

PROVISIONAL REFUSAL

according to rule 17(1) of the Common Regulations under the Madrid Agreement and Protocol

Refusal based on an opposition

I. Office:

INSTITUTO NACIONAL DA PROPRIEDADE INDUSTRIAL
DIREÇÃO DE MARCAS E PATENTES
Campo das Cebolas
1149-035 – LISBOA PORTUGAL
Fax.: 21 886 98 59
Tel.: 21 881 81 00
Link: <http://www.inpi.pt/>
E-mail: atm@inpi.pt

II. International registration number: 1406247

Trademark elements: AIWA

III. Name and address of the holder: DANVISTANO TRADING LTD
CORNER HUTSON & EYRE STREET, BLAKE BUILDING, SUITE 302 BELIZE CITY, BELIZE

IV. Grounds for refusal:

a) Corresponding essential provisions of the applicable law under IX:

Art.17,N.1 Art.252, Art.11,N.1 Art.245,N.1, N.2,Art.222,N.1,Art.239,N.1,N.2,Art.254, Art.317,N.1,a) do CPI

V. Opponent rights.

Application/registration number: 142057 (national applicant)

Filing Date: 20/04/1967

Registration date (if available): 10/01/1969

Priority date (if any): N.A.

Name and address of the opponent:

AIWA CO., LTD 1-6-3, HIGASHI-GOTANDA SHINAGAWA-KU, TOKYO, JAPÃO

Trademark:

AIWA

List of goods and services on which the opposition is based:

Classe 09: Microfones, gira-discos, gravadores de fita, aparelhos de rádio e aparelhos de televisão.

V. Opponent rights.

Application/registration number: 278612 (national applicant)

Filing Date: 28/11/1991

Registration date (if available): 25/08/1993

Priority date (if any): N.A.

Name and address of the opponent:

AIWA CO., LTD 1-6-3, HIGASHI-GOTANDA SHINAGAWA-KU, TOKYO, JAPÃO

Trademark:

aiwa

List of goods and services on which the opposition is based:

Classe 09: Aparelhos e instrumentos científicos, náuticos, geodésicos, elétricos, fotográficos, cinematográficos, ópticos, de pesagem, de medida, de sinalização, de verificação (inspeção), de socorro (salvamento) e de ensino; aparelhos para o registo, a transmissão, a reprodução do som ou de imagem; suportes de registo magnético, discos acústicos; distribuidores automáticos e mecanismos para aparelhos de pré-pagamento; caixas registadoras, máquinas de calcular, equipamento para o tratamento de informação e computadores e extintores.

VI. Refusal for all the goods.

VII. Answer to the decision of refusal:

a) Time limit to file an answer: Within two (2) months following the date of the notification of provisional refusal sent by WIPO. This period can be extended once, for one (1) month, at the request of the interested party. The extension of period must be submitted before the first two (2) month period is over.

The answer and payment to this notification can be submitted electronically through the Website online services, available at www.inpi.pt (upon requiring the use of a digital signature certificate). In the case of electronic reply, the applicant will benefit of a fee discount of 50%.

Otherwise, the answer and payment to this notification can be submitted in person or by Mail, with the proper form (available for download at [FORM M4](#)) and the respective means of payment (a bank check, issued to the National Institute of Industrial Property).

The atual values to be paid can be found at www.inpi.pt. If further clarification is necessary, please contact us via telephone at **+351 21 881 81 00** or send an email to atm@inpi.pt

b) Authority to which the answer should be filed:

INSTITUTO NACIONAL DA PROPRIEDADE INDUSTRIAL
DIREÇÃO DE MARCAS E PATENTES
Campo das Cebolas
1149-035 – LISBOA PORTUGAL
Fax.: 21 886 98 59
Tel.: 21 881 81 00
Link: <http://www.inpi.pt/>
E-mail: atm@inpi.pt

VIII. Date and signature: 2018.10.03 Jose Alves Ribeiro

IX. Corresponding essential provisions of the applicable law:

Industrial Property Code

(approved by Decree-Law 36/2003 of 5 March and amended by Decree-Law 318/2007 of 26 September, Decree-Law 360/2007 of 2 November, Decree-Law 143/2008 of 25 July and Law 16/2008 of 1 April)

Art. 222nd – Composition of trademark

- 1 – A trademark may consist of a sign or set of signs that can be represented graphically, namely words - including the names of persons -, drawings, letters, numbers and sounds, the form of the product or respective packaging, provided that they adequately distinguish the products and services of one company from those of others.
- 2 – A trademark may also consist of advertising phrases for the respective products or services, provided that they are distinct in character, regardless of the protection conferred upon them by copyright.

Art. 223rd – Exceptions

- 1 – The conditions of [article 222nd] are not met by:
 - a) - Trademarks that are devoid of any distinctive character;
 - b) - Signs that exclusively consist of the form imposed by the nature of the product itself, the form of the product necessary for obtaining a technical result or the form that confers a substantial value on the product;
 - c) - Signs that are exclusively made up of indications that may serve in commerce to designate the type, quality, quantity, purpose, value, geographic origin, period or means of production of the product or the service, or other characteristics thereof;
 - d) - Trademarks that exclusively consist of signs or indications that have become common use in modern-day language or in the habitual and constant habits of commerce;
 - e) - Colours, save where they are combined with each other or with graphics, wording or other particular and distinctive elements.

Art. 238th – Grounds for refusal of a registration

- 1 – [...] registration of a trademark is refused when:
 - a) - It consists of signs that cannot be represented graphically;
 - b) - It consists of signs devoid of any distinctive character;
 - c) - It consists exclusively of signs or indications referred to in Article 223(1) (b) to (e);
- [...]
- 4 – Registration of a trademark will also be refused if it contains in some or all of its constitutive elements:
 - a) - symbols, crests, emblems or distinctions of the state, municipalities or other Portuguese or foreign public or private bodies, the emblem and name of the Red Cross or other similar bodies and any signs covered by Article 6-ter of the Paris Convention for the Protection of Industrial Property;
 - b) - signs of a high symbolic value, such as religious symbols, unless these are authorised;
 - c) - expressions or figures that are contrary to the law, morals, public order and morality;
 - d) - signs that may mislead the public, namely as to the nature, properties, utility or geographic origin of the product or service for which the trademark is designed.
- 5 – Registration of a trademark that is made up exclusively of the national flag of the Portuguese Republic or some of its constitutive elements will also be refused.
- 6 – Registration will also be refused for a trademark that contains, amongst other elements, the national flag, wherever the trademark is likely to:
 - a) - mislead the public as to the geographic origin of the products or services for which it is designed;
 - b) - lead the consumer to erroneously think that the products or services come from an official body;
 - c) - generate disrespect or a diminution of prestige for the national flag or any of its elements.

Art. 239th – Other grounds for refusal

- 1 – Further grounds for refusal of registration of a trademark are:
 - a) - reproduction or imitation of all or part of a trademark previously registered by another person for identical or similar products or services that may mislead or confuse the consumer or comprise the risk of association with the already registered trademark;
 - b) - reproduction or imitation of all or part of a logotype already registered by another person to distinguish an entity whose activity is identical or similar to the products or services for which the trademark is designed, if it is likely to mislead or confuse the consumer;
 - c) - violation of other industrial property rights;
 - d) - the use of names, portraits or any other expressions or figurations without the authorisation of the persons they relate to or, if these are deceased, of their heirs or relatives to the fourth degree or, if authorisation is obtained, if it generates disrespect or diminution of prestige for those persons;
 - e) - recognition that the applicant's intent is one of unfair competition or that unfair competition is a possible outcome, regardless of the applicant's intention.
- 2 – When cited in an opposition, the following are also grounds for refusal:
 - a) - reproduction or imitation of a business or corporate name and other distinctive signs, or merely a characteristic part thereof, that do not belong to the applicant or where the applicant is not authorised to use them, if it is likely to mislead or confuse the consumer;
 - b) - violation of copyright;

[...]

The English version of the Industrial Property Code is available at: <http://www.inpi.pt>

Marca de Registo Internacional nº 1406247

*Exmo. Sr. Director da Direcção das
Marcas e Patentes do Instituto Nacional da
Propriedade Industrial*

Ref. 1569

AIWA CO.,LTD, sociedade comercial nipónica, com sede em 1-6-3, Higashi-Gotanda, Shinagawa-Ku, Tokyo, Japão, vem ao abrigo do artigo 17º, nº1, do Código da Propriedade Industrial¹, com as alterações introduzidas pelo Decreto-Lei nº143/2008, de 25 de Julho e posteriores alterações, apresentar

RECLAMACÃO

contra o pedido de protecção em Portugal da marca de registo internacional nº 1406247



, requerido por **DANVISTANO TRADING LTD**, com sede em Corner Hutson & Eyre Street, Blake Building, Suite 302 Belize City, Belize, o que faz nos termos e com os fundamentos seguintes:

¹ Doravante CPI.

I - Legitimidade e Tempestividade

1.

Mediante consulta do Boletim da Propriedade Industrial nº 152/2018, de 8 de Agosto de 2018, a Reclamante tomou conhecimento do pedido de protecção em Portugal da marca

de registo internacional nº 1406247



, ora reclamado.

2.

Nos termos conjugados dos artigos 17º, nº1 e 252º do CPI, quem se julgar prejudicado pela eventual concessão de protecção em Portugal de uma marca de registo internacional registo pode reclamar, dispondo para esse efeito do prazo de dois meses a contar da data de publicação do respectivo pedido no Boletim da Propriedade Industrial.

3.

Pelo que a presente Reclamação é apresentada tempestivamente.

4.

A Reclamante tem interesse directo e legítimo, porquanto seria prejudicada pela eventual concessão de protecção em Portugal da marca de registo internacional *sub judice*.

5.

Como melhor ficará demonstrado *infra*, a marca de registo internacional *sub judice* não reúne as condições legais para que lhe possa ser concedida protecção em Portugal.

II - Os Factos

6.

A marca de registo internacional nº 1406247, contra a qual se reclama, é um sinal misto formado pela palavra AIWA, inserida num conjunto com a seguinte configuração geral



7.

A referida marca encontra-se registada, em nome da Reclamada, desde 12 de Janeiro de 2018, na Organização Mundial da Propriedade Intelectual.

8.

