



**OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)**

OPERATIONS DEPARTMENT

W304B

**Statement of Grant of Protection following a provisional refusal pursuant to
Rule 18(2) of the Common Regulations under the Madrid Agreement and
Protocol, and to Rule 116(2) CTMIR**

Alicante, 29/02/2012

<i>International registration number:</i>	0929733
<i>Date of notification to OHIM:</i>	16-08-2007
<i>Name of the Holder:</i>	MIP METRO Group Intellectual Property GmbH & Co. KG
<i>Trade Mark:</i>	o.k.

As a result of opposition proceedings and all proceedings having become final, the provisional refusals of the above-mentioned mark are confirmed in part and the protection of the mark is partially refused for the European Community. The mark is therefore accepted for the following goods and services:

Class 1

Photosensitive, unexposed films; chemical impregnating agents, especially for tents, articles of clothing, footwear; chemical products for industrial and scientific purposes; chemicals for the treatment of water, swimming pools, baths and hot water tubs; adhesives for industrial purposes; chemical products used in agriculture, horticulture and forestry, namely natural and artificial fertilizers and other chemical agents for conditioning soil and crops; earth for growing flowers; agents for preserving cut flowers; peat (fertilizer); humus coverings; preparations containing trace elements for plants; chemical defrosting agents, antifreeze agents for radiators, antifreeze agents for windscreen washer systems; salt, included in this class; putties for vehicle bodies, denaturated alcohol.

Class 2

Paints, varnishes, lacquers; preservatives against rust; preservatives against deterioration of wood, wood varnishes; wood stains; repair materials for the treatment of subsurfaces (priming colors); precoating compositions, metal and wood preserving agents, coating preserving agents, (colors); preservatives against rust, preserving agents for use on wood and iron.

Class 3

Washing and bleaching preparations, fabric softeners for laundry use, dishwashing liquid, spot removers/spot removing agents, starch for laundry purposes, brightening and smoothing agents for laundry use; cleaning, polishing, scouring and abrasive preparations, cleaning agents, oven cleaning agents, toilet cleaning agents, agents for cleaning glass surfaces, decalcification agents for household purposes, cleaning liquid for windshields, cleaning agents for cars, lacquer polish agents, cleaning sprays, preferably for use in cars in the dashboard region, lacquer cleaners, car waxes, car shampoos, car polishing agents; soaps; perfumery, ethereal oils, preparations for body and beauty care, cosmetics, lotions for cosmetic purposes, shower gel and bath gel, deodorants for personal use, hair tonics, hair lacquer, hair

setting lotions, shampoos, dentifrices, mouth washes, not for medical use, cosmetic cotton products such as cotton swabs, cosmetic cotton, cotton pads, cotton balls as well as tissues impregnated with cosmetic lotions, impregnated or wet tissues or wipes for personal hygiene; cleaning agents for office machines and office furniture, cleaning agents for automatic writing machines; abrasive agents, underbody protection agents for motor vehicles; cleaning agents and care products for furniture.

Class 4

Combustibles (including motor fuels), fire lighters for barbecue units and firesides, charcoal; camping gas; industrial oils and greases, lubricants, in particular for vehicle engines; Christmas tree candles, candles (for illumination purposes), scented candles, fumigating candles.

Class 5

Pharmaceutical and veterinary products, drugs (as far as they are not pharmacy-only drugs); sanitary products for medical purposes; dietetic products for medical purposes, baby food, dietetic food for health care on the basis of vitamins, mineral nutrients, trace elements, either singly or in combination, dietary supplements on the basis of amino acids, minerals and trace elements and for medical purposes; plasters, dressing material; hygienic articles for women, in particular menstruation bandages, sanitary pants, panty liners, tampons; tooth stopping preparations and molding compounds for dental use; disinfectants; preparations for destroying vermin; fungicides, herbicides; deodorants (not for personal use), scented preparations and blocks for use in toilets and urinals, filled first-aid boxes, pads with dressing materials.

