

Decisions of the Quarter

June – September 2016

20/09/2016

Absolute Grounds of Refusal

- Figurative trade marks
- Three dimensional trade marks
- Position trade marks
- Verbal trade marks
- Public Order
- Distinctive character acquired through use

Relative Grounds

- Comparison of goods and services
- Comparison of signs
- Earlier non registered sign used in the course of trade
- Taking unfair advantage
- How to define weakness

Back from GC

ABSOLUTE GROUNDS

57

EUTM applied for



- Cl. 9, 35, 42

EUTM applied for



- Cl. 10, 17, 19
– Tubes

EUTM applied for



Lost My Property

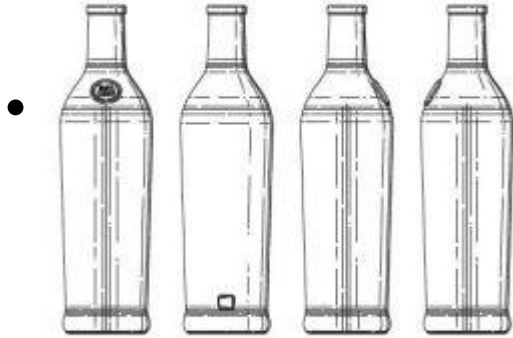
- Cl. 7, 39
 - bagging and tagging system for finding, retrieving and returning found items; internet-based customized software solutions for locating missing passenger items;

