

**Notification of provisional refusal of protection based on an opposition
(Article 5 of the Madrid Protocol and Rule 17(1) and (2) of the Common Regulations
under the Madrid Agreement and Protocol and Article 78 EUTMDR)**

Alicante, 04/07/2018

International registration No: **1389479**
Date of notification to EUIPO: **15-02-2018**
Trade mark: **J**
Holder: **Juventus Football Club S.p.A.
Via Druento, 175
I-10151 Torino**
Opposition number: **B3055087**

Protection of the abovementioned mark is provisionally refused for the European Union.

The provisional refusal is based on the fact that an opposition has been filed against the international registration.

I. The grounds for opposition are as follows.

Conflict with an earlier mark because of likelihood of confusion (Article 8(1)(b) EUTMR);

Conflict with an earlier identical or similar trade mark registered for goods or services which are not similar to those for which the international registration is registered, where the earlier mark has a reputation and where the use without due cause of the international registration would take unfair advantage of or be detrimental to, the distinctive character or the repute of the earlier trademark (Article 8(5) EUTMR).

II. Name and address of the opposing party:

**J&JOY SA
6 Avenue Edmond Leburton
B-4300 Waremme
BÉLGICA**

III. The opposition is based on a mark which was the subject of an application or registration.

- type of mark : **EUTM**

- filing date, registration date and, if applicable, priority date:

Filing date: **10/12/2012**

Registration date: **18/04/2013**

- filing number and, if different, registration number:

Filing number: 011411601

Registration number: 011411601

- reproduction of the mark: (see annex)
- list of goods and services on which the opposition is based: (see annex)

The opposition is based on more than one earlier right: (see annex)

- IV. The provisional refusal relates to, only to the following goods and services covered by the designation of the European Union:

Class 3 Perfumes; air fragrancing preparations; cosmetic oils; essential oils; cosmetics; creams for the treatment of the body; protective creams and sun creams; soaps; detergents for the body; scented towels; wipes impregnated with cleaning preparations; cotton for cosmetic use; cotton wool balls for cosmetic use; lipstick; deodorants and antiperspirants for personal use; shampoos and lotions; bath salts; shower gel; shaving creams; preparations for hair removal and for shaving; toothpaste; oral hygiene preparations; mouth washes.

Class 9 Apparatus and instruments for recording, transmission and reproduction of sound or images; video and/or sound recordings; audio and/or video CDs; audio and/or video tapes and cassettes; DVD; optical discs containing sound recordings and/or video; audio and video film clips made for the purposes of teaching, training and information; PC games; downloadable application software for smartphones and tablets; electronic publications; electronic downloadable publications; downloadable publications and multimedia content in digital format; eyewear; glasses; sun glasses; spectacle frames; protective glasses; eyeglass cases; safety clothing for protection against accident or injury; protective work gloves; head protection; protective glasses; helmets; cases for telephones; cases for smartphones; tablet cases; cell phone straps; smartphone straps; tablet straps; shoulder straps for smartphones; acoustic headphones; headsets for mobile phones; headphones for smartphones and tablets.

Class 14 Precious metals and their alloys; precious chains; necklaces; bracelets; rings; pendants and charms; pins being jewelry; earrings; cufflinks; tie clips; precious stones; jewellery; alarm clocks; watches; watch bands; chain watches; fancy keyrings of precious metal.

Class 18 Luggage; briefcases; trunks; bags; purses; backpacks; backpacks for school children; bags for sports; all-purpose athletic bags; shoulder bags; beach bags; travel bags; beauty cases; school satchels; straps for luggage; baby carriers; wallets; briefcases (leather goods); keyring cases; parasols; walking sticks.

Class 24 Bed blankets and table covers; linens; bed clothes; linens for the kitchen and the table; linens for the bathroom; bed covers; furniture coverings of textile; textile tissues; towels; beach towels; non-woven fabric articles; curtains; labels of textile; iron-on cloth labels; duvets; pennants (not of paper); textile flags and banners; plastic flags

and banners; sleeping bags.

Class 25 Casualwear; formal wear; sportswear; clothing, for the practice of sports, namely, shirts, team and competition jerseys and team and competition uniforms, polo shirts, tracksuits, warm-up suits, shorts, pants, socks, tights; underwear, namely, underpants, long underpants, tank tops, long and short sleeve undershirts; belts; ties; swim wear; bathrobes; footwear; boots; slippers; slippers; sports footwear; headgear.

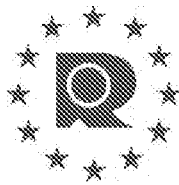
Class 26 Lace and embroidery, ribbons and braid; buttons; hooks and eyelets; pins and needles; buckles; hair accessories and ornaments; patches for clothing; festoons.

