

## **RESUMÉ:**

### **AN 2015 00037 – MP 1186526 AYONA <fig> - Indsigelse - Forveksling**

Der blev fremsat indsigelse mod endelig registrering af varemærket MP 1186526 AYONA <fig> for nogle af de ansøgte varer og tjenesteydelser. Indsigelsen blev begrundet med, at det foreløbigt registrerede mærke MP 1186526 AYONA <fig> er forveksleligt med indsigers ældre varemærker VR 1990 07246 ROLEX DAYTONA <fig> samt indsigers EU-varemærkeregistriering nr. 001457639 DAYTONA. Patent- og Varemærkestyrelsen tog ikke indsigelsen til følge og opretholdt registreringen i sin helhed. Denne afgørelse blev indbragt for Ankenævnet for Patenter og Varemærker, som stadfæstede den påklagede afgørelse.

## **KENDELSE:**

År 2016, den 24. juni afsagde Ankenævnet for Patenter og Varemærker (Hans Chr. Thomsen, Hanne Kirk, Jens Schovsbo og Eva K. Borgen) følgende kendelse i sagen **AN 2015 00037**

### **Klage fra**

ROLEX SA  
v/Budde Schou A/S

### **over**

Patent- og Varemærkestyrelsens afgørelse af 21. september 2015 vedr. MP 1186526 AYONA <fig>  
Indehavet af:  
AYONA IP LIMITED  
v/ LEGAL COMPANY USKOV AND PARTNERS

Ankenævnet har behandlet sagen skriftligt.

### **Ankenævnet udtaler:**

Ankenævnet for Patenter og Varemærker lægger som Patent- og Varemærkestyrelsen til grund, at der foreligger varesammenfald inden for visse klasser, at både ROLEX og DAYTONA har bevaret deres

selvstændige adskillelsesevne, at der derfor kan lægges selvstændig vægt på ordelementet DAYTONA i indsigers mærke ROLEX DAYTONA og at både AYONA og DAYTONA udgør to særprægede ord.

Ankenævnet kan dernæst tiltræde styrelsens vurdering af, at hverken den visuelle, den lydige eller den begrebsmæssige lighed mellem DAYTONA og AYONA er tilstrækkelig til, at der samlet foreligger en risiko for forveksling.

Ankenævnet finder endelig, at ligheden ikke, selv hvis man lagde til grund, at DAYTONA måtte anses for at være velkendt her i landet, ville være tilstrækkelig til at skabe en sådan sammenhæng mellem de to mærker som krævet i henhold til EU-Domstolens afgørelse i Sag C-408/01, Adidas/Fitnessworld.

**Herefter bestemmes:**

Den påklagede afgørelse stadfæstes.

**Sagens baggrund:**

Den 26. december 2013 notificerede World Intellectual Property Organization (WIPO) Patent- og Varemærkestyrelsen om, at LEGAL COMPANY USKOV AND PARTNERS på vegne AYONA IP LIMITED, som indehaver af den internationale registrering MP 1186526 AYONA <fig>:

**AYONA**

havde designeret Danmark den 1. juli 2013.

For:

Klasse 05: Acaricides; aconitine; alkaloids for medical purposes; alginates for pharmaceutical purposes; algicides; aldehydes for pharmaceutical purposes; dental amalgams of gold; dental amalgams; amino acids for veterinary purposes; amino acids for medical purposes; analgesics; anaesthetics; antibiotics; antiseptics; medicine cases, portable, filled; first-aid boxes, filled; aluminium acetate for pharmaceutical purposes; acetates for pharmaceutical purposes; germicides; balms for medical purposes; bandages for dressings; biocides; bracelets for medical purposes; anti-rheumatism bracelets; bromine for pharmaceutical purposes; paper for mustard plasters; fly catching paper; mothproofing paper; petroleum jelly for medical purposes; vaccines; oxygen baths; antiseptic cotton; aseptic cotton; absorbent cotton; wadding for medical purposes; cotton for medical purposes; dietetic substances adapted for medical use; radiological contrast substances for medical purposes; nutritive substances for microorganisms; radioactive substances for medical purposes; melissa water for