O aviso do pedido de protecção em Portugal da referida marca foi publicado no Boletim da Propriedade Industrial nº 152/2018, de 8 de Agosto de 2018, destinando-se esta a assinalar os seguintes produtos

- **na classe 7ª**, *“Machines, machine tools, power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; incubators for eggs; automatic vending machines; shaft couplings [machines]; acetylene cleaning apparatus; converters for steelworks; adhesive tape dispensers [machines]; aerating pumps for aquaria; aerocondensers; agitators; agricultural machines; agricultural elevators; filters*

for cleaning cooling air, for engines; air condensers; apparatus for drawing up beer under pressure; sizing machines; steamrollers; road rollers; carburetter feeders; igniting devices for internal combustion engines; alternators; valves [parts of machines]; axles for machines; crank shafts; transmission shafts, other than for land vehicles; lifts, other than ski-lifts; elevators [lifts]; mixing machines; self-oiling bearings; ploughs; aeroplane engines; whitewashing machines; colour-washing machines; grease rings [parts of machines]; piston segments; piston rings; dynamo brushes; road sweeping machines, self-propelled; saw benches [parts of machines]; belts for conveyors; belt conveyors; churns; drums [parts of machines]; housings [parts of machines]; stands for machines; mills [machines]; threshing machines; beating machines; concrete mixers [machines]; butter machines; bicycle dynamos; connecting rods for machines, motors and engines; ball-bearings; bitumen making machines; harvesting machines; mowing and reaping machines; sheaf-binding machines; bobbins for weaving looms; reels for weaving looms; woodworking machines; apparatus for aerating beverages; hosiery looms; binding apparatus for hay; trussing apparatus for hay; mud catchers and collectors [machines]; glow plugs for Diesel engines; threading machines; rinsing machines; bottle filling machines; bottle washing machines; brewing machines; tambours for embroidery machines; brushes [parts of machines]; bulldozers; shovels, mechanical; mortising machines; paring machines; capstans; automatic grapnels for marine purposes; belts for machines; cowlings [parts of machines]; guards [parts of machines]; hoods [parts of machines]; type-setting machines [printing]; injectors for engines; carburetters; card clothing [parts of carding machines]; knives [parts of machines]; boxes for matrices [printing]; cinder

sifters [machines]; cream/milk separators; spin dryers [not heated]; spin driers [not heated]; lubricators [parts of machines]; centrifugal machines; centrifuges [machines]; centrifugal mills; centrifugal pumps; grain husking machines; corn and grain husking machines; corn husking machines; milling machines; bearing brackets for machines; hangers [parts of machines]; carbon brushes [electricity]; coal-cutting machines; hoists; loading ramps; sliders for knitting machines; carriages for knitting machines; slides for knitting machines; lathes [machine tools]; pulleys; ploughshares; fittings for engine boilers; wine presses; cigarette machines for industrial purposes; bending machines; shears, electric; scissors, electric; chisels for machines; clack valves [parts of machines]; filter presses; scale collectors for machine boilers; pedal drives for sewing machines; type-setting machines [photocomposition]; compressors [machines]; turbocompressors; steam condensers [parts of machines]; condensing installations; pulleys [parts of machines]; joints [parts of engines]; sealing joints [parts of engines]; cord making machines; typecasting machines; clippers [machines]; cutters [machines]; current generators; drilling heads [parts of machines]; dynamo belts; elevator belts; lift belts; stitching machines; air cushion devices for moving loads; bearings [parts of machines]; knives, electric; rack and pinion jacks; sifting installations; jacks [machines]; leather-working machines; cylinder heads for engines; cultivators [machines]; cylinders for machines; printing cylinders; rolling mill cylinders; sorting machines for industry; hoppers [mechanical discharging]; cutting machines; de-aerators for feedwater; turf removing ploughs; degreasers [machines]; starters for motors and engines; lace making machines; steam/oil separators; disintegrators; pressure reducers [parts of machines]; reeling apparatus, mechanical; leather

paring machines; drainage machines; trimming machines; apparatus for dressing; apparatus for machining; dynamos; sewage pulverizers; sewage pulverisers; apparatus for aerating water; machines for the production of mineral water; water heaters [parts of machines]; fleshing machines; die-cutting and tapping machines; nut-tapping machines; stalk separators [machines]; grain separators; ejectors; generators of electricity; elevating apparatus; swaging machines; clutches, other than for land vehicles; inking apparatus for printing machines; feeders [parts of machines]; wrapping machines; moving staircases [escalators]; escalators; pumps [parts of machines, engines or motors]; stamping machines; die-stamping machines; labellers [machines]; metal drawing machines; excavators; haulage apparatus [mining]; extractors for mines; tedding machines; sieves [machines or parts of machines]; knives for mowing machines; blades [parts of machines]; spinning machines; spinning wheels; filtering machines; finishing machines; chucks [parts of machines]; fodder presses; foundry machines; pistons for cylinders; stuffing boxes [parts of machines]; blowing machines for the compression, exhaustion and transport of gases; lawnmowers [machines]; tarring machines; blowing machines for the compression, sucking and carrying of grain; blowing machines or fans for the compression, sucking and carrying of grain; fans for the compression, sucking and carrying of grain; grease boxes [parts of machines]; lubricating pumps; embossing machines; engraving machines; notchers [machine tools]; guides for machines; straw [chaff] cutters; chaff cutters; meat choppers [machines]; meat mincers [machines]; gears for weaving looms; harrows; pulverisers [machines]; atomisers [machines]; spraying machines; hydraulic turbines; printing machines for use on sheet

metal; printing plates; printing machines; printing presses; printing rollers for machines; dairy machines; chaff cutter blades; loom shafts; blade sharpening [stropping] machines; stropping machines; saw blades [parts of machines]; blade holders [parts of machines]; rolling mills; thermic lances [machines]; cranks [parts of machines]; dishwashers; washing apparatus; washing machines [laundry]; washing installations for vehicles; vehicle washing installations; coin-operated washing machines; lifting apparatus; wringing machines for laundry; smoothing presses; driving motors, other than for land vehicles; steam engines; machine tools; igniting magnetos; handling apparatus for loading and unloading; paper feeders [printing]; hammers [parts of machines]; power hammers; pneumatic hammers; tilt hammers; derricks; propulsion mechanisms, other than for land vehicles; transmissions, other than for land vehicles; regulators [parts of machines]; tobacco processing machines; crushers for kitchen use, electric; pump diaphragms; metalworking machines; looms; spinning frames; millstones; grinding machines; mine borers; ore treating machines; flour mill machines; mixers [machines]; reapers; reapers and binders; reapers and threshers; railway wagon lifts; jet engines, other than for land vehicles; anti-pollution devices for motors and engines; pistons for engines; speed governors for machines, engines and motors; moulds [parts of machines]; molds [parts of machines]; mills for household purposes, other than hand-operated; moulding machines; molding machines; freewheels, other than for land vehicles; shuttles [parts of machines]; machines and apparatus for cleaning, electric; suction machines for industrial purposes; hemming machines; hand-held tools, other than hand-operated; tools [parts of machines]; holding devices for machine tools; tin openers, electric; can openers, electric;

bread cutting machines; journal boxes [parts of machines]; bearings for transmission shafts; papermaking machines; calenders; mangles; paper machines; packing machines; kneading machines; machines for making pasta; painting machines; spray guns for paint; drilling machines; electric hand drills; stone-working machines; pistons [parts of machines or engines]; typographic presses; pneumatic transporters; punches for punching machines; punching machines; pepper mills, other than hand-operated; machines and apparatus for polishing [electric]; pumps [machines]; air pumps [garage installations]; pumps for heating installations; vacuum pumps [machines]; roller bridges; adhesive bands for pulleys; beverage preparation machines, electromechanical; presses [machines for industrial purposes]; pressure regulators [parts of machines]; pressure valves [parts of machines]; puddling machines; steam traps; planing machines; rail-laying machines; rakes for raking machines; raking machines; friezing machines; trueing machines; bookbinding apparatus and machines for industrial purposes; ironing machines; darning machines; springs [parts of machines]; curtain drawing devices, electrically operated; riveting machines; taps [parts of machines, engines or motors]; faucets [parts of machines, engines or motors]; rotary printing presses; machine wheelwork; machine wheels; machine fly-wheels; roller bearings; ball rings for bearings; road making machines; road building machines; saws [machines]; mineworking machines; belts for motors and engines; weeding machines; satinizing machines; sausage making machines; sealing machines for industrial purposes; sowers [machines]; welding machines, electric; bellows [parts of machines]; forge bellows; lasts for shoes [parts of machines]; shoe lasts [parts of machines]; filling machines; stators [parts of machines]; stereotype machines;

machines for the production of sugar; superheaters; superchargers; tables for machines; aprons [parts of machines]; carriage aprons; dyeing machines; carding machines; slide rests [parts of machines]; journals [parts of machines]; milking machines; suction cups for milking machines; teat cups for milking machines; transmissions for machines; pneumatic tube conveyors; tube conveyors, pneumatic; conveyors [machines]; braiding machines; winches; knitting machines; turbines, other than for land vehicles; reels, mechanical, for flexible hoses; tympan [parts of printing presses]; typographic machines; winnowers; engines for air cushion vehicles; fans for motors and engines; glass-working machines; railroad constructing machines; vulcanization apparatus; couplings, other than for land vehicles; aeronautical engines; sharpening machines; agricultural implements, other than hand-operated; grindstones [parts of machines]; sharpening wheels [parts of machines]; beer pumps; compressed air engines; compressed air machines; compressed air pumps; sparking plugs for internal combustion engines; shock absorber plungers [parts of machines]; dashpot plungers [parts of machines]; plunger pistons; anti-friction bearings for machines; anti-friction pads for machines; diggers [machines]; air suction machines; fuel economisers for motors and engines; engines for boats; motors for boats; beaters, electric; rams [machines]; brake linings, other than for vehicles; brake shoes, other than for vehicles; brake segments, other than for vehicles; reels [parts of machines]; gear boxes, other than for land vehicles; bottle stoppering machines; bottle capping machines; bottle sealing machines; brushes, electrically operated [parts of machines]; waste disposal units; garbage disposal units; coffee grinders, other than hand-operated; flues for engine boilers; earth moving machines; waste compacting

machines; trash compacting machines; shredders [machines] for industrial use; potters' wheels; handling machines, automatic [manipulators]; industrial robots; food preparation machines, electromechanical; cartridges for filtering machines; driving chains, other than for land vehicles; torque converters, other than for land vehicles; transmission chains, other than for land vehicles; drill chucks [parts of machines]; steam engine boilers; feeding apparatus for engine boilers; shearing machines for animals; hair clipping machines for animals; hair cutting machines for animals; motors, other than for land vehicles; engines, other than for land vehicles; control cables for machines, engines or motors; control mechanisms for machines, engines or motors; matrices for use in printing; compressors for refrigerators; water separators; drain cocks; sewing machines; fan belts for motors and engines; incubators for eggs; gears, other than for land vehicles; blenders, electric, for household purposes; kitchen machines, electric; cylinders for motors and engines; reduction gears, other than for land vehicles; dividing machines; drilling bits [parts of machines]; heat exchangers [parts of machines]; exhausts for motors and engines; motors, electric, other than for land vehicles; cranes [lifting and hoisting apparatus]; peeling machines; grating machines for vegetables; compressed air guns for the extrusion of mastics; filters [parts of machines or engines]; ditchers [ploughs]; whisks, electric, for household purposes; fruit presses, electric, for household purposes; hydraulic engines and motors; drilling rigs, floating or non-floating; fuel conversion apparatus for internal combustion engines; radiators [cooling] for motors and engines; boiler tubes [parts of machines]; hydraulic controls for machines, motors and engines; pneumatic controls for machines, motors and engines; crankcases for machines, motors and engines; food processors,