Class 35 Business management and organisation consultancy; marketing services; advertising; public relations; organisation of events, conventions, exhibitions, meetings and communications events (press conferences, presentations and demonstrations) for commercial and advertising purposes; consultancy in the marketing, public relations, advertising and/or promotional sector; business advisory services relating to franchising; organisation, operation and supervision of loyalty schemes and incentive schemes, loyalty card services; promoting the sale of goods and services of others by awarding purchase points for credit card use; provision of information and advice to consumers regarding the selection of products and items to be purchased; the bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), namely perfumes, air fresheners, cosmetics, creams, deodorants, shampoos and lotions, shower foam, shaving cream, dentifrices, candles, pharmaceuticals and veterinary preparations, dietary supplements, mouthwashes, diapers, key rings, cutlery (knives, forks and spoons), razors, apparatus and media for recording, transmission or reproduction of sound or images, computer games, software, application software, spectacles, spectacle frames, cases for mobile telephones, cases for smartphones and tablet computers, smartphones and tablet computers, straps for mobile telephones, straps for smartphones, straps for tablet computers, headsets for mobile telephones, headsets for smartphones and tablet computers, lighting apparatus, refrigerating apparatus, ventilating apparatus, heating apparatus, electric coffee machines, vehicles, pushchairs, strollers, precious metals, jewellery, bracelets, pins, earrings, cufflinks, tie clips, alarm clocks, clocks and watches, watch straps, musical instruments, stationery, photographs, printed publications, books, newspapers, magazines, greeting cards, writing or drawing books, diaries, agendas, sketchbooks, posters, calendars, figurines, handkerchiefs of paper, suitcases, bags, purses, backpacks, beauty cases, belt bags, pocket wallets, change purses, umbrellas, walking sticks, furniture, furnishings, bassinets, baby changing mats, party decorations of plastic, sleeping bags, storage boxes, household or kitchen utensils and containers, mugs, bowls, table plates, drinking glasses, coffeepots, textiles and textile goods, towels, blankets, flags, clothing, footwear, headgear, carpets, floor coverings, games, gymnastic and sporting articles, balls for sports, protective articles for sports, football goal nets, decorations for Christmas trees, food, beverages, smokers' articles; enabling customers to conveniently view and purchase those goods; such services may be provided by retail stores, wholesale outlets, through vending machines, mail order catalogues or by means of electronic media, for example, through web sites, television shopping programmes and via mobile telephone networks (mobile commerce).

Class 41 Sporting and cultural activities; education and educational services; training courses; organisation of training courses, refresher courses, events, symposiums, colloquiums, exhibitions, workshops or other activities and events for educational, training, cultural, recreational or sporting purposes; arranging and conducting of events for cultural, educational, entertainment, training, sports and

recreational purposes; organisation and conducting of sporting events and tournaments, shows, concerts, festivals, awards; organisation of awards ceremonies and ceremonies for awarding sporting and academic titles; hire of equipment for sports; provision of courses of instruction relating to sport; entertainment, namely providing multimedia content, information, libraries and podcasts via the internet and/or other communications networks; publication of video, audio and digital multimedia content; publishing services and online digital publishing services.



The Office will notify the opposition separately to the holder of the international registration, including all evidence on which it is based, pursuant to Article 6(1) EUTMDR. The Office will set time limits for the holder. The notification will open an (extendable) cooling-off period of two months and a further period of two months for the opponent to substantiate the opposition. The notification will set a time limit of, in principle, six months for the holder of the international registration to submit observations.



Jesús MARTINEZ MARTINEZ

Enclosures (excluding the cover letter): 12 pages.

Article 8(1)(b) EUTMR - there exists a likelihood of confusion on the part of the public.

The application of the international registration designating the EU for the sign  under No. W01389479 (the "Opposed Mark") is highly similar to the Opponent's earlier EUTM  with No. 011411601 (the "Earlier Mark") for reasons which include the following:

The contested goods in class 14, 18 and 25 are identically included in the list of goods for which the Earlier Mark is registered. Moreover, the list of goods and services selected in classes 3, 9, 24, 26, 35 and 41 are strongly linked to the fashion industry in which the Opponent is mainly active. These goods and services are therefore highly similar to the goods of the Earlier Mark.

Visually, the signs contain the identical letters "jj" which form the core and only element of both trade marks.

Phonetically, "jj" and "jj" are pronounced identically.

Conceptually, neither of the signs has a clear, obvious or unambiguous meaning for the public. Since a conceptual comparison is not possible, the conceptual aspect does not influence the assessment of the similarity of the signs.

In essence, the goods involved are related to the fashion industry at large as well as related accessories, jewellery, bags and leather goods. The likelihood of confusion must therefore be examined by reference to the average consumer throughout the EU, showing an average level of attention.

Based on the above the EUIPO can only conclude that there is a likelihood of confusion on the part of the relevant public between the Opposed Sign and the Earlier Mark.

Article 8(5) EUTMR - the use without due cause of the contested mark would take unfair advantage of, or be detrimental to, the distinctive character or repute of the Earlier Mark.

In addition, the Earlier Mark enjoys reputation and should consequently enjoy expanded protection. The reputation is requested and will be demonstrated (the list being subject to modification, the Opponent reserving the right to this end) for Belgium, France, Poland and Croatia. The Opponent commercializes its products in more than 500 selling points across Europe, where the Earlier Mark is part of the core business. All of the Opponent's investments and efforts has lead to a continuous growth and an increasing annual turnover of several millions of EUR. The Opponent reserves the right to elaborate on its Earlier Mark's reputation further during the proceedings and will contemplate its arguments with evidence.

The use of the Opposed Mark is without cause and will take unfair advantage of, or be detrimental to, the distinctive character or repute of the Earlier Mark.

The Opponent therefore asks that the registration of the Opposed Mark is refused in relation to the Opposed goods and services and that the costs of the opposition will be borne by the Applicant of the Opposed Mark.

