



དཔལ་ལྷན་འབྲུག་གཞུང་། བརྟན་རྒྱལ་ལྷན་ཁག་།
ཆོ་འཕྲིན་ལྷན་ཁག་།

INTELLECTUAL PROPERTY DIVISION
MINISTRY OF ECONOMIC AFFAIRS
ROYAL GOVERNMENT OF BHUTAN, THIMPHU



**MADRID AGREEMENT AND PROTOCOL
PROVISIONAL REFUSAL OF PROTECTION
Rule 17(1)**

Date: November 03, 2016

1. Office making the notification:

Intellectual Property Division (IPD)
Ministry of Economic Affairs (MoEA)
Thimphu, Bhutan
Tel: 009752335233, Fax: 009752321145

2. Number and date of international registration:

BT/M/0001/1290457, 14/12/2015

3. Mark

Pitbull,

4. Name of the holder (or other indication enabling the identity of the international registration to be confirmed):

Ilona Olejniczak, Stare Bielice 142c-2 PL-75-039 Biesiekierz, Poland.

5. Type of refusal:

- ☐ Provisional refusal based on an ex officio examination
☒ Provisional refusal based on an opposition
☐ Provisional refusal based on both an ex officio examination and an opposition

6. Goods/services affected:

- ☒ Provisional refusal for all the goods and/or services
☐ Provisional refusal for some of the goods and/or services: [followed by an indication of the goods and/or services which are affected or are not affected]

7. Grounds for refusal:

- ☐ Lack of distinctiveness
☐ Conflict with another person's earlier mark

☐ Other grounds

8. Information relating to an earlier mark: Attached as Annexure I

9. Corresponding essential provisions of the applicable law [(see text under 13)]:

10. Information relating to subsequent procedure:

Where the holder receives this notification, the protection of the international registration is to be refused for goods/services mentioned in item 6; unless holder submits to the IPD through the representative whose address is available at www.ipbhutan.gov.bt. Written opinion (amendment) within two months from the issuing date of this document should be submitted to the IPD, MoEA, Thimphu, Bhutan.

The holder may request the extension of time to submit a written opinion (amendment) to IPD. The extension will be granted only once and for a period of 1 month. This request should be made within the given time limit.

If a request for Limitation (MM6) is presented to the International Bureau so as to get over the ground for refusal mentioned above, we wish that it could be informed by ipd@druknet.bt or clhazin@gmail.com

11. Date of the notification of provisional refusal:

September 16, 2016

12. The refusal is issued by

Karma Zangmo (Ms.)

Examiner

Trademark Registry

IPD, MoEA, BHUTAN

Tel: 009752335233, Fax: 009752321145

13. Corresponding essential provisions of the applicable law:

Extracts from the Industrial Property Act of Kingdom of Bhutan, 2001

Section 25 (3)

(i) incapable of distinguishing the goods or services of one enterprise from those of other enterprises;

(vi) identical or similar to an earlier mark already on the register

ANNEXURE I

Opposition filed by third party. Form 10, Notice of opposition is attached.

Form 10

THE INDUSTRIAL PROPERTY RULES, 2001

Notice of opposition to an application for registration of a mark

[Rule 47(1)]

IN THE MATTER OF Application No. **BT/M/0001/1290457** in class 32 for the Trade Mark
Pitbull in the name of **ILONA OLEJNICZAK**

and

IN THE MATTER OF Opposition thereto by **Red Bull AG.**

We, Red Bull AG (hereinafter referred to as Red Bull/Opponent), a company incorporated under the laws of Switzerland of the address Poststrasse 3, 6341 Baar, Switzerland, hereby give notice of our intention to oppose the Application No. **BT/M/0001/1290457** in the Class **32** advertised in Trade Mark Official Bulletin No. 70 dated 30th June, 2016 made available to public on 30th June, 2016.

