

Decision of the Boards of Appeal of EUIPO and judgements of the European Court of Justice – *short summary*

January – December 2018

Christoph Bartos – Member of the Boards of Appeal
26 February 2019

PROCEDURAL QUESTIONS

Consultation of an expert

- T-866/16, billiger-mietwagen.de
 - Wide discretion

Languages to be used in examination process?

T-830/16 Plombir

- Пломбир [RU] = Ice cream

EUTM 17680521 Shakahari

- Shakahari [HI] = vegetarian

R 0307/2017-1 ebi

- Ebi [JP] = Shrimp

All languages understood by a sufficiently large circle of people in relation to goods and services in question in the EU

Homogeneous goods and services

- T-758/17 & 759/17, PERFECT BAR
 - The self-evident must also be substantiate

List of goods

Nutritional energy bars for use as a meal substitute; Nutritional supplement meal replacement bars for boosting energy; Nutritional supplement energy bars; **Protein supplements; Dietary and nutritional supplements;** Nutritional supplements in the form of bars and bites; nutritional supplements in the form of food bars for use as a meal substitute; nutritional and dietary supplements formed and packaged as bars

Limitation of the list of goods and services– Article 33(8) EUTMR

- R0839/2018-4 Carrycruiser
 - Registered for
 - Cl. 18 Leather and imitations of leather, and goods made of these materials and not included in other classes; Skin and furs; Trunks and suitcases; Umbrellas, parasols, saddlery
 - Class heading
 - Cl. 18 Leather and imitations of leather; Artificial skins and hides; Luggage and carrying bags; Umbrellas and parasols; Walking sticks; Whips, harness and saddlery; Collars, leashes and clothing for animals

Request inadmissible

Evidence

- C-564/16P, Puma
 - Reputation is assessment of facts independent from trade mark applied for
 - Office must take into account previous decisions having established reputation

(Contradictory) Submission of the parties

- T-577/15, SHERPA
 - No choice

Legal person – legal form

- R 1153/2018-4 Tasse mit Herz
 - Indications concerning legal form are necessary to check legal personality

Appeal inadmissible

Transfer of the trade mark

- R2198/2016-4 Jo & Mr Joe, R1030/2017-4, Sultan
 - Only the owner (licensee) is party to the proceedings
 - Exception
 - Article 20(12) EUTMR

Appeal inadmissible

Admissibility of the Appeal

- R 0960/2018-4 Blue-Tec/Bluetec
 - Missing arguments in SoG leads to inadmissibility
- R 1239/2018-4 Micro-Pak
 - Request Article 7(3) EUTMR in appeal proceedings inadmissible
 - Appeal inadmissible
- T-111/17
 - Errors when using *mypage* are the responsibility of the party

Restitutio in integrum

- R 1837/2017-3 Door handels
 - Who is responsible for the application?
 - Legal error is not a reason
- R 0530/2018-5 Fibreflam
 - Human error neither extraordinary nor unpredictable

R/I unfounded

R/I unfounded

Excursus: Protection of taste

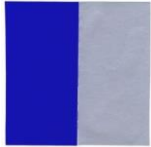
- C-310/17, Levola Hengelo
 - No protection by copyright