electric; glue guns, electric; guns [tools using explosives]; net hauling machines [fishing]; universal joints [Cardan joints]; rotary steam presses, portable, for fabrics; machines and apparatus for carpet shampooing, electric; catalytic converters; central vacuum cleaning installations; chain saws; cleaning appliances utilizing steam; cutting blow pipes, gas-operated; dust exhausting installations for cleaning purposes; dust removing installations for cleaning purposes; electric hammers; electromechanical machines for chemical industry; elevator chains [parts of machines]; emergency power generators; expansion tanks [parts of machines]; glaziers' diamonds [parts of machines]; high pressure washers; machines for the textile industry; exhaust manifold for engines; oil refining machines; packaging machines; parquet wax-polishers, electric; shoe polishers, electric; snow ploughs; soldering apparatus, gas-operated; welding apparatus, gas-operated; soldering blow pipes, gas-operated; soldering irons, gas-operated; vacuum cleaner attachments for disseminating perfumes and disinfectants; vacuum cleaner hoses; vacuum cleaners; vibrators [machines] for industrial use; machines and apparatus for wax-polishing, electric; racket stringing machines; bicycle assembling machines; motorized cultivators; air brushes for applying colour; door openers, hydraulic; kick starters for motorcycles; mechanized livestock feeders; moving walkways; moving sidewalks; mufflers for motors and engines; silencers for motors and engines; door openers, pneumatic; vacuum cleaner bags; gas-operated blow torches; wind turbines; brake pads, other than for vehicles; electrodes for welding machines; electric welding apparatus; soldering apparatus, electric; soldering irons, electric; electric arc welding apparatus; electric arc cutting apparatus; soldering lamps; basket presses; blowing machines; electroplating

machines; galvanizing machines; vending machines; distribution machines, automatic; door closers, electric; door openers, electric; elevator operating apparatus; lift operating apparatus; electrical apparatus for sealing plastics [packaging]; fuel dispensing pumps for service stations; self-regulating fuel pumps; machines for processing plastics; window openers, electric; window closers, electric; window openers, hydraulic; window closers, hydraulic; window openers, pneumatic; window closers, pneumatic; door closers, hydraulic; door closers, pneumatic; kitchen grinders, electric; pneumatic jacks; 3D printers; sifting machines; engine mounts, other than for land vehicles; nail extractors, electric; nail pullers, electric; brushes for vacuum cleaners; ski edge sharpening tools, electric; crushing machines; rammers [machines]; suction nozzles for vacuum cleaners; pigs for cleaning pipes; juice extractors, electric; screwdrivers, electric; joysticks being parts of machines, other than for game machines; camshafts for vehicle engines; rubber tracks being parts of crawlers on construction machines; rubber tracks being parts of crawlers on loading-unloading machines and apparatus; rubber tracks being parts of crawlers on agricultural machines; rubber tracks being parts of crawlers on mining machines; rubber tracks being parts of crawlers on snow ploughs; pneumatic waste oil drainers; pumps for counter-current swimming; 3D printing pens; tilling machines for agricultural purposes; vegetable spiralizers, electric”.

- **na classe 8ª**, *“Hand tools and implements, hand-operated; cutlery; side arms, except firearms; razors; abrading instruments [hand instruments]; sharpening stones; needle files; leather strops; awls; cutter bars [hand tools]; reamers; reamer sockets; extension pieces for braces for screw taps; palette knives;*

spatulas [hand tools]; punch rings [knuckle dusters]; knuckle dusters; bits [parts of hand tools]; squares [hand tools]; instruments and tools for skinning animals; annular screw plates; bow saws; side arms, other than firearms; nail extractors, hand-operated; nail pullers, hand-operated; lifting jacks, hand-operated; bayonets; beard clippers; hand drills, hand-operated; mortise chisels; holing axes; mortise axes; livestock marking tools; cattle marking tools; cattle shearers; nail drawers [hand tools]; pickhammers; bushhammers; sharpening steels; knife steels; riveting hammers [hand tools]; paring irons [hand tools]; scissors; tweezers; graving tools [hand tools]; pickaxes; caulking irons; penknives; stone hammers; jig-saws; drawing knives; nail punches; fullers [hand tools]; fulling tools [hand tools]; hunting knives; frames for handsaws; saws [hand tools]; lasts [shoemakers' hand tools]; curling tongs; table cutlery [knives, forks and spoons]; tableware [knives, forks and spoons]; shears; shear blades; perforating tools [hand tools]; tap wrenches; spanners [hand tools]; wrenches [hand tools]; ratchets [hand tools]; dies [hand tools]; screw stocks [hand tools]; screw-thread cutters [hand tools]; borers; whetstone holders; axes; table forks; planes; hand tools, hand-operated; vegetable slicers; vegetable knives; vegetable shredders; nail nippers; tube cutters [hand tools]; cutters; cleavers; cutlery; fruit pickers [hand tools]; spoons; ladles [hand tools]; razor strops; earth rammers [hand tools]; stamping-out tools [hand tools]; stamps [hand tools]; milling cutters [hand tools]; trowels [gardening]; trowels; apparatus for destroying plant parasites, hand-operated; glaziers' diamonds [parts of hand tools]; expanders [hand tools]; stropping instruments; sharpening instruments; blade sharpening instruments; scaling knives; thistle extractors [hand tools]; pruning scissors; secateurs; pruning shears; budding

knives; tree pruners; cuticle tweezers; cuticle nippers; hair-removing tweezers; marline spikes; carpenters' augers; embossers [hand tools]; pedicure sets; razor cases; hollowing bits [parts of hand tools]; rakes [hand tools]; shovels [hand tools]; spades [hand tools]; border shears; scythes; scythe rings; scythe stones; whetstones; irons [non-electric hand tools]; goffering irons; polishing irons [glazing tools]; glazing irons; blades for planes; moulding irons; molding irons; crimping irons; branding irons; gimlets [hand tools]; sword scabbards; hand implements for hair curling; lawn clippers [hand instruments]; ice picks; gouges [hand tools]; truncheons; bludgeons; police batons; engraving needles; farriers' knives; paring knives; grafting tools [hand tools]; rabbeting planes; vegetable choppers; hatchets; choppers [knives]; hoop cutters [hand tools]; harpoons; adzes [tools]; mattocks; oyster openers; insecticide vaporizers [hand tools]; insecticide atomizers [hand tools]; insecticide sprayers [hand tools]; garden tools, hand-operated; pruning knives; clamps for carpenters or coopers; razor blades; blades [hand tools]; blades [weapons]; saw blades [parts of hand tools]; levers; machetes; mallets [hand instruments]; hammers [hand tools]; sledgehammers; masons' hammers; chisels; metal band stretchers [hand tools]; braiders [hand tools]; money scoops; mortars for pounding [hand tools]; wick trimmers [scissors]; shaving cases; numbering punches; nail files; tin openers, non-electric; can openers, non-electric; harpoons for fishing; picks [hand tools]; rammers [hand tools]; pestles for pounding [hand tools]; guns [hand tools]; centre punches [hand tools]; foundry ladles [hand tools]; plane irons; rasps [hand tools]; razors, electric or non-electric; pin punches; fire irons; riveters [hand tools]; hainault scythes; weeding forks [hand tools]; hoes [hand tools]; saw holders; hackles [hand tools]; bill-hooks; sickles; implements for

decanting liquids [hand tools]; edge tools [hand tools]; taps [hand tools]; augers [hand tools]; screwdrivers, non-electric; priming irons [hand tools]; bits [hand tools]; tube cutting instruments; breast drills; agricultural implements, hand-operated; grindstones [hand tools]; sharpening wheels [hand tools]; syringes for spraying insecticides; silver plate [knives, forks and spoons]; diggers [hand tools]; knives; pliers; pincers; nippers; tongs; swords; sabres; rams [hand tools]; instruments for punching tickets; nail files, electric; fingernail polishers, electric or non-electric; nail buffers, electric or non-electric; drill holders [hand tools]; hair clippers for personal use, electric and non-electric; agricultural forks [hand tools]; nail clippers, electric or non-electric; hair clippers for animals [hand instruments]; shearers [hand instruments]; flat irons; emery grinding wheels; files [tools]; punch pliers [hand tools]; punches [hand tools]; cutting tools [hand tools]; manicure sets; guns, hand-operated, for the extrusion of mastics; ditchers [hand tools]; scrapers [hand tools]; mincing knives [hand tools]; fleshing knives [hand tools]; meat choppers [hand tools]; scraping tools [hand tools]; ear-piercing apparatus; depilation appliances, electric and non-electric; manicure sets, electric; vices; vises; hand pumps; daggers; tool belts [holders]; cheese slicers, non-electric; pizza cutters, non-electric; crow bars; egg slicers, non-electric; eyelash curlers; mitre boxes [hand tools]; miter boxes [hand tools]; sand trap rakes; fireplace bellows [hand tools]; apparatus for tattooing; emery files; fish tapes [hand tools]; draw wires [hand tools]; wire strippers [hand tools]; bench vices [hand implements]; non-electric caulking guns; metal wire stretchers [hand tools]; hobby knives [scalpels]; air pumps, hand-operated; ceramic knives; emery boards; ski edge sharpening tools, hand-operated; tattoo needles; spatulas for

use by artists; sculptors' chisels; table knives, forks and spoons of plastic; table knives, forks and spoons for babies; scrapers for skis; handles for hand-operated hand tools; knife handles; scythe handles; vegetable spiralizers, hand-operated; vegetable peelers [hand tools]; box cutters; hair braiders, electric; stirring sticks for mixing paint; wine bottle foil cutters, hand-operated; fruit segmenters; fruit corers; kitchen mandolins”.

