

MADRID AGREEMENT AND PROTOCOL
PROVISIONAL REFUSAL OF PROTECTION

Rule 17(1)

I.	Office sending the statement:	Hungarian Intellectual Property Office 1438 Budapest, Pf.415 Fax. : (361) 474 - 5534
II.	Number of the international registration: 119 6024 Date of extension of the mark to Hungary: 2019.06.26	
III.	Name of the holder (or other information enabling the identity of the international registration to be confirmed): BOSSA TICARET VE SANAYI ISLETMELERİ TÜRK ANONİM SİRKETİ	
IV.	Provisional refusal based on an ex officio examination <input checked="" type="checkbox"/> [X] Provisional refusal based on an opposition Provisional refusal based on an observation	
V.	<input checked="" type="checkbox"/> [X] Provisional refusal for all the goods and/or services Provisional refusal for some of the goods and/or services: (followed by an indication of the goods and/or services which are affected or are not affected)	
VI.	Grounds for refusal (where applicable, see item VIII): 4. § (1)(b), 4. § (1)(c)	
	Information relating to an earlier mark : (i) Filing date and number, and, if any, priority date: (ii) Registration date and number (if available): (iii) Name and address of the owner:	



(iv) List of all or relevant goods and/or services:

1996.04.01 000049221

2009.01.29

HUGO BOSS Trade Mark Management GmbH & Co. KG (DE)

HUGO BOSS Trade Mark Management GmbH & Co. KG Dieselstr. 12 D-72555

Metzingen ALEMANIA

3,9-10,12,14,16,18,20,24-25,27-32,35,42

2001.08.16 002342038

2006.06.08

HUGO BOSS Trade Mark Management GmbH & Co. KG (DE)

HUGO BOSS Trade Mark Management GmbH & Co. KG Dieselstr. 12 D-72555

Metzingen ALEMANIA

23-24,26

VII.

2019.02.06 018020098

2020.01.18

HUGO BOSS Trade Mark Management GmbH & Co. KG (DE)

HUGO BOSS Trade Mark Management GmbH & Co. KG Dieselstr. 12 D-72555

Metzingen ALEMANIA

9-10,12,14,16,18,20,24-25,27-28,35,42

1996.04.01 000049254

2008.03.26

HUGO BOSS Trade Mark Management GmbH & Co. KG (DE)

HUGO BOSS Trade Mark Management GmbH & Co. KG Dieselstr. 12 D-72555

Metzingen ALEMANIA

3,9,14,18,24-25

1996.04.01 000049262

2007.07.06

HUGO BOSS Trade Mark Management GmbH & Co. KG (DE)

HUGO BOSS Trade Mark Management GmbH & Co. KG Dieselstr. 12 D-72555

Metzingen ALEMANIA

9,14,18,24-25,28-33,35,42

Corresponding essential provisions of the applicable law

VIII.

A sign shall not be granted trade mark protection if because of its identity with, or similarity to, the earlier trade mark and the identity or similarity of the goods or services covered by the trade mark, there exists a likelihood of confusion on the part of the consumers; including the case where the likelihood of confusion is present because consumers may link the sign to the earlier trade mark by way of association. A sign shall not be granted trade mark protection if its date of priority is of a later date than that of an earlier, identical or similar trade mark which has a reputation in Hungary, or, in the case of an EU trade mark, in the European Union, irrespective of whether the goods or services for which it is applied are identical with, or similar to, those for which the earlier trade mark is registered, where



use of that sign without due cause would be detrimental to, or take unfair advantage of, the distinctive character or the repute of the trade mark with a reputation.

Information relating to subsequent procedure:

(i) Time limit for replying the present provisional refusal: 2020.10.15

(ii) Authority to which such reply shall be made:

Hungarian Intellectual Property Office

(iii) Indications concerning the appointment of a representative:

If the applicant is foreign person whose domicile or residence is outside the European Economic Area, he is obliged to appoint an agent entitled to act before the Hungarian Intellectual Property Office

Note: the official language of trademark procedures before the HIPO is Hungarian.

(iv) Procedure in the absence of a reply:

If the applicant does not reply to the invitation within the fixed time limit, the Hungarian Intellectual Property Office shall notify the International Bureau, except when paragraph (5a) is applicable, that the protection of the trade mark extending to Hungary is refused (final refusal), or that protection is only partially recognised by the Hungarian Intellectual Property Office. The Hungarian Intellectual Property Office shall send such notification to the International Bureau after the decision on final refusal or on partial recognition of the protection has become final and binding. If trade mark protection is recognised in part, the date of registration shall be the date of the decision.

If the applicant fails to reply, within the fixed time limit, to an invitation of the Hungarian Intellectual Property Office issued solely upon an opposition, the Hungarian Intellectual Property Office shall decide on the registration of the trade mark on the basis of the available information, and shall notify the International Bureau accordingly, sending either a notification on the final refusal or a notification made in accordance with paragraph (5e).

WARNING: In case of an opposition, the expenses arisen in connection with the opposition can be

imposed on the losing party by the Hungarian Intellectual Property Office. The amount shall be found in the HIPO's decision.

Examiner: János Katalin

Number of decision: A1196024/8

Date: 2020.06.18

Signature or official seal of the Office sending the statement:


dr. Gabriella Kiss

Head of the International Trademark Section



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EUTM file information

BOSS HUGO BOSS
000049262

Timeline

Trade mark information

Name	BOSS HUGO BOSS	Filing date	01/04/1996
Filing number	000049262	Registration date	06/07/2007
Basis	EUTM	Expiry date	01/04/2026
Date of receipt	22/03/1996	Designation date	
Type	Figurative	Filing language	German
Nature	Individual	Second language	English
Nice classes	9, 14, 18, 24, 25, 28, 29, 30, 31, 32, 33, 35, 42 (Nice Classification)	Application reference	A 10041 u
Vienna Classification	27.05.01 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Graphic representation

Goods and services

English (en)

- 9** Spectacles and parts therefor.
- 14** Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery; clocks.
- 18** Leather and imitations of leather, and goods made of these materials (included in class 18), in particular small leather goods; trunks and travelling bags; bags; umbrellas and parasols.
- 24** Woven fabrics and textile goods, included in class 24, in particular handkerchiefs and hand towels; bed and table linen, wall hangings of textile.
- 25** Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; shawls; accessories, namely headscarves, scarves, shawls, dress handkerchiefs; ties; gloves; shoes; belts of leather.
- 28** Games and playthings; gymnastic and sporting articles, in particular skis, golf clubs and tennis racquets; balls; gymnastic and sports articles (included in class 28).
- 29** jams, fruit sauces; eggs, milk; edible oils and fats.
- 30** Coffee, tea, cocoa, sugar, tapioca, sago, artificial coffee; flour, bread, pastry and confectionery; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; chocolate and chocolate products; confectionery products.
- 31** Agricultural, horticultural and forestry products as well as grains (as far as contained in class 31); fresh fruits and vegetables; natural plants and flowers.
- 32** Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.
- 33** Alcoholic beverages (except beers).
- 35** Advertising, business management, business administration, sales consultancy.
- 42** Planning of offices.