ABSOLUTE GROUNDS OF REFUSAL

Color marks – Definition of the mark– clear and precise

T-101/15

EUTM

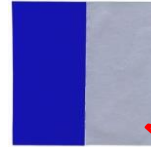


The ratio of the colours is approximately 50%-50%

Neither clear nor precise

T-102/15

EUTM



the two colours will be applied in equal proportion and juxtaposed to each other

Neither clear nor precise

Cl. 32

R0200/2017-2

EUTMA



Cl. 7

Neither clear nor precise

Colour mark

R 2681/2017-4

EUTMA



non-distinctive character

R 2751/2017-2

EUTMA



non-distinctive character

Cl. 12

Cl. 25

R 2202/2017-5

EUTMA



non-distinctive character

R 0787/2018-5

EUTMA



non-distinctive character

Cl. 25

Cl. 9, 39

Do not fight useless battles

R 0171/2016-4

EUTMA

BLUE

Distinctive

Cl. 32

T-375/17

EUTMA

BLUE

non-distinctive character

Cl. 32

Position marks

T-489/17

EUTMA



non-distinctive character

Cl. 33

Position marks

R 2204/2017-4

EUTMA

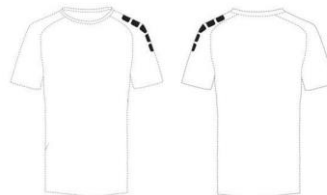


non-distinctive character

Cl. 7

R 0263/2018-2

EUTMA

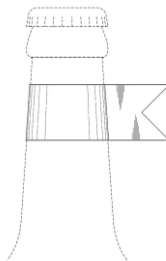


non-distinctive character

Cl. 25

R 0953/2018-2

EUTMA



non-distinctive character

Cl. 32, 33

R 2414/2017-5

EUTMA



Distinctive

Cl. 7

Slogans

T-457/17

EUTMA

Happy life

non-distinctive character

Cl. 10

T-235/17

EUTMA

MOBILE LIVING MADE EASY

non-distinctive character

Cl. 5, 7, 9, 11, 12, 19, 20, 21, 22, 37

T-297/17

EUTMA

WE KNOW ABRASIVES

non-distinctive character

Cl. 3, 7, 35

T-213/17

EUTMA

ROMANTIK

non-distinctive character

Cl. 39, 43

Slogans

T-279/17

EUTMA



Cl. 6, 10, 20

non-distinctive character

T-843/16

EUTMA

Fotoparadies

non-distinctive character

Cl. 1, 9, 16, 38, 40, 42

T-250/17

EUTMA

avanti

Cl. 9, 35, 41, 42

non-distinctive character

T-756/17

EUTMA

WORLD LAW GROUP

non-distinctive character

Cl. 9, 16, 35, 41, 45

Slogans

T-697/17

EUTMA

COOKING CHEF GOURMET

Cl. 7, 11

non-distinctive character

T-362/17

EUTMA

FEEL FREE

Cl. 39

non-distinctive character

Slogans

R 0490/2018-5

EUTMA

MAKING IMPOSSIBLE POSSIBLE

KI 40, 42

R 2598/2017-5

EUTMA

Cinkciarz

Distinctive

Cl. 9, 36, 41

R 0463/2018-2

EUTMA

See More. Reach More. Treat More.