EUTM applied for



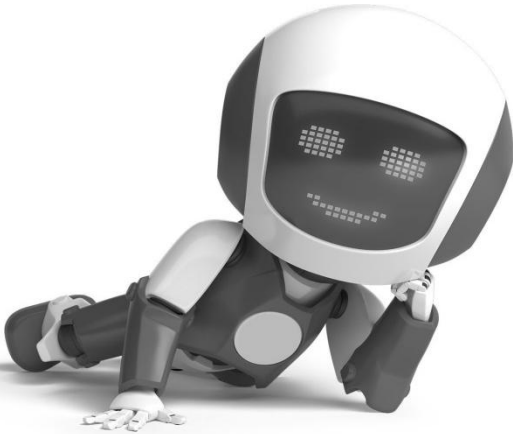
- Cl. 41, 42

EUTM applied for



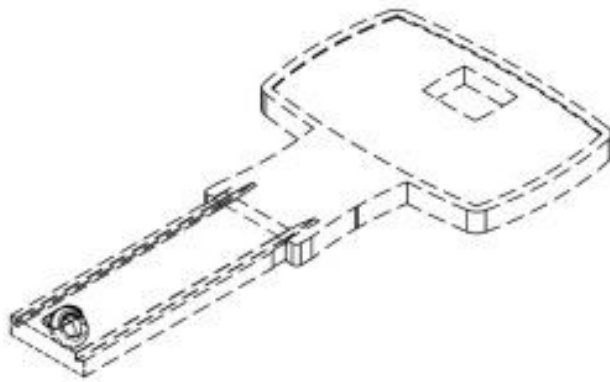
- Cl. 33

EUTM applied for



- Cl. 7, 28, 35, 37

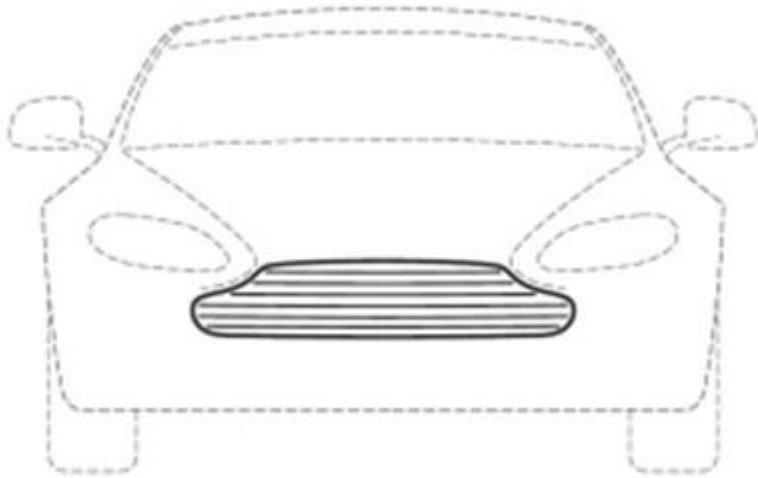
EUTM applied for



-
- Cl. 6
 - keys

Position mark. The trade mark consists of a ring arranged obliquely at an angle of 45° with respect to the key bit. The ring is arranged in a longitudinal recess of the key bit in an area of the key tip, in particular in a front quarter of the key bit facing the key tip. The key represented by dashed lines is not part of the trade mark, but rather serves merely to illustrate the position of the trade mark

EUTM applied for



The mark consists of a radiator grille positioned on the front of a motor vehicle. The dotted outline of the vehicle does not form part of the trade mark, but shows the position of the grille

- Cl. 12, 28, 37, 40

EUTM applied for

- **BRAUN**

- Cl. 16, 20, 24, 25, 27

EUTM applied for

- **ROMANS**

- Cl. 25

EUTM applied for

- **NO WORD LOST**

- Cl. 9, 41
 - Translation apparatus; computer software; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers; data processing equipment.
 - Translation and interpretation; language translation; Braille translation.

EUTM applied for

- **ETA**

Remark:

ETA = Euskadi Ta Askatasuna

- Cl. 14

DISTINCTIVE CHARACTER ACQUIRED THROUGH USE

EUTM applied for

- **Fly Emirates**

- Cl. 39
 - airline services; air transportation services; aircraft chartering services; airline check-in services; providing a website featuring information on travel; providing flight arrival and departure information; leasing of aircraft; rental of aircraft; transportation of passengers and passengers' luggage; courier services for cargo and passengers; cargo handling services; delivery of goods by air; forwarding agency services in this class; freight brokerage and freight forwarding services; air navigation services; airport handling services; information, and advisory services relating to all the aforesaid services

EUTM applied for

- The logo consists of a black square with the text "Van Gogh Museum" in white, stacked vertically, and "Amsterdam" in a smaller white font below it.
- Cl. 35, 41
 - Organization of fairs and exhibitions for commercial or business purposes; Education and entertainment; services rendered by a museum *et al*

RELATIVE GROUNDS

...falling down...

LS


EUTM applied for

- **SUGAZYM**
- Cl. 1
 - Chemicals used in industry, namely ...; food additives for making foodstuffs; proteins, enzymes; enzymes and enzymatic preparations for industrial purposes, in particular for the food industry, in particular for the baking industry, and for the drinks and animal foodstuff industries.

Earlier TM (EU)

- **SUGA**
- Cl. 2, 5, 30, 32
 - food colorant;
 - Syrups in Cl. 5, 30 and 32

EUTM applied for

- 
- Cl. 30, 43
 - Coffee, tea, artificial coffee;
 - Cafés, cafeterias and restaurants; providing of food and drink and temporary accommodation; restaurant and coffee shop services.

Earlier TM _(AT)

- 
- Cl. 30
 - Chocolate products and sugar confectionery, pastry, confectionery

EUTM applied for

Earlier TM (DE)



- **Mavida**

- Cl. 5

- Cl. 5

EUTM applied for

Earlier TM (BG)

- **TIGER BLOOM**

- Cl. 1

- **ТАЙГЪР ПЛАТИНИУМ**

TAIGAR PLATINIUM

- Cl. 1

EUTM applied for

- **FLÜGEL**
- Cl. 32, 33

Earlier TM _(AT)

- **... VERLEIHT FLÜGEL**
- Cl. 32

EUTM applied for



- Cl. 12, 18, 25

Earlier TM (EU)



- Cl. 18, 25 *et al.*

EUTM applied for



- Cl. 9

Earlier TM (EU)