Description

No data

Owners

HUGO BOSS Trade Mark Management GmbH & Co. KG

ID	207792	Country	DE - Germany	Correspondence address	
Organisation	HUGO BOSS Trade Mark Management GmbH & Co. KG	State/county	n/a	HUGO BOSS Trade Mark Management GmbH & Co. KG	Hidden. You can set your contact details to be publicly available via the User Area.
		Town	Metzingen	Dieselstr. 12	
		Post code	72555	D-72555 Metzingen	
Legal status	Legal entity	Address	Dieselstr. 12	ALEMANIA	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

DENNEMEYER & ASSOCIATES

ID	47517	Country	DE - Germany	Correspondence address
Organisation	n/a	State/county	n/a	DENNEMEYER & ASSOCIATES
Legal status	Legal person	Town	München	P. O. Box 700425
Type	Association	Post code	81373	D-81304 München
		Address	Landaubogen 1-3	ALEMANIA

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.

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Correspondence

Processing...

IR transformation

No data

Seniority

Country	Filing number	Registration number	Priority date	Filing date	Registration date	International code	Status
Austria		0516345		03/10/1987		Madrid	ACCEPTED
Austria		0606620		20/07/1993		Madrid	ACCEPTED
Benelux		0516345		03/10/1987		Madrid	ACCEPTED
Benelux		0606620		20/07/1993		Madrid	ACCEPTED
Bulgaria		0516345		03/10/1987		Madrid	ACCEPTED
Bulgaria		0606620		20/07/1993		Madrid	ACCEPTED
Cyprus		28886		19/11/1987		EU	ACCEPTED
Czech Republic		0516345		03/10/1987		Madrid	ACCEPTED
Czech Republic		0606620		20/07/1993		Madrid	ACCEPTED
Denmark		VR 1996 03620		01/06/1993		EU	ACCEPTED
Showing 1 to 10 of 43 entries							

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
1998/027	14/04/1998	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)

Bulletin number	Date	Section	Description
2007/025	18/06/2007	C.1.1	Proprietor - Total transfers
2007/034	16/07/2007	B.2	Registrations with amendments since the application was published
2007/040	06/08/2007	C.2.1	Representative - Change of name and professional address
2007/059	22/10/2007	D.1	Renewals
2007/061	05/11/2007	B.4.2	Correction of errors - Relative errors
2009/064	21/12/2009	C.9.1	Application for revocation or for a declaration of invalidity
2010/140	30/07/2010	C.9.2	Decision on application for revocation or for a declaration of invalidity
2011/121	30/06/2011	C.8.1	Claims of seniority
2011/121	30/06/2011	C.3.2	Partial surrender / Declaration under Art.33(8) EUTMR
Showing 1 to 10 of 16 entries			

Cancellation

	Filing number	Subtitle	Status	Status date
+	000002760	Cancellation based on invalidity	Final decision – EUTM partially cancelled	18/09/2009
Showing 1 to 1 of 1 entries				

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			000002760	Cancellation	Cancellation based on invalidity
			000275266	Proprietor	Change of name and address
2007/025	18/06/2007	C.1.1	001175820	Proprietor	Total transfers
2007/040	06/08/2007	C.2.1	000979222	Representative	Change of name and professional address
2007/059	22/10/2007	D.1	002234824	Renewal	Total Renewal
2007/061	05/11/2007	B.4.2	002727751	Correction of errors	Relative errors
2009/064	21/12/2009	C.9.1	004387729	Revocation and declaration of invalidity	Applications for revocation or for a declaration of invalidity
2010/140	30/07/2010	C.9.2	004152255	Revocation and declaration of invalidity	Decisions on applications for revocation or for a declaration of invalidity
2011/121	30/06/2011	C.8.1	005711174	Seniority	Claims of seniority
2011/121	30/06/2011	C.3.2	003299529	Trade mark	Partial Surrender
Showing 1 to 10 of 16 entries					

Oppositions

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
000060535	14/07/1998	Identity of marks and G&S	Not valid	Calado Marques, Joaquim	English	A 10041 u	Closed	

Filing number	Date	Identity of marks and grounds	Opponent	Representative	Language	Reference	Withdrawn Status	Extent of opposition
000055121	01/07/1998	G&S Likelihood of confusion	TOBACNA LJUBLJANA, PROIZVODNO IN TRGOVSKO PODJETJE ZA TOBACNE IZDELKE, D.O.O., LJUBLJANA	CURELL S.R.L.	English	A 10041 u	Withdrawn	
000056533	01/07/1998		CAPITAN 55 S.R.L.	Giancotti, Stefano		A 10041 u	Closed	
000046732	02/06/1998	Likelihood of confusion	Jackson International Trading Company Kurt D. Brühl Gesellschaft m.b.H. & Co. KG	Israiloff, Peter	German	A 10041 u	Withdrawn	
000040784	20/05/1998	Likelihood of confusion	Not valid	Crassaerts, Dominique-Charlotte	English	A 10041 u	Closed	
Showing 1 to 5 of 5 entries								

Appeals

	Filing number	Contested decision	Type	Date of receipt	Status date	Language
+	R0474/2005-2	Opposition 000060535	Opposition	22/04/2005	21/08/2006	English
+	R0276/2000-1	Opposition 000056533	Opposition	14/03/2000	14/05/2001	German
Showing 1 to 2 of 2 entries						

Decisions

	Case number	Type	Case	Legal status	Keywords	Status	Decision date
+	Appeal R0474/2005-1	Appeal		Rule 16 CTMIR, Rule 17 CTMIR, Rule 20 CTMIR, Rule 51 CTMIR	Right to be heard, Substantial procedural violation, Substantiation of earlier right, Translation of evidence	No decision on opposition	10/04/2006
+	Opposition 000040784	Opposition		Article 8(1)(b) CTMR, Rule 22(2) CTMIR		Partially refused EUTMA/IR	24/10/2000
+	Opposition 000056533	Opposition		Article 8(1)(b) CTMR		Reject opposition	13/01/2000
+	Opposition 000060535	Opposition		Rule 20(1) CTMIR, Rule 16(1) CTMIR		Reject opposition	24/02/2005
+	Cancellation 000002760	Cancellation		Article 53(1)(a) - 8(1) (b) CTMR		EUTM partially cancelled	11/03/2009
Showing 1 to 5 of 5 entries							