The Opponent reserves the right to submit additional facts, evidence and arguments in support of the opposition if the Opposed Mark is not withdraw within the cooling-off period.

Alicante, 15/06/2018

KOAN LAW FIRM
Terhulpesteenweg 166
1170 Bruxelles
Belgium

Receipt of notice of opposition

<i>Number of the opposition:</i>	003055087
<i>Your reference:</i>	16.000624-008/J&JOYJJ
<i>Trade mark:</i>	W01389479
<i>Opponent:</i>	J&JOYSA 6 Avenue Edmond Leburton 4300 Waremmme Belgium

Your notice of opposition, directed against the abovementioned trade mark, was received by the Office on **15/06/2018 at 17:47:38** .

It was given the above opposition number.

Please quote this number in all future communications regarding the opposition.

Please note that EUIPO will not send an invoice.

Operations Department

Thank you for filing online

Our online services make it easier for you to file your notice of opposition, send attachments and spot any mistakes. Filing online is also quicker and safer than using fax or post, as you can be sure your notice of opposition reaches EUIPO instantly via our secure servers.

Date of receipt (DD/MM/YYYY) 15/06/2018	Number of pages (including this one) 9
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Acknowledgement of receipt of a Notice of opposition

Your notice of opposition has been submitted successfully.
We thank you for choosing to use the online OPPOSITION form.

Opposition number:	003055087
Date of submission:	15/06/2018
Time of submission:	17:47
Number of attached files:	1
Payment method:	Current account with EUIPO
Payment ID number:	18639AQ4
Account No:	0000002599

Please indicate the opposition number in any further communication with the EUIPO.

NOTICE OF OPPOSITION

Your reference:

16.000624-
008/J&JOYJJ

Opponent(s)	Opponent EUIPO ID: 439305
Name of legal entity or first name and surname:	J&JOYSA
Type:	Legal Entity
Street address:	6 Avenue Edmond Leburton
City:	Waremmes
Postal Code:	4300
Country:	Belgium
Postal address (if different):	
Telephone number:	00 32-476742061
Fax number:	00 32-19330153
E-mail address:	pierre@jn-joy.be
Website:	http://www.jn-joy.com
Representative(s)	EUIPO representative ID: 30342
Name or legal name:	KOAN LAW FIRM
Type:	Association
Street address:	Terhulpesteenweg 166
City:	Bruxelles
Postal Code:	1170
Country:	Belgium
Postal address (if different):	
Telephone number:	00 32-25669000
Fax number:	00 32-25669010
E-mail address:	tmtandipteam@koan.law
Website:	http://www.koan.be
Challenged entity	Challenged registration ID: W01389479
Type of entity	IR
Name of the owner/holder:	Juventus Football Club S.p.A.
Designation date:	30/12/2016
Representation of the trade mark	J
Trade mark type	Figurative
Representation of mark	

NOTICE OF OPPOSITION



Language of proceedings First language: EN (English) Second language: IT (Italian)

Extent of the application Against all the goods and services
 Against some of the goods and services

Class	Goods and services
3 (EN)	Perfumes; air fragrancing preparations; cosmetic oils; essential oils; cosmetics; creams for the treatment of the body; protective creams and sun creams; soaps; detergents for the body; scented towels; wipes impregnated with cleaning preparations; cotton for cosmetic use; cotton wool balls for cosmetic use; lipstick; deodorants and antiperspirants for personal use; shampoos and lotions; bath salts; shower gel; shaving creams; preparations for hair removal and for shaving; toothpaste; oral hygiene preparations; mouth washes.

Class	Goods and services
9 (EN)	Apparatus and instruments for recording, transmission and reproduction of sound or images; video and/or sound recordings; audio and/or video CDs; audio and/or video tapes and cassettes; DVD; optical discs containing sound recordings and/or video; audio and video film clips made for the purposes of teaching, training and information; PC games; downloadable application software for smartphones and tablets; electronic publications; electronic downloadable publications; downloadable publications and multimedia content in digital format; eyewear; glasses; sun glasses; spectacle frames; protective glasses; eyeglass cases; safety clothing for protection against accident or injury; protective work gloves; head protection; protective glasses; helmets; cases for telephones; cases for smartphones; tablet cases; cell phone straps; smartphone straps; tablet straps; shoulder straps for smartphones; acoustic headphones; headsets for mobile phones; headphones for smartphones and tablets.

Class	Goods and services
14 (EN)	Precious metals and their alloys; precious chains; necklaces; bracelets; rings; pendants and charms; pins being jewelry; earrings; cufflinks; tie clips; precious stones; jewellery; alarm clocks; watches; watch bands; chain watches; fancy keyrings of precious metal.

Class	Goods and services
18 (EN)	Luggage; briefcases; trunks; bags; purses; backpacks; backpacks for school children; bags for sports; all-purpose athletic bags; shoulder bags; beach bags; travel bags; beauty cases; school satchels; straps for luggage; baby carriers; wallets; briefcases (leather goods); keyring cases; parasols; walking sticks.

Class	Goods and services
24 (EN)	Bed blankets and table covers; linens; bed clothes; linens for the kitchen and the table; linens for the bathroom; bed covers; furniture coverings of textile; textile tissues; towels; beach towels; non-woven fabric articles; curtains; labels of textile; iron-on cloth labels; duvets; pennants (not of paper); textile flags and banners; plastic flags and banners; sleeping bags.

