



**Global Trademark
& Copyright**
*Protecting Intellectual Property Rights
in the International Marketplace*

RECENT DEVELOPMENTS IN COMMUNITY TRADEMARK PRACTICE AND PROCEDURES



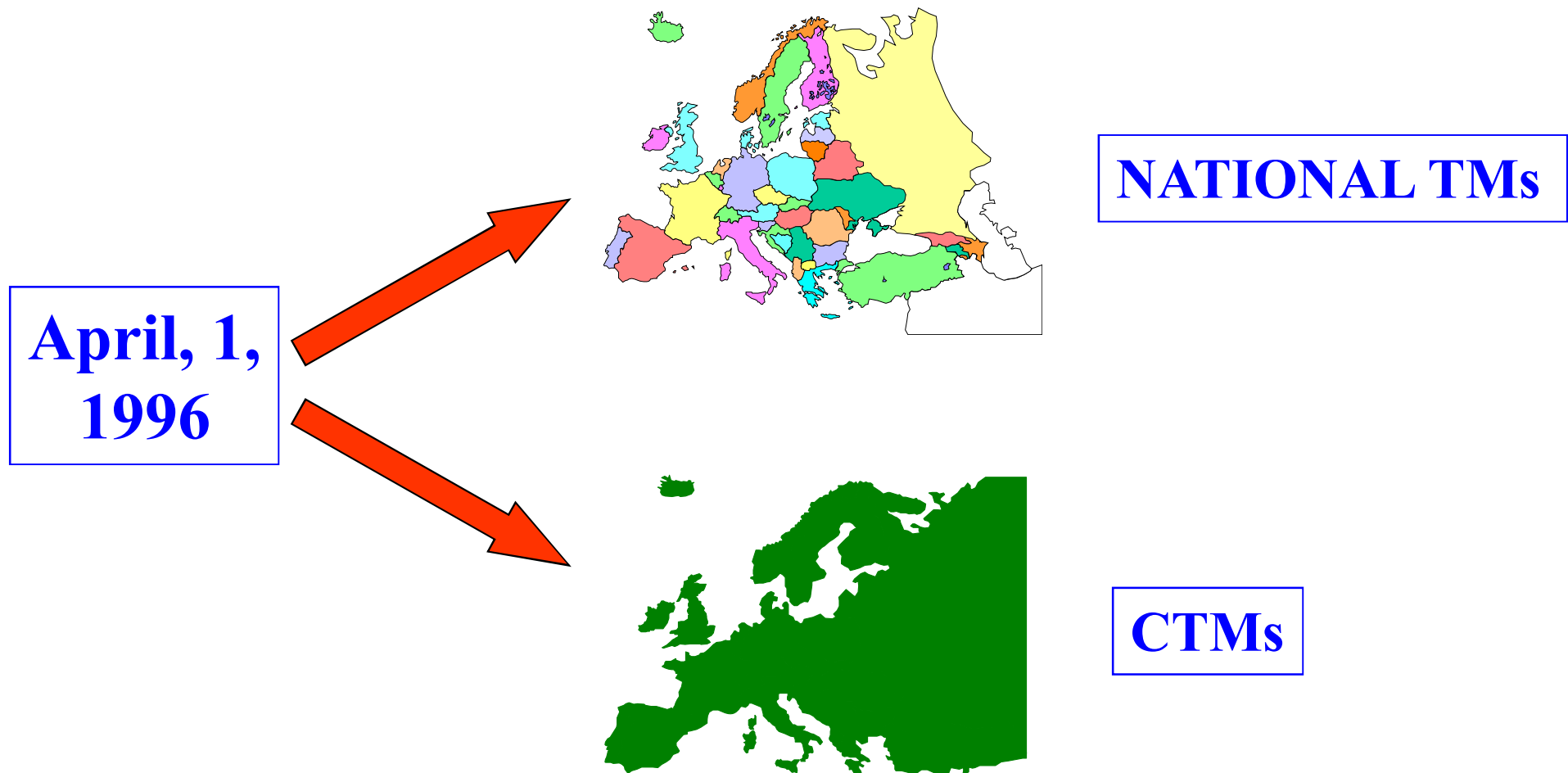
OHIM, TWO AND HALF YEARS LATER



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INTRODUCTION

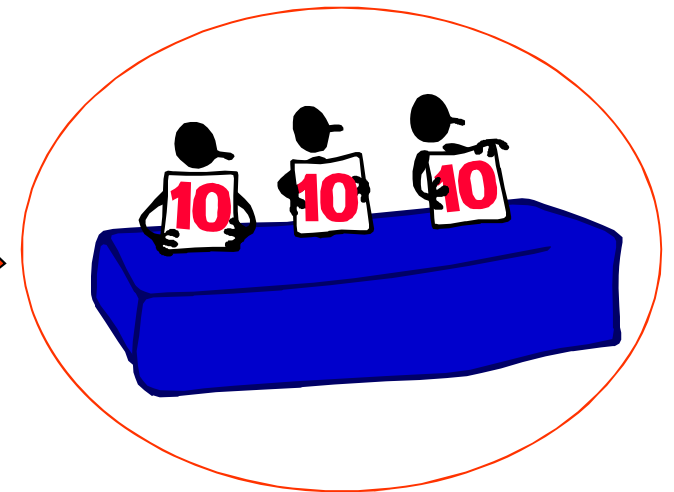




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INTRODUCTION



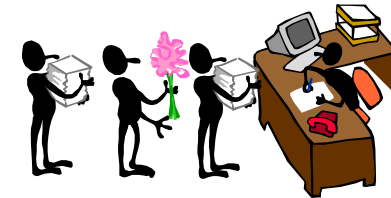


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SOME STATISTICS (July, 1998)

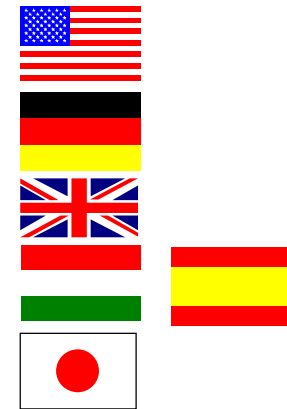
• **NUMBER OF APPLICATIONS - 70.248**

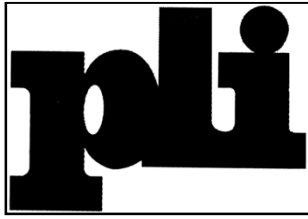


• **NUMBER OF OPPOSITION RATE ~ 20 %**

• **ORIGINE OF APPLICATIONS**

- US - 28 %
- DE - 16 %
- UK - 13 %
- IT & ES - 6 %
- JP - 3 %





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SOME STATISTICS (July, 1998)