Cl. 10

R 1801/2017-G



easyBank

Cl. 9, 36, 42

non-distinctive character

non-distinctive character

non-distinctive character

Slogans

R 2468/2017-2

EUTMA

Dahoambanking

non-distinctive character

Cl. 36, 41, 42

R 0213/2018-4

EUTMA

LIFE WITHOUT PLASTIC

non-distinctive character

Cl. 8, 16, 21, 35

R 0216/2018-4

EUTMA

DO YOUR THING, PROTECTED

non-distinctive character

Cl. 9, 38, 42

R 1748/2017-5

Das Zeug zum Handwerk

non-distinctive character

Cl. 1, 2, 4, 9, 11, 16, 19, 20, 21, 22, 24,
26,

Slogans

R 1108/2018-4

EUTMA

EURORealTime

Distinctive

Cl. 1, 5, 9, 10

R 0284/2018-5

EUTMA

Wir geben den Ton an

non-distinctive character

Cl. 2, 3, 19

R 0386/2017-1

EUTMA

CLEARLY DRINKS

non-distinctive character

Cl. 32, 33, 35

Banal terms

R 2220/2017-5

EUTMA

GENIE

Distinctive

Cl. 9, 35 - 45

Name of clubs and organizations

R 2457/2017-4

EUTMA

**Deutsche Gesellschaft für
Endodontologie und zahnärztliche
Traumatologie**

Cl. 41, 42, 44

R 2159/2017-4

EUTMA

**CHARTERED TRADE MARK
ATTORNEY**

Cl. 45

Geographical terms

C-488/16P

EUTMA

Neuschwanstein *Distinctive*

Cl. 3, 8, 14-16, 18, 21, 25, 28, 30, 32-36,
38, 44

T-790/17

EUTMA

St Andrews *non-distinctive character*

Cl. 25, 28, 35, 41

T-869/16

EUTMA

SWISSGEAR *non-distinctive character*

Cl. 9, 12, 14, 16, 18, 20, 22, 25

T-122/17

EUTM

DEVIN *Distinctive
(with exception in BG)*

Cl. 32

Geographical terms

R 0997/2017-4

EUTMA

Dresdner Striezel-Glühwein

Distinctive

Cl. 29, 30, 32, 33

T-869/16

EUTMA

SWISSGEAR

non-distinctive character

Cl. 9, 12, 14, 16, 18, 20, 22, 25

R 0817/2018-5

EUTMA



non-distinctive character

Cl. 29

R 2713/2017-4

EUTMA



non-distinctive character

Cl. 35

Geographical terms

R 1415/2017-2

EUTMA

Wembley

Distinctive

Cl. 9, 16, 18, 25, 28, 35, 39, 41, 43

R 0173/2017-5

EUTMA

Hudson

Distinctive

Cl. 25

R 2528/2017-4

EUTMA

Miami

Distinctive

Cl. 25

CP 3

T-428/17

EUTMA



Cl. 16, 39, 41

non-distinctive character

T-272/17

EUTMA



Cl. 9, 41, 42, 45

non-distinctive character

T-413/17

EUTMA



Cl. 9, 10, 16

non-distinctive character

T-333/16

EUTMA



Cl. 21

non-distinctive character

CP 3

T426/17

EUTMA

EFUSE

Cl. 7, 9

T-676/16

EUTMA

mycard2go

Cl. 09, 36

T-860/16

EUTMA



Cl. 9, 36

T-220/17

EUTMA



Cl. 31, 35

non-distinctive character

non-distinctive character

non-distinctive character

non-distinctive character

CP 3

T-561/17

EUTMA



Cl. 18

C-150/18P

EUTMA

FLÜGEL

Cl. 32, 33

C-32/17P

EUTMA

PARKWAY

Cl. 35, 36, 39, 42, 45

non-distinctive character

non-distinctive character

non-distinctive character

CP 3

R 1861/2017-5

