

X. (Title and date of the applicable national law)

Extract from the Trade Mark Law

Version of 19/10/2013, Section 96 updated

Absolute obstacles to protection

8. - (1) Signs eligible for protection as a trade mark within the meaning of section 3 which cannot be depicted graphically shall be excluded from registration.
- (2) The following trade marks shall be excluded from registration
1. those which are devoid of any distinctive character for the goods or services,
 2. which consist exclusively of signs or indications which may serve, in the course of trade, to designate the nature, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the services or to designate other characteristics of the goods or services,
 3. which consist exclusively of signs or indications which have become customary in the current usage or in the bona fide and established practices of the trade to designate the goods or services,
 4. which are of such a nature to mislead the public, in particular with regard to the nature, the quality or the geographical origin of the goods or services,
 5. which are contrary to public policy or to accepted principles of morality,
 6. which contain state coats of arms, state flags or other sovereign state symbols or coats of arms of a domestic locality or of a domestic municipal or other local authority association,
 7. which contain official certification marks or hallmarks which are excluded from registration as a trade mark in accordance with a notice made by the Federal Ministry of Justice in the Federal Law Gazette (BGBl.),
 8. which contain coats of arms, flags or other symbols, seals or designations of international intergovernmental organisations which are excluded from registration as a trade mark in accordance with a notice made by the Federal Ministry of Justice in the Federal Law Gazette,
 9. the use of which can evidently be prohibited in the public interest in accordance with other provisions, or
 10. which have been applied for in bad faith.
- (3) Subs. 2 Nos. 1, 2 and 3 shall not apply if, prior to the point in time of the decision on registration, the trade mark has become established in the trade circles involved as a result of its use for the goods or services for which the application was filed.
- (4) Subs. 2 Nos. 6, 7 and 8 shall also be applied if the trade mark contains the imitation of a sign listed there. Subs. 2 Nos. 6, 7 and 8 shall not be applied if the applicant is empowered to include in the trade mark one of the signs listed therein, even if it can be confused with one of the other signs listed therein. Subs. 2 No. 7 shall furthermore not be applied if the goods or services for which the trade mark application was filed are neither identical with nor similar to those for which the certification mark or hallmark has been introduced. Subs. 2 No. 8 shall further not be applied if the trade mark applied for is not suitable to create among the public the incorrect impression of a connection with the international intergovernmental organisation.

Trade marks that have been filed or registered as relative obstacles to protection

9. - (1) The Registration of a trade mark may be cancelled
1. if it is identical to a trade mark applied for or registered which has older seniority and the goods or services for which it was registered are identical with the goods or services for which the trade mark with older seniority was filed or registered,
 2. if the likelihood of confusion exists, including the likelihood of association between the trade marks, for the public because of its identity with or similarity to a trade mark applied for or registered with older seniority and owing to the identity or similarity of the goods or services covered by both trade marks, or
 3. if it is identical with or similar to a trade mark applied for or registered with older seniority and has been registered for goods or services which are not similar to those for which the trade mark with older seniority has been filed or registered, if the trade mark with older seniority is a trade mark which has a reputation in this country and the use of the registered trade mark would without due cause take unfair advantage of, or be detrimental to, the distinctive character or the repute of the trade mark which has a reputation.
- (2) Applications for trade marks shall only constitute an ground for refusal within the meaning of subs. 1 if they are registered.

Opposition

42. - (1) Within a three-month period after the date of the publication of the registration of the trade mark in accordance with section 41, the proprietor of a trade mark or of a commercial designation with older seniority may lodge an opposition against the registration of the trade mark.
- (2) The opposition may only invoke that the trade mark may be cancelled
1. because of a trade mark applied for or registered with older seniority in accordance with section 9,
 2. because of a well-known mark with older seniority in accordance with section 10 in conjunction with section 9,
 3. because of its registration for an agent or representative of the trade mark proprietor in accordance with section 11, or
 4. because of a trade mark not registered with older seniority in accordance with section 4 No. 2 or of a commercial designation with older seniority in accordance with section 5 in conjunction with section 12.
- (3) (repealed)