pharmaceutical purposes; sea water for medicinal bathing; mineral waters for medical purposes; thermal water; dietary fiber; molding wax for dentists; gases for medical purposes; guaiacol for pharmaceutical purposes; haematogen; haemoglobin; hydrastine; hydrastinine; glycerine for medical purposes; glycerophosphates; glucose for medical purposes; gentian for pharmaceutical purposes; hormones for medical purposes; mustard for pharmaceutical purposes; mustard plasters; mud for baths; medicinal mud; gamboge for medical purposes; gurjun [gurjon, gurjan] balsam for medical purposes; air deodorising preparations; deodorants, other than for human beings or for animals; deodorants for clothing and textiles; diastase for medical purposes; digitalin; mineral food supplements; nutritional supplements; albumin dietary supplements; dietary supplements for animals; alginate dietary supplements; glucose dietary supplements; casein dietary supplements; lecithin dietary supplements; flaxseed oil dietary supplements; propolis dietary supplements; protein dietary supplements; protein supplements for animals; royal jelly dietary supplements; pollen dietary supplements; wheat germ dietary supplements; flaxseed dietary supplements; enzyme dietary supplements; yeast for pharmaceutical purposes; gelatine for medical purposes; cod liver oil; isotopes for medical purposes; insecticides; iodine for pharmaceutical purposes; iodides for pharmaceutical purposes; alkaline iodides for pharmaceutical purposes; iodoform; calomel; cream of tartar for pharmaceutical purposes; tartar for pharmaceutical purposes; camphor for medical purposes; capsules for medicines; cachets for pharmaceutical purposes; haemostatic pencils; wart pencils; caustic pencils; headache pencils; carbolineum [parasiticide]; caustics for pharmaceutical purposes; cachou for pharmaceutical purposes; quassia for medical purposes; quebracho for medical purposes; oxygen for medical purposes; gallic acid for pharmaceutical purposes; acids for pharmaceutical purposes; adhesives for dentures; stem cells for veterinary purposes; stem cells for medical purposes; cocaine; collodion for pharmaceutical purposes; corn rings for the feet; anti-rheumatism rings; candy, medicated; angostura bark for medical purposes; barks for pharmaceutical purposes; cedar wood for use as an insect repellent; condurango bark for medical purposes; croton bark; mangrove bark for pharmaceutical purposes; myrobalan bark for pharmaceutical purposes; cinchona for medical purposes; medicinal roots; rhubarb roots for pharmaceutical purposes; lint for medical purposes; starch for dietetic or pharmaceutical purposes; creosote for pharmaceutical purposes; blood for medical purposes; cultures of microorganisms for medical and veterinary use; curare; dental lacquer; liquorice for pharmaceutical purposes; lactose for pharmaceutical purposes; candy for medical purposes; adhesive plasters; medicines for alleviating constipation; adhesive bands for medical purposes; lecithin for medical purposes; lotions for veterinary purposes; dog lotions; lotions for pharmaceutical purposes; personal sexual lubricants; lupulin for pharmaceutical purposes; magnesia for pharmaceutical purposes; liniments; ointments for pharmaceutical purposes; sunburn ointments; mercurial ointments; frostbite salve for pharmaceutical purposes; gauze for dressings; medicinal oils; mustard oil for medical purposes; camphor oil for medical purposes; castor oil for medical purposes; oil of turpentine for pharmaceutical purposes; dill oil for medical purposes; dental mastics; dental

abrasives; dental impression materials; teeth filling material; dressings, medical; surgical dressings; drugs for medical purposes; medicines for veterinary purposes; serotherapeutic medicines; medicines for human purposes; medicines for dental purposes; menthol; medicinal drinks; moleskin for medical purposes; milk of almonds for pharmaceutical purposes; royal jelly for pharmaceutical purposes; milk ferments for pharmaceutical purposes; irish moss for medical purposes; flour for pharmaceutical purposes; flaxseed meal for pharmaceutical purposes; fish meal for pharmaceutical purposes; fly catching adhesives; mint for pharmaceutical purposes; dietetic beverages adapted for medical purposes; malted milk beverages for medical purposes; narcotics; medicinal infusions; tincture of iodine; eucalyptol for pharmaceutical purposes; tinctures for medical purposes; opium; opodeldoc; decoctions for pharmaceutical purposes; antiparasitic collars for animals; stick liquorice for pharmaceutical purposes; sulphur sticks [disinfectants]; lozenges for pharmaceutical purposes; pectin for pharmaceutical purposes; pepsins for pharmaceutical purposes; peptones for pharmaceutical purposes; hydrogen peroxide for medical purposes; food for babies; leeches for medical purposes; blood plasma; eyepatches for medical purposes; poultices; compresses; scapulars for surgical purposes; diapers [babies' napkins]; bunion pads; breast-nursing pads; pomades for medical purposes; powder of cantharides; pyrethrum powder; belts for sanitary napkins [towels]; anti-uric preparations; bacterial preparations for medical and veterinary use; bacteriological preparations for medical and veterinary use; balsamic preparations for medical purposes; albuminous preparations for medical purposes; biological preparations for veterinary purposes; biological preparations for medical purposes; veterinary preparations; bismuth preparations for pharmaceutical purposes; vitamin preparations; diagnostic preparations for medical purposes; therapeutic preparations for the bath; haemorrhoid preparations; preparations for callouses; preparations to facilitate teething; preparations for the treatment of burns; fumigation preparations for medical purposes; opotherapy preparations; air purifying preparations; eyewashes; bronchodilating preparations; preparations for reducing sexual activity; sterilising preparations; soil-sterilising preparations; corn remedies; pharmaceutical preparations for treating dandruff; preparations for destroying noxious animals; herbicides; preparations for destroying dry rot fungus; larvae exterminating preparations; fly destroying preparations; preparations for destroying mice; slug exterminating preparations; vermin destroying preparations; pharmaceutical preparations for skin care; contact lens cleaning preparations; preparations of lime for pharmaceutical purposes; bath preparations, medicated; medicinal hair growth preparations; opiates; anticryptogamic preparations; aloe vera preparations for pharmaceutical purposes; preparations of trace elements for human and animal use; sulphonamides [medicines]; pharmaceutical preparations; sunburn preparations for pharmaceutical purposes; enzyme preparations for veterinary purposes; enzyme preparations for medical purposes; chemico-pharmaceutical preparations; chemical preparations for veterinary purposes; chemical preparations for the diagnosis of pregnancy; chemical preparations to treat wheat blight [smut]; vine disease treating chemicals; chemical preparations to treat mildew; chemical preparations for treating phylloxera; chemical

