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1211 Geneva
Switzerland

Danish Patent
and Trademark Office

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CVR-nr. : 17 03 94 15

Danish Ministry of Economic
and Business Affairs

 Partner
medic patent institute

Our Reference: MP1387991
Your Reference: -
International Registration: 1387991
Holder: GUANGZHOU DARING
INTERNATIONAL
FORWARDING CO., LTD.
Mark: LUX
Time Limit: 15 February 2019

15 October 2018

Dear Madam/Sir

Notification of Provisional Refusal Based on Opposition according to Rule 17(3)

An opposition against the validity of the above-mentioned designation of Denmark has been filed with the Danish Patent and Trademark Office by:

Emil Lux GmbH & Co. KG
Postfach 16 10
D-42909 Wermelskirchen,
Tyskland

Consequently, the mark is provisionally refused protection in Denmark **for all of the goods** covered by the designation.

Grounds for the opposition

The opponent has stated the following reasons for the opposition:

- Identity/risk of confusion with an earlier registered trademark, cf. Section 15(1) (see appendix for trade marks cited by the opponent)

Please note that the opposed registration is subject to full examination by the Danish Patent and Trademark Office, cf. Section 23 of the Danish Trademark Act. We have enclosed an abstract of the relevant sections of the Danish Trade Marks Act and the Order on application and registration, as well as a copy of the opposition

Request for review of the provisional refusal

The holder may request a review of the provisional refusal **within 4 months** from the date of issue of the provisional refusal. The request for review of the provisional refusal should be filed in Danish.

Please observe that documents or evidence submitted to the Danish Patent and Trademark Office may be available to the public according to the regulations of The Danish Access to Public Administration Files Act.

Final decision and appeal

If we do not receive a request for review within the time-limit mentioned above, we will issue a final decision, which is subject to appeal to the Board of Appeal for Patents and Trademarks.

Further information

We have enclosed guidelines on our opposition procedures as well as an abstract of the relevant sections of the Danish Trade Marks Act. For further information about opposition procedures, please contact the examiner.

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Yours faithfully

Carressa Brinchmann Bos
Legal Adviser, LL.M
Trade Mark/Design

Guidelines on oppositions

We deal with oppositions in two phases:

- The hearing during which the opponent and the holder exchange arguments and documentation through our Office.
- The decision phase during which we review the arguments and documents and make a decision on this basis.

Hearing Procedure

Both parties are entitled to put forth their opinions and arguments. The extent of the hearing depends on the complexity of the case.

It is the role of the Office to make sure that each party is allowed the opportunity to present their arguments. We also provide guidance on aspects we find relevant to the case. The holder is always given the opportunity to respond to the opposition. Thus, at least one exchange of letters will take place.

When the opponent's mark is subject to the requirement of use

Please note that the holder may request the opponent to document that the opponent's mark has been used in accordance with the regulations of requirement of use of The Danish Trade Marks Act, Section 25. Under this provision, a Danish registration must have been in use in Denmark within the last five years. A Community trademark must have been used in at least one of the member states within the last five years. The holder must be able to prove that the mark has been used in relation to the goods and/or services covered by the registration. Otherwise, during the case, the registration will only be seen to cover the goods and services for which use has been documented.

Documents submitted to the Office

Please be aware that any documents submitted to us will be available to the public according to the regulations of The Danish Access to Public Administration Files Act. The material will also be sent to the opponent for comments according to the regulations of The Administration Act.

Time limits

During the hearing, both parties must reply within the time limits laid down by the Office. A time limit may be extended, usually for one or two months, if deemed reasonable.

If one party informs the Office that negotiations for a settlement are taking place, we will suspend the hearing procedure for 6 months. The hearing may be resumed at any time, if one of the parties wish so, or the opposition may remain suspended for 6 months at a time as long as negotiations are ongoing.

Decision

When we judge that the case is sufficiently elucidated, we inform the parties that the hearing procedure is finished, and the case ready to be decided.

When we make the decision, we review and evaluate the arguments and the material submitted by the parties. We also undertake additional investigations if necessary and review earlier practice.

A decision including grounds is sent to both parties. We will also inform the party or parties ruled against about the means to appeal with the Danish Board of Appeal for Patents and Trademarks.

Abstract of the Danish Trade Marks Act and Order on Application and Registration, etc. of Trade Marks and Collective Marks

Signs of which a trade mark may consist

Section 2

(1) A Trade mark may consist of any sign capable of distinguishing the goods or services of one enterprise from those of other enterprises and capable of being represented graphically, in particular:

- (i) words and word combinations, including slogans, personal names, company names or names of real property;
- (ii) letters and numerals;
- (iii) pictures and designs; or
- (iv) the shape, equipment or packaging of the goods.

(2) A trade mark right shall not be acquired for signs which consist exclusively of a shape which is dictated by the goods themselves, a shape of goods which is necessary to obtain a technical result or a shape which gives substantial value to the goods.

Registration of trade marks

Section 12

(1) An application for the registration of a trade mark shall be filed with the Patent and Trademark Office. The application shall contain a reproduction of the trade mark and state the applicant's name or company. Furthermore, the goods or services for which registration of the trade mark is applied for shall be stated.

(2) The application shall be drawn up in accordance with the provisions laid down pursuant to section 48. The prescribed fee shall accompany the application.

(3) The Patent and Trade mark Office shall keep a register of trade marks. The Office shall publish registrations, etc.

Grounds for refusal

Section 13

(1) For a trademark to be registered it shall be of the nature referred to in section 2, including a distinctive character.

(2) The following trademarks shall not be registered:

- (i) trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of the goods or of rendering the services or other characteristics of the goods or services;
- (ii) trademarks which consist exclusively of signs or indications which are customarily used to designate the goods or services in the current language or in the established practices of the trade.

(3) Irrespective of the provisions of sub-sections (1) and (2) a trademark may be registered if, before the filing of the application in consequence of the use which has been made thereof, it has acquired a distinctive character.

Section 14

Furthermore, the following shall not be registered:

- (i) trademarks which are contrary to law, public order or morality;
- (ii) trademarks which are liable to mislead the public, for instance as to the nature, quality or geographical origin of the goods or services;
- (iii) trademarks which have not been authorized by the competent authorities and are to be refused pursuant to Article 6ter of the Paris Convention for the Protection of industrial Property, and trademarks which include badges, emblems and escutcheons which are of public interest, unless the consent of the appropriate authority to their registration has been given;
- (iv) trademarks which without permission consist of or contain an element which can be construed as a personal name or company name to which another party has a legal title, or as a portrayal provided allusion is not made to persons long dead, or which without permission contain a distinctive name of or a picture of the real property of another party;
- (v) trademarks which without permission consist of or contain an element which can be construed as a distinctive title of the protected literary or artistic work of another party or which infringe the copyright in such works or the right to a photograph of another party or the industrial property rights of another party.

Section 15

- (1) A trademark shall not be registered if:
 - (i) it is identical with an earlier trademark, and the goods or services for which the trademark is sought registered are identical with the goods or services for which the earlier trademark is protected, or
 - (ii) there exists a likelihood of confusion including a likelihood of association with the earlier trademark, because the later trademark is identical with or similar to the earlier trademark and the goods or services are identical or similar.
- (2) For the purpose of subsection (1) earlier trademarks mean:
 - (i) marks of the following categories in respect of which the date of application for registration is earlier than the date of application for registration of the trademark, taking account, where appropriate, of the priorities claimed in respect of those marks:
 - (a) Community trademarks;
 - (b) Trademarks registered in this country, or
 - (c) Trademarks registered under international agreements and having effect in this country;
 - (ii) Community trademarks which claim seniority, in accordance with the Regulation on the Community trademark, in relation to a trademark referred to under (i)b) and c), even if the latter trademark has been surrendered or has lapsed;
 - (iii) Applications for trademarks referred to under (i) and (ii), subject to their registration;
 - (iv) Trademarks which, on the date of application for registration of the trademark, or, where appropriate, of the priority claimed in respect of the application for registration of the trademark, are well known in this country, in the sense in which the words "well known" are used in Article 6bis of the Paris Convention.
- (3) A trademark shall, furthermore, not be registered if:
 - (i) it is identical with or similar to an earlier Community trademark, cf. Subsection (2) and is sought registered for goods or services which are not similar to those for which the earlier Community trademark is registered, provided that the earlier Community trademark is well known in the European Union and the use of the later trademark will take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier Community trademark;
 - (ii) it is identical with or similar to a "well known" trademark, cf. Subsection (2) (iv), and is sought registered for goods or services which are not similar to those for which the earlier trademark is well known, provided that the use of the later trademark may lead to a likelihood

- of association between the marks, and the use will take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trademark, or
- (iii) it is identical with or only insignificantly distinct from a trademark, which at the date of filing of the application for registration or, where appropriate, of the priority claimed in respect of the application for registration, has commenced to be used in another country and is still in use there for goods or services which are identical with or similar to those for which the later trademark is sought registered, and the applicant at the date of the filing had, or should have had, knowledge of the foreign trademark.
- (4) A trademark shall moreover not be registered if:
- (i) the trademark is identical with or similar to an earlier Danish trademark within the meaning of subsection (2) and is sought registered for goods or services which are not similar to those for which the earlier trademark is registered, where the earlier trademark is well known in this country and where the use of the later trademark would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trademark, or
 - (ii) in consequence of use in this country a right has been acquired to an identical or confusingly similar trademark or to another identical or confusingly similar sign used in the course of trade prior to the date of filing of the application for registration of the later trademark, or, where appropriate, of the priority claimed in respect of the application for registration of the later trademark, if the proprietor of the earlier right can prohibit the use of the later trademark.
- (5) A trademark shall not be excluded from registration pursuant to the provisions of subsections (1) to (4) where the proprietor of the earlier trademark or other earlier rights consents to the registration of the later trademark.

Processing of applications

Section 20

- (1) If the application does not comply with this Act or the provisions laid down pursuant to this Act, or if the Patent and Trademark Office has other objections to the acceptance of the application, the Patent and Trademark Office shall notify the applicant accordingly and invite him to file his observations within a specified time limit.

Opposition

Section 23

- (1) When the registration has been published, opposition may be filed against the validity of the registration. The opposition, which shall be reasoned, shall be filed with the Patent Office within two months from the date of publication. A fee, the amount of which shall be fixed by the Minister of Business and Industry, shall accompany the opposition.
- (2) If opposition has been filed, the Patent Office shall examine the registration in accordance with section 20. Section 28 (5) shall also apply during the examination. The proprietor of the registered right shall be notified of the opposition and be given an opportunity to submit his observations.
- (3) If the registration is maintained, the person having filed the opposition and the proprietor of the right shall be given notice hereof.
- (4) If the registration is declared void in part or in full, the decision to that effect shall be published when it is final.

Order on Application and Registration, etc. of Trade Marks and Collective Marks no. 364 of 21 May 2008

Section 2

(1) The application shall indicate:

(ii) the goods and/or services for which the registration of the mark is requested grouped in classes in compliance with the classification in the Nice Agreement of 1957 with subsequent amendments concerning international classification of goods and services for the purpose of registration of trade-marks...

Appendix

Fra: - PVS Patent- og Varemærkestyrelsens officielle postkasse
Sendt: 5. oktober 2018 10:24
Til: 3 - PVS Poprettelsen nye sager
Emne: VS: Indsigelse mod endelig registrering af varemærket LUX (figur) MP 1387991 [Vores ref.: I2028DK00/SIT]
Vedhæftede filer: image2018-10-05-100737.pdf; LUX LUX FIGUR.pdf; LUX-TOOLS.pdf; LUX.pdf; LUX LUX TOOLS.pdf; B2621707.pdf

Fra: Simon Tønners - Patrade A/S [mailto:sit@patrade.dk]
Sendt: 5. oktober 2018 10:12
Til: - PVS Patent- og Varemærkestyrelsens officielle postkasse
Cc: Laila Haaning Olsen - Patrade A/S
Emne: Indsigelse mod endelig registrering af varemærket LUX (figur) MP 1387991 [Vores ref.: I2028DK00/SIT]
Land: Danmark
Indsigelse: OPPOSITION AGAINST DANISH TRADE MARK "LUX" IR 1 387 991 FILED BY EMIL LUX GmbH & Co. KG

Kære rette vedkommende.
Se venligst vedhæftede.
Indsigelsesgebyret bedes trukket på vores konto.
Med venlig hilsen | Yours sincerely

Patrade A/S

Simon Tønners
Junior Partner
Legal Consultant
European Trade Mark & Design Attorney
LL.M in European Intellectual Property Law

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The information in this email is confidential and is intended solely for the addressee. If you received this by accident, please notify the indicated sender and delete it from your mailbox.

Fremsendt pr. e-mail til:

Patent- og Varemærkestyrelsen
Helgeshøj Alle 81
2630 Taastrup



Dato: 2. oktober 2018
Deres ref.: N/A
Vor ref.: I2028DK00
Ans.nr.: MP1387991
Indehaver: Guangzhou Daring International Forwarding Co.
Land: Danmark
Emne: **Indsigelse mod endelig registrering af varemærket "LUX" <figur>, MP 1387991**

På vegne af min klient, Emil Lux GmbH & Co., skal jeg hermed nedlægge

INDSIGELSE

Mod endelig registrering af varemærket "LUX" <figur>, MP 1387991. Indsigelsen nedlægges under henvisning til varemærkelovens § 15, stk. 1, nr. 2, samt § 15, stk. 2, idet det bekendtgjorte mærke findes at være forveksleligt med indsigers ældre EU varemærker nr. 004355558 "LUX LUX" <figur>, 004355574 "LUX-TOOLS" <ord>, 011147361 "LUX" <ord> og 011147345 LUX LUX TOOLS <figur>.

Kopi af indsigers ældre varemærker er vedlagt som bilag til indsigelsen.

Vareartslighed:

Som det fremgår af Patent – og Varemærkestyrelsen Guidelines, i artiklen "Ligeartethed mellem varer eller tjenesteydelser", er inddelingen af varer og tjenesteydelser i Nice klassifikationen alene et administrativt hjælpeværktøj og er ikke alene afgørende for om konkrete varer / tjenesteydelser er ligeartede.

I stedet lægges der bl.a. vægt på om varernes / tjenesteydelsernes art, anvendelsesområde, deres benyttelse og om de kan supplere, komplimentere eller erstatte hinanden, om de forhandles gennem samme kanaler og købes af den samme del af den relevante omsætningskreds, jf. principperne i Domstolens afgørelse C-39/97 (CANON).

PATRADE A/S
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DK-8000 AARHUS C
CVR-NR. 3874 0571

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WWW.PATRADE.DK

De respektive varemærker er ansøgt / registreret for:

Klasse	Ansøgers mærke	Indsigers mærker
9		Work protection clothing (included in class 9); Protective helmets, protective sports helmets, Arm, knee and wrist guards (work safety); Gloves for protection against accidents; Locks, electric; Gloves for protection; Protective goggles and masks; Safety belts and fastening belts, except for vehicle seats, included in class 9;
24		Non-woven textile fabrics
25	<i>Tee-shirts; smocks; clothing; sports jerseys; knitwear [clothing]; shoes; hats; hosiery; scarves; leather belts [clothing]."</i>	<i>Workclothes, included in class 25, gloves and work gloves, included in class 25</i> Clothing, footwear, headgear.

Indsiger gør gældende, at der er en meget høj grad af lighed mellem "*beskyttelsesbeklædning*" i klasse 9, som omfattet af indsigers ældre varemærker på den ene side og "*beklædningsgenstande*" i klasse 25 som omfattet af det ansøgte mærke.