Objection of insufficient use, decision on the opposition

43. - (1) If the opposition has been lodged by the proprietor of a registered trade mark with older seniority, he/she shall, if the other party disputes the use of the trade mark, make a plausible case that he/she, within the last five years prior to the publication of the registration of the trade mark which is targeted by the opposition, has been used in accordance with section 26 insofar as it has been registered for at least five years at this point in time. If the period of five years of non-use ends after the publication of the registration, the opponent, if the other party disputes the use, must make a plausible case that the trade mark has been used in accordance with section 26 within the past five years prior to the decision on the opposition. Only those goods or services shall be taken into consideration in the decision with respect to which a plausible case has been made for use.
- (2) If the examination of the opposition reveals that the trade mark is to be cancelled for all or part of the goods or services in respect of which it is registered, the registration shall be cancelled in full or in part. If the registration of the trade mark cannot be cancelled, the opposition shall be refused.
- (3) If the registered trade mark is to be cancelled because of one or several trade marks with older seniority, the proceedings on further objections may be suspended until a decision has been handed down with legal force on the registration of the trade mark.
- (4) Section 52 subs. 2 and 3 shall be applied mutatis mutandis in the event of cancellation in accordance with subs. 2.

Domestic representative

96. - (1) Any person who has neither their residence nor principal place of business nor an establishment in Germany may participate in the proceedings before the German Patent and Trade Mark Office or the Federal Patent Court which are regulated under this Act and assert the rights deriving from a trade mark only if he has appointed as his representative a lawyer or patent attorney who is authorised and empowered to represent him in proceedings before the German Patent and Trade Mark Office, before the Federal Patent Court and in civil litigation affecting this trade mark, as well as to file motions for criminal prosecution.
- (2) The place where a representative appointed pursuant to subsection (1) has his commercial premises shall be deemed, within the meaning of section 23 of the Code of Civil Procedure, to be the place where the asset is located; if there are no such commercial premises, the place where the representative is residing in Germany shall be decisive or, if there is no such place, the place where the German Patent and Trade Mark Office has its seat.
- (3) The legal termination of the appointment of a representative in accordance with subsection (1) shall not become effective until the German Patent and Trade Mark Office or the Federal Patent Court has been informed of both the termination of this appointment and the appointment of another representative.

Application of the provisions of this Act; language

107. (1) The provisions of this Act shall be applied mutatis mutandis to the international registration of trade marks in accordance with the Madrid Agreement Concerning the International Registration of Marks (Madrid Agreement on Marks) carried out through the intermediary of the Patent Office or whose protection covers the territory of the Federal Republic of Germany unless provided otherwise in this Chapter or in the Madrid Agreement on Marks.
- (2) All and any applications, as well as other communications in the proceedings for international registration and the list of goods and services, shall be submitted in either French or English, at the choice of the applicant.

Opposition


114. - (1) The publication of the registration (section 41) for internationally-registered trade marks shall be substituted by publication in the Information Notice published by the International Bureau of the World Intellectual Property Organisation.
- (2) The time limit to lodge the opposition (section 42 subs. 1) against the granting of protection for internationally-registered trade marks shall commence on the first day of the month following the month stated as the issue month of the edition of the Information Notice containing the publication of the internationally-registered trade mark.
- (3) Refusal of protection shall take the place of the cancellation of the registration (section 43 subs. 2).

Extract from the Trade Mark Ordinance version of 11 May 2004

Section 46 Refusal of Protection

(1) Where protection is, in full or in part, refused to an international registration the protection of which has been extended to the territory of the Federal Republic of Germany under Article 3ter of the Madrid Agreement or under Article 3ter of the Protocol Relating to the Madrid Agreement, and where this refusal is communicated to the International Bureau of the World Intellectual Property Organization to be transmitted to the proprietor of the international registration, the time limit for appointing a representative in Germany shall, to avoid final refusal, be fixed to four months from the date on which notification of refusal was dispatched by the International Bureau of the World Intellectual Property Organization.