Class 6

Cashboxes of metal, safes; ladders of aluminium, ladders of metal, hinged steps made of metal, packing containers of metal, baskets of metal; metal blinds, installation accessories of metal for window shades included in this class, upper rails, lower rails, faceplates and lateral guides of aluminium and steel, metal brackets, fastening elements, springs, locks, chains, all of metal and for blinds and net curtains, roller tubes of aluminium, cable tensioner sets of metal; tent pegs of metal; swimming pools (prefabricated constructions of metal); cables and wires of metal (not for electrical use); transportable constructions of metal; tool sheds of metal; transportable summerhouses of metal; ironmongery; small items of metal hardware, in particular nails, rivets, nuts, screws, hooks, ends; embeddable pipes of metal; petrol cans of sheet metal; dowels (connecting dowels, pegs) of metal; metal locks (except electrical ones); petrol cans of sheet metal, including attachments; dog grids of metal.

Class 7

Machines for use in kitchens and canteen kitchens; electrical kitchen machines and apparatus for processing foods; electrical juice squeezers, electrical mixers, electrical centrifuges, electrical cutting machines, washing machines, dishwashers (all aforementioned apparatus included in this class); sewing machines and parts therefor, knitting machines and parts therefor, vacuum cleaner accessories, namely vacuum cleaner bags, vacuum cleaner filters and vacuum cleaner hoses, electrical cleaning apparatus for the household, vacuum cleaners and (electrical) floor waxing machines, electrical shoe cleaners, electrical machines for furniture care and floor care; accessories for all aforementioned goods, included in this class; binding apparatus; electrical and battery-powered cleaning machines and apparatus as well as parts therefor; dynamos for bicycles; apparatus for compressing, mixing, pumping and electric power generation; spark plugs and spark coils for automobiles; air filters and oil filters for automobiles; electrical and pneumatic tools for the building industry, for the timber industry, for craftsmen and do-it-yourself, in particular drilling machines, hammer drills, power screwdrivers, suction devices, grinders, saws (machines), hot air blowers, smoothing planes, hot glue guns, milling machines, scissors, thread cutters, nibbling machines, agitators, tackers, soldering guns, scrapers, paint spraying pistols, wallpaper removers, chaff cutters, hedge shears and high-pressure cleaners, as well as insert tools therefor, namely drills, drill bits, chisels, adapters, abrasive sheets, abrasive disks, abrasive belts, polishing sponges, disk wheels, saw blades, planer blades, milling cutters, drive belts, screwdriver blades; machines and apparatus for making beverages and/or meals; valves for water bottles, pumps (included in this class); agricultural machines; kitchen machines (electric), paper cutting machines.

Class 8

Hand-operated pumps included in this class; shavers (electric or non-electric) and accessories for shavers included in this class, epilators (electric and non-electric), hair cutting machines (electric and non-electric), razor blades, cases for shavers, razors, shaving accessories, cutters for nasal hairs; paper cutting machines; flatware, also made of precious metals or plated therewith, namely knives, forks, spoons, service pieces, namely soup spoons and sauce spoons, cake shovels, sugar tongs, fondue forks; hand-operated tools for bicycles and other pieces of sports equipment; cutlery including scissors, knives and special purpose cutters; hand tools and hand-operated tools, not operated electrically or pneumatically, in particular hammers, awls, files, planes, screwdrivers, saws, caulking tools, wrenches, sand paper grinding machines, push drills, hand-held drills, routers, stapling machines, nail drivers, pliers, wrenches; drilling bits, saw blades and frames for hacksaws; screwdriver inserts, skewed planes, clips, vices, wire brushes and wheels, trowels, spatulas, hatchets (axes), crimping tools, tweezers, carving tools, gouges, Allen key sets, ratchet handle boxes, mitre boxes and mitre planing boxes; agricultural apparatus (hand-operated) and cultivation and horticultural implements, picks, spades, forks, rakes, shovel, sticks, scissors, knives; hand-operated lawn mowers and lawn edge cutters; parts and components for all aforementioned goods, included in this class.