- **na classe 9ª**, “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; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus; coils, electric; particle accelerators; reflective articles for wear, for the prevention of accidents; protection devices for personal use against accidents; clothing for protection against accidents, irradiation and fire; batteries, electric, for vehicles; accumulators, electric, for vehicles; battery jars; accumulator jars; battery boxes; accumulator boxes; acidimeters for batteries; hydrometers; plates for batteries; whistle alarms; acoustic alarms; sound alarms; acoustic conduits; phonograph records; sound recording discs; speaking tubes; actinometers; adding machines; aerometers; enlarging apparatus [photography]; electro-dynamic apparatus for the remote control of railway points; magnets; electromagnetic coils; air analysis

apparatus; alarms; alcoholmeters; alidades; food analysis apparatus; igniting apparatus, electric, for igniting at a distance; electric apparatus for remote ignition; batteries for lighting; altimeters; asbestos gloves for protection against accidents; asbestos clothing for protection against fire; ammeters; amplifiers; amplifying tubes; amplifying valves; anemometers; calibrating rings; fire extinguishers; anodes; anode batteries; high tension batteries; aerials; antennas; anti-glare glasses; visors for helmets; anti-interference devices [electricity]; transformers [electricity]; apertometers [optics]; money counting and sorting machines; distribution boxes [electricity]; surveying instruments; surveying chains; lenses for astrophotography; thermionic valves; thermionic tubes; audiovisual teaching apparatus; juke boxes, musical; coin-operated musical automata [juke boxes]; mechanisms for coin-operated apparatus; mechanisms for counter-operated apparatus; calipers; comparators; fire alarms; automatic indicators of low pressure in vehicle tyres; automatic indicators of low pressure in vehicle tires; protective suits for aviators; alarm bells, electric; rods for water diviners; life-saving rafts; scales; meteorological balloons; demagnetizing apparatus for magnetic tapes; tape recorders; magnetic tapes; barometers; weighing machines; weighbridges; fire beaters; chargers for electric batteries; betatrons; ticket dispensers; cabinets for loudspeakers; close-up lenses; terminals [electricity]; pressure indicator plugs for valves; galvanometers; push buttons for bells; branch boxes [electricity]; tone arms for record players; spirit levels; punched card machines for offices; sheaths for electric cables; frames for photographic transparencies; circular slide rules; slide-rules; calculating machines; slide calipers; jigs [measuring instruments]; blueprint apparatus; cinematographic cameras; capillary tubes;

sound recording carriers; protective helmets; respiratory masks, other than for artificial respiration; solderers' helmets; spectacle chains; eyeglass chains; heat regulating apparatus; darkrooms [photography]; boiler control instruments; drying racks [photography]; apparatus for editing cinematographic film; printed circuits; flashing lights [luminous signals]; blinkers [signalling lights]; signal bells; containers for microscope slides; collectors, electric; electric installations for the remote control of industrial operations; switchboxes [electricity]; commutators; marine compasses; eyepieces; thread counters; pedometers; counters; meters; metronomes; condensers [capacitors]; capacitors; conductors, electric; electricity conduits; circuit closers; connectors [electricity]; junction boxes [electricity]; switchboards; contacts, electric; apparatus to check franking; apparatus to check stamping mail; regulating apparatus, electric; monitoring apparatus, other than for medical purposes; speed checking apparatus for vehicles; converters, electric; photocopiers [photographic, electrostatic, thermic]; spectacle cords; eyeglass cords; retorts; retorts' stands; correcting lenses [optics]; objectives [lenses] [optics]; cosmographic instruments; diving suits; electric apparatus for commutation; switches, electric; limiters [electricity]; plugs, sockets and other contacts [electric connections]; current rectifiers; cell switches [electricity]; reducers [electricity]; dressmakers' measures; crucibles [laboratory]; cupels [laboratory]; appliances for measuring the thickness of leather; cyclotrons; counterfeit coin detectors; shutter releases [photography]; densimeters; animated cartoons; laboratory trays; metal detectors for industrial or military purposes; sonars; detectors; shutters [photography]; diaphragms [acoustics]; centering apparatus for photographic transparencies; cameras [photography];

transparencies [photography]; slides [photography]; slide projectors; transparency projection apparatus; distance measuring apparatus; dictating machines; diffraction apparatus [microscopy]; loudspeakers; circuit breakers; record players; microscopes; distance recording apparatus; apparatus for recording distance; range finders; telemeters; distribution boards [electricity]; distribution consoles [electricity]; compasses for measuring; measures; measuring apparatus; dynamometers; water level indicators; fire escapes; flash-bulbs [photography]; telephone receivers; fluorescent screens; projection screens; workmen's protective face-shields; screens [photography]; drainers for use in photography; photographic racks; electric loss indicators; measuring devices, electric; cables, electric; ducts [electricity]; control panels [electricity]; galvanic cells; connections for electric lines; couplings, electric; connections, electric; relays, electric; electrolyzers; transmitters of electronic signals; transmitting sets [telecommunication]; cleaning apparatus for phonograph records; cleaning apparatus for sound recording discs; sound recording strips; mileage recorders for vehicles; kilometer recorders for vehicles; spools [photography]; mechanical signs; epidiascopes; test tubes; balancing apparatus; thermostats; ergometers; material testing instruments and machines; egg-candlers; gauges; gasoline gauges; petrol gauges; spark-guards; cases especially made for photographic apparatus and instruments; testing apparatus not for medical purposes; refractometers; exposure meters [light meters]; invoicing machines; apparatus for fermentation [laboratory apparatus]; railway traffic safety appliances; wires, electric; magnetic wires; plumb bobs; plumb lines; nets for protection against accidents; safety nets; life nets; safety tarpaulins; film cutting apparatus; filters for respiratory masks;

filters [photography]; battery chargers; high-frequency apparatus; frequency meters; fuses; radios; galena crystals [detectors]; galvanic batteries; gloves for protection against accidents; gloves for divers; gloves for protection against X-rays for industrial purposes; gas testing instruments; gasometers [measuring instruments]; surveying apparatus and instruments; levelling staffs [surveying instruments]; rods [surveying instruments]; drying apparatus for photographic prints; glazing apparatus for photographic prints; rulers [measuring instruments]; measuring glassware; graduated glassware; screens for photoengraving; grids for batteries; clothing for protection against fire; garments for protection against fire; audio- and video-receivers; heliographic apparatus; holograms; hygrometers; identification threads for electric wires; identification sheaths for electric wires; life saving apparatus and equipment; fire hose nozzles; fire engines; fire pumps; slope indicators; clinometers; gradient indicators; inclinometers; taximeters; quantity indicators; vacuum gauges; speed indicators; inductors [electricity]; armatures [electricity]; data processing apparatus; mirrors for inspecting work; intercommunication apparatus; carriers for dark plates [photography]; inverters [electricity]; ionization apparatus not for the treatment of air or water; peepholes [magnifying lenses] for doors; hemline markers; furniture especially made for laboratories; lactodensimeters; lactometers; darkroom lamps [photography]; optical lanterns; optical lamps; magic lanterns; signal lanterns; lasers, not for medical purposes; optical lenses; letter scales; logs [measuring instruments]; sounding lines; magnifying glasses [optics]; signs, luminous; neon signs; spectacles; eyeglasses; instruments containing eyepieces; surveyors' levels; spectacle lenses; eyeglass lenses; eyewear; pressure gauges; manometers;

periscopes; protective masks; mathematical instruments; coin-operated mechanisms for television sets; megaphones; computer memory devices; carpenters' rules; mercury levels; speed measuring apparatus [photography]; precision measuring apparatus; measuring instruments; meteorological instruments; rules [measuring instruments]; micrometer screws for optical instruments; microphones; microtomes; time switches, automatic; mirrors [optics]; breathing apparatus for underwater swimming; nautical apparatus and instruments; naval signalling apparatus; navigational instruments; spectacle frames; eyeglass frames; batteries, electric; accumulators, electric; levels [instruments for determining the horizontal]; levelling instruments; prisms [optics]; observation instruments; octants; ohmmeters; wavemeters; optical apparatus and instruments; optical glass; computers; computer programs, recorded; oscillographs; oxygen transvasing apparatus; ozonisers [ozonators]; micrometers; micrometer gauges; signalling panels, luminous or mechanical; lightning conductors; lightning rods; lightning arresters; parking meters; apparatus and instruments for astronomy; apparatus for measuring the thickness of skins; acid hydrometers; weighing apparatus and instruments; salinometers; washing trays [photography]; stands for photographic apparatus; viewfinders, photographic; photometers; phototelegraphy apparatus; apparatus and instruments for physics; steering apparatus, automatic, for vehicles; pincenez; pipettes; plane tables [surveying instruments]; planimeters; ear plugs for divers; bells [warning devices]; weights; polarimeters; radiotelephony sets; radiotelegraphy sets; pressure measuring apparatus; pressure indicators; projection apparatus; cathodic anti-corrosion apparatus; teeth protectors; pyrometers; radar apparatus; vehicle radios; radiological apparatus for

industrial purposes; protractors [measuring instruments]; apparatus and installations for the production of X-rays, not for medical purposes; X-ray tubes not for medical purposes; protection devices against X-rays, not for medical purposes; telephone apparatus; refractors; X-ray apparatus not for medical purposes; spectroscopes; resistances, electric; thermometers, not for medical purposes; respirators for filtering air; breathing apparatus, except for artificial respiration; rheostats; balances [steelyards]; lever scales [steelyards]; steelyards [lever scales]; signals, luminous or mechanical; saccharometers; probes for scientific purposes; satellites for scientific purposes; diaphragms for scientific apparatus; teaching apparatus; choking coils [impedance]; wire connectors [electricity]; locks, electric; sextants; signalling whistles; vehicle breakdown warning triangles; electro-dynamic apparatus for the remote control of signals; simulators for the steering and control of vehicles; sirens; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; sounding apparatus and machines; sounding leads; sound locating instruments; spectrograph apparatus; spherometers; stereoscopes; stereoscopic apparatus; needles for record players; styli for record players; sulfimeters; teleprinters; teletypewriters; tachometers; screw-tapping gauges; telegraphs [apparatus]; television apparatus; telegraph wires; remote control apparatus; masts for wireless aerials; teleprompters; telephone transmitters; telerupters; binoculars; telescopes; temperature indicators; time recording apparatus; theodolites; thermostats for vehicles; totalizers; revolution counters; speed regulators for record players; transmitters [telecommunication]; precision balances; marking gauges [joinery]; vacuum tubes [radio]; urinometers; variometers; verniers; videotapes; viscosimeters; theft prevention installations,

electric; voltage regulators for vehicles; voting machines; voltmeters; apparatus for changing record player needles; stills for laboratory experiments; fuse wire; anticathodes; dog whistles; sighting telescopes for firearms; telescopic sights for firearms; anti-theft warning apparatus; azimuth instruments; beacons, luminous; holders for electric coils; films, exposed; road signs, luminous or mechanical; life buoys; signalling buoys; buzzers; directional compasses; fog signals, non-explosive; cash registers; radiology screens for industrial purposes; identity cards, magnetic; photovoltaic cells; densitometers; disks, magnetic; floppy disks; head cleaning tapes [recording]; video recorders; computer keyboards; integrated circuits; semi-conductors; chips [integrated circuits]; cathodes; life jackets; life belts; chemistry apparatus and instruments; cinematographic film, exposed; materials for electricity mains [wires, cables]; contact lenses; containers for contact lenses; incubators for bacteria culture; solar batteries; copper wire, insulated; discharge tubes, electric, other than for lighting; electric discharge tubes, other than for lighting; diaphragms [photography]; distillation apparatus for scientific purposes; dosage dispensers; dosimeters; electric door bells; spectacle cases; eyeglass cases; furnaces for laboratory use; ovens for laboratory use; optical fibres [light conducting filaments]; optical fibers [light conducting filaments]; telephone wires; X-ray films, exposed; filters for ultraviolet rays, for photography; horns for loudspeakers; tripods for cameras; bar code readers; bullet-proof waistcoats; bullet-proof vests; marking buoys; wafers for integrated circuits; chromatography apparatus for laboratory use; chronographs [time recording apparatus]; compact discs [audio-video]; compact discs [read-only memory]; computer operating programs, recorded; computer peripheral devices;