preparations for pharmaceutical purposes; chilblain preparations; mothproofing preparations; collyrium; goulard water; chemical conductors for electrocardiograph electrodes; albuminous foodstuffs for medical purposes; dietetic foods adapted for medical purposes; by-products of the processing of cereals for dietetic or medical purposes; sanitary napkins; napkins for incontinents; menstruation bandages; panty liners [sanitary]; propolis for pharmaceutical purposes; pearl powder for medical purposes; radium for medical purposes; hydrated chloral for pharmaceutical purposes; solvents for removing adhesive plasters; vaginal washes; solutions for contact lenses; chemical reagents for medical or veterinary purposes; gum for medical purposes; rubber for dental purposes; chewing gum for medical purposes; insect repellents; insect repellent incense; repellents for dogs; tissues impregnated with pharmaceutical lotions; sarsaparilla for medical purposes; sugar for medical purposes; asthmatic tea; fumigating pastilles; flaxseed for pharmaceutical purposes; tobacco-free cigarettes for medical purposes; siccatives [drying agents] for medical purposes; syrups for pharmaceutical purposes; turpentine for pharmaceutical purposes; milking grease; greases for veterinary purposes; greases for medical purposes; lacteal flour for babies; soporifics; bicarbonate of soda for pharmaceutical purposes; bath salts for medical purposes; salts for mineral water baths; salts for medical purposes; potassium salts for medical purposes; sodium salts for medical purposes; smelling salts; mineral water salts; malt for pharmaceutical purposes; semen for artificial insemination; alcohol for pharmaceutical purposes; alloys of precious metals for dental purposes; ergot for pharmaceutical purposes; cooling sprays for medical purposes; adjuvants for medical purposes; styptic preparations; anthelmintics; vermifuges; disinfectants for hygiene purposes; disinfectants for chemical toilets; douching preparations for medical purposes; appetite suppressants for medical purposes; medical preparations for slimming purposes; parasiticides; mouthwashes for medical purposes; febrifuges; depuratives; animal washes; detergents for medical purposes; cattle washes; dog washes; vesicants; articles for headache; evacuants; remedies for perspiration; remedies for foot perspiration; chemical contraceptives; antiparasitic preparations; sedatives; laxatives; tonics [medicines]; nervines; digestives for pharmaceutical purposes; bouillons for bacteriological cultures; steroids; strychnine; suppositories; serums; tanning pills; appetite suppressant pills; slimming pills; yeast dietary supplements; antioxidant pills; menstruation tampons; vulnerary sponges; thymol for pharmaceutical purposes; biological tissue cultures for veterinary purposes; biological tissue cultures for medical purposes; surgical cloth [tissues]; smoking herbs for medical purposes; medicinal herbs; surgical implants [living tissues]; pants, absorbent, for incontinents; menstruation knickers; babies' napkin-pants [diaper-pants]; charcoal for pharmaceutical purposes; fennel for medical purposes; porcelain for dental prostheses; phenol for pharmaceutical purposes; enzymes for veterinary purposes; enzymes for medical purposes; ferments for pharmaceutical purposes; formic aldehyde for pharmaceutical purposes; phosphates for pharmaceutical purposes; fungicides; quinine for medical purposes; chinoline for medical purposes; diabetic bread adapted for medical use; chloroform; flowers of sulphur for pharmaceutical purposes; cement for animal hooves; bone cement for surgical and

orthopaedic purposes; dental cements; medicinal tea; herbal teas for medicinal purposes; eucalyptus for pharmaceutical purposes; tobacco extracts [insecticides]; extracts of hops for pharmaceutical purposes; elixirs [pharmaceutical preparations]; ethers for pharmaceutical purposes; esters for pharmaceutical purposes; cellulose esters for pharmaceutical purposes; cellulose ethers for pharmaceutical purposes; jujube, medicated; rat poison; poisons; bacterial poisons; jalap.

Klasse 09: Dvd players; ticket dispensers; juke boxes, musical; answering machines; motor fire engines; accumulators, electric; accumulators, electric, for vehicles; actinometers; alidades; altimeters; ammeters; anemometers; anodes; aerials; anticathodes; apertometers [optics]; high-frequency apparatus; testing apparatus not for medical purposes; remote control apparatus; electro-dynamic apparatus for the remote control of railway points; electro-dynamic apparatus for the remote control of signals; monitoring apparatus, electric; sound recording apparatus; global positioning system [gps] apparatus; distillation apparatus for scientific purposes; diffraction apparatus [microscopy]; air analysis apparatus; apparatus to check franking; sound transmitting apparatus; apparatus for fermentation [laboratory apparatus]; breathing apparatus for underwater swimming; breathing apparatus, except for artificial respiration; apparatus and installations for the production of X-rays, not for medical purposes; cash registers; electric apparatus for commutation; intercommunication apparatus; stills for laboratory experiments; projection apparatus; radiological apparatus for industrial purposes; x-ray apparatus not for medical purposes; blueprint apparatus; blinkers [signalling lights]; stereoscopic apparatus; telephone apparatus; facsimile machines; phototelegraphy apparatus; igniting apparatus, electric, for igniting at a distance; acid hydrometers; salinometers; acidimeters for batteries; aerometers; beacons, luminous; accumulator jars; barometers; anode batteries; galvanic batteries; batteries for lighting; solar batteries; batteries, electric; balances [steelyards]; betatrons; binoculars; electronic tags for goods; lens hoods; magnetic tape units for computers; computer memory devices; fire hose nozzles; encoded identification bracelets, magnetic; safety tarpaulins; signalling buoys; life buoys; marking buoys; directional compasses; vacuum gauges; electrolyzers; variometers; verniers; scales; letter scales; weighbridges; precision balances; levelling staffs [surveying instruments]; camcorders; video cassettes; video telephones; video screens; viewfinders, photographic; plugs, sockets and other contacts [electric connections]; micrometer screws for optical instruments; viscosimeters; circuit closers; wavemeters; voltmeters; switchboxes [electricity]; current rectifiers; gas testing instruments; gasometers [measuring instruments]; galvanometers; hands free kits for phones; heliographic apparatus; hygrometers; hydrometers; weights; peepholes [magnifying lenses] for doors; holograms; plotters; loudspeakers; sounding leads; plumb bobs; range finders; densimeters; densitometers; optical goods; detectors; smoke detectors; counterfeit [false] coin detectors; slides [photography]; slide projectors; diaphragms [photography]; dictating machines; dynamometers; light-emitting diodes [led]; floppy disks; phonograph records; disks, magnetic; optical discs; calculating disks; disk drives for computers; juke boxes for computers; dna chips; electronic notice boards; bullet-