The grounds of opposition are as follows:-

1. The Opponent, a term that includes its predecessors in interest and title, is the manufacturer of the world renowned RED BULL Energy Drink, having its address for service in Bhutan through Yishay & Associates, PO Box 995, Thimpu, Bhutan.
2. The Opponent, and its related companies, is today a globally renowned corporation and its activities span from beverages including energy drinks to mobile telecommunication services, motorsports and sporting teams, record label, television channels, publishing and all expected and related merchandising with an active involvement in athlete and event sponsorship across many and varied fields. While the Opponent commenced business under



PO. Box #: 995, Sernya Lam, Thimphu : Bhutan
Tel: 00975-2-325722 Fax: 00975-2-325721
Email: y.dorji57a@gmail.com

YA/TM/ZcusIP/ F-10/BT/M/0001/1290457/ **3923**

Date: .../5.../9/2016

✓ The Registrar
Industrial Property Registry
Ministry of Economic Affairs
Thimphu

Dear Sir

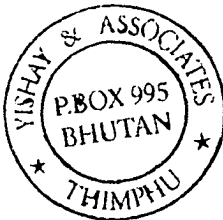
Re: Trade Mark: Notice of Opposition against Madrid application No. BT/M/0001/1290457 in class 32 for the Trade Mark Pitbull in the name of ILONA OLEJNICZAK published in Bul # 70 dtd 30/6/2016

We, acting on behalf of Red Bull AG (hereinafter referred to as Red Bull/Opponent), a company incorporated under the laws of Switzerland of the address Poststrasse 3, 6341 Baar, Switzerland are pleased to submit our Notice of Opposition along with evidences in CD Format under cover of this letter.

Thanking you,

Yours faithfully,

(Yishay Dorji)
Intellectual Property Agent



6. RED BULL Rollout.

RED BULL ENERGY DRINK® had been sold for 5 years on the Austrian market, before its first international launch 1992 in Hungary and 1993 in Scotland. The large scale international rollout started in 1994 in Germany and the United Kingdom and still continues today, where it is sold in 171 countries. The distribution is made through Red Bull wholly-owned subsidiaries or distribution partners.

Exhibit ./2: First Shipment to Distribution Countries).

Exhibit ./3 shows the invoice dated 22nd May, 1987 issued in Austria.

Exhibit ./4 shows the price list for wholesale traders dated 30th June, 1987.

Exhibit ./5 contains the newspaper article published in Austria dated 17th December, 1987.

Exhibit ./6 shows the invoice issued in Singapore dated 17th May, 1989.

Exhibit ./7 contains the newspaper articles published in Singapore dated 10th August, 1989, 06th October, 2003 and 7th October, 2003..

Exhibit ./8 shows the invoices generated in United Kingdom for the period 1995-2000.

Exhibit ./9 contains the poster for the event dated 08th August, 1998 of Red Bull Air and Water- *International Snowboard Jump Challenge*.

Exhibit ./10 contains the Red Bull Fridge order form and creative posters issued in the year 2000.

Exhibit ./11 contains the milestones achieved by the company from the year 1987-2014 which is reflected on the company's website.

8. Market Share.

A sample of the available “market share” figures for several countries in Europe/Worldwide in 2015 are shown in the table below:

Country	Year	Market Shares (Value)
Australia	2015	38.0%
Austria	2015	62.3%
Brazil	2015	40.7%
Canada	2015	41.3%
Croatia	2015	53.7%
France	2015	58.3%
Germany	2015	50.4%
Greece	2015	50.5%
Hong Kong	2015	38.6%
India	2015	89.0%
Italy	2015	63.4%
Netherlands	2015	55.4%
Norway	2015	50.2%
Portugal	2015	60.2%
Sweden	2015	54.2%
Switzerland	2015	68.8%
Turkey	2015	56.4%
UAE	2015	56.9%
USA	2015	42.0%

For all markets, the service provider is Nielsen and IRI.

2011	€ 1,575,741,000	€ 82,652,000	€ 10,977,000
2012	€ 1,768,597,000	€ 120,594,000	€ 13,462,000
2013	€ 1,770,901,000	€ 126,199,000	€ 12,931,000
2014	€ 1,870,944,000	€ 117,534,000	€ 11,556,000
2015	€ 2,066,675,000	€ 123,981,000	€ 15,744,000

Market Knowledge of the RED BULL Marks

11. Brand Value.

According to the “Eurobrand 2011” ranking published by The European Brand Institute in October 2011, RED BULL was ranked number 24 of the 50 most valuable brand corporations in Europe and ranked number 63 of the 100 most valuable brand corporation’s worldwide.

According to the “Eurobrand 2013” ranking published by The European Brand Institute in September 2013 Red Bull was ranked number 49 of the 100 most valuable brand corporations worldwide.