Dette skyldes dels, at begge varer har den grundlæggende samme funktion, nemlig at beskyttet legemet mod ekstern påvirkning, dels at de forhandles i samme forretninger, og derfor henvender sig til en del af den samme relevante omsætningskreds, nemlig forbrugere af arbejdstøj.

I den forbindelse skal det bemærkes, at der indenfor de sidste ca. 20 år, er sket en tilnærmelse mellem producenter af klassisk arbejdstøj på den ene side og modebranchen på den anden side. Som eksempler på dette kan nævnes Charhartt® og KANSAS®, der begge er traditionelle producenter af arbejdsbeklædning, men som reelt sælger deres produkter til den modebeviste forbruger i traditionelle tøjforretninger.

Indsiger er ikke bekendt med administrative- domstolsafgørelser i Danmark der har forholdt sig til spørgsmålet omkring lighed mellem beklædning i klasse 9 og 25.

EUIPO har til gengæld haft lejlighed til at udtale sig om dette ved flere lejligheder, eksempelvis i B 2621707 (kopi af afgørelse er vedlagt), hvor EUIPO udtaler:

"The contested thermal protective aids [clothing] for protection against accident or injury; fireproof clothing are similar to a low degree to the opponent's clothing in Class 25 as they have the same nature. They can coincide in end user and method of use."



Selv om Patent- og Varemærkestyrelsen ikke er bundet af afgørelse truffet af andre myndigheder, er det indsigers opfattelse, at ovenstående afgørelse er truffet i overensstemmelse med de principper for bedømmelsen af ligeartethed, som Patent- og Varemærkestyrelsen også lægger til grund. Indsiger er derfor af den opfattelse, at "sikkerhedsbeklædning" i klasse 9 er ligeartet med "beklædningsgenstande" i klasse 25.

Det er endvidere indsigers vurdering, at "beklædningsgenstande" i klasse 25 og "ikke vævede stoffer" i klasse 24 er ligeartede. Dette skyldes, at "stofferne" anvendes i frembringelsen af forskellige beklædningsgenstande, ligesom det er ganske normalt at disse varer sælges gennem de samme kanaler.

Endelig må det konstateres, at der er identitet mellem varerne i klasse 25, indeholdt i henholdsvis indsigers og ansøgers respektive varemærker.

Baseret på det ovenstående, må det konstateres, at der er identitet eller vareartslighed mellem varerne omfattet af de respektive mærker.

Mærkelighed:

Ansøgers mærke	Indsigers mærke
LUX	LUX
	LUX TOOLS
	
	

Forvekslingsrisikoen mellem to varemærker foretages på baggrund af en konkret visuel, lydlig og konceptuel sammenligning af de relevante mærker. I den forbindelse skal der lægges særlig vægt på mærkernes respektive distinktive og dominerende elementer.

Indehavers mærke består af elementet "LUX". Ifølge Den Store Danske Encyklopædi (www.denstoredanske.dk), defineres "LUX" som måleenheden for belysningsstyrke. I forhold til "beklædningsgenstande" i klasse 25 har "LUX" ikke nogen betydning og må derfor anses som et stærkt og særpræget element.

Heroverfor står indehavers mærker der består af henholdsvis ordmærkerne "LUX" og "LUX TOOLS", samt figurmærker bestående af ordelementet "LUX LUX" skrevet henholdsvis horisontalt og vertikalt, således at de deler bogstavet "U", mens det ene af mærkerne tillige indeholder det engelske ord "TOOLS". Ordelementerne er omkranset af en hvid cirkel inde i en henholdsvis sort og changerende blå firkant.

Indsiger gør i den forbindelse gældende, at det er ordelementerne "LUX" og til dels "TOOLS" der er de distinktive og dominerende elementer.

Som det fremgår af Styrelsens Guidelines under artiklen "Lighed mellem figurmærker og ordmærker" vil styrelsen, når et figurmærke indeholder et særpræget ord, tillægge ordet betydelig vægt i forvekslelighedsbedømmelsen, idet det er naturligt for forbrugeren at betegne mærket ved det særprægede ord. Når styrelsen derfor fortager en sammenligning af henholdsvis et ordmærke og et figurmærke, vil styrelsen lægge betydeligt mere vægt på de ordlige- fremfor de figurlige elementer.

Visuelt, er der således identitet / meget høj grad af lighed mellem indehavers mærke og de distinktive og dominerende elementer i indsigers mærker (LUX vs. LUX / LUX TOOLS / LUX LUX / LUX LUX TOOLS), idet indehavers mærke er fuldstændigt indeholdt som det første ord af de distinktive og dominerende elementer i indehavers mærke.

Også lydligt er der identitet / meget høj grad af lighed mellem de distinktive og dominerende elementer af mærkerne. Dette skyldes selvsagt, at der er identitet mellem indehavers mærke og henholdsvis hele, eller første del af de distinktive og dominerende elementer af indsigers mærke (LUX).

Konceptuelt er der ligeledes identitet mellem indehavers mærke på den ene side og henholdsvis hele, eller første del af indsigers ældre mærker (LUX), for den del af de relevante forbrugere der vil forstå betydningen af ordet som en henvisning til måleenheden for lysstyrke.

Konklusion:

Indehavers og indsigers respektive varemærker er registreret for identiske og ligeartede varer i klasse 9, 24 og 25, henvender sig til samme omsætningskreds og udbydes via de samme omsætningskanaler. Der er derfor vareartsidentitet / vareartslighed mellem mærkerne.

Som anført ovenfor kan det endvidere konstateres, at der er henholdsvis visuel, lydlig og konceptuel identitet mellem mærkerne / meget høj grad af mærkelighed for så vidt angår de respektive distinktive og dominerende elementer. Det må derfor lægges til grund, at der er mærkelighed mellem varemærkerne.

Når det samtidig tages i betragtning, at omsætningskredsen kun sjældent vil have lejlighed til at foretage en direkte sammenligning af to varemærker, men må forlade sig på et *udvisket erindringsbillede*, jf. præmis 25-26 i Domstolens afgørelse af 29. juni 1999 i C-342/97 (Loyd-Schufabrik), kan det konstateres, at omsætningskredsen ikke vil kunne adskille indehavers og indsigers respektive varemærker og derfor naturligt vil antage, at der er en forbindelse mellem dem.

Endelig henvises der til *produktreglen*, efter hvilken det fremgår, at der er en sådan sammenhæng mellem mærkelighed på den ene side og vareartslighed på den anden side, at kravene til mærkelighed er mindre, hvis der er vareartslighed på den ene side og vice versa. I den foreliggende sag er der både en meget høj grad af mærkelighed såvel som vareartslighed / vareartsidentitet.

På baggrund af ovenstående, er det indsigers vurdering, at der er en meget høj grad af risiko for forveksling mellem mærkerne.

Indsiger skal derfor venligst anmode Patent- og Varemærkestyrelsen om at tage indsigelsen til følge og nægte at fremme MP 1387991 LUX <figur> til endelig registrering.

Såfremt indsigelsen giver anledning til kommentarer fra indehaver, beder jeg venligst Patent- og Varemærkestyrelsen om at gøre os bekendt hermed, samt give os mulighed for at fremkomme med vores supplerende bemærkninger hertil.

Patrade A/S


Simon Tønners

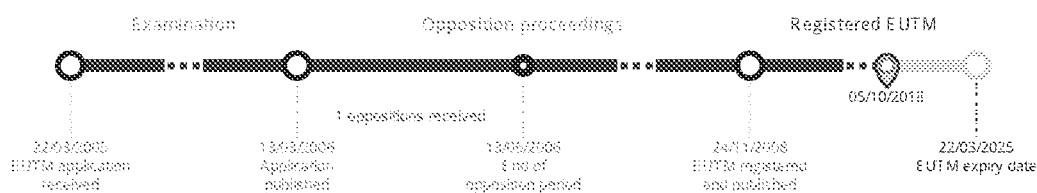


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EUTM file information

LUX LUX
004355558

Timeline



Trade mark information

Name	LUX LUX	Filing date	22/03/2005
Filing number	004355558	Registration date	17/11/2008
Basis	EUTM	Expiry date	22/03/2025
Date of receipt	22/03/2005	Designation date	
Type	Figurative	Filing language	German
Nature	Individual	Second language	English
Nice classes	1, 3, 4, 6, 7, 8, 9, 11, 12, 16, 17, 18, 20, 21, 22, 24, 25, 26 (Nice Classification)	Application reference	Sg/mw050673em
Vienna Classification	24.13.05, 24.13.22, 26.01.03, 26.01.22 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Graphic representation



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Goods and services

English (en)



- 1 Tempering and soldering preparations, adhesives used in industry, cartridges for hot melt guns.
- 3 Abrasives, sandpaper.
- 4 "Industrial oils and greases; lubricants.
- 6 "Ironmongery and small items of hardware of common metals and metal alloys, in particular nails, pins, screws, washers, nuts, rivets, clamps, hooks, eyelets, plugs; non-electric cables and wires of common metal; wire ropes, chains of metal and accessories therefor, included in class 6; cable clips of metal; padlocks; workshop equipment, included in class 6, including tool cabinets, small parts storage boxes, open storage boxes, sorting boxes, tool holders, machine tables, tool stands, workbenches (the aforesaid goods of metal); tool chests and toolboxes (empty) of metal; handles of metal for tools and garden implements; carry straps of metal; load and transport rollers, rollers and wheels, included in class 6; oil cans, hoppers, special-purpose containers, included in class 6 (the aforesaid goods of metal); marker aids, in particular shut-off and warning bands, posts for fixing the aforesaid goods.
- 7 Machines and machine tools; and accessories and spare parts therefor, included in class 7; machines for tile laying, gas concrete and dry mortarless construction, stone, screed and concrete works, electrical and sanitary installation services, masonry services, parquet floor, laminate and carpet laying, plastering; electric tools for construction and D.Y., including tool bits therefor; cordless screwdrivers, chainsaws, grinders, polishers; hammer drills, drilling machines, power planers, tile-cutting machines, compressors, small electric tools, electric staplers, electric milling cutters; mechanical garden implements, including lawnmowers and grass-trimming machines; straw cutters, hedge trimmers and chainsaws, and accessories for mechanical garden implements, namely collecting devices and apparatus covers; spare parts for mechanical garden tools, included in class 7; driving machines for tools; mobile generators; hot melt guns; soldering and welding apparatus (gas-powered), electric welding machines; compressed air tools.
- 8 Hand tools and implements (hand-operated), and accessories therefor, included in class 8, hand tools for tile laying, gas concrete and dry mortarless construction, stone, screed and concrete works, electrical and sanitary installation services, masonry services, parquet floor, laminate and carpet laying, plastering; hand tools, including cutting, separating, embossing and impact tools, in particular hatchets, axes, drills, files, rasps, thread cutters, hammers, planers, clips, trowels, spatulas, chisels, saws, spanners, screwdrivers, socket wrenches and sockets for wrenches, vices, tongs, tool holders, hand-operated gripping and carrying apparatus, including stone-carrying apparatus, sanding blocks, clamps, riveting pincers, eyelet punches, hand tackers and clamps and nails therefor; hand-operated tile-cutting apparatus, knives, in particular pocket knives, cutter lames, glass cutters, carpet knives, blades, cutters; scissors, including household scissors, secateurs, branch, tree and hedge clippers, hand-operated garden implements, including forks, hoes, spades, shovels, rakes, sickles, scythes, trimmers and hand-operated lawnmowers; snow shovels; hand-operated vaporisers; hand-operated pneumatic apparatus.
- 9 Meters and measuring tools; tape measures, rules, rulers, plumb bobs, angles, protractors, compasses, floats and browning rods, browning rods with spirit levels, spirit levels, including using laser technology, measuring gauges, vernier calipers; electrical gauges; scribing apparatus; thermometers; metal detectors; material for electricity mains (cables, wires), electrical installation material; soldering apparatus and welding apparatus (electric); clothing for protection against accidents and safety wear, included in class 9, goggles, protective masks, dust masks, filters for protective masks, hearing protectors, included in class 9, work gloves and protective gloves, included in class 9, protective helmets, knee pads, accessories in the field of welding safety, namely protective clothing, gloves, aprons, sleeves, protective face masks, protective face shields, welding goggles; safety belts and fastening belts, except for vehicle seats, included in class 9.
- 11 Sanitary installation material; water sprinklers, showers and sprinklers.
- 12 Load and transport rollers, rollers and wheels, included in class 12; Hose carts.
- 16 Painting and wallpapering tools, included in class 16, including paint brushes, special-purpose paint brushes, brushes, rollers, wipers, painting tools for macerating, stamping, stencilling, wiping and speckling; paint trays and stripping frames, spatulas and scrapers; lining paper for protection against paint splashes and dirt; marking aids, in particular chalk and holders, carpenters' pencils, rulers; adhesives and adhesive tapes for stationery and household purposes; artists' materials.
- 17 Foils of plastic (other than for packaging); adhesive tapes for craft purposes, double-sided adhesive tape for carpet laying, adhesive tape being insulating material; cords of rubber; insulating gloves; gaskets; packing, stopping and insulating materials, included in class 17; hoses, garden hoses, and couplings and junctions therefor, included in class 17.
- 18 Tool bags, tool aprons and toolboxes (empty) of leather and imitations of leather.
- 20 Workshop equipment, included in class 20, including tool cabinets, small parts storage boxes, open storage boxes, sorting boxes, tool holders, machine tables, tool stands, workbenches (the aforesaid goods not of metal); paste tables, clamping tables; tool bags, tool chests and toolboxes (empty), not of metal, not of leather; handles for tools and garden implements, not of metal; load and transport rollers, rollers and wheels, included in class 20; plastic chains, rope and chain clamps, bolts, plugs, screws, nuts, washers, hooks, rivets (the aforesaid goods all not of metal); transport pallets; special-purpose containers, not of masonry, not of metal, included in class 20.
- 21 Gloves for household and cleaning purposes, gardening gloves; articles for cleaning purposes; scrubbers, wipers; sponges; brushes (except paint brushes), brooms, hand brushes, broom sets; steel wool for cleaning; funnels; buckets; extensions and telescopic rods for handles; clotheslines; traps; plant pots, plant and flower holders (included in class 21); towel and soap holders.
- 22 Ropes and accessories therefor, included in class 22, nets; string, cords; tarpaulins; carry straps, not of metal.
- 24 Non-woven textile fabrics.
- 25 Workclothes, included in class 25, gloves and work gloves, included in class 25.
- 26 Velcro.

