

**Notification of *ex officio* provisional partial refusal of protection
(Article 5 of the Madrid Protocol, Rule 17(1) and (2) of the Regulations under
the Protocol relating to the Madrid Agreement, and Article 33 EUTMIR)**

Alicante, 14/09/2022

International registration number: **0840722**
Trade mark: **TRUCKS YOU CAN TRUST**
Name of the holder: **Daimler Truck AG**

Protection of the abovementioned mark is provisionally refused for the European Union for part of the goods and services, indicated below.

I. Grounds

The Office has examined your international registration designating the European Union to ensure that it does not fall under any of the grounds for refusal established under Article 7 EUTMR.

The sign

The application consists of the word mark 'TRUCKS YOU CAN TRUST'.

Legal basis for the objection

Article 7(1)(b) EUTMR

The sign you have applied for is partially ineligible for registration under Article 7(1)(b) and Article 7(2) EUTMR because it is devoid of any distinctive character for the goods and services for which protection is sought.

The goods and services for which this objection is raised are:

Class 12 *Motor vehicles and parts thereof (included in this class), accessories for motor vehicles (included in this class).*

Class 28 *Games and playthings; Model vehicles.*

Class 37 *Repair and maintenance of motor vehicles.*

Lack of distinctiveness

The distinctive character of a trade mark is assessed with reference to the goods or services for which protection is sought and the perception of the relevant public. In this case, the relevant English-speaking consumer would understand the sign as having the following meaning: a large vehicle that is used to transport goods you can rely upon.

The abovementioned meaning of the words 'TRUCKS' and 'TRUST', contained in the trade mark, is supported by the following dictionary references:

TRUCK *'a large vehicle that is used to transport goods by road'* (information extracted from Collins Dictionary online on 14/09/2022 at <https://www.collinsdictionary.com/dictionary/english/truck>).

TRUST *'to place confidence in (someone to do something); have faith (in); rely (upon)'* (information extracted from Collins Dictionary online on 14/09/2022 at <https://www.collinsdictionary.com/dictionary/english/trust>).

The relevant public would simply perceive the sign 'TRUCKS YOU CAN TRUST', as a promotional laudatory slogan, the function of which is to communicate a value statement. The relevant public will not tend to see in the sign any indication of commercial origin. They will see nothing beyond promotional information that merely serves to highlight positive aspects of the goods and services, namely that the goods refer to trucks that are very reliable, whereas the services refer to the reliable repair and maintenance of trucks.

Therefore, the sign is devoid of any distinctive character within the meaning of Article 7(1) (b) and Article 7(2) EUTMR.

II. Time Limit

The holder of the international registration is hereby given a time limit of two months to overcome the grounds for refusal indicated under point I above. This time limit will start to run on the day the Office issues this notification (Article 193(2), (3) and (4) EUTMR). Any reply to this communication must be addressed to the EUIPO only.

If you do not send any reply within the time limit, the Office will issue an appealable decision refusing the protection of the international registration for the European Union in part, namely for:

Class 12 *Motor vehicles and parts thereof (included in this class), accessories for motor vehicles (included in this class).*

Class 28 *Games and playthings; Model vehicles.*

Class 37 *Repair and maintenance of motor vehicles.*

The international registration designating the European Union may proceed for the goods and services not affected by this *ex-officio* provisional refusal, namely:

Class 14 *Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; Jewellery, precious stones; Horological and chronometric instruments; Watch accessories, namely cases for watches, watch straps of metal, leather or plastic, watch chains, cufflinks, keyrings of precious and non-precious metals.*

Class 16 *Paper, cardboard and goods made from these materials, not included in other classes; Paper hand towels, paper serviettes, packaging containers and bags of paper; Stationery; Adhesives for stationery or household purposes; Artists' materials; Paint brushes; Photographs; Printed matters; Pictures, posters, brochures, magazines, writing implements and office articles such as ballpoint and fountain pens; Pencils and coloured pencils; Note-blocks, postcards, calendars, telephone and address books, ticket dispensers, transfers (decalcomania), transparencies, not included in other classes, letter openers, packaging made of plastic, not included in other classes.*

Class 18 *Leather and imitation leather and goods thereof, not included in other classes, handbags, briefcases, small leather goods, in particular purses, attaché cases, key holders; Trunks and travelling bags; Umbrellas, parasols, walking sticks.*

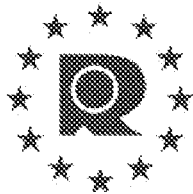
Class 25 *Clothing, footwear, headgear.*

Class 28 *Gymnastic and sporting articles not included in other classes; Playing cards.*

Class 36 *Financial services; Insurances; Leasing and financing of motor vehicles.*

Class 37 *Cleaning of motor vehicles.*

Class 41 *Organisation of sports and cultural events; Organisation and realization of trainings and seminars; Drivers' training, safety training, education in the field of motor vehicles.*



Julija SIRVINSKIENE
Examiner