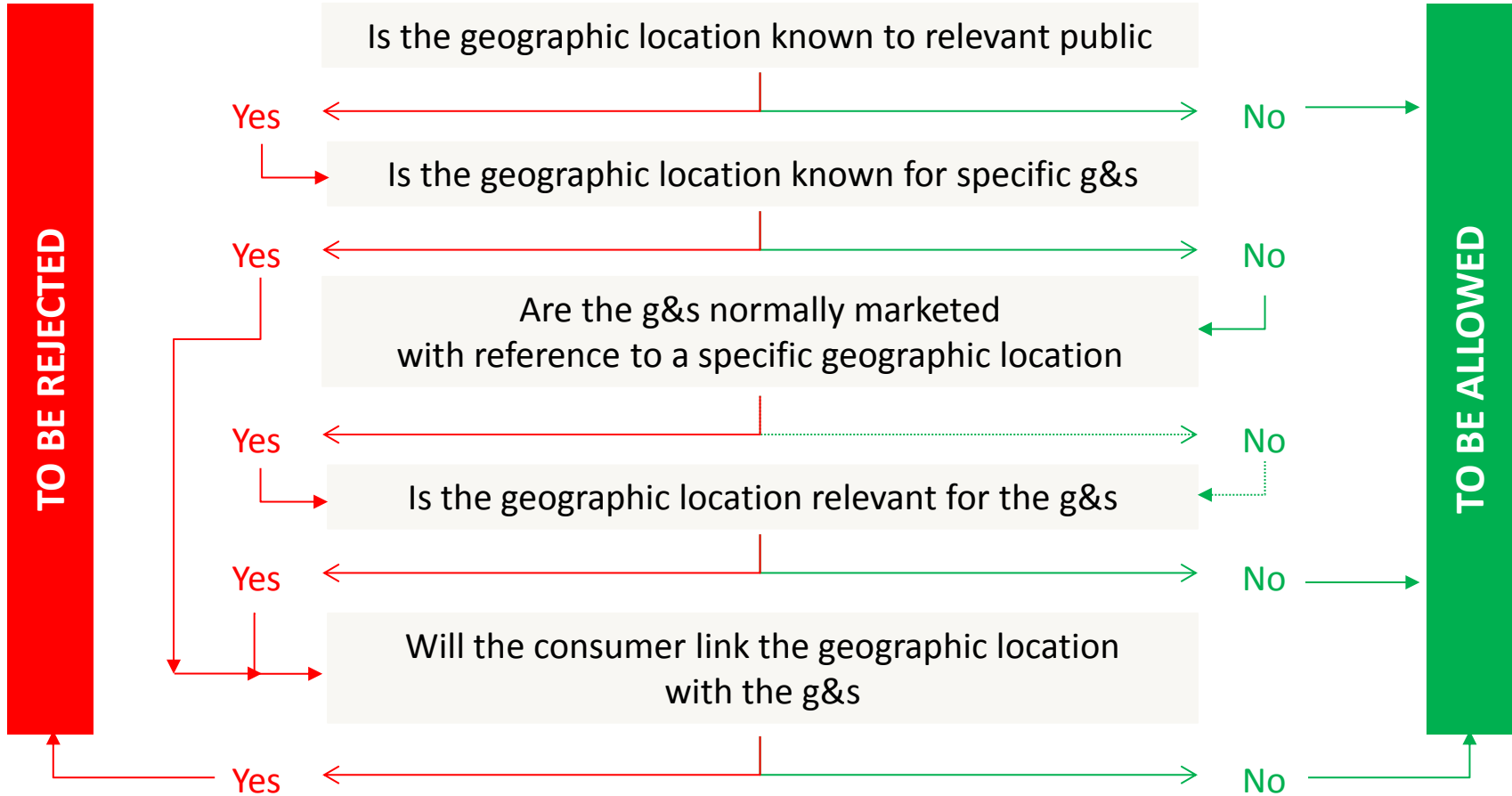


Cl. 6 – 9, 11, 17, 20, 21, 28, 35

Colour

Yellow (PANTONE: PAN 116 M); Grey (PANTONE: 11 M)
Yellow lower part (11 %), Grey upper part (89 %).

Geographical names...



Geographical names

R 1725/2016-5

EUTMA

TRASTEVERE

Cl. 30, 35, 43

R 1444/2016-5

EUTMA

LUX*
BODRUM, TURKEY

Cl. 43

R 0889/2016-2

EUTMA



Cl. 30

R 1324/2016-1

EUTMA

Der Österreicher

Cl. 33

Distinctive character acquired
through use

Use for a small sub-category ...

R 2450/2011-G

EUTMA



Cl. 30

Let's go to the forest ...

Let's go to the forest ...

R 1941/2016-2

EUTMA



Cl. 16, 41

Earlier TM_(EU)



Cl. 41

R 1276/2016-5

EUTMA



Cl. 33

Earlier TM_(EU)



Cl. 33

Not for cocking...

Hungry?

R 2103/2016-1

EUTMA

Earlier TM_(EU)

BAD ASS

BADASS

Cl. 29, 30, 32

Cl. 29, 31, 43 *et al.*

Back from Court...

Proof of use

R 0453/2017-2

[2560C → R2312/2010-1 → T-51/12 → C-577/14P]

EUTM

LAMBRETTA

Cl. 3, 12, 18

My new number

3 ???

Thanks for your attention

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Danke!