

Decisions of the Quarter

April – June 2016

Christoph Bartos
21/06/2016

Procedural Issues

- Belated Evidence

Absolute Grounds of Refusal

- A strong, big bear
- Pictograms
- Figurative signs
- Colours

Relative Grounds

- How to define weakness

Back from GC

- What have we done with them

A new number...

6

PROCEDURAL ISSUES

EUTM applied for

Earlier TM (EUTM)

•  GP Tech

• GP JOULE

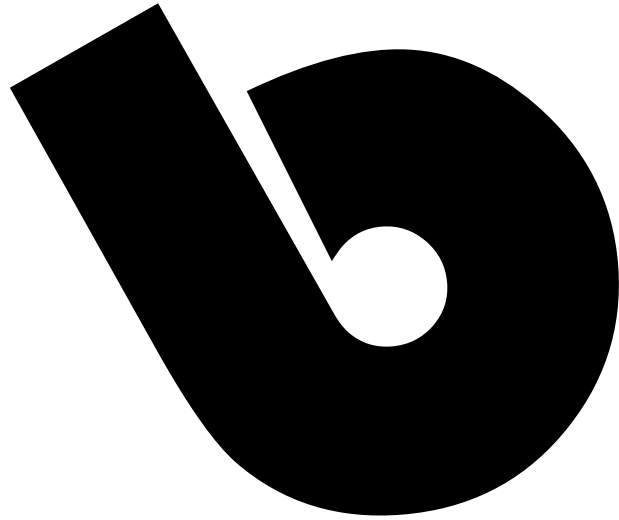
rejected

Facts

- Opposition entered by licensee, but no evidence submitted
- According to Rule 19(1) CTMIR, opponent must submit evidence of authorization
 - Statutory provision
- Evidence filed during Appeal Proceedings
 - Supplementary evidence (?)

ABSOLUTE GROUNDS

...falling down...



EUTM applied for

- Медведь

descriptive

- Cl. 29, 30, 31, 33

Pictograms



[R2256/2015-2](#)



[R1883/2015-5](#)



[R1882/2015-5](#)



[R2502/2015-2](#)



[R2434/2015-2](#)



[R1957/2014-4](#)

EUTM applied for



Distinctive

- Cl. 35
 - On-line market place for sellers and buyers of goods and services

EUTM applied for



Not distinctive

- Cl. 9
 - Software for transmission, streaming ... audio works and music

EUTM applied for



Not distinctive

- Cl. 39
 - Airport service kiosk providing passengers an option to throw belongings into a waste bin or into a collecting container to mail to their destination

EUTM applied for



Not distinctive

- Cl. 39
 - Airport service kiosk providing passengers an option to throw belongings into a waste bin or into a collecting container to mail to their destination

EUTM applied for



- Cl. 9, 38

Not distinctive

EUTM applied for



Distinctive

- Cl. 9 (computers; MP3 players; computer software; computer and electronic games; GPS computer software; computer software for travel and tourism, travel planning, navigation;...)
Cl. 10, 14, 28




EUTM applied for

- **○ bag**

- Cl. 9, 35

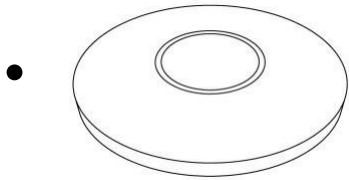
Descriptive

EUTM applied for

-  SUPER UHD TV
- Cl. 9

partly Descriptive
partly distinctive

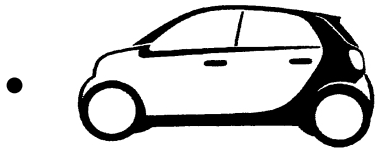
EUTM applied for



Not distinctive

- Cl. 9

IR designating the EU applied for



- Cl. 9, 14, 16, 18, 21, 25, 28

Not distinctive

EUTM applied for



- Cl. 18, 25, 28

Not distinctive

EUTM applied for



- Cl. 16, 35, 36, 38, 39, 41, 42, 43

Not distinctive

EUTM applied for



- Cl. 12
 - Rims
 - Tyres

partly Descriptive
partly distinctive

EUTM applied for



- Cl. 3, 5, 10

Not distinctive

EUTM applied for



- Cl. 9
 - Sensors for tyres

Not distinctive

RELATIVE GROUNDS

A new number...

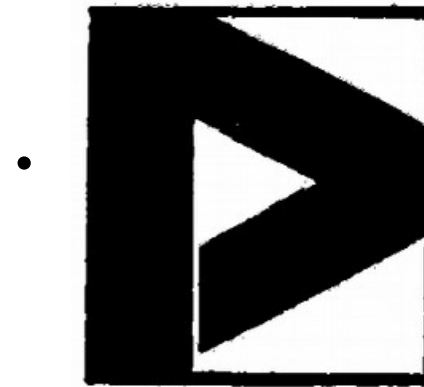


EUTM applied for



- Cl. 35, 36, 41

Earlier TM _(ES)



- Cl. 16, 35, 36

No LoC

EUTM applied for

Earlier TM (ES)



- Cl. 29, 43



- Cl. 42

LOC

EUTM applied for



- Cl. 29
 - squids

Earlier TM (EUTM)



- Cl. 29

No LoC

EUTM applied for

Earlier TM (EUTM)