Class	Goods and services
25 (EN)	Casualwear; formal wear; sportswear; clothing, for the practice of sports, namely, shirts, team and competition jerseys and team and competition uniforms, polo shirts, tracksuits, warm-up suits, shorts, pants, socks, tights;

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	underwear, namely, underpants, long underpants, tank tops, long and short sleeve undershirts; belts; ties; swim wear; bathrobes; footwear; boots; slippers; slippers; sports footwear; headgear.
Class	Goods and services
26 (EN)	Lace and embroidery, ribbons and braid; buttons; hooks and eyelets; pins and needles; buckles; hair accessories and ornaments; patches for clothing; festoons.
Class	Goods and services
35 (EN)	Business management and organisation consultancy; marketing services; advertising; public relations; organisation of events, conventions, exhibitions, meetings and communications events (press conferences, presentations and demonstrations) for commercial and advertising purposes; consultancy in the marketing, public relations, advertising and/or promotional sector; business advisory services relating to franchising; organisation, operation and supervision of loyalty schemes and incentive schemes, loyalty card services; promoting the sale of goods and services of others by awarding purchase points for credit card use; provision of information and advice to consumers regarding the selection of products and items to be purchased; the bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), namely perfumes, air fresheners, cosmetics, creams, deodorants, shampoos and lotions, shower foam, shaving cream, dentifrices, candles, pharmaceuticals and veterinary preparations, dietary supplements, mouthwashes, diapers, key rings, cutlery (knives, forks and spoons), razors, apparatus and media for recording, transmission or reproduction of sound or images, computer games, software, application software, spectacles, spectacle frames, cases for mobile telephones, cases for smartphones and tablet computers, smartphones and tablet computers, straps for mobile telephones, straps for smartphones, straps for tablet computers, headsets for mobile telephones, headsets for smartphones and tablet computers, lighting apparatus, refrigerating apparatus, ventilating apparatus, heating apparatus, electric coffee machines, vehicles, pushchairs, strollers, precious metals, jewellery, bracelets, pins, earrings, cufflinks, tie clips, alarm clocks, clocks and watches, watch straps, musical instruments, stationery, photographs, printed publications, books, newspapers, magazines, greeting cards, writing or drawing books, diaries, agendas, sketchbooks, posters, calendars, figurines, handkerchiefs of paper, suitcases, bags, purses, backpacks, beauty cases, belt bags, pocket wallets, change purses, umbrellas, walking sticks, furniture, furnishings, bassinettes, baby changing mats, party decorations of plastic, sleeping bags, storage boxes, household or kitchen utensils and containers, mugs, bowls, table plates, drinking glasses, coffeepots, textiles and textile goods, towels, blankets, flags, clothing, footwear, headgear, carpets, floor coverings, games, gymnastic and sporting articles, balls for sports, protective articles for sports, football goal nets, decorations for Christmas trees, food, beverages, smokers' articles; enabling customers to conveniently view and purchase those goods; such services may be provided by retail stores, wholesale outlets, through vending machines, mail order catalogues or by means of electronic media, for example, through web sites, television shopping programmes and via mobile telephone networks (mobile commerce).
Class	Goods and services
41 (EN)	Sporting and cultural activities; education and educational services; training courses; organisation of training courses, refresher courses, events, symposiums, colloquiums, exhibitions, workshops or other activities and events for educational, training, cultural, recreational or sporting purposes; arranging and conducting of events for cultural, educational, entertainment, training, sports and recreational purposes; organisation and conducting of sporting events and tournaments, shows, concerts, festivals, awards; organisation of awards ceremonies and ceremonies for awarding sporting and academic titles; hire of equipment for sports; provision of courses of instruction relating to sport; entertainment, namely providing multimedia content, information, libraries and podcasts via the internet and/or other communications networks; publication of video, audio and digital multimedia content; publishing services and online digital publishing services.

Grounds for opposition

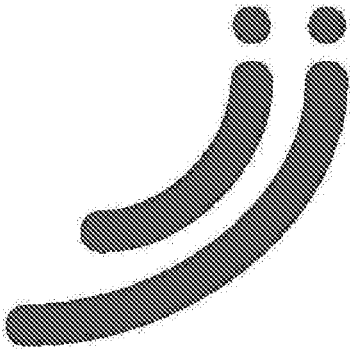
Selected ground number 1

Article 8(1)(b) EUTMR - There exists a likelihood of confusion on the part of the public

Basis of opposition

Type of basis	EUTM/A
Name of the owner/applicant	J&JOYSA
Application date	10/12/2012

NOTICE OF OPPOSITION

Filing number	011411601
Registration number	011411601
Registration date	18/04/2013
Expiry date	10/12/2022
Trade mark type	Figurative
Representation of the earlier right	 <p style="text-align: center;"><input type="checkbox"/> Colour(s) claimed</p>
Verbal elements	jj

The opposing party accepts that the necessary information for this trade mark is imported from the relevant online official database, accessible through TMVIEW, and that this source is used for substantiation purposes without prejudice to its right or obligation to provide any additional information that may be necessary to comply with the substantiation requirements of Article 7(2) and (4) EUTMDR