• PRODUCTS AND SERVICES :

- GOODS CLASS 9

- 11 %



- GOODS CLASS 16

- 7 %



- SERVICES CLASS 42

- 6,5 %



- GOODS CLASS 25

- 5 %



- GOODS CLASS 41

- 4 %



- GOODS CLASS 35

- 3,7 %



- GOODS CLASS 5

- 3,5 %



- GOODS CLASS 3

- 3 %





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SOME STATISTICS (July, 1998)

MARKS

- WORD MARKS

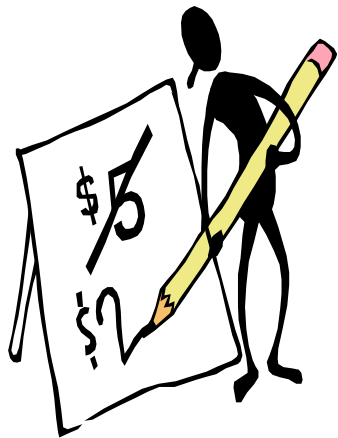
- 64 % **Kleenex**

- FIGURATIVE MARKS - 33 %



- 3D MARKS

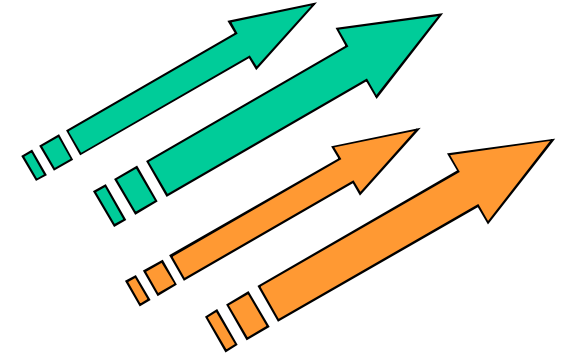
- 1 %





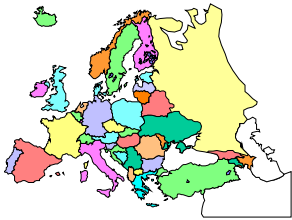
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THE EU SCENARIO

•NATIONAL SYSTEM

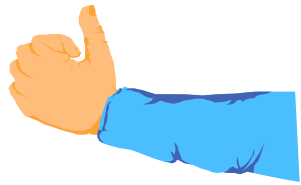


- SINGLE APPLICATION
- SINGLE REGISTRATION
- ENFORCEABLE IN EACH STATE
- SINGLE OFFICE
(NATIONAL OFFICE)
- COVERING 1 STATE

•COMMUNITY SYSTEM



- SINGLE APPLICATION
- SINGLE REGISTRATION
- ENFORCEABLE IN ALL EU MEMBER STATES
- SINGLE OFFICE
(OHIM)
- COVERING 15
STATES OF EU



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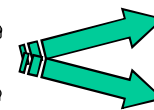
CTM SYSTEM

A D V A N T A G E S

• **SINGLE FILING, PROSECUTION, RENEWAL (SAVE OF COSTS)**



• **SPLIT OF COSTS**

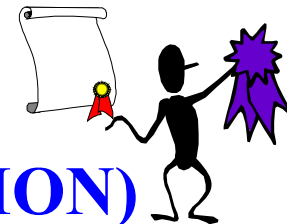


**50 % FILING
50 % REGISTRATION**

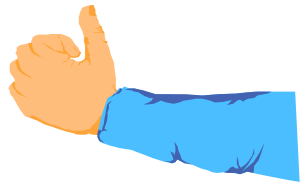
• **INCLUDES A SEARCH ON EARLIER CTMs AND NATIONAL TMs (1)**



• **EASIER TO OBTAIN
(NO “EX OFFICIO” EXAMINATION)**



(1) Except France, Germany and Italy.



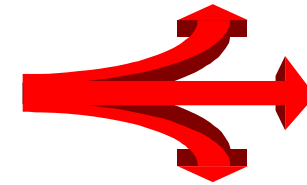
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CTM SYSTEM

A D V A N T A G E S

•POSSIBILITY TO CONVERT



NATIONAL
TMs



•SENIORITY CLAIM

•POSSIBILITY TO ENFORCE WITH A SINGLE
ACTION (2)

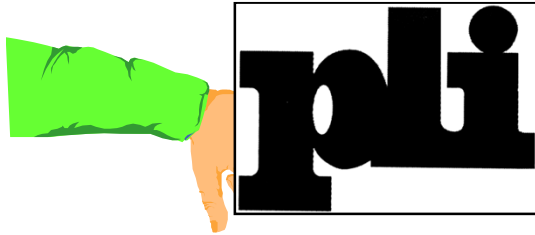


•LOWER USE REQUIREMENTS (3)



(2) Provided that action is filed following the rules on jurisdiction of article 93 (1) to (4).

(3) But see contradiction between Statement to article 15 and wording of article 108.2(9) of the CTMR.

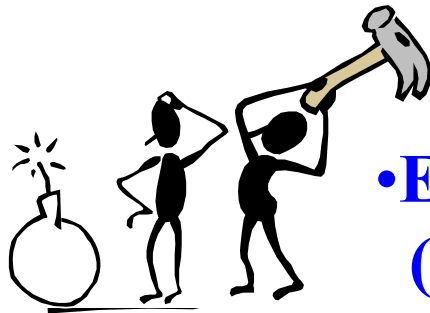


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CTM SYSTEM

- **HIGHER REGISTRABILITY STANDARD
(ALL EU COUNTRIES)**



- **EASIER TO ATTACK
(SINGLE OPPOSITION/ REVOCATION/
CANCELLATION)**

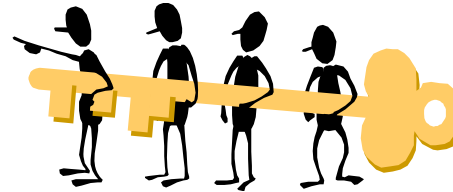
- **LESS LEGAL CERTAINTY
(ONLY OPPOSITIONS)**





MADRID PROTOCOL

- **SYSTEM DEVISED TO EXPAND THE MADRID AGREEMENT TO SOME COUNTRIES THAT WANTED TO HAVE SOME CHANGES IN MADRID SYSTEM BEFORE BECOMING MEMBERS**