Renewals

Title	Filing number	Status	Status date
Renewal	002234824	Trade mark renewed	22/10/2007
Renewal	010090101	Trade mark renewed	03/02/2016
Showing 1 to 2 of 2 entries			

Trade mark relations

No data

InternationalApplications

No data

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EUTM file information

BOSS
000049221

Timeline

Trade mark information

Name	BOSS	Filing date	01/04/1996
Filing number	000049221	Registration date	29/01/2009
Basis	EUTM	Expiry date	01/04/2026
Date of receipt	22/03/1996	Designation date	
Type	Word	Filing language	German
Nature	Individual	Second language	English
Nice classes	3, 9, 10, 12, 14, 16, 18, 20, 24, 25, 27, 28, 29, 30, 31, 32, 35, 42 (Nice Classification)	Application reference	HGBTM-056/EM
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)

- 3** Essential oils, bleaching preparations and other substances for laundry use; fragrant sprays; Perfumery, deodorising preparations for personal use; soaps; cosmetics; hair care preparations including hair lotions; dentifrices; oral hygiene preparations, not for medical purposes.
- 9** Spectacles and parts therefor.
- 10** Condoms.
- 12** Bicycles.
- 14** Precious metals and their alloys and goods of precious metals or coated therewith (included in class 14); jewellery; clocks and watches.
- 16** Paper, cardboard and goods made from these materials (included in class 16); printed matter; containers of plastic, paper or cardboard for packaging; stickers; playing cards.
- 18** Leather and imitations of leather, and goods made of these materials (included in class 18), in particular small leather goods; trunks and travelling bags; bags; umbrellas and parasols.
- 20** Furniture, mirrors, picture frames; clothes hangers; protective covers of plastic for clothing.
- 24** Woven fabrics and textile goods, included in class 24, in particular handkerchiefs and hand towels; Bed and table linen, wall hangings of textile.
- 25** Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; belts of leather; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes.
- 27** Carpets; non-textile wall hangings.
- 28** Gymnastic and sporting articles, namely skis, snow boards, surf boards, golf clubs and tennis rackets.
- 29** Jams, fruit sauces; eggs, milk; edible oils and fats.
- 30** Coffee, tea, cocoa, sugar, tapioca, sago, artificial coffee; flour, bread, pastry and confectionery; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments), spices, chocolate and chocolate goods, sugar confectionary.
- 31** Agricultural, horticultural and forestry products as well as grains (as far as contained in class 31); fresh fruits and vegetables; natural plants and flowers.
- 32** Mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.
- 35** Advertising, business management, business administration, sales consultancy.
- 42** Planning of offices.

Description

No data

Owners

HUGO BOSS Trade Mark Management GmbH & Co. KG

ID	207792	Country	DE - Germany	Correspondence address	
Organisation	HUGO BOSS Trade Mark Management GmbH & Co. KG	State/county	n/a	HUGO BOSS Trade Mark Management GmbH & Co. KG	Hidden. You can set your contact details to be publicly available via the User Area.
		Town	Metzingen	Dieselstr. 12	
		Post code	72555	D-72555 Metzingen	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal entity	Address	Dieselstr. 12	ALEMANIA	
					Hidden. You can set your contact details to be publicly available via the User Area.

Representatives

DENNEMEYER & ASSOCIATES

ID	10666	Country	LU - Luxembourg	Correspondence address	Hidden. You can set your contact details to be publicly available via the User Area.
Organisation	n/a	State/country	n/a	DENNEMEYER & ASSOCIATES	
Legal status	Legal person	Town	Howald	P.O. Box 1502	Hidden. You can set your contact details to be publicly available via the User Area.
Type	Association	Post code	1274	1015 Luxembourg	
		Address	55, rue des Bruyères	LUXEMBURGO	Hidden. You can set your contact details to be publicly available via the User Area.

Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	16/06/2020	
		EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	02/04/2020	
		EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	13/02/2020	
		Recordal	015875498	Application form and attachment	04/12/2019	
		Recordal	015875498	Letter to the EUIPO	04/12/2019	
		EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	20/11/2019	
		EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	20/11/2019	
		EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	23/10/2019	
		Recordal	015875498	Transfers - deficiency/rejection.	15/10/2019	
		EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	15/10/2019	
Showing 1 to 10 of 858 entries						

IR transformation

No data

Seniority

No data

Exhibition priority

No data


Priority

No data

Publications

Bulletin number	Date	Section	Description
1998/015	02/03/1998	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2007/010	12/03/2007	C.4.1	Licences granted
2007/025	18/06/2007	C.1.1	Proprietor - Total transfers
2007/040	06/08/2007	C.2.1	Representative - Change of name and professional address
2009/005	09/02/2009	B.2	Registrations with amendments since the application was published
2009/019	25/05/2009	C.9.1	Application for revocation or for a declaration of invalidity
2009/027	20/07/2009	D.1	Renewals
2009/031	17/08/2009	B.4.2	Correction of errors - Relative errors
2010/134	22/07/2010	C.3.2	Partial surrender / Declaration under Art.33(8) EUTMR
2010/149	12/08/2010	C.9.2	Decision on application for revocation or for a declaration of invalidity
Showing 1 to 10 of 14 entries			

Cancellation

	Filing number	Subtitle	Status	Status date
	000003598	Cancellation based on invalidity	Final decision – Partially Surrendered	07/05/2010
Showing 1 to 1 of 1 entries				

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			000003598	Cancellation	Cancellation based on invalidity
			000275266	Proprietor	Change of name and address
			000979214	Representative	Appointment / Replacement of representative
			015875498	Licences	Transfers of licences or sub-licences
2007/010	12/03/2007	C.4.1	002442823	Licences	Licences granted
2007/025	18/06/2007	C.1.1	001175820	Proprietor	Total transfers
2007/040	06/08/2007	C.2.1	000979222	Representative	Change of name and professional address
2009/019	25/05/2009	C.9.1	003844183	Revocation and declaration of invalidity	Applications for revocation or for a declaration of invalidity
2009/027	20/07/2009	D.1	002234808	Renewal	Total Renewal
2009/031	17/08/2009	B.4.2	003739169	Correction of errors	Relative errors
Showing 1 to 10 of 16 entries					