EUTMA



non-distinctive character

Cl. 5, 35

R 2184/2017-5

EUTMA



non-distinctive character

Cl. 30

R 2722/2017-4

EUTMA



non-distinctive character

Cl. 16

R 2179/2016-1

EUTM



non-distinctive character

Cl. 37, 39, 40

CP 3

R 0307/2017-1

EUTM



Cl. 29, 39

non-distinctive character

R 1234/2018-2

EUTMA



Cl. 18, 25

non-distinctive character

R 0090/2017-2

EUTM



Cl. 30

Distinctive

R 2608/2017-5

EUTMA



Cl. 32

non-distinctive character

CP 3

R 1116/2018-4

EUTMA



non-distinctive character

Cl. 43

R 1710/2018-5

EUTMA



non-distinctive character

Cl. 30

R 2046/2017-1

EUTMA

DATADIARY

non-distinctive character

Cl. 9, 42

Pictograms

R 1759/2017-4

EUTMA



Distinctive

Cl. 9, 24, 25, 28

R 1483/2017-4

EUTMA

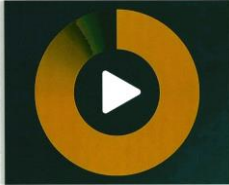


Distinctive

Cl. 9, 38, 42

R 0334/2018-2

EUTMA



non-distinctive character

Cl. 9, 16, 38, 41

R 1483/2018-4

EUTMA



Distinctive

Cl. 9, 35

Labels

R 2622/2017-4

EUTMA



Distinctive

Cl. 5



R 2635/2017-2

EUTMA



non-distinctive character

Cl. 7, 9

R 2573/2017-1

EUTMA



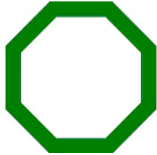
non-distinctive character

Cl. 5, 29, 30, 32

Geometric shapes & 3D characters

T-263/11

EUTMA



Cl. 35

non-distinctive character

C-520/17P

EUTMA

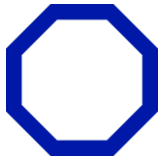


Cl. 5, 9, 10 – 12, 18, 22, 24, 25

non-distinctive character

T-460/17

EUTMA



Cl. 16, 42, 45

non-distinctive character

R 1346/2018-4 & R 1676/2018-4

EUTM



Cl. 5, 10, 12, 18



non-distinctive character

Geometric shapes & 3D characters

T-691/17

EUTMA



non-distinctive character

Cl. 9

T-387/17

EUTM



non-distinctive character

Cl. 10

T-691/17

EUTMA



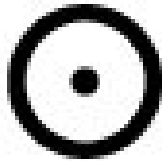
Distinctive

Cl. 29, 30, 32, 33

Geometric shapes & 3D characters

R 0084/2018-4

EUTMA



Non-distinctive character

Cl. 7, 12, 19

R 1032/2018-4

EUTMA



Distinctive

Cl. 28

New trade mark forms (sound mark)

EUTMA 17277864

EUTMA



Cl. 9, 38

non-distinctive character

EUTMA 17321464

EUTMA



Cl. 12

Distinctive

New trade mark forms (sound mark)

Opposition B 3058283

EUTMA 17877195



Fizz Fresh and Fun

Cl. 28, 30, 32

EUTMA

Earlier trade mark_(FR) 3630580

FIZZ

Cl. 29, 32

pending

New trade mark forms (movement trademark)

EUTMA 17492513



Cl. 1, 4, 37

Distinctive

EUTMA 17794355



Cl. 9, 12

non-distinctive character

New trade mark forms (movement trademark)

Opposition B 3026682

EUTMA 17877195



Cl. 28, 30, 32

EUTMA

earlier trade mark_(EU) 10284701

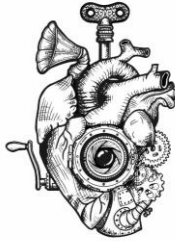
anhangig



Cl. 29, 32

New trade mark forms (Multimedia trademark)