- **ACTUALLY NOT ALL EU MEMBER STATES HAVE RATIFIED THE PROTOCOL**



- **APRIL 1, 1996 ENTERED INTO FORCE**



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MADRID AGREEMENT

- Base: Registration
- Same Designation Fee
- Control Attack
- 12 Months for Objections

MADRID PROTOCOL

- Base: Application
- Individual Designation Fee
- Conversion Possible
- 18 Months for Objections





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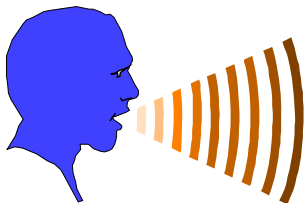


MADRID
PROTOCOL



CTM

LANGUAGES



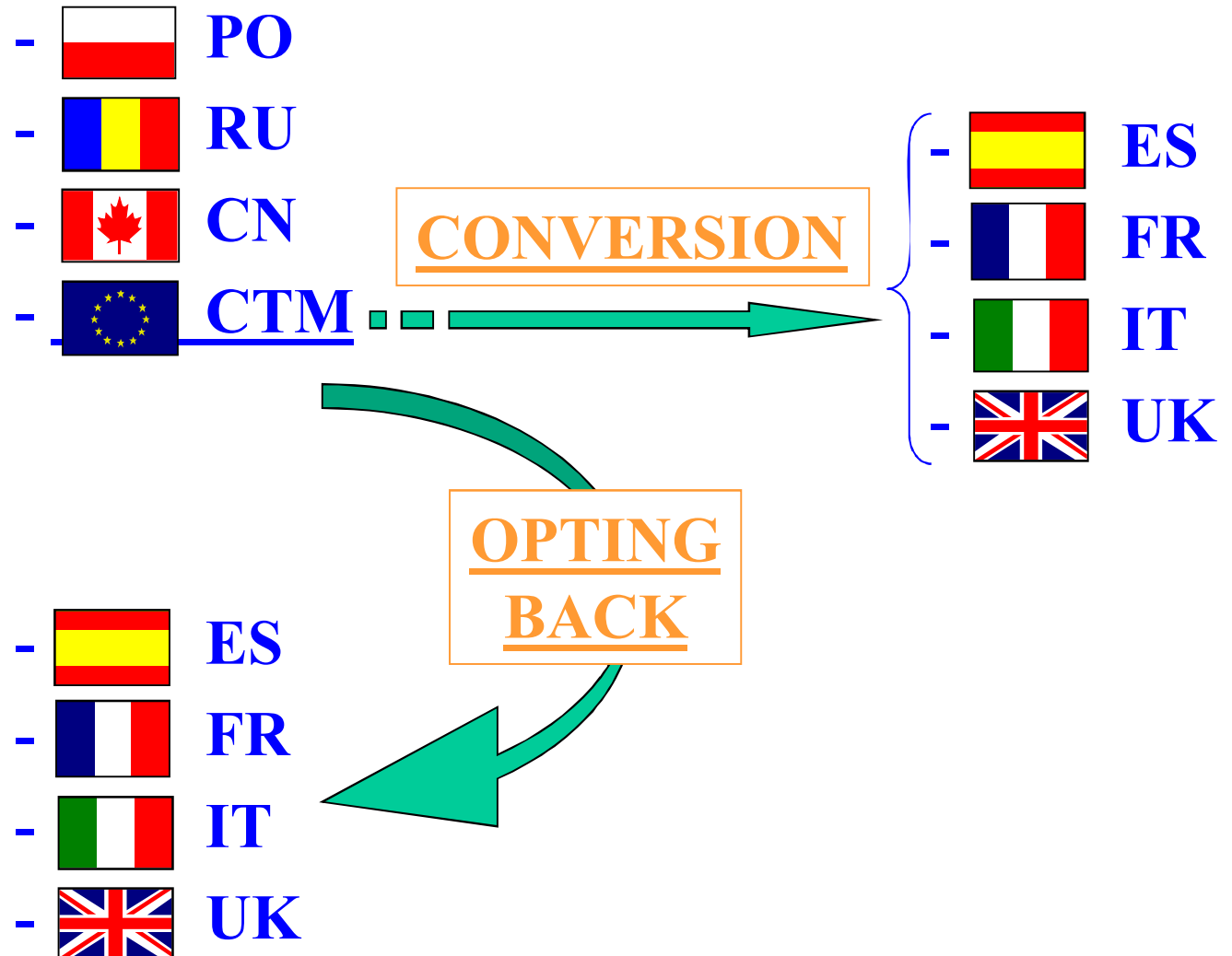
	FILING	PUBLICATION	PROSECUTION
MADRID PROTOCOL	2	2	11
CTM	11	11	2 from 5



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OPTING BACK



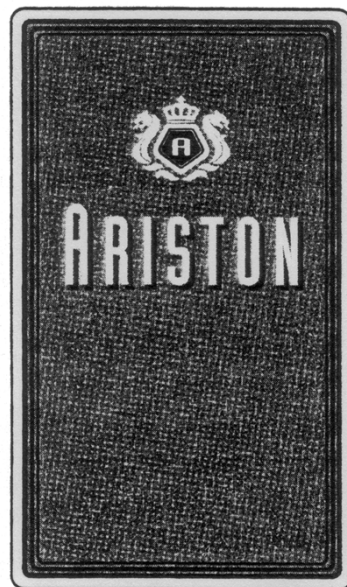
INTERNATIONAL
TRADEMARK

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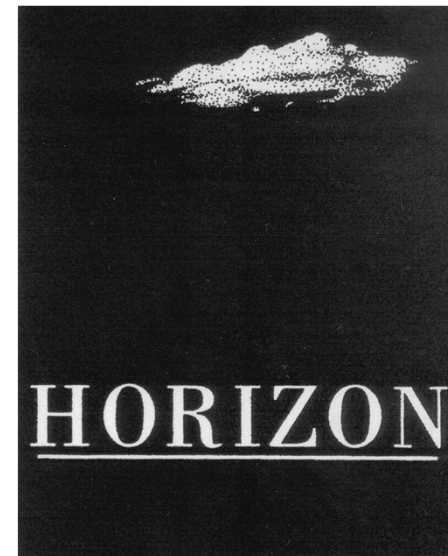
PLI ANNUAL MEETING
New York October, 21 1998
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CTM - BEAUTY FREE

Vs.



Vs.