According to the “Eurobrand 2013 Austria” ranking published by The European Brand Institute in July 2013 RED BULL was THE most valuable Austrian brand with a brand value of approximately EUR 15.2 billion. The European Brand Institute has made the following comments in its publication “Eurobrand 2013 Austria” regarding RED BULL and Brand Value: *“RED BULL – Austria’s most valuable brand could grow by another 9.7% in brand value. With 15.9% growth in sales as a result of 5.2 billion cans being sold, the third Formula 1 World champion title in a row associated with worldwide media coverage and high advertising value growth, Red Bull remains Salzburgs brand name company in the fast lane. Perfectly presented international owned events and the development of innovative media products demonstrate unchanged growth potential”.*

about their favourite energy drink, 53% of the worldwide population stated RED BULL. The survey was published in the September 2011 edition of the Magic Numbers Magazine.

According to the “Social Brands Top 100” conducted by Headstream, Red Bull was ranked number 13 in 2012. Headstream created a ranking of 100 different brands based on their social activity. To achieve a final Social Brands Score they added the Social Engagement Score and the Expert Panel Scores together.

Marketing Charts published the Top 10 Brand Movers on YouTube by Subscriber Growth in 2013. According to “Marketing Charts” Red Bull was ranked number 1 in the Top 10 Brand Movers on YouTube by Subscriber Growth.

Forbes has measured the World's Most Valuable Brands by looking at the financial numbers in November 2013. The most valuable brands are the ones that generate massive earnings in industries where branding plays a major role. Forbes required brands to have a presence in the U.S. Red Bull was ranked number 69 in the World's Most Valuable Brands Top 100.

According to the Global 500 (Most Valuable Brands in 2015) published by Brand Finance in February 2015 Red Bull was ranked number 3 of the world's 12 most powerful brands. In the ranking only brands with the top AAA+ rating were awarded based on Brand Finance's brand Strength Index (BSI).

12. Market Studies.

RED BULL has become a well-known name frequently heard and associated with the RED BULL ENERGY DRINK®. Even the terms RED and BULL by themselves have acquired a secondary meaning sufficient to associate it with RED BULL. That RED BULL constitutes a well-known trademark is confirmed by the statistics both in Germany and Austria where 83.7% and 90% of the general public spontaneously associate the mark with the product RED BULL ENERGY DRINK® in 2003.





•




A 2008 market study carried out in Israel indicates that 60.9% of the general Israeli population and 66.4% of energy drink users are familiar with the word "BULL" in relation to beverages.




A 2010 GfK market study, carried out in Portugal, indicates that 68.2% of the general Portuguese population and 92.7% of the Energy Drink users are familiar with the designation 'RED BULL' in connection with Energy Drinks; 42.2% of Respondents who are aware of RED BULL in connection with energy drinks and 53.7% of the Energy Drink users who are familiar with the designation "RED BULL", perceive that energy drink bearing this designation, come from one specific company/brand. Of those, 65.9% of the Respondents are aware of RED BULL in connection with energy drinks.


A 2012 GfK market study carried out in Austria indicates that 81.8% of the general Austrian population and 92.2% of energy drink users is familiar with the designation "BULL" in relation to energy drinks; 88.0% of the general Austrian population familiar with the designation "BULL" and 91.2% of the energy drink users familiar with the designation "BULL" perceive that energy drinks bearing this designation come from one and the same company. Of those, 65.4% of the general Austrian population, familiar with the designation "BULL" in connection with energy drinks and 76.8% of energy drink users could spontaneously name the company Red Bull.

A 2012 GfK market study carried out in Germany indicates that 84.6% of the general German population and 95.62% of energy drink users is familiar with the designation "BULL" in relation to energy drinks: 79.9% of the general German population familiar with the designation "BULL" and 87.6% of the energy drink users familiar with the designation "BULL" perceive that energy drinks bearing this designation come from one and the same company. Of those, 63.9% of the general German population, familiar with the designation "BULL" in connection with energy drinks and 80.4% of energy drink users could spontaneously name the company Red Bull.