proof waistcoats [vests (am.)]; life jackets; identification threads for electric wires; nose clips for divers and swimmers; locks, electric; bells [warning devices]; alarm bells, electric; electric door bells; signal bells; acoustic conduits; mirrors for inspecting work; road signs, luminous or mechanical; mechanical signs; signs, luminous; marine depth finders; probes for scientific purposes; buzzers; needles for record players; measures; pressure measuring apparatus; simulators for the steering and control of vehicles; inverters [electricity]; pressure indicators; temperature indicators; incubators for bacteria culture; measuring instruments; cosmographic instruments; mathematical instruments; levelling instruments; instruments containing eyepieces; surveying instruments; azimuth instruments; interfaces for computers; ionization apparatus not for the treatment of air or water; spark-guards; coaxial cables; fibre [fiber (am.)] optic cables; cables, electric; calipers; slide calipers; screw-tapping gauges; calculating machines; pocket calculators; decompression chambers; cinematographic cameras; electronic pens [visual display units]; holders for electric coils; identity cards, magnetic; video game cartridges; encoded magnetic cards; riding helmets; protective helmets; carriers for dark plates [photography]; automated teller machines [atm]; cathodes; spools [photography]; choking coils [impedance]; coils, electric; electromagnetic coils; cinematographic film, exposed; computer keyboards; solenoid valves [electromagnetic switches]; wire connectors [electricity]; electronic agendas; push buttons for bells; mouse pads; magnetic encoders; anti-dazzle shades; collectors, electric; calibrating rings; protective suits for aviators; commutators; compact discs [audio-video]; compact discs [read-only memory]; comparators; marine compasses; computers; laptop computers; notebook computers; capacitors; contacts, electric; wind socks for indicating wind direction; branch boxes [electricity]; distribution boxes [electricity]; junction boxes [electricity]; accumulator boxes; cabinets for loudspeakers; diving suits; garments for protection against fire; galena crystals [detectors]; reflecting discs for wear, for the prevention of traffic accidents; covers for electric outlets; logs [measuring instruments]; lasers, not for medical purposes; lactodensimeters; lactometers; vacuum tubes [radio]; darkroom lamps [photography]; thermionic tubes; amplifying tubes; flashlights [photography]; head cleaning tapes [recording]; magnetic tapes; videotapes; surveying chains; fire escapes; rulers [measuring instruments]; slide-rules; contact lenses; correcting lenses [optics]; optical lenses; optical condensers; sounding lines; electricity conduits; measuring spoons; magnifying glasses [optics]; thread counters; magnets; decorative magnets; crash test dummies; resuscitation mannequins [teaching apparatus]; mouse [data processing equipment]; manometers; divers' masks; solderers' helmets; protective masks; materials for electricity mains [wires, cables]; voting machines; money counting and sorting machines; material testing instruments and machines; furniture especially made for laboratories; megaphones; portable media players; diaphragms [acoustics]; diaphragms for scientific apparatus; metal detectors for industrial or military purposes; metronomes; rules [measuring instruments]; carpenters' rules; dressmakers' measures; mechanisms for coin-operated apparatus; mechanisms for counter-operated apparatus; coin-operated mechanisms for television sets; shutter releases [photography]; micrometer gauges; micrometers; microprocessors; microscopes; microtomes;

microphones; modems; lightning arresters; monitors [computer hardware]; monitors [computer programs]; terminals [electricity]; junction sleeves for electric cables; cases fitted with dissecting instruments [microscopy]; teeth protectors; knee-pads for workers; headphones; surveyors' levels; sound recording carriers; magnetic data media; optical data media; socks, electrically heated; computer software, recorded; sheaths for electric cables; identification sheaths for electric wires; weighing machines; punched card machines for offices; life saving apparatus and equipment; shoes for protection against accidents, irradiation and fire; objectives [lenses] [optics]; lenses for astrophotography; egg-candlers; fire extinguishers; electrified fences; limiters [electricity]; clothing for protection against accidents, irradiation and fire; clothing for protection against fire; asbestos clothing for protection against fire; clothing especially made for laboratories; ozonisers [ozonators]; octants; eyepieces; ohmmeters; wrist rests for use with computers; spectacle frames; eyeglass frames; oscillographs; plumb lines; mirrors [optics]; spectacles [optics]; sunglasses; goggles for sports; signalling panels, luminous or mechanical; radio pagers; eyeglasses; pince-nez; electronic pocket translators; transmitters [telecommunication]; telephone transmitters; transmitters of electronic signals; switches, electric; periscopes; gloves for divers; gloves for protection against accidents; gloves for protection against x-rays for industrial purposes; asbestos gloves for protection against accidents; furnaces for laboratory use; pipettes; pyrometers; planimeters; plane tables [surveying instruments]; plates for batteries; wafers for integrated circuits; printed circuit boards; compact disc players; cassette players; sound recording strips; x-ray films, exposed; films, exposed; life-saving rafts; laboratory trays; semi-conductors; polarimeters; fire engines; measuring glassware; life belts; fuses; circuit breakers; converters, electric; telerupters; food analysis apparatus; diagnostic apparatus, not for medical purposes; distance recording apparatus; distance measuring apparatus; speed measuring apparatus [photography]; appliances for measuring the thickness of leather; apparatus for measuring the thickness of skins; speed checking apparatus for vehicles; teaching apparatus; time recording apparatus; hemline markers; apparatus and instruments for astronomy; surveying apparatus and instruments; weighing apparatus and instruments; nautical apparatus and instruments; navigational instruments; optical apparatus and instruments; apparatus and instruments for physics; chemistry apparatus and instruments; measuring apparatus; measuring devices, electric; boiler control instruments; meteorological instruments; naval signalling apparatus; observation instruments; navigation apparatus for vehicles [on-board computers]; satellite navigational apparatus; regulating apparatus, electric; precision measuring apparatus; audio- and video-receivers; prisms [optics]; printers for use with computers; hemline markers; retorts' stands; apparatus for changing record player needles; drainers for use in photography; cleaning apparatus for phonograph records; fire beaters; sighting telescopes for firearms; test tubes; pressure indicator plugs for valves; magnetic wires; telegraph wires; telephone wires; wires, electric; conductors, electric; copper wire, insulated; fuse wire; computer programmes [programs], recorded; computer game programs; computer programs [downloadable software]; computer operating programs, recorded; record players; central processing