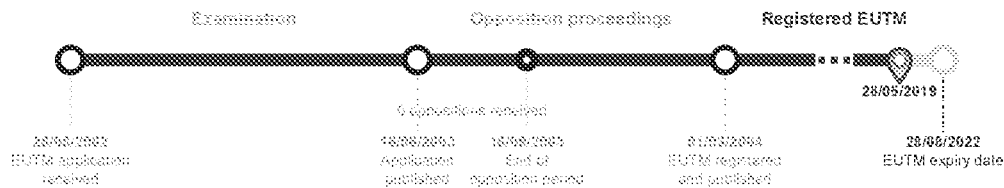
(2) Where the refusal of protection has become final because the proprietor of the international registration has failed to appoint a representative in Germany, a special motion (*Erinnerung*) or an appeal from the refusal shall be filed with the German Patent and Trade Mark Office within one further month after the time limit under subsection (1). Instructions about the proprietor's right to appeal shall be attached to the refusal. Section 61(2) of the Trade Mark Act shall apply *mutatis mutandis*.

still X.	<p>Supplementary box grounds for refusal – <i>item V</i> –</p> <p style="text-align: center;">International Trade Mark 1 453 355</p> <p>The extension of protection of a trade mark consisting of or containing non-Latin characters is subject to special rules (Sec. 119, 124, 32 (3), 36(1) no. 2, 36 (4) Trade Mark Act, Sec. 15 (2), (4) Trade Mark Ordinance; Art. 5 Protocol Relating to the Madrid Agreement; Art. 6 quinquies B Paris Convention).</p> <p>If these requirements are not met, the trade mark will be refused on formal grounds.</p> <p>The company (companies) mentioned below has (have) lodged opposition to the admission of the trade mark because of earlier national or international application or registration of its (their) trade mark(s) listed below (Sec. 119, 124, 114, 42 Trade Mark Law; Art. 5 Protocol Relating to the Madrid Agreement; Art. 6 quinquies B Paris Convention):</p> <p>LEGO Juris A/S, DK-7190 Billund, Danmark (EM 002 829 463 – LEGO (fig))</p> <p><u>Note:</u></p> <p>If no representative has been appointed within the provisional time limit of the first four months, this fact constitutes in itself a ground for refusal after the notification concerning the refusal of protection has become final (Sec. 119, 96 Trade Mark Law).</p>	
XII.	<p>Annexes (crossed off below)</p> <p><input checked="" type="checkbox"/> 1 reproduction of 1 opposed trade mark including a figurative element or a special graphic design</p> <p><input type="checkbox"/> List specifying the registration number as well as the relevant goods/services in respect of each opposed trade mark</p> <p><input type="checkbox"/> List of professional representatives</p> <p><input type="checkbox"/> List of goods/services</p>	<p>XI. Signature or official seal of the administration which pronounced the refusal</p> <div style="text-align: center;">  </div>

EUTM file information

LEGO
002829463

Timeline



Trade mark information

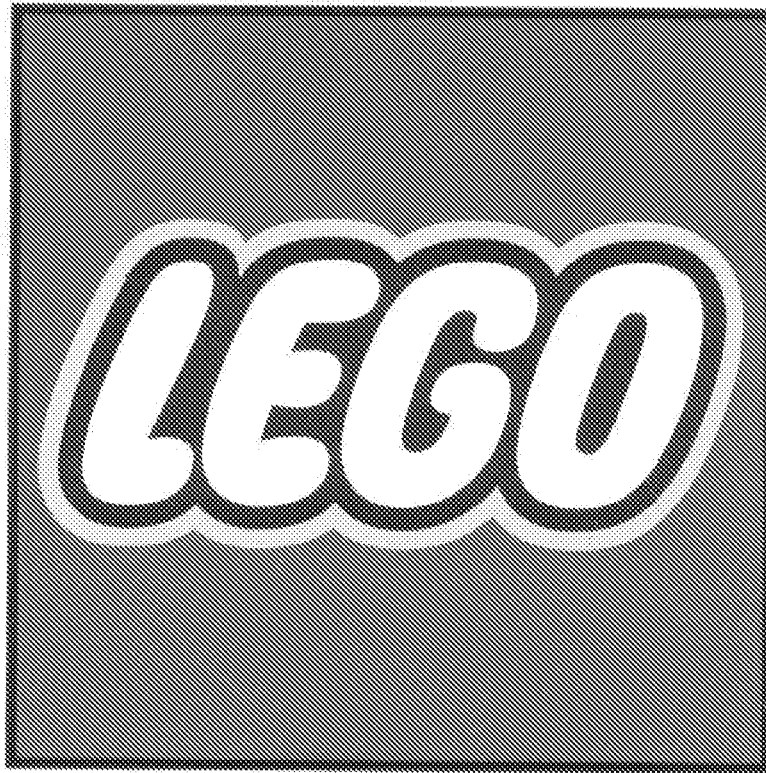
Name	LEGO	Filing date	28/08/2002
Filing number	002829463	Registration date	07/01/2004
Basis	EUTM on which IA is based	Expiry date	28/08/2022
Date of receipt	28/08/2002	Designation date	
Date of receipt of International Registrat...	11/11/2005	Filing language	English
IR number	0869258	Second language	German
Type	Figurative	Application reference	C14.63
Nature	Individual	Trade mark status	Registered
Nice classes	3, 9, 14, 16, 18, 20, 21, 24, 25, 27, 28, 30, 38, 41, 43 (Nice Classification)	Acquired distinctiveness	No
Vienna Classification	26.04.01, 26.04.05, 26.04.22, 29.01.01 (Vienna Classification)		