	Industrial		n				
Wording	The trademark (...) has gained a high reputation and notoriety in various countries and different classes.						
Ur Absolut Bull 	Commercial Inspectorate of the Republic of Slovenia	Slovenia	Interim Injunction	1st	27.02.2002	Final & Binding	English
Wording	... wants to further the sale of its product at the expense of a product well-known and established on the market.						
D-X Bull 	United States District Court – Northern District of California	USA	Permanent Injunction	1st	17.06.2002	Final & Binding	English
Wording	Red Bull has established an enviable reputation, acquired substantial goodwill, and attained fame in its trademark RED BULL® and the Red Bull Design mark throughout the United States.						
BULLDOG 	Austrian Patent Office	Austria	Cancellation Decision	1st	03.04.2003	Final & Binding	English
Wording	RED BULL, therefore, is a „famous trademark“						
Ur Absolut Bull 	Regional Court of Appeal Vienna	Austria	Interim Injunction	2nd	27.11.2003	Final & Binding	English
Wording	... supreme general importance in trade and notoriety of the trademarks and marks of the plaintiff...						
Pit Bull Energy Drink	Oficina Nacional de la Propiedad Industrial	Domini can Republic	Opposition Decision	1st	21.06.2004	Final & Binding	English

							
Wording	Red Bull has indicated to this effect that it is market leader in the energy drinks segment. Furthermore, Red Bull has produced as exhibits overviews of very high sales amounts and marketing expenses (...) for the Benelux. Now that De Vriesc.s. has not contested that Red Bull's mark enjoys a large reputation in the Benelux the Court considers this a fact admitted between the parties.						
PITBULL GET THE POWER & Device 	Romanian Patent and Trade Mark Office	Romani a	Oppositi on Decisio n	1st	24.0 1.20 07	Final & Binding	English
Wording	The Commission finds that the notoriety advanced based on Art. 6 letter d) in the Law no. 84/1998 was proved by the documents filed with the brief (statements, table with the countries of distribution, expenses with the advertising in the Romanian mass media, CDs with commercials broadcasted in Romania, promotional materials, market surveys conducted in Romania and internationally, the list of licence applications, web pages regarding the notoriety of the trade mark etc.) and, as a consequence, the provisions of Art. 20 in the Law no. 84/1998 and those of the Rule no. 16 in the GD no. 833/1998 are applicable.						
Pitbull, Bullfighter, Live Wire, Long Horn/ Red Horn 	Court of appeals of 's-Hertogenbosch	The Netherlands	Decisio n	2nd	29.0 1.20 08	(pending at the CJEU)	English

							
Wording	Based on the above findings, this Board has ascertained that the RED BULL trademark is well known on the Serbian market as a trademark of high repute attributable to the Red Bull GmbH [Co. Ltd.], Austria, and that – due to the established similarity between the contested trademark and the Petitioner’s highly reputed trademarks – it is potentially possible that, by using the contested trademark, undue benefit could be generated from the reputation attained by the Petitioner’s trademarks which have been well-known throughout the domestic market for several years as trademarks representing a product of high quality, for the promotion and sale of which a lot of capital has been spent.						
PIT BULL & Device 	Regional Court Düsseldorf	Germany	Decision	1st	16.09.2009	Final & Binding	English
Wording	Thereby an increased distinctive power of the Plaintiff’s trademarks due to extensive utilisation must be assumed. The Plaintiff’s trademarks certainly already have normal distinctive power, because neither the trademark “RED BULL” nor the trademark “BULL” contains any descriptive reference to non-alcoholic beverages. Moreover the distinctive power has been increased significantly over the last 15 years through extensive utilisation, so that the Plaintiff’s trademarks are famous trademarks. Based on an increased distinctive power of the Plaintiff’s trademarks and in the case of use of the opposed trademark for identical goods, stricter demands must be made on differences between the marks for the purpose of distinction under trade law.						
RED DOG 	Office for Harmonization in the Internal Market (Trade Marks and Designs)	European Union	Decision	2nd	11.01.2010	Final & Binding	English
Wording	The earlier mark enjoys reputation and has acquired a strong distinctive character through use and advertising. The distinctive character of the earlier mark is the result of the association of a bright colour (red) to an animal generally perceived as strong and aggressive. In mind of the consumers, the RED BULL mark is certainly perceived as “original” and very strongly associated to a particular product. A trade mark based on a similar (though not identical) association – and used for precisely the same beverages – could well be perceived by those consumers as an imitation or a “me too” sort of product, i.e. a cheaper alternative. Common experience suggests that a successful consumer product is often copied and that cheaper replicas, under a brand name that brings to mind the						

							
Wording	<p>“Red Bull is well-known in a substantial part of the European Union, namely in 10 countries of which 5 belong to the most populated countries. This has already been the case at the priority dates of the later marks - the Bulgarian word mark and CTM 1943372.”</p>						

Events

Red Bull has been involved in many prestigious international and national events. Red Bull organizes a huge amount of sport and cultural events annually. In 2014 alone Red Bull organized 1.168 events in 90 different countries. 225,000 participants were involved. The events have been visited by more than 5.8 million spectators in 2014.