Oppositions

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition

000044919	02/06/1998	Identity of marks and G&S Likelihood of confusion	TOBACNA ERVEN LUCAS BOLS, PROIZVODNO IN TRGOVSKO PODJETJE ZA TOBACNE IZDELKE, D.O.O., LJUBLJANA	CURELL SUNDL, S.L.P.	English	A 10039 u	Withdrawn	Extent of opposition
000044927	02/06/1998	Likelihood of confusion	Not valid	GEVERS	English	A 10039 u	Withdrawn	
000044935	02/06/1998	Likelihood of confusion	B.V. Rucanor	V.O.	English	A 10039 u	Closed	
000045569	02/06/1998	Identity of marks and G&S	Not valid	Calado Marques, Joaquim	English	A 10039 u	Closed	
000043812	29/05/1998	Likelihood of confusion Unfair advantage /detriment to distinctiveness or repute Earlier sign & right to prohibit use of later TM under national law	Distilleerderijen Erven Lucas Bols B.V.	KEESOM & HENDRIKS N.V.	English	A 10039 u	Closed	
000044893	29/05/1998	Likelihood of confusion Unfair advantage /detriment to distinctiveness or repute	Bass Public Limited Company	Not valid	English	A 10039 u	Closed	
000043093	28/05/1998	Likelihood of confusion	BOSSE Design Gesellschaft für innovative Office Interiors mbH & Co. KG	Lösch, Christoph	German	A 10039 u	Closed	
000046716	28/05/1998		Diedrich Buß GmbH & Co. KG Konservenfabrik	Not valid	German	A 10039 u	Closed	
000040750	20/05/1998	Identity of marks and G&S	Not valid	Crassaerts, Dominique-Charlotte	English	A 10039 u	Closed	
000042350	20/05/1998	Likelihood of confusion	Jackson International Trading Company Kurt D. Brühl Gesellschaft m.b.H. & Co. KG	Israiloff, Peter	German	A 10039 u	Withdrawn	
Showing 1 to 10 of 10 entries								

Appeals

	Filing number	Contested decision	Type	Date of receipt	Status date	Language
+	R0539/2002-1	Opposition 000044935	Opposition	21/06/2002	19/01/2004	English
+	R0623/2005-2	Opposition 000045569	Opposition	23/05/2005	05/09/2006	English
+	R0643/2000-1	Opposition 000046716	Opposition	09/06/2000	13/03/2003	German
Showing 1 to 3 of 3 entries						

Decisions

Case number	Type	Case	Legal status	Keywords	Status	Decision date
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Case number	Type	Case	Legal status	Keywords	Status	Decision date
⊕ Appeal R0623/2005-1	Appeal		Rule 16 CTMIR, Rule 17 CTMIR, Rule 20 CTMIR, Rule 51 CTMIR	Right to be heard, Substantial procedural violation, Substantiation of earlier right, Translation of evidence	No decision on opposition	10/04/2006
⊕ Appeal R0643/2000-1	Appeal		Article 42(1) CTMR, Article 42(3) CTMR, Article 76 CTMR, Rule 22(1) CTMIR	Admissibility, Declaration, New submission on appeal, Proof of use, Request for proof of use	Opposition rejected	29/01/2003
⊕ Appeal R0539/2002-1	Appeal		Article 8(1)(b) CTMR, Article 42(1) CTMR, Article 43(1) CTMR, Article 85(1) CTMR, Article 85(2) CTMR	Dissimilarity of the goods and services, Restriction of the list of goods and services, Similarity of the goods and services, Similarity of the signs	Opposition partially rejected	16/07/2003
⊕ Opposition 000040750	Opposition		Article 8(1)(b) CTMR, Rule 22(2) CTMIR		Partially refused EUTMA/IR	24/10/2000
⊕ Opposition 000043093	Opposition		Article 8(1)(b) CTMR		EUTMA/IR refused	21/03/2000
⊕ Opposition 000043812	Opposition		Article 8(1)(b) CTMR, Article 8(5) CTMR, Article 8(4) CTMR, Rule 22(2) CTMIR		Partially refused EUTMA/IR	18/08/2000
⊕ Opposition 000044893	Opposition		Article 8(1)(b) CTMR		Reject opposition	27/02/2002
⊕ Opposition 000044935	Opposition		Article 8(1)(b) CTMR, Rule 22(2) CTMIR		Partially refused EUTMA/IR	26/04/2002
⊕ Opposition 000045569	Opposition		Rule 20(1) CTMIR		Reject opposition	12/08/2008
⊕ Opposition 000046716	Opposition		Rule 22(2) CTMIR		Reject opposition	10/04/2000
Showing 1 to 10 of 10 entries						

Renewals

Title	Filing number	Status	Status date
Renewal	002234808	Trade mark renewed	20/07/2009
Renewal	010105644	Trade mark renewed	03/02/2016
Showing 1 to 2 of 2 entries			

Trade mark relations

No data

International Applications

No data



Protect your intellectual property in the European Union

EUTM file information

HUGO BOSS
000049254

Timeline

Trade mark information

Name	HUGO BOSS	Filing date	01/04/1996
Filing number	000049254	Registration date	26/03/2008
Basis	EUTM	Expiry date	01/04/2026
Date of receipt	22/03/1996	Designation date	
Type	Word	Filing language	German
Nature	Individual	Second language	English
Nice classes	3, 9, 14, 18, 24, 25 (Nice Classification)	Application reference	A 10040 u
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en) ▼

- 3** Fragrant sprays; perfumes; deodorants for personal use; soaps; articles for body and beauty-care.
- 9** Spectacles and parts therefor.
- 14** Jewellery; watches.
- 18** Small leather goods; travelling bags; bags; umbrellas.
- 24** Hand towels; bed linen.
- 25** Clothing for men, women and children; stockings; headgear; underwear; swimwear; nightwear; bathrobes; belts; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes; belts of leather.

Description

No data

Owners

HUGO BOSS Trade Mark Management GmbH & Co. KG

ID	207792	Country	DE - Germany	Correspondence address	
Organisation	HUGO BOSS Trade Mark Management GmbH & Co. KG	State/country	n/a	HUGO BOSS Trade Mark Management GmbH & Co. KG	Hidden. You can set your contact details to be publicly available via the User Area.
		Town	Metzingen	Dieselstr. 12	
		Post code	72555	D-72555 Metzingen	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal entity	Address	Dieselstr. 12	ALEMANIA	
					Hidden. You can set your contact details to be publicly available via the User Area.

Representatives

DENNEMEYER & ASSOCIATES

ID	10666	Country	LU - Luxembourg	Correspondence address	
Organisation	n/a	State/country	n/a	DENNEMEYER & ASSOCIATES	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal person	Town	Howald	P.O. Box 1502	
Type	Association	Post code	1274	1015 Luxembourg	Hidden. You can set your contact details to be publicly available via the User Area.
		Address	55, rue des Bruyères	LUXEMBURGO	
					Hidden. You can set your contact details to be publicly available via the User Area.