Graphic representation

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Goods and services

English (en)



- 3** Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
- 9** Scientific, nautical, surveying, electric and electronic, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments (included in class 9); 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; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; software; eyeglasses; eyeglass cases; magnets.
- 14** Precious metals and their alloys and goods in precious metals or coated therewith (included in class 14); jewellery; horological and chronometric instruments; watch bands; key rings (trinkets or fobs).
- 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; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (included in class 16); Bags (envelopes, pouches) of paper or plastic, for packaging; wrapping paper; money holders; bookends; boxes of cardboard or paper; boxes for pens; pen cases; binders (loose leaf); chromos; coasters of paper; erasing products; writing pads; note books; paperweights; pencil sharpeners; photograph stands; table clothes, linen, mats and napkins, all of paper.
- 18** Leather and imitations of leather, and goods made of these materials (included in class 18); trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery; backpacks, rucksacks, beach bags, game bags, briefcases, handbags, pocket wallets, purses, school satchels, school bags.
- 20** Furniture, mirrors, picture frames; goods (included in class 20) of wood, cork, reed, or of plastics; air mattresses; sleeping bags; bedding (except linen); cases of wood or plastic; coat hangers; drinking straws; figurines of plastic; playpens for babies; jewelry cases, not of precious metal; point of sale displays (furniture).
- 21** Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes; drinking vessels; ice cube moulds; cake moulds; candle sticks; salt shakers, not of precious metal; coasters; mugs; pots; tableware (other than knives, forks, and spoons), not of precious metal; toothbrushes; toilet utensils; money boxes, not of metal.
- 24** ~~We use cookies and our website to support technical features that enhance your user experience. We also use analytics.~~
- 25** Clothing, footwear, headgear. [Click for more information](#) X

- 27** Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).
- 28** Games and playthings; gymnastic and sporting articles (included in class 28); decorations for Christmas trees.
- 30** Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals; bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.
- 38** Telecommunications.
- 41** Education; providing of training; entertainment; sporting and cultural activities.
- 43** Services for providing food and drink; temporary accommodation.

Description

English (en)



Description

Colour Red, white, black and yellow.

Owners

LEGO Juris A/S

ID	206059	Country	DK - Denmark	Correspondence address	
Organisation	LEGO Juris A/S	State/country	n/a	LEGO Juris A/S Koldingvej 2 DK-7190 Billund DINAMARCA	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal entity	Town	Billund		
		Post code	7190		
		Address	Koldingvej 2		Hidden. You can set your contact details to be publicly available via the User Area.
					Hidden. You can set your contact details to be publicly available via the User Area.

Representatives

BOMHARD IP, S.L.