EUTMA 17279704



Distinctive

Cl. 45

EUTMA 17282203



Cl. 9, 28, 41-43

Technical function & essential value

C-163/16

National trade mark



OK

Cl. 25

R 2696/2017-1

EUTM



Technical function

Cl. 28

T-44/16

EUTMA



Technical function

Cl. 5

Public order and good manners

T-1/17

EUTM



*Contrary to public policy
& morality*

Cl. 25, 35, 43

T-69/17

EUTMA

Fack Ju Göhte

*Contrary to public policy
& morality*

Cl. 3, 9, 14, 16, 18, 21, 25, 28, 30, 32, 33,
38, 41

R 2181/2017-2

EUTMA



*Contrary to public policy
& morality*

Cl. 43

R 1516/2018-5

EUTMA



GIRLS DOING WHATEVER THE F_____ THEY WANT

*Not contrary to public
policy & morality*

Cl. 16, 18, 25, 35, 41, 43, 44

Public order and good manners

R 0958/2017-G

EUTMA



pending

Cl. 20, 32, 33, 43

Flags and emblems

R 2741/2017-4

EUTMA



BIRMINGHAM CITY
University
Centre for Brexit Studies



No heraldic imitation

Cl. 9, 16, 35, 41

Indications of geographical origin

T-774/16

EUTMA



*PDO Cava
no evocation*

R 0674/2017-1

EUTMA

YORKSHIRE PROVENDER

*PGI Yorkshire Winesleydale
contains PGI*

Cl. 3

R 0026/2018-5



*PDO Prat
contains PDO*

Cl. 29, 30

R 2305/2017-5

EUTM



*PDO Côtes du Rhône
PDO Vacqueyras
contains 2 PDOs---*

Cl. 29

26/02/2019

Cl. 33

Indications of geographical origin

R2110/2017-1

EUTMA



PDO Toma Piemontese
Evocation

Cl. 29

Variety protection

R 1929/2017-1

EUTMA

Kordes' Rose Monique

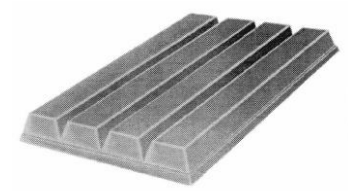
*Contains variety
denomination*

Cl. 31 [Roses]

Distinctive character acquired through use

C-84/17P & C-95/17

EUTMA



Application rejected

Cl. 29, 30, 43

R 1435/2017-1

EUTMA

IWATCH

Application rejected

Cl. 9, 14

BAD FAITH

Have I heard from you before...?

T-374/17

EUTM



Cl. 14, 16, 18, 25

No bad faith

R 0484/2017-5

EUTM

Blue Economy

Cl. 35, 36, 41, 42

Bad faith

R 1826/2015-1

EUTM

Bikor Egyptian Earth

Cl. 3, 41

No bad faith

RELATIVE GROUNDS FOR REFUSAL

Comparison of goods and services

R 0378/2018-1

Dealer services for vehicles [Cl. 35]	≈	Specific spare part for vehicles [Cl. 6, 7, 12]
Vehicle renting services [Cl. 39]		Snow chains [Cl. 12]

R 2385/2017-1 & R 2431/2017-1

Retail and wholesale [...] clothing, footwear, headgear [Cl. 35]	≠	General heading Classes 14 & 18
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R 0919/2017-5

Physical exercise apparatus, for medical purpose [Cl. 10]	≈	Gymnastic and sport items [Cl. 28]
Sale of gymnastic and sporting articles [Cl. 35]		

T-186/17

Sale (Wholesale and retail) of particular goods, all of them not in connection with sport equipment [Cl. 35]	≈	Sale of sport equipment [Cl. 35]
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R 0514/2018-2

Providing information about video and computer hardware and software products for advertising and sales purposes [Cl. 35]	≈	Consultancy relating to games [Cl. 41]
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R 1983/2017-5 & 1984/2017-5

Yoga mats [Cl. 27]	≈	Sporting activities [Cl. 41]
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Comparison of goods and services

R 0175/2018-4

veterinary preparations, excluding blood products and preparations for the treatment of blood disorders and bleeding diseases [Cl. 5]

≈

pharmaceutical preparations for the treatment of breast cancer [Cl. 5]

R 2321/2017-5

Nutritional supplements *et al* [Cl. 5]

≈

Foodstuff for animals; Preparations for use as additives for animal foods [Cl. 31]

R 0610/2017-1

Chemicals and chemical products for use in industry [Cl. 1]

≈

Non-alcoholic drinks [Cl. 32]

R 0610/2017-1

Chemicals and chemical products for use in industry [Cl. 1]

≠

Dietetic substances adapted for medical purposes [Cl. 5]

R 2154/2017-2

Agricultural crops, horticulture and forestry products [Cl. 31]

≈

Mineral organic fertiliser and soil organic improvers [Cl. 1]

Comparison of goods and services

R 2166/2018-1

(Mode-)Jewelery [Cl. 14]

≠

Eyeware [Cl. 9], Leather goods [Cl. 18], Clothing[Cl. 25]