Goods and services used as basis Based on all the goods and services
 Based on part of the goods and services, namely:

Class	Goods and services
14 (EN)	<p>Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; Jewellery, precious stones; Horological and chronometric instruments; Agates; Clock hands [clock and watch making]; Alloys of precious metal; Jewelry of yellow amber; Pearls made of ambroid [pressed amber]; Amulets [jewellery, jewelry (Am)]; Anchors [clock and watch making]; Silver, unwrought or beaten; Spun silver [silver wire]; Silver thread; Works of art of precious metal; Rings [jewellery, jewelry (Am)]; Pendulums [clock and watch making]; Barrels [clock and watch making]; Cloisonné jewellery [jewelry (Am)]; Clock cases; Boxes of precious metal; Watch cases; Earrings; Cuff links; Bracelets [jewellery, jewelry (Am)]; Watch bands; Charms [jewellery, jewelry (Am)]; Brooches [jewellery, jewelry (Am)]; Busts of precious metal; Dials [clock and watch making]; Sundials; Clockworks; Chains [jewellery, jewelry (Am)]; Watch chains; Chronographs [watches]; Chronometers; Stopwatches; Chronometrical instruments; Chronoscopes; Necklaces [jewellery, jewelry (Am)]; Master clocks; Diamonds; Jewelry cases [caskets]; Cases for watches [presentation]; Pins [jewellery, jewelry (Am)]; Tie pins; Ornamental pins; Cases for clock- and watchmaking; Wire of precious metal [jewellery, jewelry (Am)]; Tie clips; Clocks; Atomic clocks; Clocks and watches, electric; Badges of precious metal; Iridium; Ivory [jewellery, jewelry (Am)]; Jet, unwrought or semi-wrought; Copper tokens; Jewelry; Ingots of precious metals; Medals; Medallions [jewellery, jewelry (Am)]; Precious metals, unwrought or semi-wrought; Coins; Watches; Wristwatches; Movements for clocks and watches; Olivine [gems]; Gold, unwrought or beaten; Gold thread [jewellery, jewelry (Am)]; Hat ornaments of precious metal; Ornaments of jet; Osmium; Palladium; Ornaments [jewellery, jewelry (Am)]; Shoe ornaments of precious metal; Pearls [jewellery, jewelry (Am)]; Beads for making jewelry; Precious stones; Semi-precious stones; Platinum [metal]; Key rings [trinkets or fobs]; Watch springs; Alarm clocks; Rhodium; Ruthenium; Spinel [precious stones]; Statues of precious metal; Statuettes of precious metal; Jewellery (Paste -); Watch glasses.</p>

Class	Goods and services

NOTICE OF OPPOSITION

18 (EN)

Leather and imitations of leather, and goods made of these materials and not included in other classes; Animal skins, hides; Trunks and travelling bags; Umbrellas and parasols; Walking sticks; Whips, harness and saddlery; Alpenstocks; Umbrella rings; Saddle trees; Fastenings for saddles; Umbrella or parasol ribs; Bandaliers; Gold beaters' skin; Hat boxes of leather; Boxes of leather or leather board; Boxes of vulcanised fibre; Cattle skins; Harness for animals; Purses; Chain mesh purses; Gut for making sausages; Bridles [harness]; Briedoons; Straps for soldiers' equipment; Cases, of leather or leatherboard; Walking sticks; Umbrella sticks; Walking stick seats; Frames for umbrellas or parasols; Handbag frames; Game bags [hunting accessories]; School bags; Leatherboard; Horse collars; Kid; Travelling trunks; Vanity cases (not fitted); Collars for animals; Laces (Leather -); Curried skins; Harness straps; Straps for skates; Straps of leather [saddlery]; Horse blankets; Coverings of skins [furs]; Butts [parts of hides]; Leather, unworked or semi-worked; Leather twist; Pads for horse saddles; Slings for carrying infants; Stirrups; Stirrups (Parts of rubber for -); Stirrup leathers; Key cases; Horseshoes; Net bags for shopping; Whips; Umbrella covers; Fur; Casings, of leather, for springs; Trimmings of leather for furniture; Harness fittings; Knee-pads for horses; Clothing for pets; Haversacks; Covers for horse-saddles; Leather leads; Leather straps; Halters; Trunks [luggage]; Suitcases; Attaché cases; Cat o' nine tails; Chin straps, of leather; Moleskin [imitation of leather]; Bits for animals [harness]; Muzzles; Nose bags [feed bags]; Blinders [harness]; Umbrellas; Parasols; Chamois leather, other than for cleaning purposes; Animal skins, hides; Walking cane handles; Umbrella handles; Suitcase handles; Card cases [notecases]; Briefcases; Music cases; Pocket wallets; Reins; Furniture coverings of leather; Tool bags of leather, empty; Sling bags for carrying infants; Backpacks; Handbags; Shopping bags; Wheeled shopping bags; Bags for climbers; Bags for campers; Beach bags; Bags for sports; Travelling bags; Pouches, of leather, for packaging; Garment bags for travel; Pouch baby carriers; Bands of leather; Saddlery; Riding saddles; Imitation leather; Traces [harness]; Travelling sets [leatherware]; Valises; Valves of leather.