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DECISIONS
OF
BA

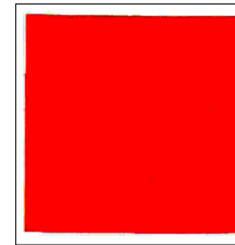
A- FORMALITIES

R. 7/97-3

Community Trademark 16.139

Classe(s) 9, 38

Date of filing **20-05-97** Type **Other** Languages **English, French**
Publ. Date
OHIM Receipt **01-03-96** National Office receipt date
Name
Description **The mark consists of the colour orange**



Applicant name **ORANGE PERSONAL COMMUNICATIONS SERVICES LTD., St. James Court, Great Park Road, , Almondsbury Park, Bradley Stoke,, BS12 4QJ Bristol, GB**

Repres. name **R.G.C. JENKINS & CO., Edificio Marina Avda. Maisonnave, 41-4c, 03003 Alicante, ES**

Vienna Clasif. **290101**

09 ENGLISH: Electrical and electronic communications and telecommunications apparatus and instruments; optical, electro-optical, monitoring (other than in-vivo monitoring), radio, television, electrical control, testing (other than in-vivo testing), signalling, checking (supervision), radio paging, radio-telephone and teaching apparatus and instruments; telephones; paging apparatus; telecommunications apparatus and instruments; communications apparatus and instruments; apparatus and instruments for recording, transmission or reproduction of sound or images; video films; aerials; electrical and electronic apparatus and instruments all for processing, logging, storing, transmission, retrieval or reception of data; computers; discs, tapes and wires, all being magnetic data carriers; computer programmes; computer software; micro-processors; magnetic cards; key boards; satellite transmitters and receivers; batteries; parts and fittings for all the aforesaid goods.

38 ENGLISH: Telecommunications, communications, telephone, facsimile, telex, message collection and transmission, radio-paging and electroonic mail services; transmission, reception, storage and processing of data andof information; on-line information services; data interchange services; satellite communication services; broadcasting or transmission of radio or television programmes; hire, leasing or rental of apparatus, instruments, installations or components for use in the provision of all the aforementioned services; advisory, information and consultancy services relating to all the aforementioned services.



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DECISIONS
OF
BA

A- FORMALITIES

R. 4/97-2

Community Trademark 136.168

Classe(s) 25

Date of filing

Type **Other**

Languages **English, French**

Publ. Date

OHIM Receipt **29-03-96**

National Office receipt date

Name

Description

The trade mark consists in the vacuum packing of an article of clothing in an envelope of plastics.

Applicant name **BURAKOWSKI, ANTONI TOMAS, 398 Kingsland Road, E8 4AA London, GB**

Repres. name **MATHYS & SQUIRE, 100 Gray's Inn Road, WC1X 8AL London, GB**

25 ENGLISH: Articles of clothing; shirts, T-shirts, dresses, sweatshirts, underwear, knitwear, swimwear, trousers, jeans, socks, tights and stockings, hats and scarves.



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DECISIONS
OF
BA

A- FORMALITIES

R. 3/97-1

BOUNTY 3D



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DECISIONS
OF
BA

A- FORMALITIES

R. 53/98-3

Community Trademark 10.967

Classe(s) 33

Date of filing	01-04-96	Type	Word	Languages	Spanish, English
Publ. Date	07-04-97				
OHIM Receipt	20-02-96	National Office receipt date			
Name	TIERRA VIVA				
Applicant name	TEQUILAS DEL SEÑOR S.A. DE C.V., Rio Tuito 1191 y 1193, Col. Atlas, 44870 Guadalajara, Jalisco, MX				
Repres. name	CURELL SUÑOL, MARCELINO, Passeig de Gràcia, 65 bis, 08008 Barcelona, ES (AND OTHERS)				

33 ENGLISH: Alcoholic drinks, alcoholic spirits and liquor, in particular tequilas.



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DECISIONS
OF
BA

A- FORMALITIES

R. 5/97-1

Community Trademark 6.395

Classe(s) 34

Date of filing **01-04-96**

Type **Figurative**

Languages **English, French**

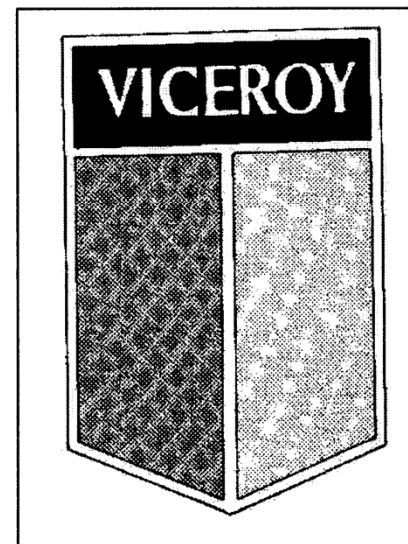
Publ. Date

OHIM Receipt **05-02-96**

National Office receipt date

Name

VICEROY



Applicant name **BATMARK, INC., 1209 Orange Street, 19801 Wilmington, Delaware, US**

Repres. name **HICKEY, MARK JOHN, 17 Lansdowne Road, CR0 2BX Croydon, GB**

Seniority **GR 54 913 21/06/1975, AT 80737 01/09/1975**

Vienna Clasif. **240103 260511**

34 ENGLISH: Cigarettes, tobacco, tobacco products, smoker's requisites, lighters and matches.



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DECISIONS
OF
BA

A- FORMALITIES

R. 10/98-2

Community Trademark 198.010

Classe(s) 9, 18, 42

Date of filing **01-04-96** Type **Word** Languages **English, French**
Publ. Date **29-12-97**
OHIM Receipt **03-04-96** National Office receipt date **28-03-96**
Name **THINKPAD**
Applicant name **INTERNATIONAL BUSINESS MACHINES CORPORATION, Old Orchard Road, 10504 Armonk, New York, US**
Repres. name **DE PENA, ALAIN, B.P. 13, 06610 La Gaude, FR**
Seniority **DE 39401908 26/09/1995, GR 101098 17/12/1993, GB 2002342**

09 ENGLISH: Computers, adapters for computers, any components and peripheral devices for computers. Portable computers. Documentation and instruction manuals recorded on machine readable medium and relating to computers and peripheral devices for computers, and to portable computers.

18 ENGLISH: Carrying cases.

42 ENGLISH: Design, updating, rental and maintenance of computer programs. Computer programming. Advice relating to computers and data processing techniques. Consulting services related to computers and computer programs.



