Case Law Update - Inter Partes Boards of Appeal

“Variety's the very spice of life,
That gives it all its flavor”. William Cowper
WEAK ELEMENTS

R 1068/2011-2 (01/02/2013)
Classes 9 and 42 – Software & software services for professionals in the IT area

DDCHARTS ≠ KD CHART (CTM)
WEAK ELEMENTS

R 54/2012-2 (03/04/2013)
Class 29: Fish

≠

(BX, FR)
IP TRANSLATOR CASE

R 2139/2011-1 (18/10/2012)

Goods applied for: Class 25: Clothing & Class Heading in Class 35
Earlier services: Class 35: inter alia Advertising; retail services in relation to clothing

Erotic Kaiser = Kaiser’s
(DE) (CTM)
R 1637/2011-5 (14/06/2012)
Mark applied for: “sunglasses”
Earlier mark: reputation for “jewellery”
REPUTATION

R 1659/2011-2 (29/05/2012) and R 1364/2012-2 (25/03/2013)

Mark applied for: “wine, alcoholic beverages of fruit, liquors” & services in Classes 35, 41 and 42 with a relation to wine

Earlier mark: reputation for “clothing, cosmetics & perfume”

KENZO = KENZO (CTM)
USE OF THE MARK APPLIED FOR

R 2398/2010-4 (13/01/2013) Appealed T-183/13?
Class 38 VOIP etc.

SKYPE = SKY

(CTM)
TRANSLATION OF A MARK

R 24/2012-2 (03/12/2012)
Class 35: Class heading

BEAUTY SECRET = SECRETOS DE BELLEZA

(CTM)

On a mission to slim!
SUSPENSION REJECTED

R 1280/2012-4 (20/03/2013)
Class 5: Identical goods

ORYZON = ORIZON

(CTM)
RIGHT TO A NAME

R 2463/2011-2 (22/04/2013) – May still be appealed

ELIO FIORUCCI
REVOCATION - FULFILLMENT OF THE USE REQUIREMENT

R 797/2011-1 (17/01/2013)
Class 25: Clothing

Sale in 5 shops in Hamburg not enough
SPICES FROM THE BOARDS

http://oami.europa.eu/search/legaldocs/la/EN_BOA_index.cfm
OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

CONTACT US:

(+ 34) 965 139 100 (switchboard)
(+ 34) 965 139 400 (e-business technical incidents)
(+ 34) 965 131 344 (main fax)

information@oami.europa.eu
e-businesshelp@oami.europa.eu
twitter/oamitweets
youtube/oamitubes

www.oami.europa.eu