- Cl. 21, 31, 39, 44
 - All in connection with flowers

- Cl. 31
 - Horticultural products

No LoC

EUTM applied for



- Cl. 5, 29, 30
 - Class 5 not relevant for appeal
 - Class Heading 29 & 30

LoC
No LoC

Earlier TM (EUTM)



- Cl. 5, 29, 30, 31
 - Nutritional additives in Cl 5, 29, 30
 - Foodstuff

EUTM applied for

- WHITEST

- Cl. 3, 24, 25

Earlier TM (BG)

- TEST

- Cl. 3

No LoC

EUTM applied for

Earlier TM (PT)



- Cl. 33 Wines

- Cl. 33 Wines

LoC

EUTM applied for

Earlier TM (ES)



- 
- Cl. 33

- **GOLD 24**
- Cl. 33

LoC

EUTM applied for



- Cl. 33

Earlier TM (HU)



- Cl. 32, 33

No LoC

EUTM applied for

- M'Cooky
- Cl. 30, 43

Earlier TM (ES)

- The logo is a blue teardrop shape with a white outline. Inside the teardrop, there is a white silhouette of a chef's hat. Below the hat, the words "MR. COOK" are written in a bold, yellow, sans-serif font. The logo is set against a white background with a thin grey border.
- Cl. 29, 30, 31

LoC

BACK FROM THE GC/ECJ

6

EUTM

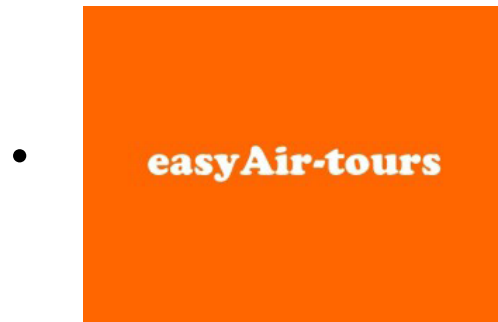
- Tafel
- Cl. 39, 45
 - Gathering, collection, transportation and distribution of essential goods, including foodstuffs, for others, in particular for those in need.
 - Personal and social services rendered by others to meet individual needs.

General Court

- Board used the wrong definition of the term ‘Tafel’
 - ‘a big table’ and not ‘food bank’

Invalidated (descriptive)

EUTM applied for



- Cl. 16, 36, 39, 43

General Court

- signs are dissimilar

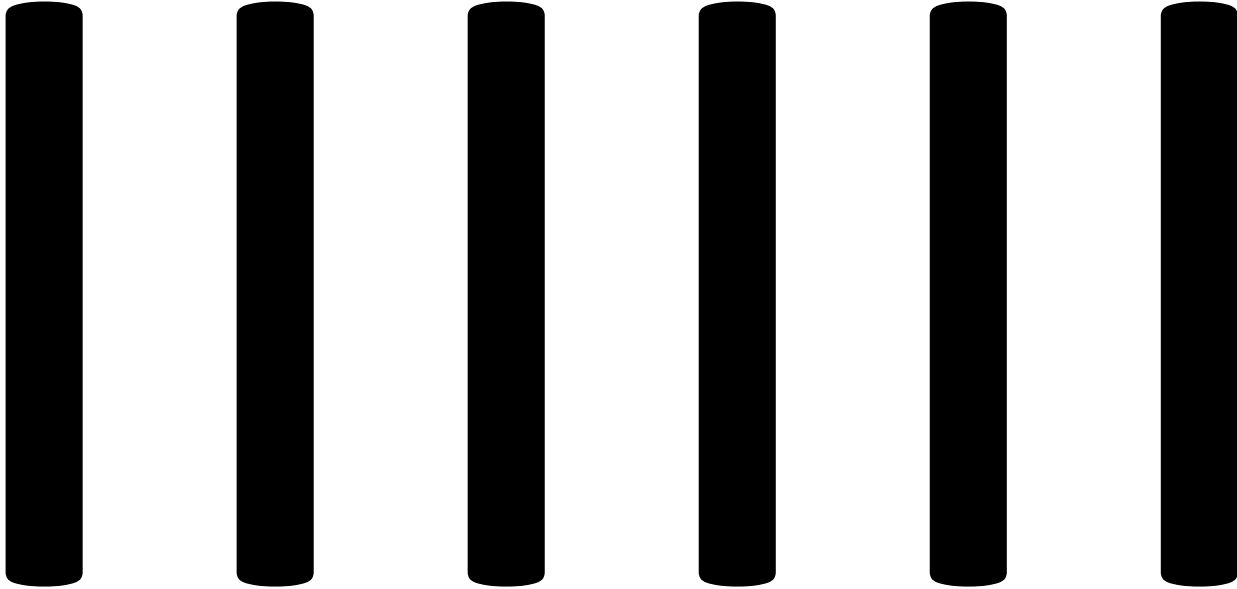
Earlier trade marks (EU et al.)



airtours.business.club

- Cl. 9, 16, 35, 36, 38, 39, 41, 43, 44

No LoC



Six olive trees in front of the Office



Thank you for your attention



CONTACT :

Christoph Bartos
(+ 34) 965 139 743

christoph.bartos@euipo.europa.eu
mediator-bartos@euipo.europa.eu



www.euipo.europa.eu



@EU_IPO



EUIPO

Thank you