ID	72210	Country	ES - Spain	Correspondence address	
Organisation	n/a	State/country	n/a	Bomhard IP, S.L. C/Bilbao, 1, 5º E-03001 Alicante ESPAÑA	965129470
Legal status	Legal person	Town	Alicante		965129475
Type	Association	Post code	03001		
		Address	C/Bilbao, 1, 5º		mail@bomhardip.com

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
EUTM		002829463	LSU01 - Information to proprietors of earlier trade mark registrations or applications	27/02/2019	
Inspection request		002589859	D109m - Request for inspection - issue of copies, extracts or communication of information	05/12/2018	
Inspection request		002589859	D123-Legalizar documentos (NB: ES only)	05/12/2018	
Inspection request		002589859	D113 - Certified copy	05/12/2018	
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Inspection		002589859	D108m - Request for inspection - issue of copies, extracts or communication of information	05/12/2018	

	From	Procedure	Filing number	Subject	Date	Action
		Inspection request	002589859	Application form and attachment	05/12/2018	
		EUTM	002829463	LSU01 - Information to proprietors of earlier trade mark registrations or applications	28/06/2018	
		Recordal	010776063	T65XA	19/06/2017	
		Recordal	010776063	T5EMF - Communication on a recordal application of a registered European Union trade mark	02/06/2017	
		Recordal	010776063	Application form and attachment	06/04/2017	
Showing 1 to 16 of 89 entries						

IR transformation

No data

Seniority

Country	Filing number	Registration number	Priority date	Filing date	Registration date	International code	Status
Bulgaria		00035281		05/08/1998		EU	ACCEPTED
Croatia		0869258		11/11/2005		Madrid	ACCEPTED
Croatia		1006003		17/06/2009		Madrid	ACCEPTED
Czech Republic		225353		31/07/1998		EU	ACCEPTED
Estonia		30547		14/07/1998		EU	ACCEPTED
Finland		128254		07/10/1992		EU	ACCEPTED
Hungary		156357		23/06/1998		EU	ACCEPTED
Latvia		M 44 076		18/06/1998		EU	ACCEPTED
Latvia		M 52 658		27/01/2003		EU	ACCEPTED
Lithuania		37911		26/06/1998		EU	ACCEPTED
Showing 1 to 10 of 16 entries							

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
2003/050	16/06/2003	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2004/009	01/03/2004	B.1	Registrations with no amendments since the application was published
2005/052	26/12/2005	C.3.6	International trade marks
2007/025	18/06/2007	C.1.1	Proprietor - Total transfers
2007/061	05/11/2007	C.1.3	Proprietor - Change of name and address
2007/064	26/11/2007	C.2.1	Representative - Change of name and professional address
2008/017	28/04/2008	C.8.1	Claims of seniority
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Bulletin number	Date	Section	Description
2009/039	13/10/2009	C.3.6	International trade marks
2010/039	01/03/2010	C.8.1	Claims of seniority
2010/084	10/05/2010	C.2.1	Representative - Change of name and professional address
Showing 1 to 10 of 17 entries			

Cancellation

No data

Recordals

Bulletin number	Date	Section	Filing number	File	Substantive
2005/052	26/12/2005	C.3.6	001729345	Trade mark	International trade mark
2007/025	18/06/2007	C.1.1	001162778	Proprietor	Total transfers
2007/061	05/11/2007	C.1.3	002827973	Proprietor	Change of name and address
2007/064	26/11/2007	C.2.1	002862814	Representative	Change of name and professional address
2008/017	28/04/2008	C.8.1	003045740	Seniority	Claims of seniority
2009/039	13/10/2009	C.3.6	004201300	Trade mark	International trade mark
2010/039	01/03/2010	C.8.1	004467307	Seniority	Claims of seniority
2010/084	10/05/2010	C.2.1	004747690	Representative	Change of name and professional address
2011/181	23/09/2011	C.8.1	005923555	Seniority	Claims of seniority
2011/201	24/10/2011	C.8.1	005924470	Seniority	Claims of seniority
Showing 1 to 10 of 15 entries					

Oppositions

No data

Appeals

No data

Decisions

No data

Renewals

Title	Filing number	Status	Status date
Renewal	006243631	Trade mark renewed	18/04/2012
Showing 1 to 1 of 1 entries			

Trade mark relations

No data

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