computer software, recorded; optical condensers; acoustic couplers; couplers [data processing equipment]; decompression chambers; plotters; divers' masks; electronic pens [visual display units]; encoded magnetic cards; facsimile machines; fire boats; interfaces for computers; juke boxes for computers; knee-pads for workers; light dimmers [regulators], electric; light regulators [dimmers], electric; magnetic data media; magnetic encoders; magnetic tape units for computers; microprocessors; modems; monitors [computer hardware]; monitors [computer programs]; mouse [computer peripheral]; optical character readers; optical data media; optical discs; printers for use with computers; processors [central processing units]; central processing units [processors]; readers [data processing equipment]; safety restraints, other than for vehicle seats and sports equipment; scanners [data processing equipment]; smoke detectors; transistors [electronic]; X-ray photographs, other than for medical purposes; junction sleeves for electric cables; abacuses; electronic agendas; answering machines; camcorders; cassette players; compact disc players; diagnostic apparatus, not for medical purposes; disk drives for computers; electrified rails for mounting spot lights; electronic pocket translators; electronic tags for goods; fire blankets; flashlights [photography]; integrated circuit cards [smart cards]; smart cards [integrated circuit cards]; measuring spoons; notebook computers; electronic notice boards; pocket calculators; shoes for protection against accidents, irradiation and fire; sprinkler systems for fire protection; starter cables for motors; sunglasses; time clocks [time recording devices]; video cassettes; video game cartridges; video screens; video telephones; goggles for sports; nose clips for divers and swimmers; protective helmets for sports; electronic publications, downloadable; computer programs

[downloadable software]; navigation apparatus for vehicles [on-board computers]; decorative magnets; cordless telephones; mouse pads; personal stereos; wrist rests for use with computers; coaxial cables; fibre optic cables; fiber optic cables; covers for electric outlets; marine depth finders; electrified fences; computer game software; headphones; lighting ballasts; radio pagers; satellite navigational apparatus; solenoid valves [electromagnetic switches]; voltage surge protectors; walkie-talkies; wind socks for indicating wind direction; light-emitting electronic pointers; resuscitation mannequins [teaching apparatus]; stage lighting regulators; egg timers [sandglasses]; hourglasses; DNA chips; DVD players; automated teller machines [ATM]; traffic-light apparatus [signalling devices]; hands-free kits for telephones; asbestos screens for firemen; riding helmets; clothing especially made for laboratories; encoded identification bracelets, magnetic; transponders; downloadable ring tones for mobile phones; downloadable music files; downloadable image files; crash test dummies; laboratory centrifuges; printed circuit boards; USB flash drives; Global Positioning System [GPS] apparatus; portable media players; cell phone straps; light-emitting diodes [LED]; triodes; step-up transformers; laptop computers; fire hose; bags adapted for laptops; sleeves for laptops; digital photo frames; Petri dishes; Pitot tubes; stroboscopes; traffic cones; temperature indicator labels, not for medical purposes; computer software applications, downloadable; electronic book readers; smartphones; toner cartridges, unfilled, for printers and photocopiers; baby monitors; video baby monitors; lens hoods; tablet computers; encoded key cards; 3D spectacles; memory cards for video game machines; bullet-proof clothing; accelerometers; electrical adapters; life-saving capsules for natural disasters; computer hardware; solar panels for the

production of electricity; mobile telephones; cell phones; cellular phones; telescopic sights for artillery; digital signs; wearable activity trackers; chargers for electronic cigarettes; connected bracelets [measuring instruments]; covers for smartphones; cases for smartphones; selfie sticks [hand-held monopods]; calorimeters; flowmeters; reflective safety vests; electronic collars to train animals; joysticks for use with computers, other than for video games; smartglasses; smartwatches; fire extinguishing apparatus; protective films adapted for computer screens; mouth guards for sports; head guards for sports; needles for surveying compasses; security tokens [encryption devices]; infrared detectors; covers for personal digital assistants [PDAs]; baby scales; electronic access control systems for interlocking doors; thermal imaging cameras; scales with body mass analysers; scales with body mass analyzers; covers for tablet computers; black boxes [data recorders]; digital weather stations; charging stations for electric vehicles; interactive touch screen terminals; smart rings; electric and electronic effects units for musical instruments; audio interfaces; equalizers [audio apparatus]; equalisers [audio apparatus]; subwoofers; bathroom scales; thermo-hygrometers; biochips; protective films adapted for smartphones; virtual reality headsets; electronic interactive whiteboards; humanoid robots with artificial intelligence; audio mixers; batteries for electronic cigarettes; electronic key fobs being remote control apparatus; electronic sheet music, downloadable; T-squares for measuring; squares for measuring; square rulers for measuring; electronic numeric displays; laboratory robots; teaching robots; security surveillance robots; personal digital assistants [PDAs]; computer software platforms, recorded or downloadable; satellite finder meters; ring sizers; finger sizers; thin client

computers; rearview cameras for vehicles; hand-held electronic dictionaries; resuscitation training simulators; electric wire harnesses for automobiles; snorkels; sports whistles; computer screen saver software, recorded or downloadable; selfie lenses; downloadable graphics for mobile phones; telecommunication apparatus in the form of jewellery; telecommunication apparatus in the form of jewelry; wearable computers; wearable video display monitors; magnetic resonance imaging [MRI] apparatus, not for medical purposes; rescue laser signalling flares”.

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- **na classe 11^a**, *“Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; watering installations, automatic; heat accumulators; acetylene burners; acetylene generators; acetylene flares; ventilation hoods; lighting installations for air vehicles; hot air ovens; air deodorizing apparatus; air deodorising apparatus; air cooling apparatus; filters for air conditioning; air reheaters; air dryers; air driers; air-conditioning installations; air filtering installations; hot air apparatus; hot air bath fittings; friction lighters for igniting gas; gas lighters; lighters; light bulbs; light bulbs, electric; arc lamps; electric lamps; structural plates for ovens; framework of metal for ovens; refrigerating cabinets; lights for vehicles; headlights for automobiles; coolers for furnaces; cooling vats for furnaces; bath tubs; bath tubs for sitz baths; Turkish bath cabinets, portable; bath fittings; heaters for baths; bath installations; bath plumbing fixtures; lamps; lanterns for lighting; lamp mantles; lamp casings; incandescent burners;*

burners for lamps; bicycle lights; bidets; boilers, other than parts of machines; kilns; hydrants; radiator caps; electric torches; electric flashlights; water heaters; bakers' ovens; anti-splash tap nozzles; roasting jacks; roasting spits; laboratory burners; flare stacks for use in the oil industry; burners; germicidal burners; laundry room boilers; washing coppers; toilets, portable; fans [air-conditioning]; coffee roasters; heating apparatus; taps for pipes and pipelines; faucets for pipes and pipelines; spigots for pipes and pipelines; cocks for pipes and pipelines; heat regenerators; oven fittings made of fireclay; light bulbs for directional signals for vehicles; carbon for arc lamps; heating installations; loading apparatus for furnaces; flushing tanks; heating installations [water]; hot water heating installations; heating boilers; boiler pipes [tubes] for heating installations; air conditioners for vehicles; heating apparatus for solid, liquid or gaseous fuels; heaters for vehicles; heating apparatus, electric; central heating radiators; humidifiers for central heating radiators; heating elements; heaters for heating irons; footwarmers, electric or non-electric; footmuffs, electrically heated; plate warmers; immersion heaters; lamp glasses; lamp chimneys; chimney flues; chimney blowers; hair dryers; hair driers; water distribution installations; drying apparatus; air-conditioning apparatus; glue-heating appliances; distillation columns; pipes [parts of sanitary installations]; water-pipes for sanitary installations; water conduits installations; toilets [water-closets]; water closets; freezers; cooking utensils, electric; cooking stoves; cookers; cooking apparatus and installations; motorcycle lights; discharge tubes, electric, for lighting; defrosters for vehicles; disinfectant dispensers for toilets; disinfectant distributors for toilets; disinfectant apparatus; desalination plants; desiccating apparatus; light diffusers; beverage cooling apparatus;

distillation apparatus; showers; sockets for electric lights; water purification installations; water filtering apparatus; cooling installations for water; fountains; pressure water tanks; water sterilizers; water sterilisers; heat exchangers, other than parts of machines; lighting apparatus and installations; chandeliers; purification installations for sewage; ceiling lights; radiators, electric; gas scrubbing apparatus; drying apparatus for fodder and forage; forage drying apparatus; evaporators; stoves [heating apparatus]; filaments for electric lamps; filters for drinking water; flaming torches; forges, portable; furnaces, other than for laboratory use; ovens, other than for laboratory use; fittings, shaped, for furnaces; fittings, shaped, for ovens; shaped fittings for furnaces; shaped fittings for ovens; furnace grates; fire bars; hearths; furnace ash boxes; ash pits for furnaces; refrigerating apparatus and machines; refrigerating chambers; walk-in refrigerators; refrigerating containers; curling lamps; fruit roasters; gas scrubbers [parts of gas installations]; scrubbers [parts of gas installations]; gas burners; gas boilers; gas lamps; steam boilers, other than parts of machines; germicidal lamps for purifying air; ice machines and apparatus; cool boxes, electric; coolers, electric; lamp globes; globes for lamps; hot plates; bread toasters; toasters; roasting apparatus; griddles [cooking appliances]; grills [cooking appliances]; incinerators; ionization apparatus for the treatment of air or water; ornamental fountains; laboratory lamps; milk cooling installations; pasteurisers; oil lamps; ultraviolet ray lamps, not for medical purposes; safety lamps; lamp reflectors; Chinese lanterns; wash-hand basins [parts of sanitary installations]; wash-hand bowls [parts of sanitary installations]; cooling installations for liquids; luminous tubes for lighting; magnesium filaments for lighting; malt roasters; miners' lamps;