Correspondence



IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
1998/024	06/04/1998	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2007/010	12/03/2007	C.4.1	Licences granted
2007/025	18/06/2007	C.1.1	Proprietor - Total transfers
2007/040	06/08/2007	C.2.1	Representative - Change of name and professional address
2008/013	31/03/2008	B.2	Registrations with amendments since the application was published
2008/021	26/05/2008	C.9.1	Application for revocation or for a declaration of invalidity
2008/043	27/10/2008	D.1	Renewals
2009/018	18/05/2009	B.4.2	Correction of errors - Relative errors
2010/140	30/07/2010	C.9.2	Decision on application for revocation or for a declaration of invalidity
2011/121	30/06/2011	C.3.2	Partial surrender / Declaration under Art.33(8) EUTMR
Showing 1 to 10 of 16 entries			

Cancellation

	Filing number	Subtitle	Status	Status date
⊕	000002844	Cancellation based on invalidity	Final decision – EUTM partially cancelled	18/09/2009
⊕	000012713	Cancellation based on revocation	Final decision – EUTM partially cancelled	17/09/2019
Showing 1 to 2 of 2 entries				

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			000002844	Cancellation	Cancellation based on invalidity
			000012713	Cancellation	Cancellation based on revocation
			000275266	Proprietor	Change of name and address

Bulletin number	Date	Section	Filing number	Title	Subtitle
			015875498	Licences	Transfers of licences or sub-licences
2007/010	12/03/2007	C.4.1	002442823	Licences	Licences granted
2007/025	18/06/2007	C.1.1	001175820	Proprietor	Total transfers
2007/040	06/08/2007	C.2.1	000979222	Representative	Change of name and professional address
2008/021	26/05/2008	C.9.1	003145250	Revocation and declaration of invalidity	Applications for revocation or for a declaration of invalidity
2008/043	27/10/2008	D.1	002234816	Renewal	Total Renewal
2009/018	18/05/2009	B.4.2	003523902	Correction of errors	Relative errors
Showing 1 to 10 of 18 entries					

Oppositions

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
000057515	06/07/1998		BODEGAS VICTORIANAS, S.A.	Ungría López, Javier		A 10040 u	Closed	
000059842	06/07/1998	Identity of marks and G&S	Not valid	Calado Marques, Joaquim	English	A 10040 u	Closed	
000055170	01/07/1998	Identity of marks and G&S Likelihood of confusion	TOBACNA LJUBLJANA, PROIZVODNO IN TRGOVSKO PODJETJE ZA TOBACNE IZDELKE, D.O.O., LJUBLJANA	CURELL SUÑOL S.L.P.	English	A 10040 u	Withdrawn	
000056509	01/07/1998		CAPITAN 55 S.R.L.	Giancotti, Stefano		A 10040 u	Closed	
000040776	20/05/1998	Likelihood of confusion	Not valid	Crassaerts, Dominique-Charlotte	English	A 10040 u	Closed	
Showing 1 to 5 of 5 entries								

Appeals

	Filing number	Contested decision	Type	Date of receipt	Status date	Language
⊕	R0279/2000-1	Opposition 000056509	Opposition	14/03/2000	14/05/2001	German
Showing 1 to 1 of 1 entries						

Decisions

	Case number	Type	Case	Legal status	Keywords	Status	Decision date
⊕	Opposition 000040776	Opposition		Article 8(1)(b) CTMR, Rule 22(2) CTMIR		Partially refused EUTMA/IR	24/10/2000
⊕	Opposition 000056509	Opposition		Article 8(1)(b) CTMR		Reject opposition	13/01/2000
⊕	Opposition 000057515	Opposition		Article 8(1)(b) CTMR, Rule 22(2) CTMIR		Reject opposition	17/08/2000

	Case number	Type	Case	Legal status	Keywords	Status	Decision date
+	Opposition 000059842	Opposition		Article 8(1)(b) CTMR, Rule 20(1) CTMR		Reject opposition	05/10/2007
+	Cancellation 000002844	Cancellation		Article 53(1)(a) - 8(1)(b) CTMR		EUTM partially cancelled	11/03/2009
+	Cancellation 000012713	Cancellation		Article 58(1)(a) EUTMR		EUTM partially cancelled	12/06/2019
Showing 1 to 6 of 6 entries							

Renewals

Title	Filing number	Status	Status date
Renewal	002234816	Trade mark renewed	27/10/2008
Renewal	010021130	Trade mark renewed	03/02/2016
Showing 1 to 2 of 2 entries			

Trade mark relations

No data

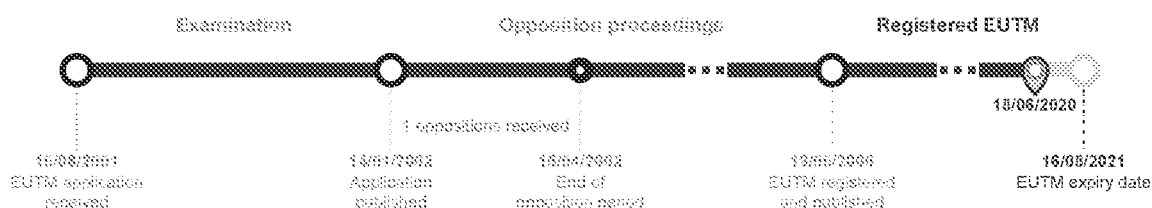
International Applications

No data

EUTM file information

BOSS
002342038

Timeline



Trade mark information

Name	BOSS	Filing date	16/08/2001
Filing number	002342038	Registration date	08/06/2006
Basis	EUTM	Expiry date	16/08/2021
Date of receipt	16/08/2001	Designation date	
Type	Word	Filing language	German
Nature	Individual	Second language	English
Nice classes	23, 24, 26 (Nice Classification)	Application reference	A 10421 u
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en) ▼

23 Yarns and threads, for textile use.

24 Textile goods, namely fabric, curtains; blinds, household linen, table and bed linen, bath linen, travelling rugs, handkerchiefs.

26 Haberdashery, included in class 26; lace and embroidery, ribbons and braid; velcro; buttons, hooks and eyelets, snap buttons, belt clasps, fastenings for clothing; zips and buckles; needles; collar supports, shoulder pads, pins, brooches being clothing accessories.

Description

No data

Owners

HUGO BOSS Trade Mark Management GmbH & Co. KG

ID	207792	Country	DE - Germany	Correspondence address	
Organisation	HUGO BOSS Trade Mark Management GmbH & Co. KG	State/country	n/a	HUGO BOSS Trade Mark Management GmbH & Co. KG	Hidden. You can set your contact details to be publicly available via the User Area.
		Town	Metzingen	Dieselstr. 12	
		Post code	72555	D-72555 Metzingen	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal entity	Address	Dieselstr. 12	ALEMANIA	
					Hidden. You can set your contact details to be publicly available via the User Area.