Class

Goods and services

25 (EN)

Clothing, footwear, headgear; Non-slipping devices for footwear; Motorists' clothing; Bathing caps; Swimsuits; Bath robes; Bath sandals; Bath slippers; Bandanas [neckerchiefs]; Headbands [clothing]; Stockings; Stockings (Sweat-absorbent -); Bibs, not of paper; Berets; Smocks; Boas [necklets]; Teddies [undergarments]; Hosiery; Caps [headwear]; Shower caps; Boots; Half-boots; Tips for footwear; Suspenders; Lace boots; Collar protectors; Camisoles; Pants; Bathing trunks; Skull caps; Bodices [lingerie]; Hoods [clothing]; Hat frames [skeletons]; Belts [clothing]; Money belts [clothing]; Shawls; Footmuffs, not electrically heated; Sweaters; Hats; Paper hats [clothing]; Headgear for wear; Chasubles; Socks; Slippers; Footwear; Football boots; Beach shoes; Ski boots; Boots for sports; Shirts; Short-sleeve shirts; Tights; Shoulder wraps; Wet suits for water-skiing; Slips [undergarments]; Combinations [clothing]; Ready-made clothing; Corselets; Corsets [underclothing]; Suits; Masquerade costumes; Ear muffs [clothing]; Studs for football boots; Neckties; Breeches for wear; Babies' pants [clothing]; Cyclists' clothing; Dress shields; Outerclotthing; Ready-made linings [parts of clothing]; Sashes for wear; Footwear uppers; Shirt yokes; Esparto shoes or sandals; Fur stoles; Detachable collars; Fittings of metal for footwear; Sock suspenders; Scarfs; Furs [clothing]; Gabardines [clothing]; Girdles; Galoshes; Ski gloves; Gloves [clothing]; Vests; Spats; Wimples; Gymnastic shoes; Clothing; Top hats; Waterproof clothing; Leg warmers; Stocking suspenders; Garters; Jerseys [clothing]; Skirts; Skorts; Petticoats; Ascots; Layettes [clothing]; Leggings [trousers]; Liveries; Singlets; Cuffs; Muffs [clothing]; Maniples; Coats; Mantillas; Sleep masks; Mittens; Miter [hats]; Topcoats; Trousers; Parkas; Dressing gowns; Pelerines; Pelisses; Beach clothes; Shirt fronts; Pockets for clothing; Pocket squares; Ponchos; Pullovers; Pyjamas; Dresses; Jumper dresses; Wooden shoes; Sandals; Saris; Sarongs; Soles for footwear; Inner soles; Underpants; Shoes; Gaiter straps; Underwear; Underwear (Anti-sweat -); Brassieres; Sports shoes; Aprons [clothing]; Heelpieces for footwear; Heelpieces for stockings; Heels; Tee-shirts; Boot uppers; Togas; Welts for footwear; Knitwear [clothing]; Turbans; Uniforms; Stuff jackets [clothing]; Jackets [clothing]; Fishing vests; Clothing for gymnastics; Clothing of leather; Clothing of imitations of leather; Paper clothing; Cap peaks; Veils [clothing].

Entitlement



Owner/Co-owner



Authorised licensee



Person authorised under the applicable law

Selected ground number 2


Article 8(5) EUTMR - The use without due cause of the contested mark would take unfair advantage of, or be detrimental to, the distinctive character or repute of the earlier trade mark

Basis of opposition

Type of basis

EUTM/A

NOTICE OF OPPOSITION

Name of the owner/applicant	J&JOYSA
Application date	10/12/2012
Filing number	011411601
Registration number	011411601
Registration date	18/04/2013
Expiry date	10/12/2022
Trade mark type	Figurative
Representation of the earlier right	 <p style="text-align: center;"><input type="checkbox"/> Colour(s) claimed</p>
Verbal elements	jj
Reputation claimed	Yes
Countries for which reputation is claimed	European Union ;

The opposing party accepts that the necessary information for this trade mark is imported from the relevant online official database, accessible through TMVIEW, and that this source is used for substantiation purposes without prejudice to its right or obligation to provide any additional information that may be necessary to comply with the substantiation requirements of Article 7(2) and (4) EUTMDR

Goods and services for which reputation is claimed Based on all the goods and services
 Based on part of the goods and services, namely:

Class	Goods and services
14 (EN)	Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; Jewellery, precious stones; Horological and chronometric instruments; Agates; Clock hands [clock and watch making]; Alloys of precious metal; Jewelry of yellow amber; Pearls made of ambroid [pressed amber]; Amulets [jewellery, jewelry (Am)]; Anchors [clock and watch making]; Silver, unwrought or beaten; Spun silver [silver wire]; Silver thread; Works of art of precious metal; Rings [jewellery, jewelry (Am)]; Pendulums [clock and watch making]; Barrels [clock and watch making]; Cloisonné jewellery [jewelry (Am)]; Clock cases; Boxes of precious metal; Watch cases; Earrings; Cuff links; Bracelets [jewellery, jewelry (Am)]; Watch bands; Charms [jewellery, jewelry (Am)]; Brooches [jewellery, jewelry (Am)]; Busts of precious metal; Dials [clock and watch making]; Sundials; Clockworks; Chains [jewellery, jewelry (Am)]; Watch chains; Chronographs [watches]; Chronometers; Stopwatches; Chronometrical instruments; Chronoscopes; Necklaces [jewellery, jewelry (Am)]; Master clocks; Diamonds; Jewelry cases [caskets]; Cases for watches [presentation]; Pins [jewellery, jewelry (Am)]; Tie pins; Ornamental pins; Cases for clock- and watchmaking; Wire of precious metal [jewellery, jewelry (Am)]; Tie clips; Clocks; Atomic clocks; Clocks and watches, electric; Badges of precious metal; Iridium; Ivory [jewellery, jewelry (Am)]; Jet, unwrought or semi-wrought; Copper tokens; Jewelry; Ingots of precious metals; Medals; Medallions [jewellery, jewelry (Am)]; Precious metals, unwrought or semi-wrought; Coins; Watches; Wristwatches; Movements for clocks and watches; Olivine [gems]; Gold, unwrought or beaten; Gold thread [jewellery, jewelry (Am)]; Hat ornaments of precious metal; Ornaments of jet; Osmium; Palladium; Ornaments