Description

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No data

Owners

Emil Lux GmbH & Co. KG

ID	111011	Country	DE - Germany	Correspondence address	
Organisation	Emil Lux GmbH & Co. KG	State/country	n/a	Emil Lux GmbH & Co. KG Postfach 16 10 D-42909 Wermelskirchen ALEMANIA	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Wermelskirch		
		Post code	42929		
		Address	Emil-Lux-Str. 1		Can be accessed and changed by authorised user via the User Area
					Can be accessed and changed by authorised user via the User Area

Representatives

DOMPATENT VON KREISLER SELTING WERNER - PARTNERSCHAFT VON PATENTANWÄLTEN UND RECHTSANWÄLTEN MBB

ID	10793	Country	DE - Germany	Correspondence address	00 49-221916520
Organisation	n/a	State/country	n/a	dompatent von Kreisler Selting Werner - Partnerschaft von Patentanwälten und Rechtsanwälten mbB	00 49-22191652-652
Legal status	Legal person	Town	Köln		
Type	Association	Post code	50667	Deichmannhaus am Dom, Bahnhofsvorplatz 1 D-50667 Köln ALEMANIA	mail@dompatent.de
		Address			

Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		EUTM	004355558	Surveillance letter	28/08/2018	
		EUTM	004355558	Surveillance letter	12/02/2018	
		EUTM	004355558	Surveillance letter	06/02/2018	
		EUTM	004355558	Surveillance letter	16/10/2017	
		EUTM	004355558	Surveillance letter	31/08/2017	
		EUTM	004355558	Surveillance letter	06/07/2017	
		EUTM	004355558	Surveillance letter	21/03/2017	
		EUTM	004355558	Surveillance letter	20/02/2017	
		EUTM	004355558	Surveillance letter	07/02/2017	
		EUTM	004355558	Surveillance letter	27/12/2016	
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"R transformation

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Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
2006/011	13/03/2006	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2008/047	24/11/2008	B.2	Registrations with amendments since the application was published
2014/063	03/04/2014	C.2.1	Representative - Change of name and professional address
2014/203	29/10/2014	D.1	Renewals
2016/073	20/04/2016	C.2.1	Representative - Change of name and professional address
2016/077	26/04/2016	C.2.1	Representative - Change of name and professional address
2016/126	08/07/2016	B.4.2	Correction of errors - Relative errors

Showing 1 to 7 of 7 entries

Cancellation

No data

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2014/063	03/04/2014	C.2.1	008334909	Representative	Change of name and professional address
2014/203	29/10/2014	D.1	008747779	Renewal	Total Renewal
2016/073	20/04/2016	C.2.1	010848748	Representative	Change of name and professional address
2016/077	26/04/2016	C.2.1	010860149	Representative	Change of name and professional address
2016/126	08/07/2016	B.4.2	011143131	Correction of errors	Relative errors

Showing 1 to 5 of 5 entries

Oppositions

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
001019894	08/06/2006	Likelihood of confusion	Aldi Einkauf GmbH & Co. oHG	SCHM"DT, VON DER OSTEN & HUBER RECHTSANW"LTE STEUERBERATER PARTNERSCHAFT MBB	German	LH/KA 00363/06	Closed	

Showing 1 to 1 of 1 entries

Appeals

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Decisions

No data

Renewals

Type	Filing number	Status	Status date
Renewal	008747779	Trade mark renewed	29/10/2014
Showing 1 to 1 of 1 entries			

Trade mark relations

No data

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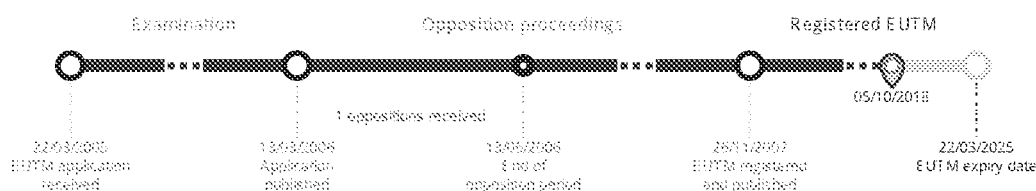
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EUTM file information

LUX-TOOLS

004355574

Timeline



Trade mark information

Name	LUX-TOOLS	Filing date	22/03/2005
Filing number	004355574	Registration date	19/11/2007
Basis	EUTM	Expiry date	22/03/2025
Date of receipt	22/03/2005	Designation date	
Type	Word	Filing language	German
Nature	"individual"	Second language	English
Nice classes	1, 3, 4, 6, 7, 8, 9, 11, 12, 16, 17, 18, 20, 21, 22, 24, 25, 26 (Nice Classification)	Application reference	Sg/mw050674em
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)



- 1 Tempering and soldering preparations, adhesives used in industry, cartridges for hot melt guns.
- 3 Abrasives, sandpaper.
- 4 "Industrial oils and greases; lubricants.
- 6 "Ironmongery and small items of hardware of common metals and metal alloys, in particular nails, pins, screws, washers, nuts, rivets, clamps, hooks, eyelets, plugs; non-electric cables and wires of common metal; wire ropes, chains of metal and accessories therefor, included in class 6; cable clips of metal; padlocks; workshop equipment, included in class 6, including tool cabinets, small parts storage boxes, open storage boxes, sorting boxes, tool holders, machine tables, tool stands, workbenches (the aforesaid goods of metal); tool chests and toolboxes (empty) of metal; handles of metal for tools and garden implements; carry straps of metal; load and transport rollers, rollers and wheels, included in class 6; oil cans, hoppers, special-purpose containers, included in class 6 (the aforesaid goods of metal); marker aids, in particular shut-off and warning bands, posts for fixing the aforesaid goods.
- 7 Machines and machine tools; and accessories and spare parts therefor, included in class 7; machines for tile laying, gas concrete and dry mortarless construction, stone, screed and concrete works, electrical and sanitary installation services, masonry services, parquet floor, laminate and carpet laying, plastering; electric tools for construction and D'Y, including tool bits therefor; cordless screwdrivers, chainsaws, grinders, polishers; hammer drills, drilling machines, power planers, tile-cutting machines, compressors, small electric tools, electric staplers, electric milling cutters; mechanical garden implements, including lawnmowers and grass-trimming machines; straw cutters, hedge trimmers and chainsaws, and accessories for mechanical garden implements, namely collecting devices and apparatus covers; spare parts for mechanical garden tools, included in class 7; driving machines for tools; mobile generators; hot melt guns; soldering and welding apparatus (gas-powered); electric welding machines; and computer software that enhance your user experience. We also use analytics.
- 8 Hand tools and implements (hand-operated), for masonry and construction, included in class 8, hand tools for tile laying, gas concrete and dry mortarless construction, stone, screed and concrete works, electrical and sanitary installation services,

masonry services, parquet floor, laminate and carpet laying, plastering; hand tools, including cutting, separating, embossing and impact tools, in particular hatchets, axes, drills, files, rasps, thread cutters, hammers, planers, clips, trowels, spatulas, chisels, saws, spanners, screwdrivers, socket wrenches and sockets for wrenches, vices, tongs, tool holders, hand-operated gripping and carrying apparatus, including stone-carrying apparatus, sanding blocks, clamps, riveting pincers, eyelet punches, hand tackers and clamps and nails therefor; hand-operated tile-cutting apparatus, knives, in particular pocket knives, cutter lames, glass cutters, carpet knives, blades, cutters; scissors, including household scissors, secateurs, branch, tree and hedge clippers, hand-operated garden implements, including forks, hoes, spades, shovels, rakes, sickles, scythes, trimmers and hand-operated lawnmowers; snow shovels; hand-operated vaporisers; hand-operated pneumatic apparatus.

9 Meters and measuring tools; tape measures, rules, rulers, plumb bobs, angles, protractors, compasses, floats and browning rods, browning rods with spirit levels, spirit levels, including using laser technology, measuring gauges, vernier calipers; electrical gauges; scribing apparatus; thermometers; metal detectors; material for electricity mains (cables, wires), electrical installation material; soldering apparatus and welding apparatus (electric); clothing for protection against accidents and safety wear, included in class 9, goggles, protective masks, dust masks, filters for protective masks, hearing protectors, included in class 9, work gloves and protective gloves, included in class 9, protective helmets, knee pads, accessories in the field of welding safety, namely protective clothing, gloves, aprons, sleeves, protective face masks, protective face shields, welding goggles; safety belts and fastening belts, except for vehicle seats, included in class 9.

11 Sanitary installation material; water sprinklers, showers and sprinklers.

12 Load and transport rollers, rollers and wheels, included in class 12; Hose carts.

16 Painting and wallpapering tools, included in class 16, including paint brushes, special-purpose paint brushes, brushes, rollers, wipers, painting tools for macerating, stamping, stencilling, wiping and speckling; paint trays and stripping frames, spatulas and scrapers; lining paper for protection against paint splashes and dirt; marking aids, in particular chalk and holders, carpenters' pencils, rulers; adhesives and adhesive tapes for stationery and household purposes; artists' materials.

17 Foils of plastic (other than for packaging); adhesive tapes for craft purposes, double-sided adhesive tape for carpet laying, adhesive tape being insulating material; cords of rubber; insulating gloves; gaskets; packing, stopping and insulating materials, included in class 17; hoses, garden hoses, and couplings and junctions therefor, included in class 17.

18 Tool bags, tool aprons and toolboxes (empty) of leather and imitations of leather.

20 Workshop equipment, included in class 20, including tool cabinets, small parts storage boxes, open storage boxes, sorting boxes, tool holders, machine tables, tool stands, workbenches (the aforesaid goods not of metal); paste tables, clamping tables; tool bags, tool chests and toolboxes (empty), not of metal, not of leather; handles for tools and garden implements, not of metal; load and transport rollers, rollers and wheels, included in class 20; plastic chains, rope and chain clamps, bolts, plugs, screws, nuts, washers, hooks, rivets (the aforesaid goods all not of metal); transport pallets; special-purpose containers, not of masonry, not of metal, included in class 20.

21 Gloves for household and cleaning purposes, gardening gloves; articles for cleaning purposes; scrubbers, wipers; sponges; brushes (except paint brushes), brooms, hand brushes, broom sets; steel wool for cleaning; funnels; buckets; extensions and telescopic rods for handles; clotheslines; traps; plant pots, plant and flower holders (included in class 21); towel and soap holders.

22 Ropes and accessories therefor, included in class 22, nets; string, cords; tarpaulins; carry straps, not of metal.

24 Non-woven textile fabrics.

25 Workclothes, included in class 25, gloves and work gloves, included in class 25.

26 Velcro.

Description

No data

Owners

Emil Lux GmbH & Co. KG

ID	111011	Country	DE - Germany	Correspondence address	
Organisation	Emil Lux GmbH & Co. KG	State/country	n/a	Emil Lux GmbH & Co. KG Postfach 16 10 D-42909 Wermelskirchen ALEMAN [®] A	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Wermelskirch		
		Post code	42929		
		Address	Emil-Lux-Str. 1		Can be accessed and changed by authorised user via the User Area
					Can be accessed and changed by authorised user via the User Area

Representatives

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DOMPATENT VON KREISLER SELT'NG WERNER - PARTNERSCHAFT VON
PATENTANWÄLTEN UND RECHTSANWÄLTEN MB&B

IP	10793	Country	DE - Germany	Correspondence address	00 49-221916520
Organisation	n/a	State/country	n/a	dompatent von Kreisler	
Legal status	Legal person	Town	K ^o ln	Selting Werner -	
Type	Association	Post code	50667	Partnerschaft von	00 49-22191652-652
		Address	Deichmannha am Dom, Bahnhofsvorpl 1	Patentanw ^l ten und Rechtsanw ^l ten mbB	mail@dompatent.de
				Deichmannhaus am Dom, Bahnhofsvorplatz 1 D-50667 K ^o ln ALEMAN ^A	

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
Recordal	011143149	Correction of errors - notification of entry		15/07/2016	
EUTM	004355574	Cover letter for registration certificate.		08/07/2016	
EUTM	004355574	Certificate of Registration		08/07/2016	
Recordal	010860149	C.2.1. - Representative - change of name & address - entry on the register - automatic template		22/04/2016	
Recordal	010860149	Letter to the EU ^o PO		22/04/2016	
Recordal	010848748	C.2.1. - Representative - change of name & address - entry on the register - automatic template		20/04/2016	
Recordal	010848748	Letter to the EU ^o PO		18/04/2016	
Recordal	008750294	L607 \: Notification of the total renewal of the EUTM		27/10/2014	
Recordal	008750294	Application form and attachment		23/10/2014	
Recordal	008750294	L601A \: Notification of the need to renew an EUTM registration		25/08/2014	

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"R transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Statistical number	Date	Section	Description
2006/011	13/03/2006	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2007/064	26/11/2007	B.2	Registrations with amendments since the application was published
2014/063	03/04/2014	C.2.1	Representative - Change of name and professional address
2014/203	29/10/2014	D.1	Renewals
2016/073	20/04/2016	C.2.1	Representative - Change of name and professional address

Bulletin number	Date	Section	Description
2016/077	26/04/2016	C.2.1	Representative - Change of name and professional address
2016/126	08/07/2016	B.4.2	Correction of errors - Relative errors
Showing 1 to 7 of 7 entries			

Cancellation

No data

Records

Bulletin number	Date	Section	Filing number	Title	Subtitle
2014/063	03/04/2014	C.2.1	008334909	Representative	Change of name and professional address
2014/203	29/10/2014	D.1	008750294	Renewal	Total Renewal
2016/073	20/04/2016	C.2.1	010848748	Representative	Change of name and professional address
2016/077	26/04/2016	C.2.1	010860149	Representative	Change of name and professional address
2016/126	08/07/2016	B.4.2	011143149	Correction of errors	Relative errors
Showing 1 to 5 of 5 entries					

Oppositions

Filing number	Date	Grounds	Opponent	Representation	Language	Reference	Status	Extent of opposition
001023508	13/06/2006	Likelihood of confusion	AL [®] VER S.r.l.	BUGN [®] ON S.P.A.	English	61.A3567.23.EM.1	Withdrawn	
Showing 1 to 1 of 1 entries								

Appeals

No data

Decisions

No data

Renewals

Title	Filing number	Status	Status date
Renewal	008750294	Trade mark renewed	29/10/2014
Showing 1 to 1 of 1 entries			

Trade mark relations

No data

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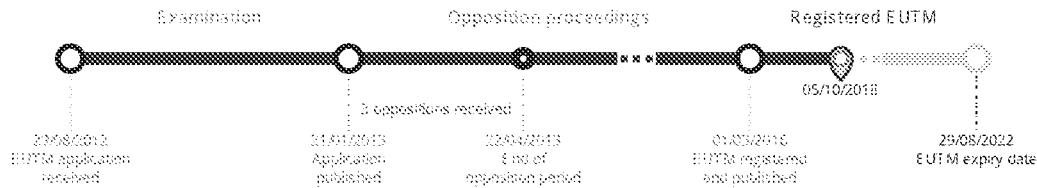


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EUTM file information

LUX
011147361

Timeline



Trade mark information

Name	LUX	Filing date	29/08/2012
Filing number	011147361	Registration date	27/02/2016
Basis	EUTM on which "A" is based	Expiry date	29/08/2022
Date of receipt	29/08/2012	Designation date	
Date of receipt of International Registrar v	30/01/2013	Filing language	German
"R" number	1163422	Second language	English
Type	Word	Application reference	122032EMATss
Nature	"individual	Trade mark status	Registered
Nice classes	1, 3, 4, 6, 7, 8, 9, 10, 12, 16, 17, 18, 19, 20, 21, 22, 26 (Nice Classification)	Acquired distinctiveness	No

Vienna Classification

Goods and services

English (en)