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DECISIONS
OF
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B- ABSOLUTE
GROUND

R. 4/98-2

Community Trademark 344.879

Classe(s) 1, 9, 40

Date of filing **01-04-96** Type **Word** Languages **English, German**
Publ. Date **06-07-98**
OHIM Receipt **22-03-96** National Office receipt date
Name **IX**
Applicant name **FUJI PHOTO FILM CO., LTD., No. 210, Nakanuma
Minamiashigara-shi, Kanagawa-ken, JP**
Repres. name **GRÜNECKER, KINKELDEY, STOCKMAIR & SCHWANHÄUSSER,
Maximilianstraße 58, 80538 München, DE**

01 ENGLISH: Unexposed photographic films, unexposed photographic papers and processing chemicals for them.

09 ENGLISH: Apparatus and instruments for photofinishing including those for developing, fixing, washing, drying, enlarging and printing.

40 ENGLISH: Photofinishing services including the development of photographic films and the exposure of developed photographic images on unexposed photographic papers, and services for converting photographic images to digital images by scanner and for printing digital images on unexposed photographic papers or thermo-sensitive papers or other recording papers.



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DECISIONS
OF
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B- ABSOLUTE
GROUND

R. 22/98-2

Community Trademark 45.518

Classe(s) 1

Date of filing	01-04-96	Type	Word	Languages	English, German
Publ. Date					
OHIM Receipt	22-03-96	National Office receipt date			
Name	CR				
Applicant name	FUJI PHOTO FILM CO., LTD., No. 210, Nakanuma Minamiashigara-shi, Kanagawa-ken, JP				
Repres. name	GRÜNECKER, KINKELDEY, STOCKMAIR & SCHWANHÄUSSER, Maximilianstraße 58, 80538 München, DE (AND OTHERS)				

01 ENGLISH: Unexposed photographic films for X-ray photography.



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DECISIONS
OF
BA

B- ABSOLUTE
GROUND

R. 23/98-2

Community Trademark 50.864

Classe(s) 9

Date of filing **01-04-96** Type **Word** Languages **English, German**
Publ. Date
OHIM Receipt **22-03-96** National Office receipt date
Name **HQ**
Applicant name **FUJI PHOTO FILM CO., LTD., No. 210, Nakanuma
Minamiashigara-shi, Kanagawa-ken, JP**
Repres. name **GRÜNECKER, KINKELDEY, STOCKMAIR & SCHWANHÄUSSER,
Maximilianstraße 58, 80538 München, DE (AND OTHERS)**

09 ENGLISH: Magnetic recording materials and optical disks.



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DECISIONS
OF
BA

B- ABSOLUTE
GROUND

R. 24/98-2

Community Trademark 66.878

Classe(s) 1, 7, 9

Date of filing **01-04-96** Type **Word** Languages **English, German**
Publ. Date
OHIM Receipt **26-03-96** National Office receipt date
Name **HD**
Applicant name **FUJI PHOTO FILM CO., LTD., No. 210, Nakanuma
Minamiashigara-shi, Kanagawa-ken, JP**
Repres. name **GRÜNECKER, KINKELDEY, STOCKMAIR & SCHWANHÄUSSER,
Maximilianstraße 58, 80538 München, DE (AND OTHERS)**

01 ENGLISH: Processing chemicals for presensitized printing plate.

07 ENGLISH: Presensitized printing plate.

09 ENGLISH: Apparatus and instruments for developing presensitized printing plate.



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DECISIONS
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GROUND

R. 25/98-2

Community Trademark 66.910

Classe(s) 9

Date of filing **01-04-96** Type **Word** Languages **English, German**
Publ. Date
OHIM Receipt **26-03-96** National Office receipt date
Name **XD**
Applicant name **FUJI PHOTO FILM CO., LTD., No. 210, Nakanuma
Minamiashigara-shi, Kanagawa-ken, JP**
Repres. name **GRÜNECKER, KINKELDEY, STOCKMAIR & SCHWANHÄUSSER,
Maximilianstraße 58, 80538 München, DE (AND OTHERS)**

09 ENGLISH: Magnetic recording materials.



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DECISIONS
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B- ABSOLUTE
GROUND

R. 31/98-2

Community Trademark 44.636

Classe(s) 1, 9, 40

Date of filing **01-04-96** Type **Word** Languages **English, German**
Publ. Date
OHIM Receipt **21-03-96** National Office receipt date
Name **HG**
Applicant name **FUJI PHOTO FILM CO., LTD., No. 210, Nakanuma
Minamiashigara-shi, Kanagawa-ken, JP**
Repres. name **GRÜNECKER, KINKELDEY, STOCKMAIR & SCHWANHÄUSSER,
Maximilianstraße 58, 80538 München, DE (AND OTHERS)**

01 ENGLISH: Unexposed photographic films, unexposed photographic papers and processing chemicals for them.

09 ENGLISH: Apparatus and instruments for photofinishing including those for developing, fixing, washing, drying, enlarging and printing.

40 ENGLISH: Photofinishing services including the development of photographic films and the exposure of developed photographic images on unexposed photographic papers, and services for converting photographic images to digital images by scanner and for printing digital images on unexposed photographic papers or thermo-sensitive papers or other recording papers.



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DECISIONS
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B- ABSOLUTE
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R. 32/98-2

Community Trademark 45.302

Classe(s) 9, 40

Date of filing **01-04-96** Type **Word** Languages **English, German**
Publ. Date
OHIM Receipt **22-03-96** National Office receipt date
Name **DS**
Applicant name **FUJI PHOTO FILM CO., LTD., No. 210, Nakanuma
Minamiashigara-shi, Kanagawa-ken, JP**
Repres. name **GRÜNECKER, KINKELDEY, STOCKMAIR & SCHWANHÄUSSER,
Maximilianstraße 58, 80538 München, DE (AND OTHERS)**

09 ENGLISH: Electronic still cameras.

40 ENGLISH: Photofinishing services including the development of photographic films and the exposure of developed photographic images on unexposed photographic papers, and services for converting photographic images to digital images by scanner and for printing digital images on unexposed photographic papers or thermo-sensitive papers or other recording papers.



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DECISIONS
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R. 20/97-1

Community Trademark 28.316

Classe(s) 3

Date of filing **01-04-96**

Type **Word**

Languages **English, French**

Publ. Date

OHIM Receipt **15-03-96**

National Office receipt date

Name

XTRA

Applicant name **USA DETERGENTS, INC., 1735 Jersey Avenue, 08902 North Brunswick
New Jersey, US**

Repres. name **CALLEWAERT, JEAN, Brusselsesteenweg 108, 3090 Overijse, BE**

03 ENGLISH: Laundry detergents; liquid and powder detergents; glass detergents; soaps; liquid soaps; industrial soaps; toilet soaps; cleansers; dry cleaning preparations; rinse for clothes use.