processing installations for fuel and nuclear moderating material; installations for processing nuclear fuel and nuclear moderating material; level controlling valves in tanks; lights, electric, for Christmas trees; electric lights for Christmas trees; luminous house numbers; oxyhydrogen burners; radiators [heating]; oil burners; vehicle headlights; heating plates; searchlights; polymerisation installations; kitchen ranges [ovens]; air valves for steam heating installations; water purifying apparatus and machines; air purifying apparatus and machines; refining towers for distillation; cooling installations and machines; cooking rings; water heaters [apparatus]; vehicle reflectors; refrigerating appliances and installations; cooling appliances and installations; dampers [heating]; regulating accessories for water or gas apparatus and pipes; safety accessories for water or gas apparatus and pipes; taps; faucets; washers for water taps; washers for water faucets; rotisseries; sanitary apparatus and installations; drying apparatus and installations; hand drying apparatus for washrooms; coils [parts of distilling, heating or cooling installations]; fans [parts of air-conditioning installations]; sterilizers; sterilisers; cooling installations for tobacco; tobacco roasters; lighting apparatus for vehicles; roasters; ash conveyor installations, automatic; steam generating installations; ventilation [air-conditioning] installations and apparatus; ventilation [air-conditioning] installations for vehicles; toilet bowls; toilet seats; lamp shades; lampshade holders; mixer taps for water pipes; mixer faucets for water pipes; regulating and safety accessories for gas pipes; regulating and safety accessories for water apparatus; steam accumulators; water softening apparatus and installations; ventilation hoods for laboratories; air sterilizers; air sterilisers; stills; alcohol burners; petrol burners; anti-glare devices for vehicles [lamp fittings]; anti-

dazzle devices for vehicles [lamp fittings]; heating apparatus for defrosting vehicle windows; brackets for gas burners; water supply installations; nuclear reactors; atomic piles; autoclaves, electric, for cooking; pressure cookers, electric; lights for automobiles; automobile lights; heaters, electric, for feeding bottles; waffle irons, electric; regulating and safety accessories for gas apparatus; coffee percolators, electric; coffee machines, electric; street lamps; standard lamps; flues for heating boilers; barbecues; deep fryers, electric; fireplaces, domestic; heat pumps; solar thermal collectors [heating]; solar furnaces; tanning apparatus [sun beds]; water flushing installations; flushing apparatus; feeding apparatus for heating boilers; refrigerators; deodorizing apparatus, not for personal use; deodorising apparatus, not for personal use; water intake apparatus; oil-scrubbing apparatus; fumigation apparatus, not for medical purposes; kiln furniture [supports]; pocket warmers; spa baths [vessels]; chromatography apparatus for industrial purposes; heating filaments, electric; gas condensers, other than parts of machines; heating cushions, electric, not for medical purposes; heating pads, electric, not for medical purposes; sauna bath installations; shower cubicles; shower enclosures; sinks; steam facial apparatus [saunas]; urinals [sanitary fixtures]; hot water bottles; kettles, electric; bed warmers; blankets, electric, not for medical purposes; warming pans; aquarium filtration apparatus; aquarium heaters; aquarium lights; electrically heated carpets; dental ovens; electric appliances for making yogurt; expansion tanks for central heating installations; extractor hoods for kitchens; electric fans for personal use; laundry dryers, electric; laundry driers, electric; microwave ovens [cooking apparatus]; swimming pool chlorinating apparatus; thermostatic valves [parts of heating installations]; whirlpool-jet

apparatus; apparatus for dehydrating food waste; diving lights; drip irrigation emitters [irrigation fittings]; clean chambers [sanitary installations]; lava rocks for use in barbecue grills; watering machines for agricultural purposes; microwave ovens for industrial purposes; bread baking machines; refrigerating display cabinets; fabric steamers; bread-making machines; light-emitting diodes [LED] lighting apparatus; hydromassage bath apparatus; heated display cabinets; multicookers; food steamers, electric; tortilla presses, electric; book sterilization apparatus; book sterilisation apparatus; heat guns; chocolate fountains, electric; disinfectant apparatus for medical purposes; wine cellars, electric; fairy lights for festive decoration; string lights for festive decoration; socks, electrically heated; head torches; portable headlamps; nail lamps; sous-vide cookers, electric; microbubble generators for baths; heating and cooling apparatus for dispensing hot and cold beverages; electrically heated clothing; pounded rice cake making machines, electric, for household purposes; wicks adapted for oil stoves; electric cooktops; candle lanterns; air fryers; ice-cream making machines; directional lights for bicycles”.

Sucedede que,

9.

A Reclamante é, por sua vez, legítima titular, entre outros, dos seguintes registros de marcas:

- **Marca Nacional nº 142.057** **AIWA**, requerida a 20 de Abril de 1967 e concedida a 10 de Janeiro de 1969, que assinala, na classe 9ª,

“microfones, gira-discos, gravadores de fita, aparelhos de rádio e aparelhos de televisão”

e da

- Marca Nacional nº 278.612 **aiwa**, requerida a 28 de Novembro de 1991 e concedida a 25 de Agosto de 1993, que assinala, na classe 9ª, *“aparelhos e instrumentos científicos, náuticos, geodésicos, eléctricos, fotográficos, cinematográficos, ópticos, de pesagem, de medida, de sinalização, de verificação (inspecção), de socorro (salvamento) e de ensino; aparelhos para o registo, a transmissão, a reprodução do som ou de imagem; suportes de registo magnético, discos acústicos; distribuidores automáticos e mecanismos para aparelhos de pré-pagamento; caixas registadoras, máquinas de calcular, equipamento para o tratamento de informação e computadores e extintores”*

10.

Importa esclarecer que a 21 de Agosto de 2018 foi apresentado no Instituto Nacional da Propriedade Industrial um averbamento de transmissão para a Reclamante das marcas

nacionais nº 142.057 **AIWA** e nº 278.612 **aiwa** conforme se comprova pelos documentos 1 e 2 que se juntam, cujo teor se dá por integralmente reproduzido para todos os efeitos legais.

11.

A Reclamante foi legalmente constituída a 11 de Abril de 2017 no seu país de origem, que é o Japão, tendo como denominação social **AIWA CO., LTD.** conforme se comprova pela certidão de registo comercial e da respectiva tradução parcial que se juntam como documentos n.ºs 3 e 4, cujo teor se dá por integralmente reproduzidos para todos os efeitos legais.

III - O Direito

a) Da Prioridade das Marcas da Reclamante

12.

Considerando que a prioridade de uma marca é aferida pela data em que o pedido tiver sido apresentado (artigo 11.º, n.º1, do CPI), é indiscutível que as marca das Reclamante gozam de prioridade face à marca de registo internacional *sub judice*.

Com efeito,

13.

A prioridade das marcas da Reclamante é indiscutível, visto que a marca de registo internacional *sub judice* se encontra registada desde 12 de Janeiro de 2018 na Organização Mundial da Propriedade Intelectual e aquelas foram pedidas e concedidas anteriormente a essa data.

b) Da Identidade e Afinidade dos Produtos

14.

Os produtos que a marca registanda se destina a assinalar apresentam um elo de identidade, complementaridade e de consequente afinidade com os produtos assinalados pelas marcas prioritárias da Reclamante

15.

De igual modo, também se estabelece um elo de complementaridade e de consequente afinidade entre os produtos a distinguir pela marca *sub judice* e o objecto social da Reclamante, em particular, o “*design, produção, reparação, distribuição, importação e exportação de equipamento de comunicações, equipamentos eletromecânicos e equipamentos electrónicos mecânicos*”.

16.

Preliminarmente, cabe referir que a Lei não contém uma definição legal do que sejam produtos ou serviços idênticos ou afins e, por isso, fica cometido ao intérprete e aplicador do Direito a tarefa de, casuisticamente, indagar a existência, ou não de identidade e/ou afinidade.

17.

Não obstante, decorre lapidarmente do disposto no artigo 245º, nº 2, do CPI, a irrelevância, para esse efeito da inclusão de produtos ou serviços na mesma classe da Classificação Internacional de Nice.

18.

A fim de auxiliar o intérprete e aplicador do Direito, a Doutrina e Jurisprudência têm apontado diversos critérios, sendo sobremaneira referidos a natureza, fins, destino, a acessoriedade, a complementaridade, o carácter concorrencial dos produtos ou serviços e ainda os canais de comercialização e distribuição.

19.

Parafraseando Couto Gonçalves, o exercício do apuramento da identidade e/ou afinidade dos produtos não pode ser desligado da função primordial da marca, a distintiva, pelo que o que está em causa é sempre a indagação da existência, ou não de identidade e/ou afinidade de produtos ou serviços *marcados*, no sentido se que, aplicando-se-lhes a mesma marca, lhes possa razoavelmente ser atribuída a mesma origem empresarial,

20.

Socorrendo-nos das palavras de Nogueira de Sérens, dir-se-á que «... *a afinidade ou similitude entre os produtos ou serviços afirmar-se-á sempre que, pela sua significação económica, qualidade e modo de utilização, especialmente do ponto de vista dos seus locais normais de produção e de venda, esses produtos ou serviços apresentem 'pontos de contacto' tão estritos que, aplicando-se-lhes a mesma marca, o consumidor médio os poderia razoavelmente atribuir à mesma fonte produtiva²*».

² Nogueira de Sérens, «A Vulgarização da Marca na Directiva nº 89/104/CEE, de 21 de Dezembro de 1988 (id est, no nosso direito futuro)», in Estudos em Homenagem ao Prof. Doutor Ferrer Correia, vol. IV, Coimbra 1997, p. 41

21.

No presente caso estabelece-se uma relação de identidade, complementaridade e, por conseguinte, afinidade entre os produtos que a marca registanda visa assinalar na classe 9ª e os produtos assinalados nessa classe pelas marcas prioritárias da Reclamante.

22.

A este respeito deve observar-se que os produtos assinalados pelas marcas prioritárias da Reclamante estão incluídos na lista dos produtos a distinguir pela marca *sub judice* na classe 9ª.

23.

De facto, as marcas em cotejo assinalam, todas elas, identicamente ou em sinonímia, na classe 9ª *“aparelhos e instrumentos científicos, náuticos, geodésicos, eléctricos, fotográficos, cinematográficos, ópticos, de pesagem, de medida, de sinalização, de verificação (inspecção), de socorro (salvamento) e de ensino; aparelhos para o registo, a transmissão, a reprodução do som ou de imagem; suportes de registo magnético”*

24.

Esses produtos têm a mesma natureza, fins e aplicabilidade, apresentando-se concorrencialmente no mercado e destinando-se à satisfação de necessidades comuns de procura conjunta.

25.

Por outro lado, também se estabelece uma relação de complementaridade, acessoriedade e, por conseguinte, afinidade entre os produtos que a marca *sub judice* visa assinalar e a

actividade da Reclamante, *maxime* a que respeita ao “*Design, produção, reparação, distribuição, importação e exportação de equipamento de comunicações, equipamentos eletromecânicos e equipamentos electrónicos mecânicos*”

26.