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	<p>[jewellery, jewelry (Am)]; Shoe ornaments of precious metal; Pearls [jewellery, jewelry (Am)]; Beads for making jewelry; Precious stones; Semi-precious stones; Platinum [metal]; Key rings [trinkets or fobs]; Watch springs; Alarm clocks; Rhodium; Ruthenium; Spinel [precious stones]; Statues of precious metal; Statuettes of precious metal; Jewellery (Paste -); Watch glasses.</p>
Class	Goods and services
18 (EN)	<p>Leather and imitations of leather, and goods made of these materials and not included in other classes; Animal skins, hides; Trunks and travelling bags; Umbrellas and parasols; Walking sticks; Whips, harness and saddlery; Alpenstocks; Umbrella rings; Saddle trees; Fastenings for saddles; Umbrella or parasol ribs; Bandaliers; Gold beaters' skin; Hat boxes of leather; Boxes of leather or leather board; Boxes of vulcanised fibre; Cattle skins; Harness for animals; Purses; Chain mesh purses; Gut for making sausages; Bridles [harness]; Bridoons; Straps for soldiers' equipment; Cases, of leather or leatherboard; Walking sticks; Umbrella sticks; Walking stick seats; Frames for umbrellas or parasols; Handbag frames; Game bags [hunting accessories]; School bags; Leatherboard; Horse collars; Kid; Travelling trunks; Vanity cases (not fitted); Collars for animals; Laces (Leather -); Curried skins; Harness straps; Straps for skates; Straps of leather [saddlery]; Horse blankets; Coverings of skins [furs]; Butts [parts of hides]; Leather, unworked or semi-worked; Leather twist; Pads for horse saddles; Slings for carrying infants; Stirrups; Stirrups (Parts of rubber for -); Stirrup leathers; Key cases; Horseshoes; Net bags for shopping; Whips; Umbrella covers; Fur; Casings, of leather, for springs; Trimmings of leather for furniture; Harness fittings; Knee-pads for horses; Clothing for pets; Haversacks; Covers for horse-saddles; Leather leads; Leather straps; Halters; Trunks [luggage]; Suitcases; Attaché cases; Cat o' nine tails; Chin straps, of leather; Moleskin [imitation of leather]; Bits for animals [harness]; Muzzles; Nose bags [feed bags]; Blinders [harness]; Umbrellas; Parasols; Chamois leather, other than for cleaning purposes; Animal skins, hides; Walking cane handles; Umbrella handles; Suitcase handles; Card cases [notecases]; Briefcases; Music cases; Pocket wallets; Reins; Furniture coverings of leather; Tool bags of leather, empty; Sling bags for carrying infants; Backpacks; Handbags; Shopping bags; Wheeled shopping bags; Bags for climbers; Bags for campers; Beach bags; Bags for sports; Travelling bags; Pouches, of leather, for packaging; Garment bags for travel; Pouch baby carriers; Bands of leather; Saddlery; Riding saddles; Imitation leather; Traces [harness]; Travelling sets [leatherware]; Valises; Valves of leather.</p>
Class	Goods and services
25 (EN)	<p>Clothing, footwear, headgear; Non-slipping devices for footwear; Motorists' clothing; Bathing caps; Swimsuits; Bath robes; Bath sandals; Bath slippers; Bandanas [neckerchiefs]; Headbands [clothing]; Stockings; Stockings (Sweat-absorbent -); Bibs, not of paper; Berets; Smocks; Boas [necklets]; Teddies [undergarments]; Hosiery; Caps [headwear]; Shower caps; Boots; Half-boots; Tips for footwear; Suspenders; Lace boots; Collar protectors; Camisoles; Pants; Bathing trunks; Skull caps; Bodices [lingerie]; Hoods [clothing]; Hat frames [skeletons]; Belts [clothing]; Money belts [clothing]; Shawls; Footmuffs, not electrically heated; Sweaters; Hats; Paper hats [clothing]; Headgear for wear; Chasubles; Socks; Slippers; Footwear; Football boots; Beach shoes; Ski boots; Boots for sports; Shirts; Short-sleeve shirts; Tights; Shoulder wraps; Wet suits for water-skiing; Slips [undergarments]; Combinations [clothing]; Ready-made clothing; Corselets; Corsets [underclothing]; Suits; Masquerade costumes; Ear muffs [clothing]; Studs for football boots; Neckties; Breeches for wear; Babies' pants [clothing]; Cyclists' clothing; Dress shields; Outerclotthing; Ready-made linings [parts of clothing]; Sashes for wear; Footwear uppers; Shirt yokes; Esparto shoes or sandals; Fur stoles; Detachable collars; Fittings of metal for footwear; Sock suspenders; Scarfs; Furs [clothing]; Gabardines [clothing]; Girdles; Galoshes; Ski gloves; Gloves [clothing]; Vests; Spats; Wimples; Gymnastic shoes; Clothing; Top hats; Waterproof clothing; Leg warmers; Stocking suspenders; Garters; Jerseys [clothing]; Skirts; Skorts; Petticoats; Ascots; Layettes [clothing]; Leggings [trousers]; Liveries; Singlets; Cuffs; Muffs [clothing]; Maniples; Coats; Mantillas; Sleep masks; Mittens; Miter [hats]; Topcoats; Trousers; Parkas; Dressing gowns; Pelerines; Pelisses; Beach clothes; Shirt fronts; Pockets for clothing; Pocket squares; Ponchos; Pullovers; Pyjamas; Dresses; Jumper dresses; Wooden shoes; Sandals; Saris; Sarongs; Soles for footwear; Inner soles; Underpants; Shoes; Gaiter straps; Underwear; Underwear (Anti-sweat -); Brassieres; Sports shoes; Aprons [clothing]; Heelpieces for footwear; Heelpieces for stockings; Heels; Tee-shirts; Boot uppers; Togas; Welts for footwear; Knitwear [clothing]; Turbans; Uniforms; Stuff jackets [clothing]; Jackets [clothing]; Fishing vests; Clothing for gymnastics; Clothing of leather; Clothing of imitations of leather; Paper clothing; Cap peaks; Veils [clothing].</p>
Entitlement	<input checked="" type="checkbox"/> Owner/Co-owner <input type="checkbox"/> Authorised licensee <input type="checkbox"/> Person authorised under the applicable law
Statement of grounds	