- 1 Tempering and soldering preparations; Adhesives used in industry.
- 3 Cleaning, polishing and abrasive preparations; Abrasive paper.
- 4 Industrial oils and greases; Lubricants; Dust absorbing, wetting and binding compositions; Fuels (including motor spirit) and illuminants.
- 6 Common metals and their alloys; Materials of metal for railway tracks; Ores; Metal building materials; Transportable buildings of metal; Non-electric cables and wires of common metal; Ironmongery, small items of metal hardware; Pipes and tubes of metal; Goods of metal, included in class 6; Garage doors of metal; Tool chests of metal (empty); Safes; Locks (other than electric) of metal; Padlocks; Hoppers (non-mechanical) of metal; Ladders of metal, stepladders of metal; Pegs of metal; Wall plugs of metal; Fittings of metal for building; Fittings of metal for furniture; Tensioning and lashing straps; Rods of metal for brazing and welding; Soldering wire of metal; Posts of metal; Wire rope; Workshop equipment, As far as included in international class 06, including tool holders (aforesaid goods of metal); Tool boxes of metal (empty); Handles of metal for tools and garden implements; Carry straps of metal; Oil cans, special-purpose containers, included in class 06 (the aforesaid goods being of metal); Posts of metal for attaching marking aids, in particular barrier tapes and warning tapes; Gates of metal; Locksets; Pegs of metal; Wall plugs of metal; Trellis and Espaliers; Clips; Clips and nails for hand tackers; Metal garage door rollers; Rollers of metal for sliding doors; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto.
- 7 Machines and machine tools, Machine coupling and transmission components (except for land vehicles); Agricultural implements, other than harrows, ploughs, mowers and mowing machines, and industrial machines, other than sewing machines, in class 7; Mechanical tools for construction, horticultural and craft purposes, mechanical horticultural and agricultural equipment; Compressors (machines); Spray guns for paint; Compressed air guns for the extrusion of mastics, Electric glue

guns, ELECTRIC POWER STAPLERS; Pistols and pumps for applying paints, mastics and other viscous preparations; Gas-powered soldering irons; Drill chucks (parts of machines), Drilling machines, Electric hand drills, Nut-tapping machines, Drill stands for electric hand drills; Planing machines; Truing machines, Grinding discs (being a machine part), Cutting discs (parts of machines), Grinding wheels (parts of machines); Saws (machines), Chain saws; Current generators; Welding apparatus, gas-operated; Welding machines, electric; Lawnmowers (machines), Scarifiers (other than hand-operated); Tillers (other than hand-operated); Soil ventilators (other than hand-operated); Snow blowers (other than hand-operated); Snow shovels (other than hand-operated); Snow sweepers (other than hand-operated); Parts for motors and engines, namely spark plugs for internal combustion engines, mufflers for motors and engines (exhausts), petrol and oil filters, filters for cleaning cooling air for motors and engines, cylinders for motors and engines, cylinder heads for motors and engines, pistons for motors and engines, piston rings; Electric drives for garage doors; Elevators, in particular hoists; Electric arc welding apparatus; Lathes (machine tools); Electric turning machines; Electric straw cutting machines, motorised straw cutting machines; Grindstones (machine parts); Machines for tile laying, gas concrete and dry construction, stone, screed and concrete works, electrical and sanitary installation, masonry, parquet floor, laminate and carpet laying, plastering, painting, wallpapering and welding; Electric tools for construction and D.Y., including tool bits therefor; Cordless screwdrivers, chainsaws, grinders, polishers; Drilling hammers, Electric planers, Tile cutting machines, small electric tools, Electric staplers, Electric milling machines; Mechanical garden implements, including lawnmowers and grass-trimming machines; Border shears and chainsaws, and accessories for mechanical garden equipment, namely collecting devices and apparatus covers; Spare parts for mechanical garden tools, included in class 7; Driving machines for tools; Mobile generators; Soldering and welding machines (gas-operated); Compressed air tools; Lathes (machine-operated); Wood-turning lathes (machine-operated); Pressure spraying devices (machine-operated); Couplings other than for land vehicles; Grinding inserts, grindstones and replacement parts for the aforesaid goods; Rollers and wheels for machines; Soldering irons, electric; Welding apparatus; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto.

8 Manually operated tools; Hand-operated implements for agricultural, horticultural and forestry purposes, and for structural engineering; Hand-operated vaporisers; Hand-operated guns for applying paints, mastics and other thick fluid products, Guns, hand-operated, for the extrusion of mastics; Spatulas [hand tools]; Snow shovels (hand tools); Ice scrapers; Sharpening stones; Tackers (hand-operated); Hand-operated riveting tools; Trowels; Saws (hand tools); Files [hand tools]; Clamps for carpenters or coopers; Tongs [hand tools]; Screwdrivers; Wrenches (hand tools); Hammers (hand tools); Axes; Lawn clippers (hand instruments); Border shears; Planes; Stationery scissors; Riveting pincers; Scraping tools (hand tools); Hand tools for tile laying, gas concrete and dry mortarless construction, stone, screed and concrete works, electrical and sanitary installation, masonry, parquet floor, laminate and carpet laying, plastering; Painting and welding; Hand tools, including cutting, separating, embossing and striking tools, in particular Japanese chisels, borers, rasps, thread cutters, planes, trowels, chisels, screwdrivers, socket wrenches and socket wrench sets, vices, pliers, tool holders, hand-operated grippers and carrying equipment, including stone-carrying equipment, sanding blocks, ferrules of metal, hand riveters, eyelet pliers; Hand-operated tile-cutting apparatus, knives, in particular pocket knives, cutter blades, glass cutters, carpet knives, blades, cutters; Scissors, including household scissors, secateurs, branch, tree and hedge clippers, hand-operated garden implements, including forks, hoes, spades, shovels, rakes, sickles, scythes, trimmers and hand-operated lawnmowers; Hand-operated vaporisers; Hand-operated pneumatic apparatus; Spare parts for the aforesaid goods; electric flat irons.

9 Signalling, life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Fire-extinguishing apparatus; Electric installation material (included in class 9), namely electric cables and electrical wire; Material for electricity mains (wires, cables); Lustre terminals; Plugs, sockets and other contacts [electric connections]; Covers for electric outlets; Cable ducts; Volt meters; Electric welding apparatus; Welding electrode; Solderers' helmets; Time switches, automatic; Electronic security systems, namely motion detectors, gas, smoke and carbon monoxide detectors, electric theft prevention installations, bells (warning devices), optical data media, video cassettes; Solar energy collectors for electricity generation; Electric batteries, battery charging equipment; Thermostats; Thermometers (not for medical purposes); Scales; Work protection clothing (included in class 9); Protective helmets, protective sports helmets, Arm, knee and wrist guards (work safety); Gloves for protection against accidents; Locks, electric; Gloves for protection; Protective goggles and masks; Safety belts and fastening belts, except for vehicle seats, included in class 9; Voltage detectors; Intercommunication systems; Marking aids, in particular barrier tapes and warning tapes; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto.

10 Hearing protectors.

12 Load and transport rollers; Rollers and Wheels for vehicles; Hose carts; Rollers and Wheels for barrows and Sack-barrows.

16 Printed matter; Bookbinding material; Photographs; Adhesives for stationery or household purposes; Artists' materials; Paintbrushes; Typewriters and office requisites (except furniture); Instructional and teaching material (except apparatus).

17 Flexible pipes, not of metal; Insulating gloves; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto.

18 Tool bags (empty); Tool chests of leather (empty); Tool bags (empty), not of metal, not of leather.

19 Building materials (non-metallic); Non-metallic rigid pipes for building; Asphalt, pitch and bitume; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto.

20 Dowels, not of metal; Wall plugs, not of metal; Locks (other than electric), not of metal; Pasting tables; Racks [furniture]; Tool stands, not of metal; Door stoppers, not of metal; Workshop equipment, included in class 20, including tool cabinets, small parts storage boxes, open storage boxes, sorting boxes, tool holders, machine tables, tool stands, workbenches (the aforesaid goods not of metal); Workshop equipment (furniture), including tool cabinets, storage boxes for small parts, open storage boxes, sorting boxes, machine tables, tool stands, workbenches (the aforesaid goods being of metal); Paste tables, clamping tables; Tool boxes and tool chests (empty), not of metal, not of leather; Handles for tools and garden implements, not of metal; Plastic chains, rope and chain clamps, bolts, plugs, screws, nuts, washers, hooks, rivets (the aforesaid goods all not of metal); Transport pallets; Special-purpose containers, not of masonry, not of metal, included in class 20; Ladders of wood or plastic, stepladders, not of metal; Furniture glides of felt and plastic; Coat hangers; Casters of metal for beds; Casters, not of metal, for beds; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto.

21 Sponges; Articles for cleaning purposes; Steelwool; Brooms; Funnel.

22 Ropes, string, nets, tents, tarpaulins, sails, sacks and bags (so far as included in class 22); Raw fibrous textile materials; Tensioning and lashing straps, not of metal; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto.

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Description

No data

Owners

Emil Lux GmbH & Co. KG

ID	111011	Country	DE - Germany	Correspondence address	
Organisation	Emil Lux GmbH & Co. KG	State/country	n/a	Emil Lux GmbH & Co. KG	Can be accessed and changed by authorised user via the User Area
		Town	Wermelskirch	Postfach 16 10	
		Post code	42929	D-42909 Wermelskirchen	
Legal status	Legal entity	Address	Emil-Lux-Str. 1	ALEMANIA	Can be accessed and changed by authorised user via the User Area
					Can be accessed and changed by authorised user via the User Area

Representatives

DOMPATENT VON KREISLER SELTING WERNER - PARTNERSCHAFT VON PATENTANWÄLTEN UND RECHTSANWÄLTEN MBB

ID	10793	Country	DE - Germany	Correspondence address	00 49-221916520
Organisation	n/a	State/country	n/a	dompatent von Kreisler	
Legal status	Legal person	Town	Köln	Selting Werner -	
Type	Association	Post code	50667	Partnerschaft von	00 49-22191652-652
		Address	Deichmannhaus am Dom, Bahnhofsvorplatz 1	Patentanwälten und	
			D-50667 Köln	Rechtsanwälten mbB	mail@dompatent.de
			ALEMANIA		

Correspondence

	From	Procedure	Filing number	Subject	Date	Action
		EUTM	011147361	Surveillance letter	28/08/2018	
		EUTM	011147361	Surveillance letter	08/08/2018	
		EUTM	011147361	Surveillance letter	16/05/2018	
		EUTM	011147361	Surveillance letter	12/02/2018	
		EUTM	011147361	Surveillance letter	06/02/2018	
		EUTM	011147361	Surveillance letter	17/01/2018	
		EUTM	011147361	Surveillance letter	16/10/2017	
		EUTM	011147361	Surveillance letter	31/08/2017	
		EUTM	011147361	Surveillance letter	06/07/2017	
		EUTM	011147361	Surveillance letter	11/04/2017	

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Seniority

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Exhibition priority

No data

Priority

No data

Publications

Publication number	Date	Section	Description
2013/014	21/01/2013	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2014/063	03/04/2014	C.2.1	Representative - Change of name and professional address
2016/041	01/03/2016	C.3.6	"International trade marks
2016/041	01/03/2016	B.2	Registrations with amendments since the application was published
2016/073	20/04/2016	C.2.1	Representative - Change of name and professional address
2016/077	26/04/2016	C.2.1	Representative - Change of name and professional address

Showing 1 to 6 of 6 entries

Cancellation

No data

Recordals

Publication number	Date	Section	Filing number	Title	Subtitle
2014/063	03/04/2014	C.2.1	008334909	Representative	Change of name and professional address
2016/041	01/03/2016	C.3.6	010636861	Trade mark	"International trade mark
2016/073	20/04/2016	C.2.1	010848748	Representative	Change of name and professional address
2016/077	26/04/2016	C.2.1	010860149	Representative	Change of name and professional address

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Oppositions

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
002167339	22/04/2013	"Identity of marks and G&S Likelihood of confusion Unfair advantage /detriment to distinctiveness or repute	Unilever N.V.	BAKER & MCKENZIE LLP	English		Withdrawn	Class 1 Tempering and soldering preparations; Adhesives used in industry, Class 3 Cleaning, polishing and abrasive preparations; Abrasive paper, Class 4 "Industrial oils and greases; Lubricants; Dust absorbing, wetting and binding compositions; Fuels

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Filing number(s)	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								(including motor spirit) and illuminants. Class 6 Common metals and their alloys; Materials of metal for railway tracks; Ores; Metal building materials; Transportable buildings of metal; Non-electric cables and wires of common metal; "Ironmongery, small items of metal hardware; Pipes and tubes of metal; Goods of metal, included in class 6; Garage doors of metal; Tool chests of metal (empty); Safes; Locks (other than electric) of metal; Padlocks; Hoppers (non-mechanical) of metal; Ladders of metal, stepladders of metal; Pegs of metal; Wall plugs of metal; Fittings of metal for building; Fittings of metal for furniture; Tensioning and lashing straps; Rods of metal for brazing and welding; Soldering wire of metal; Posts of metal; Wire rope; Workshop equipment, As far as included in international class 06, "including tool holders (aforesaid goods of metal); Tool boxes of metal (empty); Handles of metal for tools and garden implements; Carry straps of metal; Oil cans, special-purpose containers, included in class 06 (the aforesaid goods being of metal); Posts of metal for attaching marking aids, in particular barrier tapes and warning tapes; Gates of metal; Locksets; Pegs of metal; Wall plugs of metal; Trellis and Espaliers; Clips; Clips and nails for hand tackers; Metal garage door rollers; Rollers of metal for sliding doors; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto. Class 7 Machines

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Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								<p>and machine tools, Machine coupling and transmission components (except for land vehicles); Agricultural implements other than hand-operated; Machines and machine tools, Namely colour mixing machines, Building machines, "n class 7; Mechanical tools for construction, horticultural and craft purposes, mechanical horticultural and agricultural equipment; Compressors [machines]; Spray guns for paint, Compressed air guns for the extrusion of mastics, Electric glue guns, ELECTRIC POWER STAPLERS; Pistols and pumps for applying paints, mastics and other viscous preparations; Gas-powered soldering irons; Drill chucks (parts of machines), Drilling machines, Electric hand drills, Nut-tapping machines, Drill stands for electric hand drills; Planing machines; Trueing machines, Grinding discs (being a machine part), Cutting discs (parts of machines), Grinding wheels (parts of machines), Saws (machines), Chain saws; Current generators; Welding apparatus, gas-operated; Welding machines, electric; Lawnmowers (machines), Scarifiers (other than hand-operated); Tillers (other than hand-operated); Soil ventilators (other than hand-operated); Snow blowers (other than hand-operated); Snow shovels (other than hand-operated); Snow sweepers (other than hand-operated); Parts for motors and engines, namely spark plugs for internal combustion engines, mufflers for motors and engines (exhausts),</p>

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Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								petrol and oil filters, filters for cleaning cooling air for motors and engines, cylinders for motors and engines, cylinder heads for motors and engines, pistons for motors and engines, piston rings; Electric drives for garage doors; Elevators, "n particular hoists; Electric arc welding apparatus; Lathes (machine tools); Electric turning machines; Electric straw cutting machines, motorised straw cutting machines; Grindstones (machine parts); Machines for tile laying, gas concrete and dry construction, stone, screed and concrete works, electrical and sanitary installation, masonry, parquet floor, laminate and carpet laying, plastering, painting, wallpapering and welding; Electric tools for construction and D'Y, including tool bits therefor; Cordless screwdrivers, chainsaws, grinders, polishers; Drilling hammers, Electric planers, Tile cutting machines, small electric tools, Electric staplers, Electric milling machines; Mechanical garden implements, including lawnmowers and grass-trimming machines; Border shears and chainsaws, and accessories for mechanical garden equipment, namely collecting devices and apparatus covers; Spare parts for mechanical garden tools, included in class 7; Driving machines for tools; Mobile generators; Soldering and welding machines (gas-operated); Compressed air tools; Lathes (machine-operated); Wood-turning lathes (machine- operated); Pressure spraying devices