Na verdade, na vasta lista de produtos a assinalar pela marca de registo internacional *sub judice* encontram-se diversos aparelhos de comunicações (vg *telegraphs [apparatus]; (...)video telephones (...)laptop computers (...)smartphones (...)tablet computers (...)telecommunication apparatus in the form of jewellery; telecommunication apparatus in the form of jewelry*”, etc.

27.

Além disso, no rol dos produtos a distinguir pela marca reclamada também se encontram alguns exemplos de equipamentos electromecânicos ou ainda equipamentos nos quais os dispositivos electromecânicos são indispensáveis para o seu funcionamento (vg *Apparatus for (...), refrigerating, drying, ventilatin; (...)hair dryers(...)refrigerating apparatus and machines, etc*).

28.

Acresce que são produtos que podem ter a mesma origem empresarial e comungar os mesmos canais de oferta.

29.

Ora, se por mera hipótese académica de raciocínio fosse concedida protecção em Portugal à marca de registo internacional *sub judice*, o consumidor seria induzido em erro ou confusão quanto à origem empresarial dos produtos assinalados.

30.

Com efeito, o consumidor imputaria à Reclamante a origem empresarial dos produtos assinalados pela marca *sub judice*, supondo (em erro) que estaria perante uma nova marca desta ou, ainda, de uma variante das marcas anteriores.

31.

Mesmo que se admitisse, no que se não concede, que o consumidor não atribuisse à Reclamante a origem empresarial dos produtos assinalados pela marca registanda, ainda assim, poderia supor que tais produtos proviriam de uma empresa que tivesse algum tipo de ligação económica ou jurídica com a Reclamante, no fundo, que Reclamante e Reclamada fossem empresas do mesmo grupo ou empresas ligadas económica ou juridicamente entre si, o que se nega por não corresponder à verdade.

c) Da Semelhança entre os Sinais

32.

Através da comparação das marcas em cotejo facilmente se conclui que estas têm flagrantes e ostensivas semelhanças entre si, sendo susceptíveis de induzir o consumidor

em situações de erro ou confusão bem como no risco de associação quanto à origem empresarial de tais marcas.

33.

Na verdade, como se constata pela análise comparativa dos elementos nominativos das marcas em disputa

AIWA

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elas são iguais!

34.

Com efeito, a marca registanda reproduz na íntegra as marcas prioritárias da Reclamante, o que é dizer, que estas estão totalmente contidas no sinal *sub judice*.

35.

O facto de as marcas em confronto serem marcas mistas não altera em nada o juízo da existência de semelhança e confundibilidade entre os sinais.

36.

Na verdade, apesar de serem marcas mistas, os sinais em disputa têm carácter predominantemente nominativo na medida em que consistem na estilização da palavra **AIWA**, respectivamente, em letras representando um grafismo especial e em letras com caracteres maciços.

37.

Além disso, é pacífica a prevalência dos elementos nominativos nas marcas complexas, formadas por elementos nominativos e figurativos por os primeiros serem os mais idóneos a ser retidos e conservados na memória do consumidor.

38.

Com efeito, é pelo *nomen* que o consumidor identifica e se refere a uma marca. E, como ressalta à evidência, o consumidor que pretendesse adquirir produtos das marcas cotejadas, identificá-los-ia, e identificá-los-á, exactamente da mesma maneira, **AIWA**,

39.

Seria, pois, inevitável, a indução do consumidor em erro ou confusão.

40.

Na verdade, nos termos preditos, o consumidor julgaria que a marca registanda seria ou uma variante das marcas anteriores da Reclamante, *rectius*, uma versão “actualizada/melhorada” destas, ou mesmo uma nova marca da Reclamante ou, ainda, eventualmente, uma marca proveniente de uma empresa que fizesse parte do mesmo grupo da Reclamante ou que com ela tivesse algum tipo de ligação económica ou jurídica, o que volta a negar-se por não corresponder, manifestamente, à verdade.

41.

Mas, a marca registanda reproduz totalmente o elemento característico da denominação social da Reclamante **AIWA CO.,LTD**, sendo aqui aplicáveis com as necessárias

adaptações as considerações vertidas nos artigos anteriores acerca da comparação dos sinais.

Ora,

42.

A marca é o sinal distintivo de comércio destinado a individualizar produtos e serviços de uma empresa dos de outras empresas (artigo 222º, nº1, do CPI), daí que se afirme que a principal função da marca é a distintiva.

43.

A função distintiva da marca ficaria inelutavelmente comprometida se existissem outras marcas ou outros sinais distintivos de comércio para produtos ou serviços idênticos ou afins que com ela se confundissem.

44.

Por essa razão prevê imperativamente a Lei como fundamento de recusa de registo de marca a reprodução ou imitação, no todo ou em parte, de marca anteriormente registada por outrem para produtos ou serviços idênticos ou afins, que possa induzir em erro ou confusão o consumidor ou que compreenda o risco de associação com a marca registada (artigo 239º, nº1, alínea a) *ex vi* artigo 254º do CPI).

45.

Também por essa razão o artigo 239º, nº2, alínea a) *ex vi* artigo 254º do CPI determina como fundamento de recusa, dependente de invocação, a reprodução ou imitação de firma, de denominação social, ou apenas parte característica das mesmas, que não

pertençam ao requerente, ou que o mesmo não esteja autorizado a usar, se for susceptível de induzir o consumidor em erro ou confusão.

46.

Acresce que nos termos do artigo 8º da Convenção da União de Paris, o nome comercial será protegido em todos os países da União, sem obrigação de depósito ou registo, façam ou não parte de marca de fábrica ou de comércio.

47.

Uma marca é considerada imitação de outra quando, cumulativamente, nos termos do disposto no artigo 245º, nº1, do CPI, além da prioridade, se verificarem os seguintes requisitos:

- Sejam ambas destinadas a assinalar produtos ou serviços idênticos ou afins;
- Tenham tal semelhança gráfica, figurativa, fonética ou outra que induza facilmente o consumidor em erro ou confusão, ou que compreenda um risco de associação com marca anteriormente registada, de forma que o consumidor não as possa distinguir senão depois de exame atento ou confronto.

48.

Atendendo a tudo quanto antecede, forçoso é concluir-se que se encontram preenchidos todos os requisitos cumulativos do conceito legal de imitação, razão pela qual deverá ser RECUSADA a protecção em Portugal da marca de registo internacional nº 1406247



com base na verificação dos fundamentos de recusa previstos nos

artigos 239º, nº1, alínea a) e 239º, nº2, alínea a) do CPI *ex vi* artigo 254º do CPI e do artigo 8º da Convenção da União de Paris.

d) Possibilidade de Concorrência Desleal

49.

Mas também com fundamento no disposto na alínea e) do artigo 239º, nº1, *ex vi* artigo 254º do CPI recusada a protecção em Portugal da marca de registo internacional *sub judice*.

50.

Segundo aquela norma o reconhecimento de que o requerente pretende fazer concorrência desleal, ou o reconhecimento de que esta é possível, independentemente de intenção, é igualmente fundamento de recusa de registo de marca.

51.

São actos de concorrência desleal, nomeadamente, os actos susceptíveis de criar confusão com a empresa, o estabelecimento, os produtos ou os serviços dos concorrentes qualquer que seja o meio empregado (artigo 317º, nº1, alínea. a) do CPI).

52.

Para que se verifique concorrência desleal não é necessária a existência de dolo, basta que a concorrência desleal seja possível independentemente da intenção do agente, isto é, que esse resultado seja objectivamente concebível e provável, atenta a manifesta

semelhanças entre as marcas em confronto e a identidade ou afinidade entre os produtos e/ou serviços que tais marcas se destinam a assinalar.

53.

Na opinião do Professor Oliveira Ascensão, a concorrência desleal pode não depender da verificação de elementos do tipo criminal, tratando-se antes de uma contrariedade objectiva aos padrões de lealdade na concorrência.

54.

A própria Lei diz que é dispensado qualquer tipo de intenção maléfica, bastando que a concorrência desleal seja possível independentemente da intenção do agente.

55.

No presente caso, tendo sido demonstrada a existência de um elo de identidade, complementaridade e, por conseguinte, afinidade entre os produtos bem como as inegáveis e evidentes semelhanças entre os sinais, forçoso se torna concluir que se fosse efectivamente concedida protecção em Portugal à marca de registo internacional *sub judice*, estar-se-ia a possibilitar, mesmo que não existisse intenção da Reclamada a prática de actos de concorrência desleal impeditivos de registo nos termos da alínea e) do artigo 239º, nº1, do CPI *ex vi* artigo 254º do CPI.

Nestes termos e nos mais de Direito, que doutamente serão supridos deve a presente Reclamação ser julgada procedente e, em

consequência, recusada a protecção em Portugal à
marca de registo internacional nº 1406247



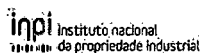
Junta: 4 documentos

Lisboa, 2 de Outubro de 2018

O AGENTE OFICIAL DA PROPRIEDADE INDUSTRIAL

[Assinatura
Qualificada]
António
Infante da
Câmara
Trigueiros de
Aragão

Assinado de forma digital por
[Assinatura Qualificada] António
Infante da Câmara Trigueiros de
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serialNumber=IDCPT-06940260,
cn=[Assinatura Qualificada]
António Infante da Câmara
Trigueiros de Aragão
Dados: 2018.10.02 14:09:20
+01'00'



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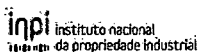
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20182000643856	0582	21/08/2018 16:00:41	MNA	142057

SINAIS DISTINTIVOS DO COMÉRCIO (OUTROS ATOS)

1	REQUERENTE
Código Nacionalidade JAPONÊS	
Nome AIWA CO., LTD.	
Endereço 1-6-3, HIGASHI-GOTANDA	
Localidade SHINAGAWA-KU, TOKYO	Código Postal
País JAPÃO	
Telefone 213241530	Telemóvel Fax 213422446
Email marcpat@agcunhaferreira.pt	
Actividade(CAE)	
NIF	
Tipo de Representação Agente Oficial de Propriedade Industrial	
Código 600060	Nacionalidade PORTUGUESA
Nome MANUEL MARIA CABRAL DA CUNHA FERREIRA	
Endereço AV. 5 DE OUTUBRO, Nº 146, 7º ANDAR	
Localidade LISBOA	Código Postal 1050-061
País PORTUGAL	
Telefone	Telemóvel Fax
NIF 200964852	
2	ATO REQUERIDO
TRANSMISSÃO TOTAL	
PROCESSO RELACIONADO MARCA NACIONAL Nº 142057	
3	TRANSMITENTES
Código 2185144	Nacionalidade JAPONÊS
Nome SONY CORPORATION	
Endereço 1-7-1 KONAN, MINATO-KU	
Localidade TOKYO	Código Postal
4	ADQUIRENTES