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DECISIONS
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R. 54/98-1

Community Trademark 11.916

Classe(s) 30, 39, 42

Date of filing **01-04-96** Type **Word** Languages **Spanish, English**
Publ. Date
OHIM Receipt **22-02-96** National Office receipt date
Name **TELEPAELLA**
Applicant name **SOS ARANA ALIMENTACION, S.A, Apartado de Correos, 1, 46680
Algemesi (Valencia), ES**
Repres. name **UNGRIA LÓPEZ, JAVIER, Ramón y Cajal, 78, 28043 Madrid, ES**
Seniority **ES 1.703.902 05/04/1995, ES 1971300 05/02/1996**

30 ENGLISH: Coffee; tea; cocoa; sugar; rice; tapioca; sago; coffee substitutes; flour and preparations made from cereals; bread; cakes and pastries and confectionery, ice-cream; honey, molasses and derivatives; yeast; baking-powder; salt; mustard; vinegar; sauces (condiments); spices; ice.

39 ENGLISH: Food transport; storage and distribution services.

42 ENGLISH: Restaurant services (food); snack-bar, cocktail lounge, cafeterias, café, canteen, and self-service restaurant services.



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DECISIONS
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R. 37/98-3

Community Trademark 304.170

Classe(s) 28, 36, 41

Date of filing **05-07-96** Type **Word** Languages **English, Spanish**
Publ. Date
OHIM Receipt **05-07-96** National Office receipt date
Name **TELEBINGO**
Applicant name **NEW ZEALAND LOTTERIES COMMISSION, 54-56 Cambridge Terrace, Wellington, NZ**
Repres. name **MARKS & CLERK, 57-60 Lincoln's Inn Fields, WC2A 3LS London, GB (AND OTHERS)**

28 ENGLISH: Games and playthings; board games; gaming coupons and gaming tickets; all included in class 28.

36 ENGLISH: Operating and conducting games of chance, lotteries, raffles, sweepstakes, instant games and prize competitions; all included in class 36.

41 ENGLISH: Entertainment services; all included in class 41.



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DECISIONS
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R. 68/98

Community Trademark 56.168

Classe(s) 18

Date of filing **01-04-96** Type **Figurative** Languages **English, French**
Publ. Date
OHIM Receipt **25-03-96** National Office receipt date
Name **POLY PADS**

POLY PADS

Applicant name **PENNY MAKINSON T/A PL ASSOCIATES, The Red House
Tuddenham, IP28 6TB Bury St Edmunds Suffolk, GB**
Repres. name **BOSS, ALAN PAUL, 5 Crown Street, PE17 4EB St. Ives, GB**
Vienna Clasif. **270501**

18 ENGLISH: Equine back protectors, pads for saddles and harness protectors.



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DECISIONS
OF
BA

B- ABSOLUTE
GROUND

R. 44/98-3

Community Trademark 45.641

Classe(s) 1, 9, 40

Date of filing **01-04-96** Type **Word** Languages **English, German**
Publ. Date
OHIM Receipt **22-03-96** National Office receipt date
Name **SUPREME**
Applicant name **FUJI PHOTO FILM CO., LTD., No. 210, Nakanuma
Minamiashigara-shi, Kanagawa-ken, JP**
Repres. name **GRÜNECKER, KINKELDEY, STOCKMAIR & SCHWANHÄUSSER,
Maximilianstraße 58, 80538 München, DE**

01 ENGLISH: Unexposed photographic films, unexposed photographic papers and processing chemicals for them.

09 ENGLISH: Apparatus and Instruments for photofinishing including those for developing, fixing, washing, drying, enlarging and printing.

40 ENGLISH: Photofinishing services including the development of photographic films and the exposure of developed photographic images on unexposed photographic papers, and services for converting photographic images to digital images by scanner and for printing digital images on unexposed photographic papers or thermo-sensitive papers or other recording papers.



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B- ABSOLUTE
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R. 29/98-3

Community Trademark 221.689

Classe(s) 5

Date of filing **11-04-96** Type **Word** Languages **English, German**
Publ. Date
OHIM Receipt **11-04-96** National Office receipt date
Name **ENAMELIZE**
Applicant name **COSMEDENT INC, 5419 N. Sheridan Road, 60640 Chicago Illinois, US**
Repres. name **BARKER BRETTELL, 138 Hagley Road, B16 9PW Edgbaston, GB**
05 ENGLISH: Preparations for use in the care and treatment of the teeth; dental polishing pastes.



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DECISIONS
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B- ABSOLUTE
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R. 34/98-3

Community Trademark 56.762

Classe(s) 3

Date of filing **01-04-96** Type **Word** Languages **English, French**
Publ. Date
OHIM Receipt **25-03-96** National Office receipt date
Name **LASTING PERFORMANCE**
Applicant name **THE PROCTER & GAMBLE COMPANY, One Procter & Gamble Plaza,
45217 Cincinnati, Ohio, US**
Repres. name **DESROIS, INGRID, European Trademark Department 96 avenue ,
Charles de Gaulle, 92201 Neuilly-sur-Seine, FR**
Priority **GB 2050209 05/01/1996**

03 ENGLISH: Toilet soaps, perfumery, essential oils, cosmetics.



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DECISIONS
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B- ABSOLUTE
GROUND

R. 57/98-1

Community Trademark 198.101

Classe(s) 7

Date of filing **01-04-96** Type **Word** Languages **English, French**
Publ. Date
OHIM Receipt **03-04-96** National Office receipt date **29-03-96**
Name **FOODSAVER**
Applicant name **TILIA INTERNATIONAL, Flat B, 7 th Floor, Evernew Commercial ,
Centre, 33-35 Pine Street,, Tai Kok Tsai, Kowloon, HK**
Repres. name **LAWRENCE, VANESSA ANN BROUGHTON, Northumberland House
303-306 High Holborn, WC1V 7LE London, GB (AND OTHERS)**

07 ENGLISH: Vacuum packaging machines; home vacuum packaging or sealing machines; vacuum generators; vacuum pumps; parts and fittings for all the aforesaid goods.



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DECISIONS
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B- ABSOLUTE
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R. 69/98-1

Community Trademark 198.069

Classe(s) 7, 21

Date of filing **01-04-96** Type **Word** Languages **English, French**
Publ. Date
OHIM Receipt **03-04-96** National Office receipt date **29-03-96**
Name **FRESHSAVER**
Applicant name **TILIA INTERNATIONAL, Flat B, 7 th Floor, Evernew Commercial ,
Centre, 33-35 Pine Street,, Tai Kok Tsai, Kowloon, HK**
Repres. name **LAWRENCE, VANESSA ANN BROUGHTON, Northumberland House
303-306 High Holborn, WC1V 7LE London, GB (AND OTHERS)**

07 ENGLISH: Vacuum packaging or vacuum sealing machines; machines for preserving food; parts and fittings for the aforesaid goods.