- Cl. 9, 28 *et al.*

EUTM applied for



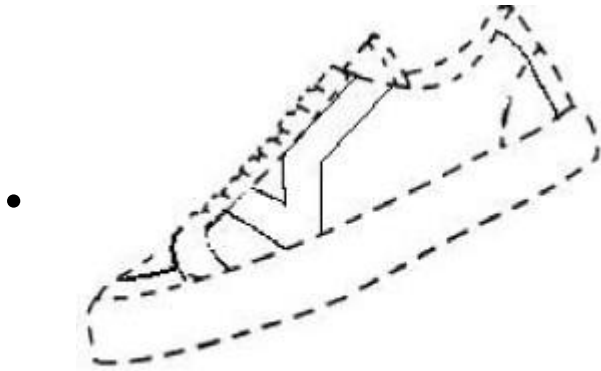
- Cl. 11, 41, 43

Earlier TM (EU)



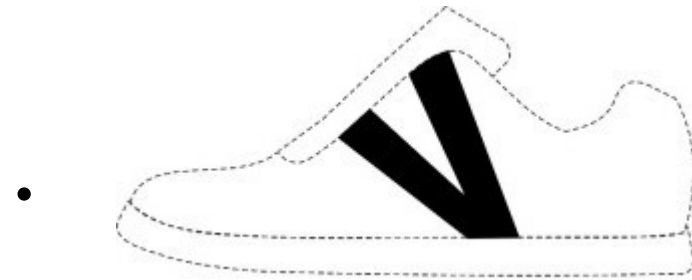
- Cl. 30, 41, 43 *et al.*

EUTM applied for



- Cl. 25

Earlier TM (EU)



- Cl. 25

position mark consisting of two diagonal bar shapes which converge at their bottom ends to form a sharp angle. The dotted lines are not part of the trade mark, but establish their position on the product

EUTM applied for



- Cl. 43

Earlier TM (EU)



- Cl. 43

Remark


Pending before the GC, T-398/16

EUTM applied for

- **ANNA FENNINGER**

- Cl. 32, 33

Earlier TM (ES EU)

- 
ANNA

ANNA DE CODORNÍU

- Cl. 33

EUTM applied for

- **Styriagra**
- Cl. 29
 - Preserved, frozen, dried fruits and vegetables, in particular pumpkin seeds

Earlier TM _(EU)

- **VIAGRA**
- Cl. 5
 - Pharmaceutical and veterinary preparations and substances

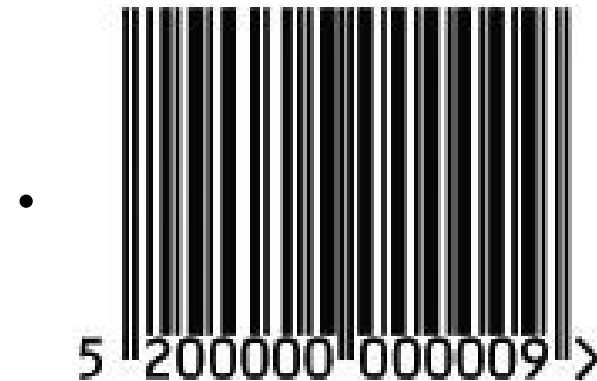
position mark consisting of two diagonal bar shapes which converge at their bottom ends to form a sharp angle. The dotted lines are not part of the trade mark, but establish their position on the product

EUTM applied for



- Cl. 6, 7, 9, 11, 14, 16, 20, 29, 30, 35, 36, 37, 38, 39, 41, 42, 43 and 45

Earlier unregistered TM _(EL)



- Cl. 1 - 45

Remark

Pending before the GC, T-453/16

BACK FROM THE GC/ECJ

57,43

GRASS IN BOTTLE/BOTTLE WITH GRASS

EUTM applied for



Earlier trade marks (FR)



- Cl. 33

History

AG

AG not ok
R0452/1999-3 → AG ok

RG

B 640815 → Oppo rejected
B 650906 → Oppo rejected
→ R2506/2010-4 → Oppo rejected
→ T-235/12 → no decision on Oppo

- Cl. 33

Thank you for your attention



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Thank you