Class 9

Scientific, nautical, surveying, electric, photographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; electric flat irons, batteries of any kind and size, rechargeable batteries

of any kind and size, charging sets for electric accumulators, electric foil welding apparatus, computer hardware, computer, notebooks, desktop computers, monitors, projectors, printers, scanners, digital sound reproducing apparatus, digital video units, computer peripheral devices, in particular printers, keyboards, mouse; portable computers, pocket PCs, personal and digital assistants, telephones, cellular phones, pagers, wireless e-mail apparatus, computer products and software, accessories (included in this class), parts and components for all aforementioned goods; computer software, namely operating system software, network software, network managing software, training software; CD ROMs incorporating user instructions, manuals, schooling material and product information; optical disks for recording, storing and reproducing of sound, images and data, including compact disks (CDs), magneto-optical disks (MDs, MOs) and digital versatile disks (DVDs); magnetic disks and magnetic disks with large capacity for recording, storing and reproducing data; portable storage media, in particular USB sticks, digital cards, virgin smart media cards, compact flash memo cards; recorded and writeable storage media, namely disks, CDs, DVDs, audio and video cassettes; equipment and apparatus for displaying, coding, decoding, transmitting, receiving, storing and processing sound signals and/or picture signals and/or picture data, in particular digital and analogue satellite-supported compact units, DVBT receivers, DVBT antennas, SAT receivers and SAT dishes, amplifiers, receiving devices, audio/video receiving devices, audio/video processors, tuners, video players, DVD players, DAT players, CD players, MP3 players, remote control units, integrated audio devices, radios, TV sets, display screens (LCD and TFT); video cassette recorders, CD recorders, MP3 recorders, DVD recorders, DAT recorders, headphones, microphones, loudspeakers, in particular vehicular loudspeakers; connecting cables for audio and video equipment; remote control units; photographic and optical apparatus and instruments, including digital cameras; films (exposed); mechanical weighing instruments; helmets, bicycle computers, heart rate measuring devices; warning triangles, locks (electrical); navigation implements, in particular for bicycles (on-board computers); measuring cups; measuring instruments; cash registers and text printers.

Class 11

Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating and water supply; light bulbs; microwave devices; electrically operated extractor hoods; percolators; electrically operated household devices, also for use in canteen kitchens, namely popcorn machines; lamps (electric), floor lamps, table lamps, ceiling lamps, lamp tubes and cylinders, oil lamps, halogen lamps and spot beams, lamp shades, lamp shade holders, skin tanning apparatus, ultraviolet lamps, not for medical purposes, line light fixtures, luminescent tubes, reflector lamps, candle-like lamps; radiant heaters; pocket lamps; teapot warmers, rechauds with candles, gas burners or also electrically operated, pressure cooking pots (electric), pressure cooking pans (electric); bicycle lamps; devices and apparatus for supplying water, sanitary facilities; devices for dispensing water; devices and apparatus (as well as equipment composed of these) for feeding, discharging, supplying, holding, distributing and extracting water; hot water installations; fittings and valves for feeding and discharging water for bath and showers; fittings for douche, washing, flushing, bidet and toilet facilities; washing stand fittings and sink fittings; single lever faucet fittings, two-handled fittings (parts of sanitary equipment); thermostat fittings; energy-saving and water-saving fittings and valves for connecting to water conduits and for sanitary equipment, filters for retaining contaminations in water; thermostatically controlled mixing faucets and mixing faucets which are operated in

a contact-less manner (parts of sanitary equipment); controlling, regulating, mixing, closing and self-closing valves for water conduits and sanitary equipment; showers, shower cubicles, spraying nozzles, spraying heads, showers, shower barriers, shower seats, shower columns, shower hoses, wash hand bowls (parts of sanitary installations), complete shower and washing cabins; shower barriers, bath tub walls, washing room accessories, bathroom accessories (included in this class), tub handles, grab handles of metal or plastic for baths and showers, toilet tanks; toilet seats of plastic, wood or metal, single components and spare parts for all aforementioned goods, included in this class; electrical rope and string lights; electric light hoses; safety inserts (mats) for showers and tubs.