units [processors]; rods for water diviners; electronic publications, downloadable; distribution consoles [electricity]; control panels [electricity]; radar apparatus; masts for wireless aerials; transmitting sets [telecommunication]; radios; vehicle radios; sprinkler systems for fire protection; frames for photographic transparencies; screens for photoengraving; walkie-talkies; voltage surge protectors; voltage regulators for vehicles; stage lighting regulators; light dimmers [regulators], electric; speed regulators for record players; cell switches [electricity]; washing trays [photography]; marking gauges [joinery]; time switches, automatic; relays, electric; safety restraints, other than for vehicle seats and sports equipment; x-ray photographs, other than for medical purposes; rheostats; respirators for filtering air; respirators, other than for artificial respiration; retorts; refractometers; refractors; grids for batteries; speaking tubes; horns for loudspeakers; saccharometers; light conducting filaments [optical fibers [fibres]]; traffic-light apparatus [signalling devices]; dog whistles; signalling whistles; sextants; inductors [electricity]; life nets; nets for protection against accidents; fire alarms; signals, luminous or mechanical; sirens; scanners [data processing equipment]; integrated circuit cards [smart cards]; connections for electric lines; connections, electric; connectors [electricity]; sonars; sound locating instruments; lighting ballasts; resistances, electric; spectrograph apparatus; spectrosopes; speed indicators; alcoholmeters; satellites for scientific purposes; protection devices for personal use against accidents; audiovisual teaching apparatus; radiotelegraphy sets; radiotelephony sets; spectacle lenses; glass covered with an electrical conductor; anti-glare glasses; optical glass; personal stereos; stereoscopes; stands for photographic apparatus; fire boats; sulphitometers; drying racks [photography]; spherometers; integrated circuits; printed circuits; counters; parking meters; kilometer recorders for vehicles; revolution counters; abacuses; egg timers [sandglasses]; taximeters; ear plugs for divers; tachometers; television apparatus; telegraphs [apparatus]; telescopes; teleprompters; teleprinters; portable telephones; theodolites; thermometers, not for medical purposes; thermostats; thermostats for vehicles; crucibles [laboratory]; tone arms for record players; totalizators; transistors [electronic]; transponders; protractors [measuring instruments]; transformers [electricity]; step-up transformers; vehicle breakdown warning triangles; triodes; starter cables for motors; discharge tubes, electric, other than for lighting; capillary tubes; neon signs; x-ray tubes not for medical purposes; telephone receivers; gauges; quantity indicators; automatic indicators of low pressure in vehicle tires [tyres]; gasoline gauges; water level indicators; electric loss indicators; light-emitting electronic pointers; clinometers; levels [instruments for determining the horizontal]; mercury levels; spirit levels; urinometers; amplifiers; particle accelerators; electric installations for the remote control of industrial operations; steering apparatus, automatic, for vehicles; balancing apparatus; video recorders; sound reproduction apparatus; invoicing machines; tape recorders; protection devices against x-rays, not for medical purposes; railway traffic safety appliances; data processing apparatus; oxygen transvasing apparatus; theft prevention installations, electric; film cutting apparatus; drying apparatus for photographic prints; optical character readers; centering apparatus for photographic transparencies; dosage dispensers; battery chargers; chargers for electric