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Filing number(s)	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								(machine-operated); Couplings other than for land vehicles; Grinding inserts, grindstones and replacement parts for the aforesaid goods; Rollers and wheels for machines; Soldering irons, electric; Welding apparatus; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto. Class 8 Manually operated tools; Hand-operated implements for agricultural, horticultural and forestry purposes, and for structural engineering; Hand-operated vaporisers; Hand-operated guns for applying paints, mastics and other thick fluid products, Guns, hand-operated, for the extrusion of mastics; Spatulas [hand tools]; Snow shovels (hand tools); "Ice scrapers; Sharpening stones; Tackers (hand-operated); Hand-operated riveting tools; Trowels; Saws (hand tools); Files [hand tools]; Clamps for carpenters or coopers; Tongs [hand tools]; Screwdrivers; Wrenches (hand tools); Hammers (hand tools); Axes; Lawn clippers (hand instruments); Border shears; Planes; Stationery scissors; Riveting pincers; Scraping tools (hand tools); Hand tools for tile laying, gas concrete and dry mortarless construction, stone, screed and concrete works, electrical and sanitary installation, masonry, parquet floor, laminate and carpet laying, plastering; Painting and welding; Hand tools, including cutting, separating, embossing and striking tools, in particular Japanese chisels, borers, rasps, thread cutters, planes, trowels, chisels,

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Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								<p>screwdrivers, socket wrenches and socket wrench sets, vices, pliers, tool holders, hand-operated grippers and carrying equipment, including stone-carrying equipment, sanding blocks, ferrules of metal, hand riveters, eyelet pliers; Hand-operated tile-cutting apparatus, knives, in particular pocket knives, cutter lames, glass cutters, carpet knives, blades, cutters; Scissors, including household scissors, secateurs, branch, tree and hedge clippers, hand-operated garden implements, including forks, hoes, spades, shovels, rakes, sickles, scythes, trimmers and hand-operated lawnmowers; Hand-operated vaporisers; Hand-operated pneumatic apparatus; Spare parts for the aforesaid goods; electric flat irons. Class 9 Signalling, life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Fire-extinguishing apparatus; Electric installation material (included in class 9), Namely electric cables and Electrical wire; Material for electricity mains (wires, cables); Lustre terminals; Plugs, sockets and other contacts [electric connections]; Covers for electric outlets; Cable ducts; Volt meters; Electric welding apparatus; Welding electrode; Solderers' helmets; Time switches, automatic; Electronic security systems, namely motion detectors, gas, smoke and carbon monoxide detectors, electric theft prevention</p>

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Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								<p>installations, bells (warning devices), optical data media, video cassettes; Solar energy collectors for electricity generation; Electric batteries, battery charging equipment; Thermostats; Thermometers (not for medical purposes); Scales; Work protection clothing (included in class 9); Protective helmets, protective sports helmets, Arm, knee and wrist guards (work safety); Gloves for protection against accidents; Locks, electric; Gloves for protection; Protective goggles and masks; Safety belts and fastening belts, except for vehicle seats, included in class 9; Voltage detectors; "intercommunication systems; Marking aids, in particular barrier tapes and warning tapes; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto. Class 10 Hearing protectors. Class 12 Load and transport rollers; Rollers and Wheels for vehicles; Hose carts; Rollers and Wheels for barrows and Sack-barrows. Class 16 Printed matter; Bookbinding material; Photographs; Adhesives for stationery or household purposes; Artists' materials; Paintbrushes; Typewriters and office requisites (except furniture); "instructional and teaching material (except apparatus); Plastic materials for packaging, included in class 16. Class 17 Packing, stopping and insulating materials; Flexible pipes, not of metal; Insulating gloves; Self-adhesive tapes, other than stationery and not for medical or household</p>

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Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								<p>purposes; Plastic film, Namely pond liners and Building membranes; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto. Class 18 Tool bags (empty); Tool chests of leather (empty); Tool bags (empty), not of metal, not of leather Class 19 Building materials (non-metallic); Non-metallic rigid pipes for building; Asphalt, pitch and bitume; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto. Class 20 Dowels, not of metal; Wall plugs, not of metal; Locks (other than electric), not of metal; Pasting tables; Racks [furniture]; Tool stands, Not of metal; Door stoppers, not of metal; Workshop equipment, included in class 20, including tool cabinets, small parts storage boxes, open storage boxes, sorting boxes, tool holders, machine tables, tool stands, workbenches (the aforesaid goods not of metal); Workshop equipment (furniture), including tool cabinets, storage boxes for small parts, open storage boxes, sorting boxes, machine tables, tool stands, workbenches (the aforesaid goods being of metal); Paste tables, clamping tables; Tool boxes and tool chests (empty), not of metal, not of leather; Handles for tools and garden implements, not of metal; Plastic chains, rope and chain clamps, bolts, plugs, screws, nuts, washers, hooks, rivets (the aforesaid goods all not of metal); Transport pallets; Special-purpose containers, not of masonry, not</p>

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Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								of metal, included in class 20; Ladders of wood or plastic, stepladders, not of metal; Furniture glides of felt and plastic; Coat hangers; Casters of metal for beds; Casters, not of metal, for beds; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto. Class 21 Sponges; Articles for cleaning purposes; Steelwool; Brooms; Funnels. Class 22 Ropes, string, nets, tents, tarpaulins, sails, sacks and bags (so far as included in class 22); Raw fibrous textile materials; Tensioning and lashing straps, not of metal; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto. Class 26 Hooks and eyes, pins and needles; Velcro.
002174350	22/04/2013	"identity of marks and G&S Likelihood of confusion	Hunter Industries, "nc.	GEVERS	English	4.146.570	Withdrawn	Class 1 Tempering and soldering preparations; Adhesives used in industry. Class 3 Cleaning, polishing and abrasive preparations; Abrasive paper. Class 4 Industrial oils and greases; Lubricants; Dust absorbing, wetting and binding compositions; Fuels (including motor spirit) and illuminants. Class 6 Common metals and their alloys; Materials of metal for railway tracks; Ores; Metal building materials; Transportable buildings of metal; Non-electric cables and wires of common metal; Ironmongery, small items of metal hardware; Pipes and tubes of metal; Goods of metal, included in class 6; Garage doors of metal; Tool chests of metal (empty); Safes; Locks (other than electric) of metal; Padlocks;

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Filing number(s)	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								<p>Hoppers (non-mechanical) of metal; Ladders of metal; stepladders of metal; Pegs of metal; Wall plugs of metal; Fittings of metal for building; Fittings of metal for furniture; Tensioning and lashing straps; Rods of metal for brazing and welding; Soldering wire of metal; Posts of metal; Wire rope; Workshop equipment, As far as included in international class 06, "including tool holders (aforesaid goods of metal); Tool boxes of metal (empty); Handles of metal for tools and garden implements; Carry straps of metal; Oil cans, special-purpose containers, included in class 06 (the aforesaid goods being of metal); Posts of metal for attaching marking aids, in particular barrier tapes and warning tapes; Gates of metal; Locksets; Pegs of metal; Wall plugs of metal; Trellis and Espaliers; Clips; Clips and nails for hand tackers; Metal garage door rollers; Rollers of metal for sliding doors; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto. Class 7 Machines and machine tools, Machine coupling and transmission components (except for land vehicles); Agricultural implements other than hand-operated; Machines and machine tools, Namely colour mixing machines, Building machines, "n class 7; Mechanical tools for construction, horticultural and craft purposes, mechanical horticultural and agricultural equipment; Compressors (machines); Spray guns for paint, Compressed air</p>

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Filing number(s)	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition(s)
								guns for the extrusion of mastics, Electric glue guns, ELECTRIC POWER STAPLERS; Pistols and pumps for applying paints, mastics and other viscous preparations; Gas-powered soldering irons; Drill chucks (parts of machines), Drilling machines, Electric hand drills, Nut-tapping machines, Drill stands for electric hand drills; Planing machines; Trueing machines, Grinding discs (being a machine part), Cutting discs (parts of machines), Grinding wheels (parts of machines); Saws (machines), Chain saws; Current generators; Welding apparatus, gas-operated; Welding machines, electric; Lawnmowers (machines), Scarifiers (other than hand-operated); Tillers (other than hand-operated); Soil ventilators (other than hand-operated); Snow blowers (other than hand-operated); Snow shovels (other than hand-operated); Snow sweepers (other than hand-operated); Parts for motors and engines, namely spark plugs for internal combustion engines, mufflers for motors and engines (exhausts), petrol and oil filters, filters for cleaning cooling air for motors and engines, cylinders for motors and engines, cylinder heads for motors and engines, pistons for motors and engines, piston rings; Electric drives for garage doors; Elevators, "n particular hoists; Electric arc welding apparatus; Lathes (machine tools); Electric turning machines; Electric straw cutting machines, motorised straw cutting machines; Grindstones (machine parts);

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Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								<p>Machines for tile laying, gas concrete and dry construction, stone, screed and concrete works, electrical and sanitary installation, masonry, parquet floor, laminate and carpet laying, plastering, painting, wallpapering and welding; Electric tools for construction and D'Y, including tool bits therefor; Cordless screwdrivers, chainsaws, grinders, polishers; Drilling hammers, Electric planers, Tile cutting machines, small electric tools, Electric staplers, Electric milling machines; Mechanical garden implements, including lawnmowers and grass-trimming machines; Border shears and chainsaws, and accessories for mechanical garden equipment, namely collecting devices and apparatus covers; Spare parts for mechanical garden tools, included in class 7; Driving machines for tools; Mobile generators; Soldering and welding machines (gas-operated); Compressed air tools; Lathes (machine-operated); Wood-turning lathes (machine-operated); Pressure spraying devices (machine-operated); Couplings other than for land vehicles; Grinding inserts, grindstones and replacement parts for the aforesaid goods; Rollers and wheels for machines; Soldering irons, electric; Welding apparatus; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto. Class 8 Manually operated tools; Hand-operated implements for agricultural, horticultural and forestry purposes,</p>

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Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								and for structural engineering; Hand-operated vaporisers; Hand-operated guns for applying paints, mastics and other thick fluid products, Guns, hand-operated, for the extrusion of mastics; Spatulas [hand tools]; Snow shovels (hand tools); Ice scrapers; Sharpening stones; Tackers (hand-operated); Hand-operated riveting tools; Trowels; Saws (hand tools); Files [hand tools]; Clamps for carpenters or coopers; Tongs [hand tools]; Screwdrivers; Wrenches (hand tools); Hammers (hand tools); Axes; Lawn clippers (hand instruments); Border shears; Planes; Stationery scissors; Riveting pincers; Scraping tools (hand tools); Hand tools for tile laying, gas concrete and dry mortarless construction, stone, screed and concrete works, electrical and sanitary installation, masonry, parquet floor, laminate and carpet laying, plastering; Painting and welding; Hand tools, including cutting, separating, embossing and striking tools, in particular Japanese chisels, borers, rasps, thread cutters, planes, trowels, chisels, screwdrivers, socket wrenches and socket wrench sets, vices, pliers, tool holders, hand-operated grippers and carrying equipment, including stone-carrying equipment, sanding blocks, ferrules of metal, hand riveters, eyelet pliers; Hand-operated tile-cutting apparatus, knives, in particular pocket knives, cutter lames, glass cutters, carpet knives, blades, cutters; Scissors, including household scissors, secateurs, branch, tree and hedge clippers, hand-operated

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Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								garden implements, including forks, hoes, spades, shovels, rakes, sickles, scythes, trimmers and hand-operated lawnmowers; Hand-operated vaporisers; Hand-operated pneumatic apparatus; Spare parts for the aforesaid goods; electric flat irons. Class 9 Signalling, life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Fire-extinguishing apparatus; Electric installation material (included in class 9), Namely electric cables and Electrical wire; Material for electricity mains (wires, cables); Lustre terminals; Plugs, sockets and other contacts [electric connections]; Covers for electric outlets; Cable ducts; Volt meters; Electric welding apparatus; Welding electrode; Solderers' helmets; Time switches, automatic; Electronic security systems, namely motion detectors, gas, smoke and carbon monoxide detectors, electric theft prevention installations, bells (warning devices), optical data media, video cassettes; Solar energy collectors for electricity generation; Electric batteries, battery charging equipment; Thermostats; Thermometers (not for medical purposes); Scales; Work protection clothing (included in class 9); Protective helmets, protective sports helmets, Arm, knee and wrist guards (work safety); Gloves for protection against accidents; Locks, electric; Gloves for

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Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								<p>protection; Protective goggles and masks; Safety belts and fastening belts, except for vehicle seats, included in class 9; Voltage detectors; "Intercommunication systems; Marking aids, in particular barrier tapes and warning tapes; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto. Class 10 Hearing protectors. Class 12 Load and transport rollers; Rollers and Wheels for vehicles; Hose carts; Rollers and Wheels for barrows and Sack-barrows. Class 16 Printed matter; Bookbinding material; Photographs; Adhesives for stationery or household purposes; Artists' materials; Paintbrushes; Typewriters and office requisites (except furniture); "Instructional and teaching material (except apparatus); Plastic materials for packaging, included in class 16. Class 17 Packing, stopping and insulating materials; Flexible pipes, not of metal; "Insulating gloves; Self-adhesive tapes, other than stationery and not for medical or household purposes; Plastic film, Namely pond liners and Building membranes; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto. Class 18 Tool bags (empty); Tool chests of leather (empty); Tool bags (empty), not of metal, not of leather Class 19 Building materials (non-metallic); Non-metallic rigid pipes for building; Asphalt, pitch and bitume; none of the aforementioned goods being blinds, shutters, windows,</p>

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Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								skylights, roof-windows or accessories hereto. Class 20 Dowels, not of metal; Wall plugs, not of metal; Locks (other than electric), not of metal; Pasting tables; Racks [furniture]; Tool stands, Not of metal; Door stoppers, not of metal; Workshop equipment, included in class 20, including tool cabinets, small parts storage boxes, open storage boxes, sorting boxes, tool holders, machine tables, tool stands, workbenches (the aforesaid goods not of metal); Workshop equipment (furniture), including tool cabinets, storage boxes for small parts, open storage boxes, sorting boxes, machine tables, tool stands, workbenches (the aforesaid goods being of metal); Paste tables, clamping tables; Tool boxes and tool chests (empty), not of metal, not of leather; Handles for tools and garden implements, not of metal; Plastic chains, rope and chain clamps, bolts, plugs, screws, nuts, washers, hooks, rivets (the aforesaid goods all not of metal); Transport pallets; Special-purpose containers, not of masonry, not of metal, included in class 20; Ladders of wood or plastic, stepladders, not of metal; Furniture glides of felt and plastic; Coat hangers; Casters of metal for beds; Casters, not of metal, for beds; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto. Class 21 Sponges; Articles for cleaning purposes; Steelwool; Brooms; Funnels. Class 22 Ropes, string, nets, tents, tarpaulins, sails, sacks and

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X

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								bags (so far as included in class 22); Raw fibrous textile materials; Tensioning and lashing straps, not of metal; none of the aforementioned goods being blinds, shutters, windows, skylights, roof-windows or accessories hereto. Class 26 Hooks and eyes, pins and needles; Velcro.
002175274	22/04/2013	Likelihood of confusion	"INDUSTRIAS T"AN, S.A.	"SERN PATENTES Y MARCAS, S.L.	English	757/EN/er	Closed	Class 16 Printed matter; Bookbinding material; Photographs; Adhesives for stationery or household purposes; Artists' materials; Paintbrushes; "Instructional and teaching material (except apparatus); Plastic materials for packaging, included in class 16. Class 17 Packing, stopping and insulating materials; Self-adhesive tapes, other than stationery and not for medical or household purposes; Plastic film, Namely pond liners and Building membranes.