Representatives

DENNEMEYER & ASSOCIATES

ID	10666	Country	LU - Luxembourg	Correspondence address	
Organisation	n/a	State/country	n/a	DENNEMEYER & ASSOCIATES	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal person	Town	Howald	P.O. Box 1502	
Type	Association	Post code	1274	1015 Luxembourg	Hidden. You can set your contact details to be publicly available via the User Area.
		Address	55, rue des Bruyères	LUXEMBURGO	
					Hidden. You can set your contact details to be publicly available via the User Area.

Correspondence

Processing...

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
2002/005	14/01/2002	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2006/025	19/06/2006	B.2	Registrations with amendments since the application was published
2007/025	18/06/2007	C.1.1	Proprietor - Total transfers
2007/040	06/08/2007	C.2.1	Representative - Change of name and professional address
2011/130	13/07/2011	D.1	Renewals
2011/225	28/11/2011	C.2.1	Representative - Change of name and professional address
2014/033	19/02/2014	C.2.2	Representative - Appointment / Replacement of representative
Showing 1 to 7 of 7 entries			

Cancellation

No data

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2007/025	18/06/2007	C.1.1	001175820	Proprietor	Total transfers
2007/040	06/08/2007	C.2.1	000979222	Representative	Change of name and professional address
2011/130	13/07/2011	D.1	005338481	Renewal	Total Renewal
2011/225	28/11/2011	C.2.1	006082674	Representative	Change of name and professional address
2014/033	19/02/2014	C.2.2	008231345	Representative	Appointment / Replacement of representative
Showing 1 to 5 of 5 entries					

Oppositions

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
000502007	10/04/2002	Likelihood of confusion	BOSSI S.p.A.	IJ CONSULENTI IN PROPRIETÀ INDUSTRIALE S.R.L.	English	A 10421 U	Closed	
Showing 1 to 1 of 1 entries								

Appeals

	Filing number	Contested decision	Type	Date of receipt	Status date	Language
⊕	R0350/2005-1	Opposition 000502007	Opposition	29/03/2005	06/03/2006	English
Showing 1 to 1 of 1 entries						

Decisions

	Case number	Type	Case	Legal status	Keywords	Status	Decision date
⊕	Appeal R0350/2005-1	Appeal				Proceedings terminated	07/02/2006

	Case number	Type	Case	Legal status	Keywords	Status	Decision date
⊕	Opposition 000502007	Opposition		Article 8(4) CTMR, Rule 20(1) CTMIR, Rule 17(2) CTMIR		Reject opposition	31/01/2005
Showing 1 to 2 of 2 entries							

Renewals

Title	Filing number	Status	Status date
Renewal	005338481	Trade mark renewed	13/07/2011
Showing 1 to 1 of 1 entries			

Trade mark relations

No data

International Applications

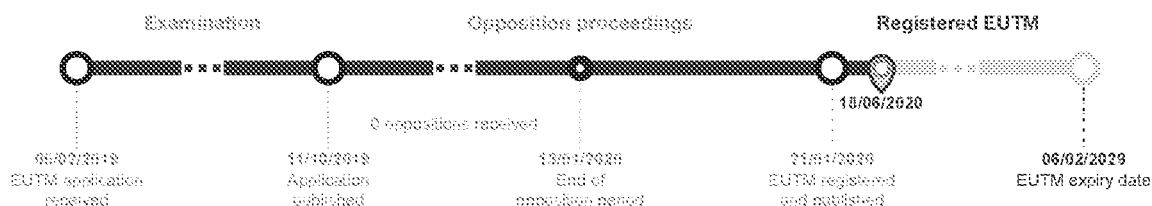
No data

EUTM file information

HUGO BOSS

018020098

Timeline



Trade mark information

Name	HUGO BOSS	Filing date	06/02/2019
Filing number	018020098	Registration date	18/01/2020
Basis	EUTM	Expiry date	06/02/2029
Date of receipt	06/02/2019	Designation date	
Type	Word	Filing language	English
Nature	Individual	Second language	German
Nice classes	9, 10, 12, 14, 16, 18, 20, 24, 25, 27, 28, 35, 42 (Nice Classification)	Application reference	HGBTM-209/EM-5
		Trade mark status	Registered
Vienna Classification		Acquired distinctiveness	No

Goods and services

English (en) ▼

9 Spectacles and parts therefor; spectacle cases; cell phone cases; laptop cases; Smartwatches and Software; mobile Apps; wearable activity trackers; Electronic pens.

10 Condoms; sex aids.

12 Bicycles; E-bikes; golf carts; dollies [hand trucks]; Prams; rickshaws; sleighs; land vehicles and conveyances.

14 Precious metals and their alloys and goods of precious metals or coated therewith (included in class 14), namely agates, Amulets [jewellery, jewelry (Am.)], Charms for key rings, Pins being jewelry, Bracelets [jewellery, jewelry (Am.)], Brooches [jewellery], Gemstones, Cloisonné jewellery, Precious stones, diamonds, Ivory jewelry, Jewelry findings, Ornaments of jet, Semi-precious stones, Necklaces [jewellery], Chains [jewelry], Tie clips, tie pins, Works of art of precious metal, Beads for making jewelry, Cuff links, Locketts [jewellery], Earrings, Pearls [jewellery], Platinum [metal], Rings [jewellery, jewelry (Am.)], Key rings, Split rings of precious metal, decorative pins and pendants, jewelry rolls, jewelry boxes, Hat jewellery and Shoes, Clasps for jewelry; jewels; Ornaments [jewellery, jewelry (Am.)]; jewellery; clocks and watches; Jewellery boxes and watch boxes.

16 Paper, cardboard and goods made from these materials, namely advertisement boards, packing paper, bags [envelopes, pouches] for packaging, packing [cushioning, stuffing] materials, photographs [printed], note books, booklets, calendars, desktop planners, adhesive pads [stationery], note pads, personal organizers, bookmarkers, paper-clips, desk mats, hangtags and stickers; printed matter; containers of plastic, paper or cardboard for packaging; stickers; playing cards; money clips; Bags and articles for packaging, wrapping and storage of paper, cardboard or plastics; office requisites; stationery.

18 Leather and imitations of leather, and goods made of these materials (included in class 18), namely trunks and travelling bags, Casual bags, Brief bags, Beach bags, Wallets, Shopping bags, Casings, of leather, for springs, Covering of skins (furs), Fur blankets, Purses, Holdalls, Suitcase handles, Handbags, Bum bags, Card wallets (leather ware), Garment bags for travel, Vanity cases, not fitted, Credit card cases [wallets], Toiletry bags, Cosmetic bags sold empty, Straps (leather-), Animal skins, Umbrella handles, Traveling sets, Backpacks, Key bags, Satchels, Gym bags, Bags [envelopes, pouches] of leather, for packaging, Leather bags or pouches for packaging purposes, umbrellas and parasols, trunks and travelling bags, bags, umbrellas and parasols, Luggage, bags, wallets and other carriers.