batteries; acoustic [sound] alarms; sounding apparatus and machines; editing appliances for cinematographic films; cathodic anti-corrosion apparatus; couplers [data processing equipment]; anti-theft warning apparatus; computer peripheral devices; anti-interference devices [electricity]; demagnetizing apparatus for magnetic tapes; acoustic couplers; alarms; fog signals, non-explosive; whistle alarms; adding machines; readers [data processing equipment]; heat regulating apparatus; photocopiers [photographic, electrostatic, thermic]; bar code readers; downloadable ring tones for mobile phones; downloadable image files; downloadable music files; animated cartoons; filters [photography]; filters for respiratory masks; filters for ultraviolet rays, for photography; usb flash drives; magic lanterns; optical lamps; signal lanterns; cameras [photography]; glazing apparatus for photographic prints; shutters [photography]; darkrooms [photography]; photometers; flash-bulbs [photography]; enlarging apparatus [photography]; photovoltaic cells; containers for contact lenses; spectacle cases; eyeglass cases; containers for microscope slides; cases especially made for photographic apparatus and instruments; chromatography apparatus for laboratory use; chronographs [time recording apparatus]; laboratory centrifuges; eyeglass chains; cyclotrons; compasses [measuring instruments]; frequency meters; time clocks [time recording devices]; fire blankets; chips [integrated circuits]; jigs [measuring instruments]; pedometers; meteorological balloons; electrified rails for mounting spot lights; asbestos screens for firemen; fire hose; protective helmets for sports; cell phone straps; eyeglass cords; tripods for cameras; switchboards; distribution boards [electricity]; screens [photography]; workmen's protective face-shields; projection screens; radiology screens for industrial purposes; fluorescent screens; exposure meters [light meters]; ducts [electricity]; galvanic cells; epidiascopes; ergometers; armatures [electricity].

Klasse 14: Agates; diamonds; amulets [jewellery, jewelry (am.)]; anchors [clock and watch making]; barrels [clock and watch making]; bracelets [jewellery, jewelry (am.)]; straps for wristwatches; charms [jewellery, jewelry (am.)]; key rings [trinkets or fobs]; brooches [jewellery, jewelry (am.)]; alarm clocks; pins [jewellery, jewelry (am.)]; ornamental pins; tie pins; beads for making jewelry; pearls made of ambroid [pressed amber]; busts of precious metal; jet, unwrought or semi-wrought; pearls [jewellery, jewelry (am.)]; copper tokens; tie clips; cuff links; badges of precious metal; gold, unwrought or beaten; cloisonné jewellery [jewelry (am.)]; ivory [jewellery, jewelry (am.)]; works of art of precious metal; jewellery; jewellery of yellow amber; iridium; precious stones; semi-precious stones; spun silver [silver wire]; necklaces [jewellery, jewelry (am.)]; rings [jewellery, jewelry (am.)]; boxes of precious metal; watch cases; clock cases; pendulums [clock and watch making]; medals; locketts [jewellery, jewelry (am.)]; precious metals, unwrought or semi-wrought; movements for clocks and watches; clockworks; coins; gold thread [jewellery, jewelry (am.)]; threads of precious metal [jewellery, jewelry (am.)]; silver thread; olivine [gems]; osmium; palladium; platinum [metal]; chronometrical instruments; watch springs; rhodium; ruthenium; stopwatches; silver, unwrought or beaten; earrings; ingots of precious metals; alloys of precious metal; statues of precious metal;

statuettes of precious metal; watch crystals; paste jewellery [costume jewelry (am.)]; clock hands [clock and watch making]; ornaments [jewellery, jewelry (am.)]; shoe ornaments of precious metal; hat ornaments of precious metal; ornaments of jet; cases for watches [presentation]; cases for clock-and watchmaking; chronographs [watches]; chronometers; chronoscopes; chains [jewellery, jewelry (am.)]; watch chains; dials [clock and watch making]; atomic clocks; watches; sundials; clocks and watches, electric; control clocks [master clocks]; clocks; wristwatches; jewellery cases [caskets]; spinel [precious stones].

Klasse 16: Fountain pens; aquarelles; albums; almanacs; document laminators for office use; mimeograph apparatus and machines; atlases; posters; paper bows; table linen of paper; tickets; forms, printed; announcement cards [stationery]; note books; pads [stationery]; drawing pads; loose-leaf binders; wristbands for the retention of writing instruments; pamphlets; booklets; paper sheets [stationery]; waxed paper; paper for recording machines; electrocardiograph paper; electrocardiograph paper; drawer liners of paper, perfumed or not; wood pulp paper; carbon paper; copying paper [stationery]; parchment paper; writing paper; luminous paper; modelling wax, not for dental purposes; signboards of paper or cardboard; patterns for making clothes; patterns for dressmaking; newspapers; electrotypes; hectographs; modelling clay; terrestrial globes; drawing sets; engravings; slate pencils; pencil leads; document holders [stationery]; pencil holders; chalk holders; holders for checkbooks [cheque books]; holders for stamps [seals]; diagrams; engraving plates; writing slates; blackboards; galley racks [printing]; drawing boards; advertisement boards of paper or cardboard; duplicators; punches [office requisites]; cream containers of paper; magazines [periodicals]; money clips; tags for index cards; pen clips; bookmarkers; etching needles; tracing needles for drawing purposes; periodicals; printed publications; cardboard articles; paper shredders for office use; graphic representations; credit card imprinters, non-electric; graining combs; drawing instruments; calendars; tracing paper; tracing cloth; tracing patterns; gums [adhesives] for stationery or household purposes; lithographic stones; ink stones [ink reservoirs]; pencils; pencil lead holders; charcoal pencils; pictures; decalcomanias; paintings [pictures], framed or unframed; wood pulp board [stationery]; cardboard; hat boxes of cardboard; files [office requisites]; cards; index cards [stationery]; geographical maps; paper tapes and cards for the recordal of computer programmes; trading cards other than for games; perforated cards for jacquard looms; catalogues; spools for inking ribbons; covers of paper for flower pots; paintbrushes; painters' brushes; writing brushes; typewriter keys; glue for stationery or household purposes; isinglass for stationery or household purposes; gluten [glue] for stationery or household purposes; starch paste [adhesive] for stationery or household purposes; printing blocks; books; manifolds [stationery]; comic books; drawing pins; cigar bands; envelopes [stationery]; cases for stamps [seals]; boxes of cardboard or paper; paint boxes [articles for use in school]; correcting fluids [office requisites]; stencils [stationery]; french curves; paper ribbons; typewriter ribbons; gummed tape [stationery]; adhesive bands for stationery or household purposes; correcting tapes [office