21 ENGLISH: Household containers; food storage containers.



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DECISIONS
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R. 66/98-1

Community Trademark 200.337

Classe(s) 27

Date of filing **09-04-96** Type **Word** Languages **English, French**
Publ. Date
OHIM Receipt **09-04-96** National Office receipt date
Name **COMFORT PLUS**
Applicant name **MILLIKEN & COMPANY, 1045 Sixth Avenue, 10018 New York, New York, US**
Repres. name **JENKINS, RONALD GEORGE, 373 Scotland Street, G5 8QA Glasgow, GB (AND OTHERS)**
Seniority **GB 2000433 01/11/1994**

27 ENGLISH: Carpets and carpeting; rugs, mats and matting; floorcoverings for existing floors; carpet tiles.



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DECISIONS
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B- ABSOLUTE
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R. 40/98-3

Community Trademark 56.879

Classe(s) 3

Date of filing **01-04-96** Type **Word** Languages **English, French**
Publ. Date
OHIM Receipt **25-03-96** National Office receipt date
Name **NATURAL BEAUTY**
Applicant name **RICHARDSON-VICKS INC., One Procter & Gamble Plaza, 45217
Cincinnati, Ohio, US**
Repres. name **DESROIS, INGRID, European Trademark Department 96 avenue ,
Charles de Gaulle, 92201 Neuilly-sur-Seine, FR**
Priority **CH 11449/1995 02/10/1995**

03 ENGLISH: Toilet soaps; perfumery, essential oils and cosmetics, hair lotions; dentifrices.



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DECISIONS
OF
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B- ABSOLUTE
GROUND

R. 30/98-1

Community Trademark 125.450

Classe(s) 9, 16, 41, 42

Date of filing **01-04-96** Type **Word** Languages **English, French**

Publ. Date

OHIM Receipt **29-03-96** National Office receipt date

Name **THE KENNEL CLUB**

Applicant name **JAMES, J P C, The Kennel Club 1-5 Clarges Street, W1Y 8AB Piccadilly, London, GB**

Repres. name **JAMES, STEPHEN RICHARD, 26 Caxton Street, SW1H ORJ London, GB (AND OTHERS)**

Seniority **GB 1 444 492**

09 ENGLISH: Electrical apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers; recording discs; data and publications recorded electronically, magnetically or optically, optical discs, audio and video tapes and cassettes, cinematographic films, exposed cinematographic films; computer discs; computer games; computer software; computer programs.

16 ENGLISH: Paper and cardboard articles; paper articles; printed matter; stationery; photographs; artists materials; instructional and teaching materials; playing cards; printed publications; books; posters; printed programmes; paper; book markers, confetti, stationery covers, flags, greeting cards, handkerchiefs, beer mats, writing pads, stationery pads, place mats, stationery, table cloths, table linen, table mats, table napkins, tickets, wrapping paper, announcement cards, loose-leaf blinders, blotters, envelopes, folders, labels, stickers, transparencies, wrappers, writing paper, calendars and transfers, all made of paper.

41 ENGLISH: Education services; provision of training; entertainment services; organisation and administration of dog shows and competitions; organisation, presentation and carrying out of dog shows and competitions; the organisation of dog shows and competitions for cultural or education purposes; the provision of facilities for dog shows and competitions.

42 ENGLISH: Computerised registration services, computerised identification services, leasing of access time to a computer database, computer programming services, computerised absconder training services, computerised investigation services, computerised lost property services, all relating to animals; veterinary services; animal breeding; boarding kennel services; provision of dog registration certificates; upkeep of records relating to pedigrees and breeds of dogs; provision of dog registration certificates.



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DECISIONS
OF
BA

B- ABSOLUTE
GROUND

R. 35/98-1

Community Trademark 200.006

Classe(s) 16, 25

Date of filing **09-04-96** Type **Word** Languages **English, French**
Publ. Date
OHIM Receipt **09-04-96** National Office receipt date
Name **BABY-DRY**
Applicant name **THE PROCTER & GAMBLE COMPANY, One Procter & Gamble Plaza,
45217 Cincinnati, Ohio, US**
Repres. name **DESROIS, INGRID, European Trademark Department 96 avenue ,
Charles de Gaulle, 92201 Neuilly-sur-Seine, FR**
Seniority **DK 3894 1995 16/06/1995, FR 95561974**

16 ENGLISH: Disposable diapers made out of paper or cellulose.

25 ENGLISH: Diapers made out of textile.



DECISIONS OF BOARDS OF APPEALS

A- FORMALITIES

- FIGURATIVE
MARKS ———— Reproduction required

▶ R. 4/97-2
PACKAGING

▶ R. 7/97-3
ORANGE COLOR

- FILING DATE ———— Burden of proof applicant

▶ R. 3/97-1
BOUNTY3+D

- MISTAKES OF OHIM -

▶ R. 58/98-3
TIERRA VIVA

- SENIORITY CLAIM— Ownership of marks
Identity of marks

▶ R. 5/97-1
VICEROY

▶ R. 10/98-2
THINKPAD

DECISIONS OF BOARDS OF APPEALS

B- ABSOLUTE GROUNDS

- Registrability of 2 of less letter marks

▶ R. 23/98-2 HQ

▶ R. 4/98-2 IX

▶ R. 24/98-2 HD

▶ R. 31/98-2 HG

▶ R. 22/98-2 CR

▶ R. 25/98-2 XD

▶ R. 32/98-2 DS

- Lack of distinctiveness

▶ R. 20/97-1 XTRA

▶ R. 57/98-1 FOODSAVER

▶ R. 54/98-1 TELEPAELLA

▶ R. 69/98-1 FRESHSAVER

▶ R. 37/98-3 TELEBINGO

▶ R. 66/98-1 CONFORT PLUS

▶ R. 68/98-3 POLY PADS

▶ R. 40/98-3 NATURAL BEAUTY

▶ R. 44/98-3 SUPREME

▶ R. 30/98-1 THE KENNEL CLUB

▶ R. 29/98-3 ENAMELIZE

▶ R. 35/98-1 BABY DRY

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DECISIONS
OF
BA

B- ABSOLUTE
GROUND

R. 68/98

Community Trademark 56.168

Classe(s) 18

Date of filing **01-04-96** Type **Figurative** Languages **English, French**
Publ. Date
OHIM Receipt **25-03-96** National Office receipt date
Name **POLY PADS**