R 2002/2017-5

Towels, household textile articles, bath linen [Cl. 25]

≈

Ladies underwear, beach wear [Cl. 25]

R 1983/2017-5 & 1984/2017-5

Umbrellas [Cl. 18]

≠

Rucksacks [Cl. 18]

Comparison of goods and services

T-820/17

Fish, seafood, vegetables [Cl. 30]	≠	Import and Export of fish, seafood and vegetables[Cl. 35]
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T-150/17

Alcoholic beverages (except beers) [Cl. 33]	≠	Energy drinks [Cl. 32]
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R 1720/2017-G

Mineral water, non-alcoholic beverages, fruit beverages [Cl. 30]	≠	Vodka [Cl. 33]
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R 2257/2017-2

Coffee; cocoa; coffee and cocoa beverages; yeast, baking powder, flour [Cl. 30]	≠	Biscuits [Cl. 30]
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R 1915/2017-5

Ice [Cl. 30]	≠	Coffee, tea [Cl. 29]
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R 1915/2017-5

Ice [Cl. 30]	≈	Mineral water , soft drinks [Cl. 32]
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Comparison of goods and services

T-577/17

Consulting services for software for multimedia and audio-visual applications [Cl. 42]

≈

Software, Applications [Cl. 9]

R 2129/2017-5

Class Heading Cl. 5 and Cl. 10

≠

Scientific and technological services and research [Cl. 42]

Danger of association

R 2189/2017-4

EUTMA

Red  Side

no LoC

earlier trade mark_(EU)

Cl. 25, 35

Danger of association

R 2160/2017-4

EUTMA

BIJOU de *M*
May

no LoC

Cl. 14, 16, 18, 25

earlier trade mark_(EU)

Bijoux One

Cl. 14, 16, 18, 25

R 1981/2017-4

EUTMA

Alma
of Spain

LoC

Cl. 33

earlier trade mark_(EU)

ALMA DE MAGNO

Cl. 33

CP 5

R 2284/2017-2

EUTMA



Cl. 1, 5

no LoC

earlier trade mark_(EU)



Cl. 1, 5, 31

CP 5

R 0102/2018-4

EUTMA

No Loc

earlier trade mark_(EU)

NYMEX BRENT

BRENT NX

Cl. 36

Cl. 9, 36, 42

R 0518/2018-2

EUTMA

no Loc

earlier trade mark_(EU)

WEPROTEIN

MYPROTEIN

Cl. 5, 29, 30, 32

Cl. 29, 30, 32, 35

CP 5

R 0008/2017-4

EUTMA



no LoC

Cl. 32

earlier trade mark_(EU)

AMBAR - GREEN

Cl. 32

R 2176/2017-4

EUTMA



no LoC

Cl. 32

earlier trade mark



Cl. 33

Names

R 0451/2017-4

EUTMA

No LoC

JAUME CODORNÍU

earlier trade mark_(EU)

JAUME SERRA

Cl. 33

Cl. 33

R 0232/2018-5

EUTMA

LoC

TESLA

earlier trade mark_(Es)

TESSLA

Cl. 11

Cl. 11

Equivalent concepts

R 1055/2017-2

EUTMA



no LoC

Cl. 32, 33, 35

earlier trade mark_(EU)



Cl. 33

R 1013/2018-5

EUTMA



no LoC

Cl. 9, 14

earlier trade mark_(EU)



Cl. 14

Equivalent concepts

R 0081/2018-5

EUTMA



no LoC

earlier trade mark_(EU)

VIÑA SOL

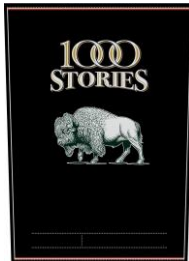
Cl. 33

SOTTO il SOLE

Cl. 33

R 0116/2018-2

EUTMA



no LoC

earlier trade mark_(EU)