International Sport Events

15. Formula One.

In 1995, Red Bull began its participation in Formula One Racing, sponsoring the RED BULL SAUBER PETRONAS team, which it co-owned until 2001. At the end of 2004, Red Bull took over the former Jaguar team and renamed it RED BULL RACING. After establishing the RED BULL RACING team, Red Bull purchased Team Minardi at the end of 2005. Team Minardi was restructured and renamed SCUDERIA TORO ROSSO, Italian for “Team Red Bull”. 2010, 2011, 2012 and 2013 were definitely the most successful years to date with Red Bull winning both the Constructors- and Drivers Championship Titles. The Formula One World Constructors’ Championship is awarded by the FIA to the most successful Formula One constructor over a season, as determined by a points system based on Grand Prix results.

17. World Rally Championship (WRC).

In 2008, Red Bull initiated cooperation with the leading rally car manufacturer, Citroen, to join the World Rally Championship. As of the start Red Bull achieved together with Citroen and their French driver, Sebastien Loeb, five consecutive World Champion titles. The WRC is the crown jewel of off-road rally and gains worldwide attraction. Races happen all across the world and there is a huge fan base. Since many rally stops happen in different markets, it perfectly rounds up Red Bull's intention, to further build its awareness as a global brand. In 2012, Sébastien Loeb (FR) won the World Championship for the ninth time in a row, which makes him the most successful driver not only in WRC but in overall 4 wheel racing. In 2013, the first year with Team VW Polo Sebastien Ogier could win the WRC in his debut season. The Red Bull Global Media Report 2014 which focuses on the WRC Season 2014 shows that the number of contacts (Print and TV) was over 2.4 billion.

18. MotoGP.

Also in the road racing scene, Red Bull supports selected athletes in the MotoGP in all three classes (Moto3, Moto2, MotoGP). What Formula 1 stands for in the open wheel class, is MotoGP in the road racing scene - a highly competitive International series, attracting millions of people in the various countries. Red Bull sponsored athlete DaniPedrosa (ESP) finished runner-up in MotoGP 2012. With the newly founded "Red Bull KTM Ajo Team" three promising talents out of the Red Bull MotoGP Rookies Cup were successfully fighting for the 2012 title in Moto3 which was finally won by SandroCortese (GER). Marc Marquez was dominating the Moto2 class during the entire season which ended up on top of the podium as well. 2013 so far was the most successful season with Marc Marquez becoming the youngest ever MotoGP Champion and the first rookie to win the title. The Red Bull Global Media Report 2014 which focuses on the MotoGP Season 2014 shows that the number of contacts (Print and TV) was over 3.0 billion.

19. Soccer.

Eight-time Austrian football champions and two-time Austrian cup winners **FC RED BULL Salzburg** were established in 1933 and play at the magnificent Red Bull Arena in Wals-

was clinched one match day before the end of the season with a fantastic 5:1 victory against 1. FC Saarbrücken – a trouncing never before seen in the world of football.

20. Ice Hockey.

Red Bull is the main sponsor of the local Salzburg (Austria) ice hockey team **EC RED BULL Salzburg**, which plays in the highest Austrian national league (www.redbulls.com). EC RED BULL Salzburg has participated in the international “Erste Bank EishockeyLiga” since 2004/2005. In its third league season 2006/2007, the team won the Austrian Championship for the first time in Salzburg ice hockey history. The RED BULLS managed to win the Austrian Championship again in 2007/2008, 2009/2010, 2010/2011 and 2013/2014 besides taking part in seven finals in nine seasons since 2005/2006. During the fifth Salzburg invitational tournament “RED BULLS Salute” in 2009, EC RED BULL Salzburg made history by winning the tournament for the first time beating international top teams such as Russian CSKA Moscow amongst others. They managed to win the RED BULLS Salute a second time in 2011 when the event was hosting the European Trophy Finals. In 2009/2010, the RED BULLS also won the IIHF Continental Cup putting an Austrian club on the track record of this European club competition for the first time.