Class 12

Bicycles and bicycle accessoires (included in this class); bicycles with auxiliary engine, motor scooters, mopeds, covers for bicycle seats or motorbike seats; bicycle supports and wheel supports, bicycle brakes, two-wheeler brakes, bicycle rims, bicycle forks, bicycle chains, bicycle bells, bicycle baskets, bicycle handle bars, bicycle motors, hubs of bicycle wheels, bicycle carriers, bicycle pedals, bicycle pumps, bicycle tires, bicycle bogie wheels, bicycle tubes, bicycle spokes, bicycle saddles, bicycle panniers, bicycle front mounts, bicycle saddle tubes, bicycle bottom brackets; boats and additional parts and spare parts therefor included in this class; paddles; vehicles; motor vehicle parts, namely transport devices for the transport of luggage with and on motor vehicles included in this class, roof racks, trunk mounts, ski racks, racks for bicycles, racks for surfboards, luggage awnings, luggage spiders for attaching loads, luggage trailers (vehicles), trailer couplings, windshield wipers, snow chains and spoilers.

Class 13

Fireworks.

Class 14

Watches; chronometric instruments; containers and vessels of precious metal for household and kitchen; tea sets, table decorations and dinner services of precious metal; alarm clocks.

Class 16

Paper, paperboard, paper and paperboard goods, included in this class, with the exception of paper towels for household use, kitchen towels, hand towels, handkerchiefs, toilet paper, table linen, wrapping paper; exercise books, cut size paper, photocopy paper, copy paper, continuous paper, carbon copy paper; note pads and writing pads, letter envelopes, packaging envelopes made of paper or plastic; paper rolls for calculators, brochures, journals and magazines, books; printed matter, namely forms and labels; adhesives for stationeries and writing materials, for office and school supplies; office supplies (except furniture), namely non-electric office machines; writing utensils, in particular pencils, ball pens as well as felt-tip pens and fibre-tip pens; supplies for writing utensils, namely ink pens, refills, ink, refill cartridges for stylographs, pencil cases, erasers and eraser pens, pencil sharpeners, ink erasers, highlighters, colored pencils; requisites for painting and drawing, namely board chalk, wax crayon, finger colors, colored crayons, water-based fibre-tip pens, water colors, poster colors, oil paints, brushes, painter's palettes, painter's canvas and easels; coloring and sketch pads, colored fancy paper, metal paper,

handicraft folders, pastel chalks, aquarelle colors, crayons and refills thereof, ink pens for use with Indian ink, Indian ink; drawing equipment, in particular writing and drawing stencils, rulers, set squares, protractors, set of drawing instruments, drawing paper; scale paper, transparent paper, stationeries, writing paper, writing cases, pads for writing on; ring binders and loose sheets therefore; sliding rules and disc calculators, booklet organization folders, letter paper and envelopes, bill pads and delivery note pads, ticketing equipment, namely manual embossing devices and ticketing devices (office machines), embossing tapes of paper, paper rolls for ticketing devices, labels (not of textile materials), letters and numbers, pinboards and magnetic boards as well as letters and numbers for pinboards and magnetic boards; transparent envelopes; plastic file envelopes, punched pockets, document pockets and loose leaf binders; filers and folders, back labels for folders, file indexes; registry and archiving systems (office supplies), in particular hanging file folders, hanging file pockets, hooking binders and eyelet binders; record cards and record card indexes; letter baskets, containers for stationeries and writing materials; adhesive and stapling material for office use, stapling machines for office use, hole punchers; appliances for office organization (office machines), in particular desk files, appointments desk files and signature folders; materials for bookbinding, namely bookbinding yarn and linen as well as other textile materials for bookbinding; binding spirals, spine gluing apparatus; foils for laminating, photo albums, photographs, photographic prints, adhesive comers for fixing photos, adhesive agents for photos; electrically and mechanically operated document shredders (office machines); mechanical and electrical typewriters; automatic writing machines and accessories (included in this class), namely ink ribbons, cases; laminators.