BUFFALO TRACE

Cl. 33

Cl. 33

Equivalent concepts

T-794/16

Registered Community Design



LoC

earlier trade mark_(BG)



Cl. 30

T-648/16

EUTMA



no LoC

earlier trade mark_(IR)



Cl. 30

Cl. 30

Well-known trade marks

R 0237/2017-2

EUTMA



Cl. 9

LoC

earlier trade mark_(EU)

LAND ROVER

Cl. 9, 12

Different figurative elements

R 0945/2017-2

EUTMA



Cl. 25

no LoC

earlier trade mark_(EU)



Cl. 25

R 0692/2018-1

EUTM₁



Cl. 9, 18, 25

no LoC

earlier trade mark_(EU)

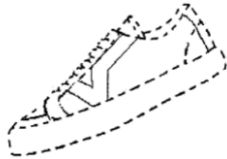


Cl. 9, 18, 25

Different figurative elements

T-638/16

EUTMA



no LoC

Cl. 25

earlier trade mark_(EU)



Cl. 25

T-817/16

EUTM₁



LoC

Cl. 25

earlier trade mark_(EU)



Cl. 25

Different figurative elements

T-581/17

EUTMA



Cl. 25

no LoC

earlier trade mark_(EU)



Cl. 25

T-113/16

EUTMA



Cl. 12, 25

LoC

earlier trade mark_(EU)



Cl. 25

Different signs

R 1475/2017-5

EUTMA



Cl. 37, 42

LoC

earlier trade mark₍



Cl. 35, 38, 42

R 0052/2018-2

EUTMA



Cl. 25, 35

LoC

earlier trade mark_(EU)



Cl. 18, 25, 35

Different figurative elements

R 0825/2017-2

EUTMA



BLAUKREUZ WHEELS

Cl. 12, 35

no LoC

earlier trade mark



Cl. 12, 41

R 2195/2017-2

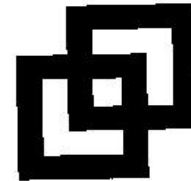
EUTMA



Cl. 36, 41, 42

no LoC

earlier trade mark

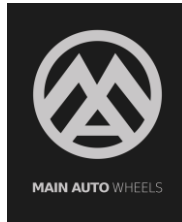


Cl. 9, 16, 36

Different figurative elements

T-623/16

EUTMA



no LoC

Cl. 12

earlier trade mark_(EU)



Cl. 12

R 1852/2017-4

EUTMA



no LoC

Cl. 12

earlier trade mark_(EU)

VOLVO



Cl. 12

Famous trade marks

T-215/17

EUTMA



PEARA

Cl. 9

Signs dissimilar

earlier trade mark_(EU)



Cl. 9

R 0693/2018-5

EUTMA



Cl. 29, 30, 32

Advantage of the distinctive character

[→ T-61/16, → R 1251/2015-4,
→ T-480/12]

earlier trade mark_(EU)



Cl. 32



Advantage of the distinctive character or damage to reputation

R 1325/2018-5

EUTMA



Cl. 43

Advantage of the distinctive character

[→ T-398/16]

earlier trade mark^(E)



Cl. 30, 43

R 2506/2017-2

EUTMA



Cl. 32

Advantage of the distinctive character

earlier trade mark^(D)



Cl. 32

Advantage of the distinctive character or damage to reputation

R 1844/2017-1 & R 2093/2017

EUTMA

limango

Cl. 25, 35

earlier trade mark_(EU)

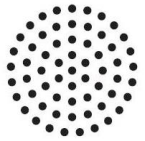
MANGO

Cl. 25, 35

Advantage of the distinctive character

R 1631/2017-5

EUTMA



blackphone

Cl. 9

earlier trade mark_(EU)

BLACKBERRY

Cl. 9

Advantage of the distinctive character

Advantage of the distinctive character or damage to reputation

R 0972/2017-2

EUTMA



Träumen zum kleinen Preis!