Showing 1 to 3 of 3 entries

Appeals

	Filing number	Contested decision	Type	Date of receipt	Status date	Language
⊕	R1740/2014-4	Opposition 002175274	Opposition	07/07/2014	26/10/2015	English

Showing 1 to 1 of 1 entries

Decisions

	Case number	Type	Case	Legal status	Keywords	Status	Decision date
⊕	Appeal R1740/2014-4	Appeal		Article 8 CTMR,Article 8(1)(b) CTMR,Article 85 CTMR,Article 85(1) CTMR,Article 85(2) CTMR,Article 85(6) CTMR,Rule 94 CTM"R,Rule 94(3) CTM"R,Rule 94(7)(d)(vi) CTM"R	Conceptual similarity,Distinctive element,Enhanced distinctiveness,"density of the goods and services,Likelihood of confusion,Phonetic identity,Similarity of the signs,Visual similarity	Opposition allowed	17/06/2015
⊕	Opposition 002175274	Opposition		Article 8(1)(b) CTMR		Partially refused EUTMA/"R	17/06/2014

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Showing 1 to 2 of 2 entries

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Renewals

No data

Trade mark relations

No data

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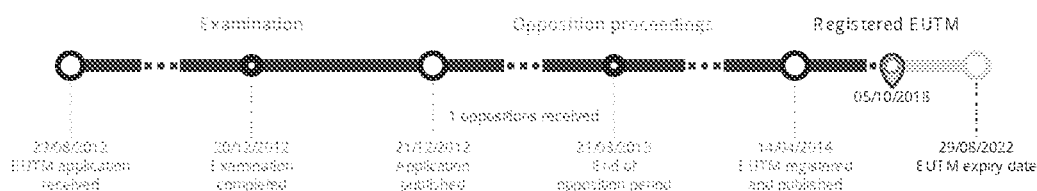


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EUTM file information

LUX LUX TOOLS
011147345

Timeline



Trade mark information

Name	LUX LUX TOOLS	Filing date	29/08/2012
Filing number	011147345	Registration date	09/04/2014
Basis	EUTM on which "A" is based	Expiry date	29/08/2022
Date of receipt	29/08/2012	Designation date	
Date of receipt of International Registrar v	30/01/2013	Filing language	German
"R" number	1183565	Second language	English
Type	Figurative	Application reference	122033EMATss
Nature	"individual	Trade mark status	Registered
Nice classes	1, 3, 4, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26 (Nice Classification)	Acquired distinctiveness	No
Vienna Classification	24.13.05, 26.01.03, 26.01.22 (Vienna Classification)		

Graphic representation

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Goods and services

English (en)



- 1 Tempering and soldering preparations; Adhesives used in industry.
- 3 Cleaning, polishing and abrasive preparations; Abrasive paper.
- 4 "Industrial oils and greases; Lubricants; Dust absorbing, wetting and binding compositions; Fuels (including motor spirit) and illuminants; Candles and wicks for lighting.
- 6 Common metals and their alloys; Materials of metal for railway tracks; Ores; Metal building materials; Transportable buildings of metal; Non-electric cables and wires of common metal; Ironmongery, small items of metal hardware; Pipes and tubes of metal; Goods of metal, included in class 6; Garage doors of metal; Tool chests of metal (empty); Statues of common metal; Safes; Fences of metal; Bird houses of metal; Locks (other than electric) of metal; Padlocks; Chains of metal; Hoppers (non-mechanical) of metal; Ladders of metal, stepladders of metal; Pegs of metal; Wall plugs of metal; Fittings of metal for building; Fittings of metal for windows; Fittings of metal for furniture; Fittings of metal for doors; Fittings of metal for cleaning and lashing straps; Rods of metal for brazing and welding; Soldering wire of metal; Posts of metal; Wire rope; Workshop equipment, As far as included in international class 06, including tool holders (aforesaid goods of metal); Tool boxes of

metal (empty); Handles of metal for tools and garden implements; Carry straps of metal; Oil cans, special-purpose containers, included in class 6 (the aforesaid goods being of metal); Posts of metal for attaching marking aids, in particular barrier tapes and warning tapes; Gates of metal; metal window screens; Locksets; Pegs of metal; Wall plugs of metal; Trellis and Espaliers; Clips; Clips and nails for hand tackers; Metal legs for furniture and Aluminium; Metal garage door rollers; Rollers of metal for sliding doors; Furniture casters of metal.

7 Machines and machine tools, Machine coupling and transmission components (except for land vehicles); Agricultural implements other than hand-operated; Machines and machine tools, namely colour mixing machines, Building machines, "n class 7; Mechanical tools for construction, horticultural and craft purposes, mechanical horticultural and agricultural equipment; Compressors [machines]; Spray guns for paint, Compressed air guns for the extrusion of mastics, Electric glue guns, ELECTRIC POWER STAPLERS; Pistols and pumps for applying paints, mastics and other viscous preparations; Gas-powered soldering irons; Drill chucks (parts of machines), Drilling machines, Electric hand drills, Nut-tapping machines, Drill stands for electric hand drills; Planing machines; Truing machines, Grinding discs (being a machine part), Cutting discs (parts of machines), Grinding wheels (parts of machines); Saws (machines), Chain saws; Current generators; Welding apparatus, gas-operated; Welding machines, electric; Lawnmowers (machines), Scarifiers (other than hand-operated); Tillers (other than hand-operated); Soil ventilators (other than hand-operated); Snow blowers (other than hand-operated); Snow shovels (other than hand-operated); Snow sweepers (other than hand-operated); Parts for motors and engines, namely spark plugs for internal combustion engines, mufflers for motors and engines (exhausts), petrol and oil filters, filters for cleaning cooling air for motors and engines, cylinders for motors and engines, cylinder heads for motors and engines, pistons for motors and engines, piston rings; Electric roller blind drives, Electric drives for garage doors; Elevators, "n particular hoists; Electric arc welding apparatus; Lathes (machine tools); Electric turning machines; Electric straw cutting machines, motorised straw cutting machines; Grindstones (machine parts); Machines for tile laying, gas concrete and dry construction, stone, screed and concrete works, electrical and sanitary installation, masonry, parquet floor, laminate and carpet laying, plastering, painting, wallpapering and welding; Electric tools for construction and D'Y, including tool bits therefor; Cordless screwdrivers, chainsaws, grinders, polishers; Drilling hammers, Electric planers, Tile cutting machines, small electric tools, Electric staplers, Electric milling machines; Mechanical garden implements, including lawnmowers and grass-trimming machines; Border shears and chainsaws, and accessories for mechanical garden equipment, namely collecting devices and apparatus covers; Spare parts for mechanical garden tools, included in class 7; Driving machines for tools; Mobile generators; Soldering and welding machines (gas-operated); Compressed air tools; Lathes (machine-operated); Wood-turning lathes (machine-operated); Pressure spraying devices (machine-operated); Couplings other than for land vehicles; Grinding inserts, grindstones and replacement parts for the aforesaid goods; Rollers and wheels for machines; Soldering irons, electric; Welding apparatus.

8 Manually operated tools; Hand-operated implements for agricultural, horticultural and forestry purposes, and for structural engineering; Hand-operated vaporisers; Hand-operated guns for applying paints, mastics and other thick fluid products, Guns, hand-operated, for the extrusion of mastics; Spatulas [hand tools]; Cutlery, cutlery of plastic or metal; Silver plate (cutlery); Snow shovels (hand tools); Ice scrapers; Sharpening stones; Tackers (hand-operated); Hand-operated riveting tools; Trowels; Saws (hand tools); Files [hand tools]; Clamps for carpenters or coopers; Tongs (hand tools); Screwdrivers; Wrenches (hand tools); Hammers (hand tools); Axes; Lawn clippers (hand instruments); Border shears; Planes; Stationery scissors; Riveting pinners; Scraping tools (hand tools); Hand tools for tile laying, gas concrete and dry mortarless construction, stone, screed and concrete works, electrical and sanitary installation, masonry, parquet floor, laminate and carpet laying, plastering; Painting and welding; Hand tools, including cutting, separating, embossing and striking tools, in particular Japanese chisels, borers, rasps, thread cutters, planes, trowels, chisels, screwdrivers, socket wrenches and socket wrench sets, vices, pliers, tool holders, hand-operated grippers and carrying equipment, including stone-carrying equipment, sanding blocks, ferrules of metal, hand riveters, eyelet pliers; Hand-operated tile-cutting apparatus, knives, in particular pocket knives, cutter blades, glass cutters, carpet knives, blades, cutters; Scissors, including household scissors, secateurs, branch, tree and hedge clippers, hand-operated garden implements, including forks, hoes, spades, shovels, rakes, sickles, scythes, trimmers and hand-operated lawnmowers; Hand-operated vaporisers; Hand-operated pneumatic apparatus; Spare parts for the aforesaid goods; electric flat irons.

9 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Apparatus for recording, transmission or reproduction of sound or images; Fire-extinguishing apparatus; Electric installation material (included in class 9), namely electric cables and Electrical wire; Material for electricity mains (wires, cables); Lustre terminals; Plugs, sockets and other contacts [electric connections]; Covers for electric outlets; Cable ducts; Volt meters; Electric welding apparatus; Welding electrode; Solderers' helmets; Electronic control systems for shutters, Time switches, automatic; Electronic monitoring and measuring apparatus, electronic security systems, namely motion detectors, gas, smoke and carbon monoxide alarms, radio transmitters and receivers for controlling light, electric burglar alarm installations, bells (alarm installations), door phones, telephone apparatus; Portable telephones; Answering machines; Vehicle radios, Compact disc players (CDP), Aerials and aerial accessories (included in class 09); Satellite receiving apparatus and aerials, optical data media, video cassettes; Bicycle computers; Solar energy collectors for electricity generation; Electric batteries, battery charging equipment; Measuring apparatus; Measuring tools; Thermostats; Thermometers (not for medical purposes); Scales; Signs, luminous; Work protection clothing (included in class 9); Protective helmets, protective sports helmets, Arm, knee and wrist guards (work safety); Gloves for protection against accidents; Locks, electric; Gloves for protection; Protective goggles and masks; Safety belts and fastening belts, except for vehicle seats, included in class 9; Voltage detectors; "ntercommunication systems; Marking aids, in particular barrier tapes and warning tapes.

10 Hearing protectors.

11 Apparatus for lighting heating steam generating cooking refrigerating drying ventilating water supply and sanitary purposes; Sanitary apparatus.

12 Vehicles; Apparatus for locomotion by land, air or water; Load and transport rollers; Rollers and Wheels for vehicles; Hose carts; Rollers and Wheels for barrows and Sack-barrows.

16 Paper, cardboard and goods made from these materials (included in class 16); Printed matter; Bookbinding material; Photographs; Stationery; Adhesives for stationery or household purposes; Artists' materials; Paintbrushes; Typewriters and office requisites (except furniture); "nstructional and teaching material (except apparatus); Plastic materials for packaging, included in class 16.

17 Rubber, gutta-percha, gum, mica and goods made from these materials and not included in other classes; Packing, stopping and insulating materials; Flexible pipes, not of metal; "nsulating gloves; Self-adhesive tapes, other than stationery and not for medical or household purposes; Plastic film, namely pond liners and Building membranes.

18 Leather and imitations of leather, and goods made of these materials and not included in other classes; Saddlery; Tool bags (empty); Tool chests of leather (empty); Tool bags (empty), not of metal, not of leather.

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19 Building materials (non-metallic); Non-metallic rigid pipes for building; Asphalt, pitch and bitumen; Non-metallic transportable buildings; Monuments, not of metal.

20 Furniture, mirrors, picture frames; Goods (not including in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics; Dowels, not of metal; Wall plugs, not of metal; Window fittings, not of metal; Furniture fittings, not of metal; Door fittings, not of metal; Locks (other than electric), not of metal; Pasting tables; Racks [furniture]; Tool stands, not of metal; Door stoppers, not of metal; Workshop equipment, included in class 20, including tool cabinets, small parts storage boxes, open storage boxes, sorting boxes, tool holders, machine tables, tool stands, workbenches (the aforesaid goods not of metal); Workshop equipment (furniture), including tool cabinets, storage boxes for small parts, open storage boxes, sorting boxes, machine tables, tool stands, workbenches (the aforesaid goods being of metal); Paste tables, clamping tables; Tool boxes and tool chests (empty), not of metal, not of leather; Handles for tools and garden implements, not of metal; Plastic chains, rope and chain clamps, bolts, plugs, screws, nuts, washers, hooks, rivets (the aforesaid goods all not of metal); Transport pallets; Special-purpose containers, not of masonry, not of metal, included in class 20; Ladders of wood or plastic, stepladders, not of metal; Furniture glides of felt and plastic; Furniture feet of wood and plastic; Coat hangers; Casters of metal for beds; Casters, not of metal, for beds; Furniture casters, not of metal.

21 Household or kitchen utensils and containers (not of precious metal or coated therewith); Combs and sponges; Brushes (except paint brushes); Articles for cleaning purposes; Steelwool; Brooms; Funnel.

22 Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (so far as included in class 22); Raw fibrous textile materials; Tensioning and lashing straps, not of metal.