Class 17

Sealants, packaging and insulating means; plastic pipes for laying, included in this class; hoses (non-metallic); rubber, mica and goods made of these, not included in other classes, insulating mats.

Class 18

Leather and imitations of leather, and goods made of these materials, included in this class, small articles of leather, included in this class, animal skins and hides; trunks and travelling bags, umbrellas, parasols, walking sticks; bags, included in this class, in particular wallets, camping bags, sport bags, travelling bags, bags for transporting children, wallets card cases, handbags, shopping bags; satchels; rucksacks.

Class 19 Wall plasters and plasters for building faces.

Class 20

Furniture, mirrors, frames; bedding (included in this class), namely mattresses, overlay mattresses, pillows, slatted frames; ladders and hinged steps (non-metallic), packaging containers of plastic, bottle cases, all-purpose trolleys (furniture), baskets (not of precious metal), bottle case racks (non-metallic), coat-hangers, shelves and shelving systems (furniture) (non-metallic), coat stands, also movable ones; blinds, window shades, blade-type blinds, cassette window shades, foldable blinds, pleating blinds, window shades, all non-metallic and non-textile and for indoor use; curtains of braided wood, wooden roller shutters, wooden net curtains, gathering window shades (non-textile), parts and components for blinds, upper rails, lower rails, brackets, fastening elements, locks, chains, springs, clips and holders for fastening

blinds included in this class, roller tubes (non-metallic), non-metallic actuating devices for blinds (non-electric), small parts of plastic for blinds and net curtains included in this class; small parts of wood for blinds and net curtains included in this class, rollers for blinds of wood or plastic, net curtain accessories, namely curtain rods, pivoting rods, curtain rings, curtain rollers of plastic, curtain rails; door curtains of wood; cable tensioner sets, not of metal and textile material; air mattresses and air cushions (not for medical purposes), sleeping bags for camping, mattresses, camping mats, garden furniture and their parts of wood, rattan, metal or plastic; dowels (connecting dowels, pegs), not of metal, locks (except electrical ones), not of metal; petrol cans of plastic, including mountings, drawing tables, plate drain racks.

Class 21

Ironing boards, rotary clothes drier, laundry baskets, clothes pegs, drying racks for laundry purposes and other devices for drying laundry (not included in other classes), storage and sorting systems for laundry use, namely devices and containers for the household (not of precious metal or plated), garbage cans, baskets for household use (not of precious metal), washtubs, cleaning utensils, household sponges, steel wool, shoddy wool, cotton waste for cleaning purposes, leather for cleaning purposes, polishing leather, wet mops, apparatus for waxing parquet flooring (non-electric), wipes, polishing apparatus and machines (non-electric) for household purposes, cleaning devices (hand-operated), window cleaning equipment (hand-operated), scrapers for cleaning containers, scrubbing brushes, dusters, feather dusters, furniture dusters, household appliances (not of precious metal), carpet sweepers (non-electric), brushes (except paint brushes), brooms, hand brushes, dust pans, goods of earthenware, glass and similar ceramic materials (included in this class); goods of porcelain, namely porcelain dishware, in particular dinner services, coffee services, tea sets, hot chocolate sets, mocha sets and breakfast dishes as well as household and kitchen appliances of porcelain; articles of daily use and ornamental objects of ceramic materials, namely plates, bowls, dishes, cups, cans, mugs, jars, pouring vessels, boxes, vases, table centrepieces namely ornaments, cutlery handles, honey dispensers, egg cups, napkin rings, napkin racks; figures for ornamental purposes of porcelain, earthenware, glass and similar ceramic materials (included in this class); glass ware and crystal glass ware, namely drinking glasses, bowls, dishes, vases, jars and napkin racks; apparatus and containers for household and kitchen (not of precious metal or plated); cookware and boiling apparatus; cooking pots, frying pans, thermos flasks, plates and dishes, tableware for arranging, serving tableware (not of precious materials or plated therewith); non-electrical and hand-operated appliances and machines for household and kitchen, sieves, tumblers, egg beaters, graters, corkscrews, cookie cutters; lids, knife-blocks, egg cutters, microwave crockery; paper tableware, plastic tableware, in particular mugs, cups, plates, glasses, flatware; thermos flasks and cups; implements for body and beauty care (cosmetic devices); salvers (not of precious metal), ironing tables.