The Munich (Germany) ice hockey club was first established in 1998 and in May 2012, Red Bull agreed to take on the role of the club’s main sponsor, renaming it **EHC RED BULL München** (www.redbulls.com). Since 2010, the club competes in the first division of German ice hockey (DEL). The team managed to get into the pre-play-off round in 2013/2014 but is still aiming for higher merits in the upcoming league season.

21. Freestyle Motocross.

The RED BULL X-Fighters event is a freestyle motocross where the best 12 FMX riders compete for the world tour title. RED BULL X-Fighters started in Valencia in 2001 and since then it has been held in Mexico, Brazil, USA, Canada, Germany, UK, Poland, Egypt, Russia, Spain, Italy, UAE, Turkey, South Africa and Australia. Each participant performs the riskiest and most spectacular jumps in front of a crowd of up to 50.000 people and transmitted via TV to more than 60 countries. A panel of judges award points for the various stunts and only

only 500.000 for 2012 Summer Olympics). The event caused 25 million visits to the Red Bull websites, over 267.000 Red Bull TV iOS app downloads. On Facebook and Twitter the jump generated 500.000 likes, 20.000 comments and 66.000 shares and 3.2 million tweets with official hashtags. Alone through the Red Bull Stratos project, Red Bull gained media value of approximately 6.0 billion euros around the world. Further, the event embellished 800 cover pages worldwide and was celebrated as the most successful all time marketing campaign.

A short summary of the event can be found on the DVD attached as Exhibit /15.

24. The America's Cup/The RED BULL Youth America's cup.

The America's Cup is the oldest trophy in international sports and is awarded to the winner of the match races between two sailing yachts. The participants are the yacht representing the yacht club currently holding the cup (defender) and the yacht representing the yacht club that is challenging for the cup (challenger). In 2013 the race was held for the 34th time. Red Bull had two Brand assets at the America's Cup: a stand-alone event series, the RED BULL Youth America's Cup and the partnership with Oracle Team USA having all the sailors branded with RED BULL helmets and product & visibility assets. The branding on the helmets earned Red Bull more than 423 million impression to date. The Finals were held from September 07, 2013 to September 25, 2013 on San Francisco Bay and were won by the RED BULL supported Oracle Team USA. 1 million visitors watched the race from the official public sites and hundreds of thousands more viewed it from the city front. The race was broadcasted on television in 203 countries, it caused over 5 million unique visitors to americascup.com in September and over 45 million page views during the Summer of Racing (July 1 to September 26). The branding on the helmets earned Red Bull more than 423 million impressions to date.

The RED BULL Youth America's Cup is designed to deliver a clear path for the next generation of skippers & sailors to rise up to the Luis Vuitton World Series and America's Cup boats. It took place from September 01, 2013 to September 04, 2013 with approximately 200,000 spectators. The entire four days of racing was broadcasted live in the USA on ESPN3. More than 70 territories around the world broadcasted the RED BULL Youth

World Championship stops are cumulated to define the World Champion at the end of the season.

28. **RED BULL Paper Wings.**

In 2009 over 37'000 student paper plane pilots from 85 countries took part in 613 Qualifiers, therefore taking part in the most international event in Red Bull's history (at that time). The best of the best student paper plane pilots, (203 of them), came to Hangar-7 at Salzburg airport for a tremendous showdown, to conclude the first ever global paper plane competition.

International Cultural Events

29. **RED BULL Art of Can.**

The RED-BULL Art-of-Can is a nationwide hunt for creativity. It is open to everyone, from fulltime artists to simply those with a creative flair. Built, sculpt, weld, glue, hammer, bend, fold, print, tape and paint, whatever you like! The project culminates in a premium art exhibition, where selected pieces are displayed and the top three pieces win attractive prizes. The judges select the top winners who are announced on the opening night of the exhibition. The art of creating masterpieces out of RED BULL cans started back in 1999. Exhibitions have been held all around the globe from Europe to New Zealand. Countries like Austria, Germany, the Netherlands, Switzerland, United Kingdom, South Africa, Singapore and the USA have all inspired artists to create their own aluminium artworks (www.redbullartofcan.com) From May 10th to July 3rd 2005, the best masterpieces were to be seen at Hangar-7, Austria. The Red Bull Art of Can Worldwide exhibition presented the 70 most original art objects made from cans).