Transmitente		
Código	Nacionalidade JAPONÊS	
Nome AIWA CO., LTD.		
Endereço 1-6-3, HIGASHI-GOTANDA		
Localidade SHINAGAWA-KU, TOKYO	Código Postal	
País JAPÃO		
Telefone 213241530	Telemóvel	Fax 213422446
Email marcpat@agcunhaferreira.pt		
Actividade(CAE)		
NIF		
5 DOCUMENTOS ANEXOS		
DOCUMENTO DE CESSÃO(DEED OF ASSIGNMENT.pdf) - PROCURAÇÃO (Já consta no processo)		
6 OBSERVAÇÕES		
7 TAXAS		
Taxa	Importância	
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Total	106,61 €	
Por Extenso	CENTO E SEIS EUROS E SESENTA E UM CÊNTIMOS	
8 PAGAMENTO (Este documento serve como suporte contabilístico)		
Tipo de Pagamento	Débito em conta	
Banco	BANCO COMERCIAL PORTUGUÊS	
NIB	PT50003300000000786689505	
Montante	106,61 €	
Débito a partir de	16/09/2018	
9 ASSINATURA DO REQUERENTE OU MANDATÁRIO/REPRESENTANTE LEGAL		
Assinatura/Nome MANUEL MARIA CABRAL DA CUNHA FERREIRA		
Nº B.I. 200964852	Tipo Agente Oficial de Propriedade Industrial	

Utilizador: AOPI600060



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Nº REQUERIMENTO	CÓDIGO	DATA E HORA DE RECEÇÃO	MODALIDADE	PROCESSO RELACIONADO
20182000643876	0582	21/08/2018 16:13:43	MNA	278612

SINAIS DISTINTIVOS DO COMÉRCIO (OUTROS ATOS)

1	REQUERENTE
Código Nacionalidade JAPONÊS Nome AIWA CO., LTD. Endereço 1-6-3, HIGASHI-GOTANDA Localidade SHINAGAWA-KU, TOKYO Código Postal País JAPÃO Telefone 213241530 Telemóvel Fax 213422446 Email marcpat@agcunhaferreira.pt Actividade(CAE) NIF	
Tipo de Representação Agente Oficial de Propriedade Industrial Código 600060 Nacionalidade PORTUGUESA Nome MANUEL MARIA CABRAL DA CUNHA FERREIRA Endereço AV. 5 DE OUTUBRO, Nº 146, 7º ANDAR Localidade LISBOA Código Postal 1050-061 País PORTUGAL Telefone Telemóvel Fax NIF 200964852	
2	ATO REQUERIDO
TRANSMISSÃO TOTAL PROCESSO RELACIONADO MARCA NACIONAL Nº 278612	
3	TRANSMITENTES
Código 2185144 Nacionalidade JAPONÊS Nome SONY CORPORATION Endereço 1-7-1 KONAN, MINATO-KU Localidade TOKYO Código Postal	
4	ADQUIRENTES

Transmitente		
Código	Nacionalidade JAPONÊS	
Nome AIWA CO., LTD.		
Endereço 1-6-3, HIGASHI-GOTANDA		
Localidade SHINAGAWA-KU, TOKYO	Código Postal	
País JAPÃO		
Telefone 213241530	Telemóvel	Fax 213422446
Email marcpat@agcunhaferreira.pt		
Actividade(CAE)		
NIF		
5 DOCUMENTOS ANEXOS		
DOCUMENTO DE CESSÃO(DEED OF ASSIGNMENT.pdf) - PROCURAÇÃO (Já consta no processo)		
6 OBSERVAÇÕES		
7 TAXAS		
Taxa	Importância	
Transmissão	106,61 €	
Total	106,61 €	
Por Extenso		CENTO E SEIS EUROS E SESSENTA E UM CÊNTIMOS
8 PAGAMENTO (Este documento serve como suporte contabilístico)		
Tipo de Pagamento	Débito em conta	
Banco	BANCO COMERCIAL PORTUGUÊS	
NIB	PT50003300000000786689505	
Montante	106,61 €	
Débito a partir de	16/09/2018	
9 ASSINATURA DO REQUERENTE OU MANDATÁRIO/REPRESENTANTE LEGAL		
Assinatura/Nome MANUEL MARIA CABRAL DA CUNHA FERREIRA		
Nº B.I. 200964852	Tipo Agente Oficial de Propriedade Industrial	

Utilizador: AOPI600060

履歴事項全部証明書

東京都品川区東五反田一丁目6番3号
アイワ株式会社

会社法人等番号	0107-01-034037	
商号	アイワ株式会社	
本店	東京都品川区東五反田一丁目6番3号	
公告をする方法	官報に掲載してする。	
会社成立の年月日	平成29年4月11日	
目的	(1) 通信機器、電気機械器具及び電子機械器具の設計、製造、修理、販売及び輸出入 (2) 光学機械器具及び精密機械器具の設計、製造、修理、販売及び輸出入 (3) 医療用具、医療用機械器具及び衛生用具、衛生用機械器具の設計、製造、修理、販売及び輸出入 (4) コンピュータソフトウェアの開発、販売及び輸出入 (5) 前各号の製品、物品及びコンピュータソフトウェアに関する商標その他の知的財産権の管理及び使用許諾 (6) 前各号に附帯又は関連する一切の業務	
発行可能株式総数	100万株	
発行済株式の総数並びに種類及び数	発行済株式の総数 2000株	
	発行済株式の総数 1万2000株	平成30年 3月 6日変更 平成30年 3月12日登記
資本金の額	金2000万円	
	金7000万円	平成30年 3月 6日変更 平成30年 3月12日登記
株式の譲渡制限に関する規定	当会社の株式を譲渡により取得するには、株主総会の承認を受けなければならない。	
役員に関する事項	取締役 三井知則	

東京都品川区東五反田一丁目6番3号
アイワ株式会社

	取締役 中 村 和 臣	
	取締役 蒲 生 雅 一	平成29年 9月 1日就任
		平成29年 9月27日登記
	取締役 小 牟 田 啓 博	平成29年 9月 1日就任
		平成29年 9月27日登記
	東京都八王子市大塚640番地8 代表取締役 三 井 知 則	
	東京都新宿区西落合四丁目7番4号 代表取締役 蒲 生 雅 一	平成29年 9月 1日就任
		平成29年 9月27日登記
登記記録に関する 事項	設立 平成29年 4月11日登記	

これは登記簿に記録されている閉鎖されていない事項の全部であることを証明
した書面である。

(東京法務局品川出張所管轄)

平成30年 6月 1日

東京法務局新宿出張所
登記官

関 孝 志



整理番号 へ346272

* 下線のあるものは抹消事項であることを示す。

2/2

(Translation)
Certificate of Full Registry Records

1-6-3, Higashi-gotanda, Shinagawa-ku, Tokyo

AIWA CO., LTD.

Corporate Number	0107-01-034037	
Corporate Name	AIWA CO., LTD.	
Head Office	1-6-3, Higashi-gotanda, Shinagawa-ku, Tokyo	
Methods of Advertising	Through official gazettes	
Date of Establishment	April 11th, 2017	
Objectives	(1) Design, production, repair, distribution, import and export of communication equipments, electric mechanical equipments and electronic mechanical equipments (2) Design, production, repair, distribution, import and export of optical mechanical equipments and precision mechanical equipments (3) Design, production, repair, distribution, import and export of medical equipments, medical mechanical equipments, sanitary equipments and sanitary mechanical equipments (4) Development, distribution, import and export of computer software (5) Management and license of trademarks and other intellectual property right concerning to the products, materials and computer software in the items above (6) All businesses incidental or related to the items above	
Total Number of Issuable Shares	1,000,000 shares	
Total Number, Type, and Number of Issued Shares	Total Number of Issued Shares 2,000 shares	
	Total Number of Issued Shares 12,000 shares	Changed on March 6th, 2018
		Registered on March 12th, 2018
Capital	20,000,000 yen	
	70,000,000 yen	Changed on March 6th, 2018
		Registered on March 12th, 2018
Provisions Concerning Restrictions on Transfers of Shares	Stockholders or stockacquirers are required to have approval from the board of directors when the company's shares are acquired by transfer.	
Items Related to Directors	Director Tomonori Mitsui	
	Director Kazuomi Nakamura	
	Director Masakazu Gamo	Appointed on September 1st, 2018 Registered on September 27th, 2018
	Director Yoshihiro Komuta	Appointed on September 1st, 2018 Registered on September 27th, 2018

	640-8, Otsuka, Hachio-ji, Tokyo	
	Representative and Chier Director Tomonori Mitsui	
	4-7-4, Nishiochiai, Shinjuku-ku, Tokyo	Appointed on September 1st, 2018
	Representative and Chier Director Masakazu Gamo	Registered on September 27th, 2018
Item Related to Registered Records	Establishment	Registered on April 11th, 2017

This certifies that all valid matters that are registered in the registry are contained.

(Shinagawa Branch of Tokyo Local Legal Affairs Bureau)

June 1st, 2018

Shinjuku Branch of Tokyo Local Legal Affairs Bureau

Registrar

Koji Seki [seal]

File No. へ346272

*Underlined parts are issues expunged.

000-5-1
6/4/18

Tradução parcial

(Tradução)

Certificado Integral de Averbamentos no Registo Comercial

1-6-3, Higashi-gotanda, Shinagawa-ku, Tóquio

No. de Registo da Sociedade	0107-01-034037
Denominação Social	AIWA CO., LTD.
Sede	1-6-3, Higashi-gotanda, Shinagawa-ku, Tóquio
Método de aviso público	Através de boletins oficiais
Data de constituição	11 de Abril de 2017
Objetivos	(1) Design, produção, reparação, distribuição, importação e exportação de equipamento de comunicações, equipamentos eletromecânicos e equipamentos eletrónicos mecânicos (2) Design, produção, reparação, distribuição, importação e exportação de aparelhos óticos mecânicos e aparelhos de precisão mecânicos (3) Design, produção, reparação, distribuição, importação e exportação de aparelhos médicos, aparelhos médicos mecânicos, aparelhos sanitários e aparelhos sanitários mecânicos (4) Desenvolvimento, distribuição, importação e exportação de software (5) Gestão e licenciamento de marcas e de outros direitos de propriedade intelectual relativos a produtos, materiais e software dos artigos acima (6) Todos os negócios inerentes ou relativos aos artigos acima

(...)

O presente certifica que estão incluídos todos os atos em vigor inscritos no Registo.

(Sucursal de Shinagawa do Departamento de Assuntos Jurídicos de Tóquio)

1 de Junho de 2018

Sucursal de Shinjuku do Departamento de Assuntos Jurídicos de Tóquio

O Conservador

Koji Seki [selo]

Número de registo 346272

*O sublinhado indica que a inscrição foi cancelada.