24 Textiles and textile goods, not included in other classes.

25 Clothing, footwear, headgear.

26 Ribbons and braid; Buttons, hooks and eyes, pins and needles; Velcro.

Description

English (en)



Description

Colour Dark blue ("Pantone 288 C"), medium blue, white, light blue, grey, black

Owners

Emil Lux GmbH & Co. KG

ID	111011	Country	DE - Germany	Correspondence address	
Organisation	Emil Lux GmbH & Co. KG	State/country	n/a	Emil Lux GmbH & Co. KG	Can be accessed and changed by authorised user via the User Area
		Town	Wermelskirch	Postfach 16 10	
		Post code	42929	D-42909 Wermelskirchen	
Legal status	Legal entity	Address	Emil-Lux-Str. 1	ALEMAN"A	Can be accessed and changed by authorised user via the User Area
					Can be accessed and changed by authorised user via the User Area

Representatives

DOMPATENT VON KREISLER SELTING WERNER - PARTNERSCHAFT VON PATENTANWÄLTEN UND RECHTSANWÄLTEN MBB

ID	10793	Country	DE - Germany	Correspondence address	
Organisation	n/a	State/country	n/a	dompatent von Kreisler	00 49-221916520
Legal status	Legal person	Town	K"ln	Selting Werner -	
Type	Association	Post code	50667	Partnerschaft von	00 49-22191652-652
		Address	Deichmannhaus am Dom, Bahnhofsvorplatz 1	Patentanw"lten und	
			Deichmannhaus am Dom, Bahnhofsvorplatz 1	Rechtsanw"lten mbB	mail@dompatent.de
			D-50667 K"ln		
			ALEMAN"A		

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Correspondence

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	From	Procedure	Filing number	Subject	Date	Actions
		EUTM	011147345	Surveillance letter	19/07/2018	
		EUTM	011147345	Surveillance letter	13/04/2017	
		Recordal	010860149	C.2.1. - Representative - change of name & address - entry on the register - automatic template	22/04/2016	
		Recordal	010860149	Letter to the EU ^{PO}	22/04/2016	
		Recordal	010848748	C.2.1. - Representative - change of name & address - entry on the register - automatic template	20/04/2016	
		Recordal	010848748	Letter to the EU ^{PO}	18/04/2016	
		EUTM	011147345	Surveillance letter	18/05/2015	
		EUTM	011147345	Cover letter for registration certificate.	15/04/2014	
		EUTM	011147345	Certificate of Registration	14/04/2014	
		Opposition	002158692	Conclusion Of Proceedings Pursuant To Withdrawal Of Opposition before AP- To The Applicant	08/04/2014	
Showing 1 to 10 of 33 entries						

"R transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Publication number	Date	Section	Description
2012/243	21/12/2012	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2014/063	03/04/2014	C.2.1	Representative - Change of name and professional address
2014/069	11/04/2014	C.3.6	International trade marks
2014/070	14/04/2014	B.2	Registrations with amendments since the application was published
2016/073	20/04/2016	C.2.1	Representative - Change of name and professional address
2016/077	26/04/2016	C.2.1	Representative - Change of name and professional address
Showing 1 to 6 of 6 entries			

Cancellation

No data

Recordals

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Publication number	Date	Section	Filing number	Click for more information	Search
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Bulletin number	Date	Section	Filing number	Title	Subtitle
2014/063	03/04/2014	C.2.1	008334909	Representative	Change of name and professional address
2014/069	11/04/2014	C.3.6	008376314	Trade mark	"nternational trade mark
2016/073	20/04/2016	C.2.1	010848748	Representative	Change of name and professional address
2016/077	26/04/2016	C.2.1	010860149	Representative	Change of name and professional address

Showing 1 to 4 of 4 entries

Oppositions

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
002158692	21/03/2013	"identity of marks and G&S Likelihood of confusion	Hunter "industries, "nc.	GEVERS	English	4145659	Withdrawn	Class 1 Tempering and soldering preparations; Adhesives used in industry. Class 3 Cleaning, polishing and abrasive preparations; Abrasive paper. Class 4 "ndustrial oils and greases; Lubricants; Dust absorbing, wetting and binding compositions; Fuels (including motor spirit) and illuminants; Candles and wicks for lighting. Class 6 Common metals and their alloys; Materials of metal for railway tracks; Ores; Metal building materials; Transportable buildings of metal; Non-electric cables and wires of common metal; "ronmongery, small items of metal hardware; Pipes and tubes of metal; Goods of metal, included in class 6; Garage doors of metal; Tool chests of metal (empty); Statues of common metal; Safes; Fences of metal; Bird houses of metal; Locks (other than electric) of metal; Padlocks; Chains of metal; Hoppers (non-mechanical) of metal; Ladders of metal, stepladders of metal; Pegs of metal; Wall plugs of metal; Fittings of metal for building; Fittings of metal for windows; Fittings of metal for furniture; Door fittings, of metal; Metal door stops; Tensioning and lashing straps; Rods of metal for brazing and welding; Soldering wire of metal; Posts of metal; Wire rope; Workshop equipment, As far as included in international class 06, "ncluding tool holders (aforesaid goods of metal); Tool boxes of metal (empty); Handles of metal for tools and garden implements; Carry straps of metal; Oil cans, special-purpose containers, included in class 6 (the aforesaid goods being of metal); Posts of metal for attaching marking aids, in particular barrier tapes and warning tapes; Gates of metal; Screens; Locksets; Pegs of metal; Wall plugs of metal; Trellis and Espaliers; Clips;

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Filing number(s)	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								<p>Clips and nails for hand tackers; Metal legs for furniture and Aluminium; Metal garage door rollers; Rollers of metal for sliding doors; Furniture casters of metal. Class 7 Machines and machine tools, Machine coupling and transmission components (except for land vehicles); Agricultural implements other than hand-operated; Machines and machine tools, Namely colour mixing machines, Building machines, "n class 7; Mechanical tools for construction, horticultural and craft purposes, mechanical horticultural and agricultural equipment; Compressors [machines]; Spray guns for paint, Compressed air guns for the extrusion of mastics, Electric glue guns, ELECTRIC POWER STAPLERS; Pistols and pumps for applying paints, mastics and other viscous preparations; Gas-powered soldering irons; Drill chucks (parts of machines), Drilling machines, Electric hand drills, Nut-tapping machines, Drill stands for electric hand drills; Planing machines; Trueing machines, Grinding discs (being a machine part), Cutting discs (parts of machines), Grinding wheels (parts of machines); Saws (machines), Chain saws; Current generators; Welding apparatus, gas-operated; Welding machines, electric; Lawnmowers (machines), Scarifiers (other than hand-operated); Tillers (other than hand-operated); Soil ventilators (other than hand-operated); Snow blowers (other than hand-operated); Snow shovels (other than hand-operated); Snow sweepers (other than hand-operated); Parts for motors and engines, namely spark plugs for internal combustion engines, mufflers for motors and engines (exhausts), petrol and oil filters, filters for cleaning cooling air for motors and engines, cylinders for motors and engines, cylinder heads for motors and engines, pistons for motors and engines, piston rings; Electric roller blind drives, Electric drives for garage doors; Elevators, "n particular hoists; Electric arc welding apparatus; Lathes (machine tools); Electric turning machines; Electric straw cutting machines, motorised straw cutting machines; Grindstones (machine parts); Machines for tile laying, gas concrete</p>

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Filing number(s)	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								<p>and dry construction, stone, screed and concrete works, electrical and sanitary installation, masonry, parquet floor, laminate and carpet laying, plastering, painting, wallpapering and welding; Electric tools for construction and D"Y, including tool bits therefor; Cordless screwdrivers, chainsaws, grinders, polishers; Drilling hammers, Electric planers, Tile cutting machines, small electric tools, Electric staplers, Electric milling machines; Mechanical garden implements, including lawnmowers and grass-trimming machines; Border shears and chainsaws, and accessories for mechanical garden equipment, namely collecting devices and apparatus covers; Spare parts for mechanical garden tools, included in class 7; Driving machines for tools; Mobile generators; Soldering and welding machines (gas-operated); Compressed air tools; Lathes (machine-operated); Wood-turning lathes (machine-operated); Pressure spraying devices (machine-operated); Couplings other than for land vehicles; Grinding inserts, grindstones and replacement parts for the aforesaid goods; Rollers and wheels for machines; Soldering irons, electric; Welding apparatus. Class 8</p> <p>Manually operated tools; Hand-operated implements for agricultural, horticultural and forestry purposes, and for structural engineering; Hand-operated vaporisers; Hand-operated guns for applying paints, mastics and other thick fluid products, Guns, hand-operated, for the extrusion of mastics; Spatulas (hand tools); Cutlery, cutlery of plastic or metal; Silver plate (cutlery); Snow shovels (hand tools); Ice scrapers; Sharpening stones; Tackers (hand-operated); Hand-operated riveting tools; Trowels; Saws (hand tools); Files (hand tools); Clamps for carpenters or coopers; Tongs (hand tools); Screwdrivers; Wrenches (hand tools); Hammers (hand tools); Axes; Lawn clippers (hand instruments); Border shears; Planes; Stationery scissors; Riveting pincers; Scraping tools (hand tools); Hand tools for tile laying, gas concrete and dry mortarless construction, stone, screed and concrete works, electrical and sanitary installation, masonry, parquet floor, laminate and carpet laying,</p>

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Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								<p>plastering; Painting and welding; Hand tools, including cutting, separating, embossing and striking tools, in particular Japanese chisels, borers, rasps, thread cutters, planes, trowels, chisels, screwdrivers, socket wrenches and socket wrench sets, vices, pliers, tool holders, hand-operated grippers and carrying equipment, including stone-carrying equipment, sanding blocks, ferrules of metal, hand riveters, eyelet pliers; Hand-operated tile-cutting apparatus, knives, in particular pocket knives, cutter lames, glass cutters, carpet knives, blades, cutters; Scissors, including household scissors, secateurs, branch, tree and hedge clippers, hand-operated garden implements, including forks, hoes, spades, shovels, rakes, sickles, scythes, trimmers and hand-operated lawnmowers; Hand-operated vaporisers; Hand-operated pneumatic apparatus; Spare parts for the aforesaid goods; electric flat irons. Class 9 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Apparatus for recording, transmission or reproduction of sound or images; Fire-extinguishing apparatus; Electric installation material (included in class 9), Namely electric cables and Electrical wire; Material for electricity mains (wires, cables); Lustre terminals; Plugs, sockets and other contacts [electric connections]; Covers for electric outlets; Cable ducts; Volt meters; Electric welding apparatus; Welding electrode; Solderers' helmets; Electronic control systems for shutters, Time switches, automatic; Electronic monitoring and measuring apparatus, electronic security systems, namely motion detectors, gas, smoke and carbon monoxide alarms, radio transmitters and receivers for controlling light, electric burglar alarm installations, bells (alarm installations), door phones, telephone apparatus; Portable telephones; Answering machines; Vehicle radios, Compact disc players (CDP).</p>

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Filing number(s)	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								<p>Aerials and aerial accessories (included in class 09); Satellite receiving apparatus and aerials, optical data media, video cassettes; Bicycle computers; Solar energy collectors for electricity generation; Electric batteries, battery charging equipment; Measuring apparatus; Measuring tools; Thermostats; Thermometers (not for medical purposes); Scales; Signs, luminous; Work protection clothing (included in class 9); Protective helmets, protective sports helmets, Arm, knee and wrist guards (work safety); Gloves for protection against accidents; Locks, electric; Gloves for protection; Protective goggles and masks; Safety belts and fastening belts, except for vehicle seats, included in class 9; Voltage detectors; "ntercommunication systems; Marking aids, in particular barrier tapes and warning tapes Class 10 Hearing protectors. Class 11 Apparatus for lighting heating steam generating cooking refrigerating drying ventilating water supply and sanitary purposes; Sanitary apparatus. Class 12 Vehicles; Apparatus for locomotion by land, air or water; Load and transport rollers; Rollers and Wheels for vehicles; Hose carts; Rollers and Wheels for barrows and Sack-barrows. Class 16 Paper, cardboard and goods made from these materials (included in class 16); Printed matter; Bookbinding material; Photographs; Stationery; Adhesives for stationery or household purposes; Artists' materials; Paintbrushes; Typewriters and office requisites (except furniture); "nstructional and teaching material (except apparatus); Plastic materials for packaging, included in class 16. Class 17 Rubber, gutta-percha, gum, mica and goods made from these materials and not included in other classes; Packing, stopping and insulating materials; Flexible pipes, not of metal; "nsulating gloves; Self-adhesive tapes, other than stationery and not for medical or household purposes; Plastic film, Namely pond liners and Building membranes. Class 18 Leather and imitations of leather, and goods made of these materials and not included in other classes; Saddlery; Tool bags (empty); Tool chests of leather</p>

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Filing number(s)	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								<p>(empty); Tool bags (empty), not of metal, not of leather Class 19 Building materials (non-metallic); Non-metallic rigid pipes for building; Asphalt, pitch and bitumen; Non-metallic transportable buildings; Monuments, not of metal. Class 20 Furniture, mirrors, picture frames; Goods (not including in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics; Dowels, not of metal; Wall plugs, not of metal; Window fittings, not of metal; Furniture fittings, not of metal; Door fittings, not of metal; Locks (other than electric), not of metal; Pasting tables; Racks [furniture]; Tool stands, Not of metal; Door stoppers, not of metal; Workshop equipment, included in class 20, including tool cabinets, small parts storage boxes, open storage boxes, sorting boxes, tool holders, machine tables, tool stands, workbenches (the aforesaid goods not of metal); Workshop equipment (furniture), including tool cabinets, storage boxes for small parts, open storage boxes, sorting boxes, machine tables, tool stands, workbenches (the aforesaid goods being of metal); Paste tables, clamping tables; Tool boxes and tool chests (empty), not of metal, not of leather; Handles for tools and garden implements, not of metal; Plastic chains, rope and chain clamps, bolts, plugs, screws, nuts, washers, hooks, rivets (the aforesaid goods all not of metal); Transport pallets; Special-purpose containers, not of masonry, not of metal, included in class 20; Ladders of wood or plastic, stepladders, not of metal; Furniture glides of felt and plastic; Furniture feet of wood and plastic; Coat hangers; Casters of metal for beds; Casters, not of metal, for beds; Furniture casters, not of metal. Class 21 Household or kitchen utensils and containers (not of precious metal or coated therewith); Combs and sponges; Brushes (except paint brushes); Articles for cleaning purposes; Steelwool; Brooms; Funnels. Class 22 Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (so far as included in class 22); Raw fibrous textile materials;</p>

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Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								Tensioning and lashing straps, not of metal Class 24 Textiles and textile goods, not included in other classes. Class 25 Clothing, footwear, headgear. Class 26 Ribbons and braid; Buttons, hooks and eyes, pins and needles; Velcro.
Showing 1 to 1 of 1 entries								

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data

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OPPOSITION No B 2 621 707

Deichmann SE, Deichmannweg 9, 45359 Essen, Germany (opponent), represented by Klaka, Delpstr. 4, 81679 München, Germany (professional representative)

against

[REDACTED], [REDACTED] Fuenlabrada, Spain
(applicant), represented by Onofre Indalecio Sáez Menchón, Gran Vía 69 -5º, Of.
510, 28013 Madrid, Spain (professional representative).

On 04/07/2017, the Opposition Division takes the following

DECISION:

1. Opposition No B 2 621 707 is partially upheld, namely for the following contested goods:

Class 9: *Boots [protective footwear]; protective industrial boots; safety boots for use in industry [for protection against accident or injury]; thermal protective aids [clothing] for protection against accident or injury; fireproof clothing.*

Class 18: *Luggage, bags, wallets and other carriers; umbrellas and parasols.*

Class 25: *Headgear; clothing.*
2. European Union trade mark application No 14 690 218 is rejected for all the above goods. It may proceed for the remaining goods.
3. Each party bears its own costs.

REASONS:

The opponent filed an opposition against some of the goods of European Union trade mark application No 14 690 218, namely against some of the goods in Classes 9 and 18 and against all the goods in Class 25. The opposition is based on, inter alia, International trade mark registration No 819 143 designating Portugal. The opponent invoked Article 8(1)(b) EUTMR.

PROOF OF USE

In accordance with Article 42(2) and (3) EUTMR (in the version in force at the time of filing of the opposition), if the applicant so requests, the opponent must furnish proof that, during the five-year period preceding the date of publication of the contested trade mark, the earlier trade mark has been put to genuine use in the territories in which it is protected in connection with the goods or services for which it is registered and which the opponent cites as justification for its opposition, or that there are

proper reasons for non-use. The earlier mark is subject to the use obligation if, at that date, it has been registered for at least five years.

The same provision states that, in the absence of such proof, the opposition will be rejected.

The applicant requested that the opponent submit proof of use of all the trade marks on which the opposition is based, in particular German trade mark No 303 185 287, German trade mark No 302 210 164, International trade mark registration No 819 143 designating inter alia Portugal and International trade mark registration No 784 495 designating inter alia the European Union. Subsequently, the opponent waived the earlier German trade marks as a basis for the opposition.

The Opposition Division finds it appropriate to first examine the opposition in relation to the opponent's International trade mark registration No 819 143 designating Portugal.

In the present case the contested trade mark was published on 23/10/2015.