POLY PADS

Applicant name **PENNY MAKINSON T/A PL ASSOCIATES, The Red House
Tuddenham, IP28 6TB Bury St Edmunds Suffolk, GB**
Repres. name **BOSS, ALAN PAUL, 5 Crown Street, PE17 4EB St. Ives, GB**
Vienna Clasif. **270501**

18 ENGLISH: Equine back protectors, pads for saddles and harness protectors.



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DECISIONS
OF
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B- ABSOLUTE
GROUND

R. 66/98-1

Community Trademark 200.337

Classe(s) 27

Date of filing **09-04-96** Type **Word** Languages **English, French**
Publ. Date
OHIM Receipt **09-04-96** National Office receipt date
Name **COMFORT PLUS**
Applicant name **MILLIKEN & COMPANY, 1045 Sixth Avenue, 10018 New York, New York, US**
Repres. name **JENKINS, RONALD GEORGE, 373 Scotland Street, G5 8QA Glasgow, GB (AND OTHERS)**
Seniority **GB 2000433 01/11/1994**

27 ENGLISH: Carpets and carpeting; rugs, mats and matting; floorcoverings for existing floors; carpet tiles.



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DECISIONS
OF
BA

B- ABSOLUTE
GROUND

R. 29/98-3

Community Trademark 221.689

Classe(s) 5

Date of filing **11-04-96** Type **Word** Languages **English, German**
Publ. Date
OHIM Receipt **11-04-96** National Office receipt date
Name **ENAMELIZE**
Applicant name **COSMEDENT INC, 5419 N. Sheridan Road, 60640 Chicago Illinois, US**
Repres. name **BARKER BRETTELL, 138 Hagley Road, B16 9PW Edgbaston, GB**
05 ENGLISH: Preparations for use in the care and treatment of the teeth; dental polishing pastes.



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DECISIONS
OF
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B- ABSOLUTE
GROUND

R. 35/98-1

Community Trademark 200.006

Classe(s) 16, 25

Date of filing **09-04-96** Type **Word** Languages **English, French**
Publ. Date
OHIM Receipt **09-04-96** National Office receipt date
Name **BABY-DRY**
Applicant name **THE PROCTER & GAMBLE COMPANY, One Procter & Gamble Plaza,
45217 Cincinnati, Ohio, US**
Repres. name **DESROIS, INGRID, European Trademark Department 96 avenue ,
Charles de Gaulle, 92201 Neuilly-sur-Seine, FR**
Seniority **DK 3894 1995 16/06/1995, FR 95561974**

16 ENGLISH: Disposable diapers made out of paper or cellulose.

25 ENGLISH: Diapers made out of textile.



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DECISIONS
OF
BA

B- ABSOLUTE
GROUND

R. 34/98-3

Community Trademark 56.762

Classe(s) 3

Date of filing **01-04-96** Type **Word** Languages **English, French**
Publ. Date
OHIM Receipt **25-03-96** National Office receipt date
Name **LASTING PERFORMANCE**
Applicant name **THE PROCTER & GAMBLE COMPANY, One Procter & Gamble Plaza,
45217 Cincinnati, Ohio, US**
Repres. name **DESROIS, INGRID, European Trademark Department 96 avenue ,
Charles de Gaulle, 92201 Neuilly-sur-Seine, FR**
Priority **GB 2050209 05/01/1996**

03 ENGLISH: Toilet soaps, perfumery, essential oils, cosmetics.



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DECISIONS
OF
BA

B- ABSOLUTE
GROUND

R. 33/98-2

Community Trademark 342.667

Classe(s) 10

Date of filing **03-09-96** Type **Word** Languages **English, German**
Publ. Date
OHIM Receipt **03-09-96** National Office receipt date
Name **BLOODSTREAM**
Applicant name **HARVEST TECHNOLOGIES LLC, 77 Accord Park Drive, D-7, 02601
Norwell, Massachusetts, US**
Repres. name **EINSEL, MARTIN, Jasperallee 1a, 38102 Braunschweig, DE**

10 ENGLISH: Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials; blood pressure measuring apparatus; medical equipment for treating and recovering blood products, physical exercise apparatus for medical purposes; special furniture for medical use.



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DECISIONS
OF
BA

B- ABSOLUTE
GROUND

R. 36/98-2

Community Trademark 52.571

Classe(s) 7, 12

Date of filing **01-04-96** Type **Figurative** Languages **English, Spanish**
Publ. Date
OHIM Receipt **25-03-96** National Office receipt date
Name **OILGEAR**
Description **Stylization of word mark**

Oilgear

Applicant name **THE OILGEAR COMPANY, 2300 South 51st Street, Milwaukee
Wisconsin, US**
Repres. name **RICHARDS, JOHN, 52-54 High Holborn, WC1V 6RR London, GB**
Vienna Clasif. **270501**

07 ENGLISH: Hydraulic pumps, hydraulic motors and hydraulic machine tools.
12 ENGLISH: Hydraulic motors for land vehicles



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DECISIONS
OF
BA

B- ABSOLUTE
GROUND

R. 51/98-1

Community Trademark 55.566

Classe(s) 10

Date of filing	01-04-96	Type	Word	Languages	English, French
Publ. Date					
OHIM Receipt	25-03-96	National Office receipt date		20-03-96	
Name	MAXIMA				
Applicant name	MEDTRONIC, INC., 7000 Central Avenue, N.E., 55432 Minneapolis, Minnesota, US				
Repres. name	MILBURN, JOYCE ELIZABETH, 179 Queen Victoria Street, EC4V 4EL London, GB				

10 ENGLISH: Surgical and medical apparatus, instruments, devices and implants; oxygenators, venous reservoir bags and holders therefor; parts and fittings for all the aforesaid goods.



DECISIONS OF BOARDS OF APPEALS

B- ABSOLUTE GROUNDS

- Earlier representation in other countries

in UE

▶ R. 68/98-3 POLY PADS

▶ R. 66/98-1 COMFORT PLUS

in US

▶ R. 29/98-3 ENAMELIZE

- Distinctiveness acquired through use ▶ R. 35/98-1 BABY DRY

- Distinctiveness ▶ R. 34/98-3 LASTING PERFORMANCE

▶ R. 33/98-2 BLOODSTREAM

▶ R. 36/98-2 OILGEAR

▶ R. 51/98-1 MAXIMA