20 Furniture, mirrors, frames; hangers; clothing bags of plastic; coathooks; Displays, stands and labels (not of metal); textile labels and tags; curtains and drapes.

24 Woven fabrics and textile goods, included in class 24, in particular handkerchiefs and hand towels; bed and table linen, wall hangings of textile.

25 Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes; belts of leather.

27 carpets, wall hangings (non-textile); Wall and ceiling coverings; floor coverings; yoga- and fitness-mats.

28 Games and playthings; gymnastic and sporting articles, in particular skis, golf clubs and tennis racquets; balls; gymnastic and sports articles (included in class 28).

35 Business management, sales consultancy; Wholesale and retail services in relation to clothing, footwear, headgear clocks and watches, spectacles, fashion accessories, cosmetics and perfumery, goods of leather, bags, bed linen, home textiles, household articles, stationery, luggage, sporting articles and tobacco goods; Marketing services; Market research and market analysis; Advertising; Sales promotion; Rental of advertising space; Distribution of goods and advertising material for advertising purposes, including via electronic media and via the Internet; presentation of goods, in particular shop and shop window dressing; Organization of Exhibitions, for commercial or advertising purposes; Promotion of business relationships by providing of commercial and business contacts; advice and advisory services for consumers; Business consultancy and administration; Business organisation consulting; Professional business consulting; Fashion consultancy (business); organization of fashion shows for commercial, industrial and advertising purposes; Management of retail stores in relation to clothing, footwear, headgear clocks and watches, spectacles, fashion accessories, cosmetics and perfumery, goods of leather, bags, bed linen, home textiles, household articles, stationery, luggage, sporting articles and tobacco goods; Online wholesale and retail services and online ordering services in relation to clothing, footwear, headgear clocks and watches, spectacles, fashion accessories, cosmetics and perfumery, goods of leather, bags, bed linen, home textiles, household articles, stationery, luggage, sporting articles and tobacco goods; Mail ordering services and computerized online-ordering services in relation to clothing, footwear, headgear clocks and watches, spectacles, fashion accessories, cosmetics and perfumery, goods of leather, bags, bed linen, home textiles, household articles, stationery, luggage, sporting articles and tobacco goods.

42 Planning of offices; IT services; design services, graphic design services; design, hosting and maintenance of websites.

Description

No data

Owners

HUGO BOSS Trade Mark Management GmbH & Co. KG

ID	207792	Country	DE - Germany	Correspondence address	
Organisation	HUGO BOSS Trade Mark Management GmbH & Co. KG	State/county	n/a	HUGO BOSS Trade Mark Management GmbH & Co. KG	Hidden. You can set your contact details to be publicly available via the User Area.
		Town	Metzingen	Dieselstr. 12	
		Post code	72555	D-72555 Metzingen	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal entity	Address	Dieselstr. 12	ALEMANIA	
					Hidden. You can set your contact details to be publicly available via the User Area.

Representatives

DENNEMEYER & ASSOCIATES

ID	10666	Country	LU - Luxembourg	Correspondence address	
Organisation	n/a	State/county			Hidden. You can set your contact details to be publicly available via the User Area.

Legal status

Legal person

n/a

DENNEMEYER & ASSOCIATES

available via the User Area.

Type

Association

Town

Howald

P.O. Box 1502

1015 Luxembourg

LUXEMBURGO

Post code

1274

Hidden. You can set your contact details to be publicly available via the User Area.

Address

55, rue des Bruyères

Hidden. You can set your contact details to be publicly available via the User Area.

Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		EUTM	018020098	L304 - Cover letter for registration certificate	22/01/2020	
		EUTM	018020098	Certificate	21/01/2020	
		EUTM	018020098	L161 - Confirmation of amendment of classification of goods and services following a notice	27/09/2019	
		EUTM	018020098	Application form and attachment	12/09/2019	
		EUTM	018020098	Letter to the EUIPO	12/09/2019	
		EUTM	018020098	L108 - Notice of requirement to amend classification of the list of goods and services	29/07/2019	
		EUTM	018020098	Application form and attachment	15/07/2019	
		EUTM	018020098	Letter to the EUIPO	15/07/2019	
		EUTM	018020098	L108 - Notice of requirement to amend classification of the list of goods and services	30/05/2019	
		EUTM	018020098	Application form and attachment	07/05/2019	
Showing 1 to 10 of 14 entries						

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
2019/194	11/10/2019	A.1	Applications published under Article 44 EUTMR
2020/012	21/01/2020	B.1	Registrations with no amendments since the application was published

Showing 1 to 2 of 2 entries

Cancellation

No data

Recordals

No data

Oppositions

No data

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data

International Applications

No data

ACT XI OF 1997 ON THE PROTECTION OF TRADE MARKS AND GEOGRAPHICAL INDICATIONS

PART ONE

PROTECTION OF TRADE MARKS

Chapter I

SUBJECT MATTER OF TRADE MARK PROTECTION

Signs capable of distinction

Section 1 (1) Trade mark protection may be granted for any signs, provided that these

- a) are capable of distinguishing goods or services from the goods or services of others; and
- b) can be represented in the trade mark register in a manner which enables the authorities and the public to clearly and precisely determine the subject matter of the protection applied for or granted to its holder.

(2) Trade mark protection may be granted, in particular, for the following signs:

- a) words, word combinations, including personal names and slogans;
- b) letters, numerals;
- c) figures, pictures;
- d) two- or three-dimensional forms, including the shape of goods or of their packaging;
- e) colours, colour combinations, light signals, holograms;
- f) sound signals;
- g) motion signs;
- h) position signs;
- i) multimedia signs;
- j) patterns; or
- k) combinations of different signs.

Absolute grounds for refusal

Section 2 (1) A sign not meeting the requirements specified in section 1 shall not be granted trade mark protection.

(2) A sign shall not be granted trade mark protection if:

- a) it consists exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, purpose, value, geographical origin, the time of production of the goods or of rendering of the service, or other characteristics of the goods or services;
- b) it consists exclusively of signs or indications which have become established and customary in the current language or in the bona fide practices of the trade;
- c) it is, for any other reason, devoid of any distinctive character;
- d) it consists exclusively of

- da) a shape, or another characteristic, which results from the nature of the goods,
- db) the shape, or another characteristic, of goods which is necessary to obtain the intended technical result, or
- dc) a shape, or another characteristic, which gives substantial value to the goods.