requisites]; inking ribbons; inking ribbons for computer printers; adhesive tapes for stationery or household purposes; self-adhesive tapes for stationery or household purposes; drawing rulers; square rulers; absorbent sheets of paper or plastic for foodstuff packaging; humidity control sheets of paper or plastic for foodstuff packaging; viscose sheets for wrapping; sheets of reclaimed cellulose for wrapping; plastic bubble packs for wrapping or packaging; steel letters; letters [type]; lithographs; paint trays; architects' models; postage stamps; plastics for modelling; graphic prints; modelling materials; teaching materials [except apparatus]; sealing compounds for stationery purposes; adhesives [glues] for stationery or household purposes; bookbinding material; packaging material made of starches; filtering materials [paper]; addressing machines; electric or non-electric pencil sharpening machines; bookbinding apparatus and machines [office equipment]; typewriters, electric or non-electric; folders [stationery]; franking machines for office use; chalk for lithography; writing chalk; tailors' chalk; marking chalk; bags [envelopes, pouches] of paper or plastics, for packaging; garbage bags of paper or of plastics; painters' easels; hand-rests for painters; writing cases [stationery]; printing sets, portable [office requisites]; bibs of paper; stickers [stationery]; finger-stalls [office requisites]; bookbinding cords; paper knives [cutters] [office requisites]; numbering apparatus; bottle envelopes of cardboard or paper; sealing wafers; covers [stationery]; passport holders; plastic cling film, extensible, for palletization; embroidery designs [patterns]; handwriting specimens for copying; oleographs; musical greeting cards; greeting cards; postcards; etchings; conical paper bags; bags for microwave cooking; palettes for painters; ink sticks; pantographs [drawing instruments]; folders for papers; papier mâché; pastels [crayons]; modelling paste; boxes for pens; bookbindings; pen wipers; office perforators; pens [office requisites]; nibs of gold; nibs; steel pens; drawing pens; song books; seals [stamps]; sealing stamps; clipboards; address plates for addressing machines; handkerchiefs of paper; plastic film for wrapping; writing pads; letter trays; trays for sorting and counting money; coasters of paper; bookends; stamp stands; mats for beer glasses; stands for pens and pencils; photograph stands; inking pads; stamp pads; binding strips [bookbinding]; towels of paper; inking sheets for document reproducing machines; inking sheets for duplicators; bookbinding cloth; gummed cloth for stationery purposes; printers' blankets, not of textile; paperweights; writing cases [sets]; inkstands; office requisites, except furniture; writing materials; writing instruments; drawing materials; school supplies [stationery]; adhesive tape dispensers [office requisites]; hand labelling appliances; printed matter; lithographic works of art; prospectuses; printed timetables; ledgers [books]; printers' galleys; indexes; rubber erasers; elastic bands for offices; drawing t-squares; graphic reproductions; penholders; marking pens [stationery]; napkins of paper for removing make-up; face towels of paper; table napkins of paper; place mats of paper; tablemats of paper; tablecloths of paper; paper clasps; document files [stationery]; scrapers [erasers] for offices; paper-clips; clips for offices; erasing products; biological samples for use in microscopy [teaching materials]; histological sections for teaching purposes; steatite [tailor's chalk]; writing board erasers; composing frames [printing]; sealing wax; arithmetical tables; placards of paper or cardboard; writing or drawing books; fabrics for bookbinding; stationery;

pencil sharpeners, electric or non-electric; transparencies [stationery]; stencil plates; cardboard tubes; indian inks; moisteners [office requisites]; moisteners for gummed surfaces [office requisites]; drawing squares; chart pointers, non-electronic; bottle wrappers of cardboard or paper; envelope sealing machines, for offices; sealing machines for offices; vignetting apparatus; apparatus for mounting photographs; stapling presses [office requisites]; handbooks [manuals]; figurines [statuettes] of papier mâché; paper coffee filters; flags of paper; flyers; silver paper; molds for modelling clays [artists' materials]; photo-engravings; photographs [printed]; stencil cases; canvas for painting; chromolithographs [chromos]; compasses for drawing; numbers [type]; artists' watercolor [watercolour] saucers; correcting ink [heliography]; ink; inkwells; blueprints; chaplets; stencils; erasing shields; balls for ball-point pens; cabinets for stationery [office requisites]; printing type; address stamps; stamps [seals]; shields [paper seals]; prints [engravings]; labels, not of textile.