Cl. 43

Advantage of the distinctive character

earlier trade mark_(EU)

McDonald's

Cl. 29, 30, 32, 42

R 0329/2018-2

EUTMA

Nc fit

Advantage of the distinctive character

earlier trade mark_(EU)

McFit

Cl. 25, 41

Cl. 35, 41, 44

Advantage of the distinctive character or damage to reputation

R 0913/2017-1

EUTMA



Cl. 30

Advantage of the distinctive character

earlier trade mark_(FR)



Cl. 30

R 2378/2017-2

EUTMA



Cl. 32

Advantage of the distinctive character

earlier trade mark_(EU)



Cl. 32

Advantage of the distinctive character or damage to reputation

C-564/16P

EUTMA



pending

Cl. 7

Machines for processing of wood; Machines for processing aluminium; Machines for treatment of PVC

als R 2057/2018-4 anhängig

earlier trade mark_(EU)



Cl. 18, 25, 28

GENUINE USE

Genuine use

14788C

EUTM

BIG MAC

no genuine use

Evidence

- Lack of sufficient independent evidence

Cl. 29, 30, 42

Genuine use

T-72/17

EUTM



Remitted to BoA

Use

Cl. 1, 17, 35



T-253/17

EUTM (Collective)



no genuine use

Use

Cl. 1 – 34



Use that does not change the distinctive character of the registered sign

T-24/17

Registered sign

TACK

Cl. 1, 17, 35

Alteration of the distinctive character

Sign used



Cl. 16, 17

T-44/17

Registered sign

CAMOMILLA

No alteration of the distinctive character

Sign used



LEARNING PORTAL

EUIPO Academy Learning Portal (I)

Homepage

- <https://euipo.europa.eu/knowledge/>

EUIPO Academy Learning Portal (II)

IP Courses/Trade mark law

- <https://euipo.europa.eu/knowledge/course/index.php?categoryid=1236>

- ▶ General Introduction
- ▶ Pre-filing searches
- ▶ Procedure and evidence before the Office
- ▶ Filing an application
- ▶ Formalities and classification
- ▶ Post registration
- ▶ Examination on absolute grounds
- ▶ Opposition
- ▶ Cancellation
- ▶ Boards of appeal
- ▶ Court of justice and General Court
- ▶ Guidelines of the Office
- ▶ Case Law
- ▶ New EU TRADE MARKS Regulation

EUIPO Academy Learning Portal (III)

Tuesday's Webinars

- <https://euipo.europa.eu/knowledge/calendar/view.php?view=month>

Site pages > Calendar > February 2019

Calendar

◀ January 2019 February 2019 March 2019 ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
					[Magister Lvcentinus - XVII European Union Trade Mark Intensive Module and IX Community Design Intensive Module]	[Magister Lvcentinus - XVII European Union Trade Mark Intensive Module and IX Community Design Intensive Module]
3	4	5	6	7	8	9
[Magister Lvcentinus - XVII European Union Trade Mark Intensive Module and IX Community Design Intensive Module]	[Magister Lvcentinus - XVII European Union Trade Mark Intensive Module and IX Community Design Intensive Module]	Webinar: Recent case law on designs	[Magister Lvcentinus - XVII European Union Trade Mark Intensive Module and IX Community Design Intensive Module]			

Events key

- Hide global events
- Hide course events

Monthly view

JANUARY 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

FEBRUARY 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

MARCH 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

OTHER IMPORTANT WEBSITES AND TOOLS...

Convergence Programme

European Trade Mark and Design Network

- <https://www.tmdn.org/network/converging-practices>

Goods and services

TMclass

- <http://tmclass.tmdn.org/ec2/>

Similarity

- <http://euipo.europa.eu/sim/>

Thank you for your attention!

KONTAKT:



Christoph Bartos
(+ 34) 965 139 743

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



www.euipo.europa.eu



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Thank you