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Uploaded File(s)					
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%; padding: 5px;">Title</th> <th style="width: 20%; padding: 5px;">Confidential</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Short arguments 14.06.2018.pdf</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> </tbody> </table>	Title	Confidential	Short arguments 14.06.2018.pdf	<input type="checkbox"/>	
Title	Confidential				
Short arguments 14.06.2018.pdf	<input type="checkbox"/>				
File(s) linked from other proceedings					
Procedure	Filing number	Subject	Date		
Fees					
Payment method	Current account				
Opposition of EUTM fee			320.00 €		
Total amount			320.00 €		
Current account with EUIPO					
Account N°	0000002599				
Signature					
First name and Surname	Capacity of the signatory				
Koan Law Firm	Legal practitioner				

Annexes:

Short arguments 14.06.2018.pdf

Article 8(1)(b) EUTMR - there exists a likelihood of confusion on the part of the public.

The application of the international registration designating the EU for the sign  under No. W01389479 (the "Opposed Mark") is highly similar to the Opponent's earlier EUTM  with No. 011411601 (the "Earlier Mark") for reasons which include the following:

The contested goods in class 14, 18 and 25 are identically included in the list of goods for which the Earlier Mark is registered. Moreover, the list of goods and services selected in classes 3, 9, 24, 26, 35 and 41 are strongly linked to the fashion industry in which the Opponent is mainly active. These goods and services are therefore highly similar to the goods of the Earlier Mark.

Visually, the signs contain the identical letters "jj" which form the core and only element of both trade marks.

Phonetically, "jj" and "jj" are pronounced identically.

Conceptually, neither of the signs has a clear, obvious or unambiguous meaning for the public. Since a conceptual comparison is not possible, the conceptual aspect does not influence the assessment of the similarity of the signs.

In essence, the goods involved are related to the fashion industry at large as well as related accessories, jewellery, bags and leather goods. The likelihood of confusion must therefore be examined by reference to the average consumer throughout the EU, showing an average level of attention.

Based on the above the EUIPO can only conclude that there is a likelihood of confusion on the part of the relevant public between the Opposed Sign and the Earlier Mark.

Article 8(5) EUTMR - the use without due cause of the contested mark would take unfair advantage of, or be detrimental to, the distinctive character or repute of the Earlier Mark.

In addition, the Earlier Mark enjoys reputation and should consequently enjoy expanded protection. The reputation is requested and will be demonstrated (the list being subject to modification, the Opponent reserving the right to this end) for Belgium, France, Poland and Croatia. The Opponent commercializes its products in more than 500 selling points across Europe, where the Earlier Mark is part of the core business. All of the Opponent's investments and efforts has lead to a continuous growth and an increasing annual turnover of several millions of EUR. The Opponent reserves the right to elaborate on its Earlier Mark's reputation further during the proceedings and will contemplate its arguments with evidence.

The use of the Opposed Mark is without cause and will take unfair advantage of, or be detrimental to, the distinctive character or repute of the Earlier Mark.

The Opponent therefore asks that the registration of the Opposed Mark is refused in relation to the Opposed goods and services and that the costs of the opposition will be borne by the Applicant of the Opposed Mark.

The Opponent reserves the right to submit additional facts, evidence and arguments in support of the opposition if the Opposed Mark is not withdraw within the cooling-off period.