(3) Pursuant to paragraph (2)(a) to (c) the sign shall not be excluded from trade mark protection if – by virtue of its use – it has become distinctive either before the date of application or thereafter, but before the date of registration.

Section 3 (1) A sign shall not be granted trade mark protection if:

- (a) it is contrary to public policy or accepted principles of morality;
- b) it is of such a nature as to deceive the consumers, in particular regarding the nature, quality, geographical origin or other characteristics of the goods or services;
- (c) its registration was applied for in bad faith.

(2) A sign shall not be granted trade mark protection if:

(a) it consists of, or contains any of the signs listed in Article 6^{ter}(1) of the Paris Convention for the Protection of Industrial Property, provided that

(aa) such a sign – if it is not a State flag – has been communicated according to Article 6^{ter}(3), and

(ab) the registration of the sign – consisting of or containing an official sign or hallmark indicating control and warranty – was applied for in respect of identical or similar goods as officially identified by the signs referred to;

(b) it consists of a badge, emblem or escutcheon, not covered by point (a), the use of which is of public interest, or if it contains such badge, emblem or escutcheon;

c) it includes – in a manner determining the general impression of the sign – a symbol which strongly expresses a religious or other conviction.

(3) Trade mark protection may be granted with the consent of the competent authority for signs which consist of or contain the signs specified under paragraph 2(a) and (b).

(4) A sign shall not be granted trade mark protection if:

a) trade mark protection is applied for after the date of application of a geographical indication protected pursuant to Part VII of this Act, in relation to goods which are of the same type as the goods designated by the geographical indication, and its use would be contrary to section 109(2),

b) it is excluded from protection pursuant to European Union legislation providing for protection of designations of origin and geographical indications, or

c) it is excluded from protection pursuant to an international agreement, to which the European Union or Hungary is party, providing for protection of designations of origin and geographical indications.

(5) A sign shall not be granted trade mark protection if it is excluded from protection pursuant to European Union legislation, or an equivalent international agreement to which the European Union is party, providing for the protection of traditional terms for wine.

(6) A sign shall not be granted trade mark protection if it is excluded from protection pursuant to European Union legislation regulating the registration of traditional specialities guaranteed, or an

equivalent international agreement to which the European Union is party.

(7) A sign shall not be granted trade mark protection if – in respect of plant varieties of the same or closely related species – it consists of, or reproduces in its essential elements, an earlier plant variety denomination, which has been registered in the plant variety register pursuant to

- a) European Union legislation providing for plant variety protection,
- b) the Patent Act, or
- c) an international agreement to which the European Union or Hungary is party, providing for plant variety protection.

Relative grounds for refusal

Section 4 (1) A sign shall not be granted trade mark protection:

(a) with respect to identical goods or services, if the sign with the later date of priority is identical with an earlier trade mark;

b) if because of its identity with, or similarity to, the earlier trade mark and the identity or similarity of the goods or services covered by the trade mark, there exists a likelihood of confusion on the part of the consumers; including the case where the likelihood of confusion is present because consumers may link the sign to the earlier trade mark by way of association;

c) if its date of priority is of a later date than that of an earlier, identical or similar trade mark which has a reputation in Hungary, or, in the case of an EU trade mark, in the European Union, irrespective of whether the goods or services for which it is applied are identical with, or similar to, those for which the earlier trade mark is registered, where use of that sign without due cause would be detrimental to, or take unfair advantage of, the distinctive character or the repute of the trade mark with a reputation.

(2) For the purposes of this section ‘earlier trade mark’ means:

a) all

aa) trade marks registered under this Act, including trade marks registered under international agreements which have effect in Hungary,

ab) EU trade marks registered under Regulation 2017/1001/EU of the European Parliament and the Council (hereinafter ‘EU Trade Mark Regulation’),

the date of application – or where applicable – the date of claimed priority of which is earlier than the application for registration of the trade mark;

b) for the purposes of paragraph (1)(a) and (b), signs which – irrespective of their registration – on the date of application for registration of the trade mark, or, where appropriate, of the priority claimed in respect of the application for registration of the trade mark, are considered to be well known in Hungary pursuant to Article 6bis of the Paris Convention;

c) EU trade marks which validly claim seniority, in accordance with the EU Trade Mark Regulation, of a trade mark referred to in point (a)(aa), even when the protection of the latter trade mark has been surrendered or allowed to lapse;

d) applications for the registration of trade marks referred to in points (a) and (c), subject to

their registration,
with the understanding that where this Act refers to an earlier or later trade mark, the provisions laid down in this paragraph shall apply *mutatis mutandis* with respect to their chronological order.

(3) A sign shall not be excluded from trade mark protection if it is in conflict with an earlier trade mark which has not been put to use by its holder in accordance with the provisions of section 18, or the protection of which no longer exists at the filing date of the trade mark application.

(4) *[repealed]*

Section 5 (1) No sign shall be granted trade mark protection which

a) would infringe a right relating to the personality of others, in particular the right to a name or the right of personal portrayal;

b) would conflict with someone else's copyright or related right, or industrial property right.

(2) Trade mark protection shall not be granted for

a) a sign, if its use could be prohibited, by virtue of a sign which has been genuinely used earlier, in the course of trade, without registration in Hungary, by the earlier user pursuant to another law;

b) a sign the use of which could be prohibited by the person entitled to exercise the rights arising from geographical indications based on European Union legislation or national law providing for protection of designations of origin and geographical indications, provided that the application for registration of the designation of origin or geographical indication had been filed prior to its date of application for registration, and subject to the subsequent registration of the designation of origin or of the geographical indication.

(3) The priority of the trade mark application shall be taken into account when deciding whether the application for the registration of the right, use, designation of origin or geographical indication is to be considered as filed earlier for the purposes of paragraphs (1) and (2).

Section 6 A sign shall not be granted trade mark protection if a representative or agent of the holder of a trade mark applies for registration thereof in his own name without the holder's authorization, unless the representative or agent justifies his action.

Declaration of consent

Section 7 (1) A sign shall not be excluded from trade mark protection pursuant to section 4, section 5(1) or section 5(2)(a), or the trade mark shall not be declared invalid pursuant to the grounds for refusal laid down in these provisions, if the holder of the earlier conflicting right consents to the registration of the sign.

(2) A declaration of consent shall be valid if drawn up in a public deed or private deed of full probative value.

(3) The declaration of consent may not be withdrawn nor may it be replaced by a court decision.

Eligibility for trade mark protection

Section 8 (1) Trade mark protection shall be granted for a sign if

- (a) it satisfies the requirements of section 1 and is not excluded from trade mark protection under the terms of sections 2 to 7, and
- (b) the relevant application meets the requirements laid down in this Act.

[...]