30. **RED BULL Music Academy.**

The Red Bull Music Academy is a world-travelling series of music workshops and festivals: a platform for those who make a difference in today's musical landscape. Each year, two groups of 30 selected participants representing diverse methodologies, and styles from across

Crystal Hall Press Centre. In 2015 the event moves to Tokyo Japan. The format of the event pits the world's best DJs in a competition that values technical skill as much as the ability to thrill the dance floor of the biggest clubs in the world. The event grew from humble beginnings in Vancouver Canada but its relevance and excitement were contagious the whole world over and this has turned the event into a global event series with a strict set of rules and processes that must be maintained to ensure credibility and fairness at each and every event worldwide.

32. **RED BULL Soundclash.**

A friendly rivalry, a musical conversation between two wildly different acts and music styles, who perform on two stages positioned opposite to each other with the audience in between. RED BULL Soundclash is a 'once in a lifetime collaboration' between two bands who admire each other and appreciate the challenge as well as the humorous aspect of the concept. Four rounds demand different tasks and abilities. In every round, the bands fight for the audience.

33. **RED BULL BC One.**

The RED BULL BC One World Series brings together the best B-Boys from all over the world in a one-on-one knock out battle to identify the one B-Boy that can claim the esteemed title of being called RED BULL BC One World Champion. This takes place through a long process of Cyphers & Regional Finals that are aimed at determining who deserves a shot at World Final and eventually, who will be the One. Since its inception in 2004, the RED BULL BC One has travelled the world gaining itself the reputation as the most prestigious one-on-one B-Boy battle worldwide.

Trade Mark Rights

34. In addition to its common law rights, the Opponent owns a large portfolio of trade mark applications and registrations for its well-known trade mark RED BULL in diverse classes

The above trade mark registrations are valid and subsisting as of date and qualify as 'earlier' trade marks. The Registration certificates are being filed in the present proceedings and is attached herewith Exhibit 16.

37. The word "BULL" is the dominant part of the trade mark RED BULL. As a result of this and the extensive use of the term BULL by the Opponent, has come to be associated exclusively with the Opponent and its products in the field of energy drinks and other fields due to the extensive presence of the Opponent in varied field of business. Bhutanese consumers will certainly regard any energy drink product/any other product name of which includes "BULL" or "BULL" synonym to be originating from the Opponent or as being associated with the Opponent or its RED BULL Energy Drink.
38. Furthermore, by virtue of extensive sales and promotional activities carried out by the Opponent worldwide, including in Bhutan, the trade mark RED BULL is exclusively associated with the Opponent and the Opponent alone and have acquired an enviable reputation and goodwill. The trade mark RED BULL of the Opponent qualifies as a well-known trade mark in Bhutan.
39. Furthermore, by virtue of extensive distribution of its goods carried out by the Opponent and their Licensees in numerous countries worldwide, including in Bhutan, the trade mark RED BULL is associated with the Opponent and have acquired an enviable reputation and goodwill.
40. The Opponent wishes to oppose the trade mark **Pitbull** forming the subject matter of Application No. **BT/M/0001/1290457** (hereinafter the "impugned mark") inter alia in respect of all the goods for which the Applicant is seeking registration.
41. The Applicant's impugned mark **Pitbull** is visually, structurally and conceptually deceptively similar to the Opponent's earlier and well-known trade mark RED BULL. The impugned mark contains the term/mark BULL which is highly similar to our client's earlier and well-known trade mark RED BULL. The Applicant is also attempting to register the impugned mark in class 32 which is the core class of the Opponent and hence the Applicant

44. In view of the grounds set above , the Opponent prays that the impugned Application No. **BT/M/0001/1290457** in Class **32** under opposition be refused registration.

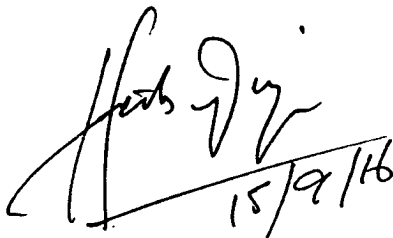
45. The Opponent also prays that the costs of the proceedings be awarded to the Opponent.

The evidence in support of the opposition is annexed . All communications in relation to these proceedings may be sent to the following address:

**Yishay & Associates,
PO Box 995, Thegchen Lam, Lower Lotithang, Thimpu-11001, Bhutan.**

Power of Attorney is annexed.

Dated this the 15th day of September, of 2016


15/9/16

For RED BULL AG

by their Agents: **Yishay & Associates**