Class 22

Tents, ropes, tow ropes, belts, awnings and sails, included in this class; wind protection fabrics, visual protection fabrics, dismountable garden pavilions of metal braces covered with fabric of textile or plastic; strings and ribbons (non-metallic) for binding and packaging; gift ribbons and decoration ribbons for binding, both of textile material, tarpaulins.

Class 24

Blinds, window shades, gathering window shades and canopies, all of textile material, sun blinds of textile material, net curtains of textile material and plastic, all aforementioned goods for indoor use; fabrics, bedspreads and table cloths, bed linen and table linen; fabrics and textile goods, not included in other classes, bed linen and table linen, quilts, net curtains, curtains, decoration curtains, eiderdowns, bedding (included in this class), blankets, bed linen, sheets, coverlets, bed linen, duvets, bedcovers, pillow cases, plaids for furniture, curtains, textile towels, bath towels, sauna towels, textile washcloths, table linen, napkins, table cloths, table mats made of cloth or plastic, dishrags, dishtowels, glass towels, face cleaning towels, pillow cases, textile napkins, bathroom rugs and toilet rugs, toilet seat covers, upholstery cloths and blankets, textile wall paneling and window shades; textile sunshades for indoor use, bedspreads, coverings for ironing boards, dress handkerchiefs.

Class 25

Clothing for women, men and children; stockings; waist belts of leather; scarves; accessories for clothing articles, namely headscarves, bandanas, fichus, ties; gloves; shoes for women, men and children; headgear; working clothes, gowns.

Class 27

Carpets, rugs and mats, also for use in motor vehicles; included in this class, wall hangings of paper and plastic; bathroom mats (included in this class), insulating floor coverings, wallpapers of textile products.

Class 28

Games, playthings, gymnastic and sporting equipment (included in this class); balls for sporting, bats for ball games, in particular for tennis, squash, badminton; golf clubs; gymnastic and sporting equipment (included in this class) for tennis, squash, golf and badminton, home exercisers, fitness trainers, steppers, skateboards, inline skates, roller skates; wheels for skateboards and roller skates, skates, scooters; special purpose bags for pieces of sporting equipment, bags for storing and transporting skates and roller skates; equipment for playing, climbing and swinging for outdoor use.

Class 33

Alcoholic beverages (except beers), alcoholic milk beverages (milk predominating), alcoholic essences and extracts, aperitifs, cocktails, liqueurs, spirituous beverages, wines, wine-based beverages, champagne and sparkling wines.

Class 34

Tobacco, tobacco products, tobacco goods, cigarettes, cigars, small cigars; smoker's articles, cigarette paper, cigarette filters, cigarette mouthpieces, pocket apparatus for rolling cigarettes, cigar cases and cigarette cases (not of precious metals), ashtrays (not of precious metals), cigar cutters, pipes, pipe cleaners, flint stones; matches, lighters for smokers, gas cartridges for lighters.

The mark has been published pursuant to Article 152(2) CTMR on **24/02/2012**.

Pursuant to Article 151 (2) CTMR and Rule 116 (2) CTMIR, it shall have the same effect as the registration of a mark as a Community trade mark.

Patricia López López