Earlier trade mark No 819 143 is an international registration designating several Member States, amongst which Portugal. Each Member State has either a 12 or 18 month deadline to issue a provisional refusal under the Madrid Protocol. For the designation of Portugal, the 12 month deadline applies. Where a provisional refusal is issued within this deadline, the date that will be decisive in determining whether the mark is subject to proof of use obligation is the date when the proceedings leading to the provisional refusal are concluded, namely when the Statement of Grant of Protection is issued. Additionally, where a provisional refusal has not been issued, but a Statement of Grant of Protection is issued prior to the expiry of the 12 month deadline, this will be the decisive date.

For the designation of Portugal, the Statement of Grant of Protection was published by WIPO on 16/06/2011. It can be inferred from this date that the earlier mark had not been protected for at least five years on the relevant date. Therefore, the request for proof of use is inadmissible for Portugal.

LIKELIHOOD OF CONFUSION – ARTICLE 8(1)(b) EUTMR

A likelihood of confusion exists if there is a risk that the public might believe that the goods or services in question, under the assumption that they bear the marks in question, come from the same undertaking or, as the case may be, from economically linked undertakings. Whether a likelihood of confusion exists depends on the appreciation in a global assessment of several factors, which are interdependent. These factors include the similarity of the signs, the similarity of the goods and services, the distinctiveness of the earlier mark, the distinctive and dominant elements of the conflicting signs and the relevant public.

a) The goods

The goods on which the opposition is based are the following:

Class 18: *Goods made of leather and imitations of leather, namely bags and other containers not adapted to their special content as well as small leather articles, in particular purses, wallets, key cases; trunks and*

suitcases; travelling bags; rucksacks; bags for sports; leisure bags; umbrellas, parasols and walking sticks.

Class 25: *Clothing; footwear; headgear; hosiery.*

Class 28: *Games and playthings; gymnastic and sporting articles (included in this class) with the exception of accessories for tennis, squash, badminton, table tennis and golf.*

After a limitation filed by the applicant on 16/12/2015, the contested goods are the following:

Class 9: *Boots [protective footwear]; protective industrial boots; safety boots for use in industry [for protection against accident or injury]; thermal protective aids [clothing] for protection against accident or injury; fireproof clothing.*

Class 18: *Luggage, bags, wallets and other carriers; umbrellas and parasols; shoulder belts; chin straps, of leather; kid; boxes made of leather; boxes of leather or leather board; leatherboard; girths of leather; leather laces; straps for soldiers' equipment; straps made of imitation leather; straps for skates; shoulder straps; leather sold in bulk; imitation leather; imitation leather sold in bulk; polyurethane leather; leather and imitation leather; leather, unworked or semi-worked; leather for furniture; leather for shoes; chamois leather, other than for cleaning purposes; leather thread; sheets of leather for use in manufacture; sheets of imitation leather for use in manufacture; moleskin [imitation of leather]; faux fur; semi-worked fur; worked or semi-worked hides and other leather; industrial packaging containers of leather; studs of leather; leather cloth; leather straps.*

Class 25: *Headgear; clothing.*

As a preliminary remark, it is to be noted that according to Article 28(7) EUTMR, goods or services are not regarded as being similar or dissimilar to each other on the ground that they appear in the same or different classes under the Nice Classification.

Furthermore, an interpretation of the wording of the list of goods is required to determine the scope of protection of these goods.

The term 'namely', used in the opponent's list of goods to show the relationship of individual goods with a broader category, is exclusive and restricts the scope of protection only to the specifically listed goods.

The relevant factors relating to the comparison of the goods or services include, inter alia, the nature and purpose of the goods or services, the distribution channels, the sales outlets, the producers, the method of use and whether they are in competition with each other or complementary to each other.

Contested goods in Class 9

The contested *boots [protective footwear]; protective industrial boots; safety boots for use in industry [for protection against accident or injury]* are similar to a low degree to

the opponent's *footwear* in Class 25 as they have the same nature. They can coincide in end user and method of use.

The contested *thermal protective aids [clothing] for protection against accident or injury; fireproof clothing* are similar to a low degree to the opponent's *clothing* in Class 25 as they have the same nature. They can coincide in end user and method of use.

Contested goods in Class 18

Bags, wallets, umbrellas, parasols are identically contained in both lists of goods.

The contested *luggage, other carriers* are included in the broad category of, or overlap with, the opponent's *bags and other containers not adapted to their special content*. Therefore, they are identical.

The contested *chin straps, of leather; leatherstraps; straps for soldiers' equipment; straps made of imitation leather; straps for skates; shoulder straps* are all straps specially designed for fastening different types of things, e.g. headgear such as sport helmets, crash helmets etc, or to hold something in place. The nature of these goods is very different from that of the opponent's goods in Class 18 as well as from those of the opponent's goods in Classes 25 and 28. They serve very different purposes. They do not usually have the distribution channels and they are usually not made by the same manufacturers. These goods are considered dissimilar.

The contested *kid; leather thread; leather, unworked or semi-worked; leather sold in bulk; imitation leather; imitation leather sold in bulk; polyurethane leather; leather and imitation leather; leatherboard; leather for furniture; leather for shoes; chamois leather, other than for cleaning purposes; sheets of leather for use in manufacture; sheets of imitation leather for use in manufacture; moleskin [imitation of leather]; faux fur; semi-worked fur; worked or semi-worked hides and other leather; studs of leather; leather cloth; industrial packaging containers of leather* in Class 18 refer to the part of skins of various kinds of animals or imitations thereof. These are raw materials or semi-finished products, or in any event goods that are to be used for manufacturing or packaging other products. However, the fact that one product is used for manufacturing another (for example, leather for bags or for footwear) is not sufficient in itself for concluding that the goods are similar, as their nature, purpose, relevant public and distribution channels may be quite distinct (03/05/2012, T-270/10, Karra, EU:T:2012:212, § 53) The abovementioned contested raw or semi-finished materials and goods in Class 18 are intended for use in industry rather than for direct purchase by the final consumer (09/04/2014, T-88/12, Zytel, EU:T:2014:196, § 39-43). They are sold in different outlets, are of a different nature and serve a different purpose from the opponent's goods. Therefore, these goods are dissimilar to all of the opponent's goods in Classes 18, 25 and 28.

The remaining contested goods in this Class, namely *boxes made of leather; boxes of leather or leather board; girths of leather; leather laces* are also dissimilar to all of the opponent's goods in Class 18. They do not have the same nature or purpose and they target different consumers. Furthermore, they are not complementary or in competition and they do not have the same distribution channels. For these reasons, these goods are also considered dissimilar to all of the opponent's goods in Classes 14, 25 and 28.

Contested goods in Class 25

Headgear; clothing are identically contained in both lists of goods.


b) Relevant public — degree of attention

The average consumer of the category of products concerned is deemed to be reasonably well informed and reasonably observant and circumspect. It should also be borne in mind that the average consumer's degree of attention is likely to vary according to the category of goods or services in question.

In the present case, the goods found to be identical or similar are directed partly at the public at large and partly at business customers with specific professional knowledge or expertise (e.g. *protective industrial boots; safety boots for use in industry [for protection against accident or injury]* in Class 9).

The degree of attention is considered to vary from average to high, depending on whether the goods affect the state of health (e.g. for fireproof clothing).

c) The signs

<p>Victory</p>	
<p>Earlier trade mark</p>	<p>Contested sign</p>

The relevant territory is Portugal.

The global appreciation of the visual, aural or conceptual similarity of the marks in question must be based on the overall impression given by the marks, bearing in mind, in particular, their distinctive and dominant components (11/11/1997, C-251/95, Sabèl, EU:C:1997:528, § 23).

The earlier mark is a word mark, consisting of the term 'Victory', an English word, which will be recognised by a significant portion of the relevant public, since this English term is rather similar to the equivalent word in Portuguese ('Vitória'). As this word is not descriptive, allusive or otherwise weak for the relevant goods, it has a normal degree of distinctiveness.

Since the earlier mark is a word mark, it has no elements that could be considered clearly more dominant than other elements. Furthermore, it is irrelevant that word mark is depicted using a mixture of lower and upper case letters. Indeed, according to the case-law, a word mark is a mark consisting entirely of letters, of words or of associations of words, written in printed characters in normal font, without any specific graphic element (20/04/2005, T-211/03, Faber, EU:T:2005:135, § 33; 13/02/2007, T-353/04, Curon, EU:T:2007:47, § 74). Consequently, the protection offered by the registration of a word mark applies to the word(s) stated in the

application for registration, i.e. in the present case 'VICTORY', not to the individual graphic characteristics which that mark might possess (22/05/2008, T-254/06, RadioCom, EU:T:2008:165, § 43).

The contested sign is a figurative mark consisting of the verbal elements 'K', 'VICTORY' and 'KAI XUAN', all in standard, white, bold and upper case letters, against a black square background. The letter 'K' is slightly stylised and depicted above the term 'VICTORY'; the latter term, on its turn, is placed above the elements 'KAI XUAN' which are depicted in a significantly smaller font.

The contested sign includes the registered trade mark symbol, ®. This is an informative indication that the sign is purportedly registered and is not part of the trade mark as such. In addition, it is depicted in a very small size. Consequently, this will not be taken into consideration for the purposes of comparison.

As detailed above, the term 'VICTORY' will be associated by a significant part of the relevant public with the meaning mentioned above and is normally distinctive in relation to the goods. The letter 'K' will be recognised as such; the verbal elements 'KAI XUAN' are meaningless; therefore, these elements – as they are not descriptive, allusive or otherwise weak in relation to the goods – will be normally distinctive too. The black square background, on the other hand, will be perceived as a label, and as being of a purely decorative nature. In addition, in any event, when signs consist of both verbal and figurative components, in principle, the verbal component of the sign usually has a stronger impact on the consumer than the figurative component. This is because the public does not tend to analyse signs and will more easily refer to the signs in question by their verbal element than by describing their figurative elements (14/07/2005, T-312/03, Selenium-Ace, EU:T:2005:289, § 37).

Therefore, while none of the verbal elements in the contested sign could be considered clearly more distinctive than other verbal elements, the elements 'K' and 'VICTORY', due to their size and position, are somewhat more eye-catching than the elements 'KAI XUAN' that are depicted in a much smaller size.

Visually, the signs coincide in the string of seven letters, that is, 'VICTORY' which forms the only element in the earlier mark. The signs differ in the additional letter 'K' and the verbal elements 'KAI XUAN' (the latter depicted in a smaller size) and in the minor stylisation of the letters in the contested mark, as well as in the black background of a decorative nature.

Therefore, the signs are visually similar to a high degree.

Aurally, the pronunciation of the signs coincides in the sound of the letters 'VICTORY', present identically in both signs, as an independent and distinctive element. The pronunciation differs only in the sound of the initial letter 'K' and the verbal elements 'KAI XUAN' of the contested mark, if pronounced at all (due to their minor size) which has no counterpart in the earlier mark. Therefore, the signs are similar at least to an average degree.

Conceptually, reference is made to the previous assertions concerning the semantic content conveyed by the marks. To the extent that both signs will evoke the term 'VICTORY', the signs are conceptually similar to a high degree.

As the signs have been found similar in at least one aspect of the comparison, the examination of likelihood of confusion will proceed.

d) Distinctiveness of the earlier mark

The distinctiveness of the earlier mark is one of the factors to be taken into account in the global assessment of likelihood of confusion.

The opponent did not explicitly claim that its mark is particularly distinctive by virtue of intensive use or reputation.

Consequently, the assessment of the distinctiveness of the earlier mark will rest on its distinctiveness per se. In the present case, the earlier trade mark as a whole has no meaning for any of the goods in question from the perspective of the public in the relevant territory. Therefore, the distinctiveness of the earlier mark must be seen as normal.

e) Global assessment, other arguments and conclusion

The likelihood of confusion must be appreciated globally, taking into account all the factors relevant to the circumstances of the case; this appreciation depends on numerous elements and, in particular, on the degree of recognition of the mark on the market, the association that the public might make between the two marks and the degree of similarity between the signs and the goods and services (11/11/1997, C-251/95, Sabèl, EU:C:1997:528, § 22).

Evaluating likelihood of confusion implies some interdependence between the relevant factors and, in particular, a similarity between the marks and between the goods or services. Therefore, a lesser degree of similarity between goods and services may be offset by a greater degree of similarity between the marks and vice versa (29/09/1998, C-39/97, Canon, EU:C:1998:442, § 17).

Likelihood of confusion covers situations where the consumer directly confuses the trade marks themselves, or where the consumer makes a connection between the conflicting signs and assumes that the goods covered are from the same or economically linked undertakings.

In the present case, it is highly conceivable that the relevant consumer will perceive the contested mark as a sub-brand, a variation of the earlier mark, configured in a different way according to the type of goods or services that it designates (23/10/2002, T-104/01, Fifties, EU:T:2002:262, § 49).

Account must be taken of the fact that average consumers rarely have the chance to make a direct comparison between different marks, but must trust in their imperfect recollection of them (22/06/1999, C-342/97, Lloyd Schuhfabrik, EU:C:1999:323, § 26).). Even consumers who pay a high degree of attention need to rely on their imperfect recollection of trade marks (21/11/2013, T-443/12, ancotel, EU:T:2013:605, § 54).

The contested sign comprises the earlier mark entirely. The goods are identical and similar (to various degrees) the signs will be associated with the same concept by a significant part of the relevant public. Furthermore, the signs are also visually highly similar and aurally similar to at least an average degree. The additional differences in the contested sign cannot counteract the similarities between the signs at issue, even where the attention will be high.

Considering all the above, the Opposition Division finds that there is a likelihood of confusion on the part of the relevant public and therefore the opposition is partly well-founded on the basis of the opponent's International trade mark registration designating Portugal No 819 143.

It follows from the above that the contested trade mark must be rejected for the goods found to be identical or similar (to various degrees) to those of the earlier trade mark.

The rest of the contested goods are dissimilar. As similarity of goods and services is a necessary condition for the application of Article 8(1) EUTMR, the opposition based on this article and directed at these goods cannot be successful.

As regards the other countries designated by the opponent's International trade mark registration No 819 143, these earlier marks cover the same or a narrower scope of goods, so that the outcome cannot be different with respect to the goods for which the opposition has already been rejected.

Furthermore, the opponent has also based its opposition on the following earlier trade mark:

International trade mark registration No 784 495 designating inter alia the European Union:

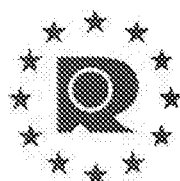


Since this mark is less similar to the contested mark and in addition covers a narrower scope of goods, the outcome cannot be different with respect to the goods for which the opposition has already been rejected.

COSTS

According to Article 85(1) EUTMR, the losing party in opposition proceedings must bear the fees and costs incurred by the other party. According to Article 85(2) EUTMR, where each party succeeds on some heads and fails on others, or if reasons of equity so dictate, the Opposition Division will decide a different apportionment of costs.

Since the opposition is successful only for part of the contested goods, both parties have succeeded on some heads and failed on others. Consequently, each party has to bear its own costs.



The Opposition Division

Gueorgui
IVANOV

Edith Elisabeth
VAN DEN EEDE

Michele M.
BENEDETTI-ALOISI

According to Article 59 EUTMR, any party adversely affected by this decision has a right to appeal against this decision. According to Article 60 EUTMR, notice of appeal must be filed in writing at the Office within two months of the date of notification of this decision. It must be filed in the language of the proceedings in which the decision subject to appeal was taken. Furthermore, a written statement of the grounds of appeal must be filed within four months of the same date. The notice of appeal will be deemed to be filed only when the appeal fee of EUR 720 has been paid.