Klasse 18: Alpenstocks; pocket wallets; card cases [notecases]; reins; harness fittings; parts of rubber for stirrups; chamois leather, other than for cleaning purposes; umbrellas; parasols; saddlery; frames for umbrellas or parasols; handbag frames; cases, of leather or leatherboard; valves of leather; whips; imitation leather; leather, unworked or semi-worked; leatherboard; casings, of leather, for springs; umbrella rings; hat boxes of leather; boxes of leather or leather board; boxes of vulcanised fibre; chain mesh purses; purses; fastenings for saddles; butts [parts of hides]; saddle trees; bags [envelopes, pouches] of leather, for packaging; moleskin [imitation of leather]; travelling sets [leatherware]; knee-pads for horses; muzzles; halters; vanity cases, not fitted; leather thread; furniture coverings of leather; gut for making sausages; clothing for pets; trimmings of leather for furniture; collars for animals; music cases; slings for carrying infants; gold beaters' skin; cat o' nine tails; leather leads; pads for horse saddles; horseshoes; girths of leather; coverings of skins [furs]; horse blankets; bandoliers; briefcases; traces [harness]; fur; haversacks; leather straps; straps for soldiers' equipment; harness straps; straps for skates; straps of leather [saddlery]; chin straps, of leather; stirrup leathers; umbrella handles; walking cane handles; suitcase handles; backpacks; travelling bags; riding saddles; net bags for shopping; umbrella or parasol ribs; stirrups; bags for climbers; sling bags for carrying infants; garment bags for travel; valises; handbags; tool bags of leather, empty; beach bags; bags for sports; bags for campers; shopping bags; wheeled shopping bags; school bags; pouch baby carriers; travelling trunks; nose bags [feed bags]; bridoons; canes; umbrella sticks; walking stick seats; bits for animals [harness]; bridles [harness]; harness for animals; key cases; horse collars; trunks [luggage]; suitcases; attaché cases; covers for horse-saddles; umbrella covers; kid; curried skins; animal skins; cattle skins; leather laces; blinders [harness]; game bags [hunting accessories].

Klasse 20: Picture frame brackets; reels, not of metal, non-mechanical, for flexible hoses; pulleys of plastics for blinds; bolts, not of metal; casks of wood for decanting wine; mooring buoys, not of metal; casks, not of metal; barrels, not of metal; identification bracelets, not of metal, for hospitals;

sideboards; busts of wood, wax, plaster or plastic; costume stands; bolsters; fans for personal use, non-electric; work benches; vice benches, not of metal; coat hangers; coatstands; shoulder poles [yokes]; screws, not of metal; display stands; showcases [furniture]; newspaper display stands; artificial honeycombs; signboards of wood or plastics; loading gauge rods, not of metal, for railway waggons [wagons]; nuts, not of metal; covers for clothing [wardrobe]; nesting boxes; coffins; doors for furniture; curtain holders, not of textile material; dowels, not of metal; divans; kennels for household pets; keyboards for hanging keys; display boards; flagpoles; plugs [dowels], not of metal; containers, not of metal, for liquid fuel; troughs, not of metal, for mixing mortar; packaging containers of plastic; flower-stands [furniture]; curtain tie-backs; cable or pipe clips of plastics; binding screws, not of metal, for cables; rivets, not of metal; tortoiseshell imitation; locks, not of metal, for vehicles; locks, other than electric, not of metal; bead curtains for decoration; door bolts not of metal; bottle closures, not of metal; closures, not of metal, for containers; latches, not of metal; mirrors [looking glasses]; hand-held mirrors [toilet mirrors]; bamboo; scratching posts for cats; animal claws; animal hooves; coral; meerschaum; whalebone, unworked or semi-worked; stag antlers; tortoiseshell; shells; horn, unworked or semi-worked; animal horns; rattan; ivory, unworked or semi-worked; corozo; plaited straw, except matting; wickerwork; hampers [baskets]; works of art, of wood, wax, plaster or plastic; cabinet work; reeds [plaiting materials]; settees; curtain rods; index cabinets [furniture]; reels of wood for yarn, silk, cord; drain traps [valves] of plastic; water-pipe valves of plastic; valves, not of metal, other than parts of machines; staves of wood; plastic key cards, not encoded; mats for infant playpens; saw horses; bed casters, not of metal; furniture casters, not of metal; brush mountings; chopping blocks [tables]; wind chimes [decoration]; bottle caps, not of metal; bassinets; tent pegs, not of metal; curtain rings; chests of drawers; floating containers, not of metal; containers, not of metal [storage, transport]; lecterns; dog kennels; bakers' bread baskets; baskets, not of metal; trays, not of metal; bottle casings of wood; taps for casks, not of metal; armchairs; hairdressers' chairs; deck chairs; hospital beds; bedsteads of wood; beds; edgings of plastic for furniture; table tops; coathooks, not of metal; curtain hooks; clothes hooks, not of metal; beds for household pets; nesting boxes for household pets; ladders of wood or plastics; playpens for babies; dressmakers' dummies; air mattresses, not for medical purposes; spring mattresses; mattresses; hydrostatic beds, not for medical purposes; furniture of metal; office furniture; school furniture; sleeping bags for camping; mobiles [decoration]; curtain rails; house numbers, not of metal, non-luminous; barrel hoops, not of metal; furniture; moldings for picture frames; furniture partitions of wood; mother-of-pearl, unworked or semi-worked; mirror tiles; ambroid plates; numberplates, not of metal; identity plates, not of metal; loading pallets, not of metal; handling pallets, not of metal; transport pallets, not of metal; head-rests [furniture]; stakes for plants or trees; trestles [furniture]; magazine racks; book rests [furniture]; stands for calculating machines; flower-pot pedestals; baby changing mats; pet cushions; pillows; cushions; air cushions, not for medical purposes; air pillows, not for medical purposes; mats, removable, for sinks; racks [furniture]; library shelves; shelves for filing-cabinets [furniture]; furniture shelves; comb

foundations for beehives; shelves for storage; wood ribbon; straw edgings; towel closets [furniture]; hat stands; cask stands, not of metal; inflatable publicity objects; counters [tables]; bedding, except linen; corks for bottles; corks; sealing caps, not of metal; stair rods; standing desks; embroidery frames; towel dispensers, fixed, not of metal; picture frames; sections of wood for beehives; reservoirs, not of metal nor of masonry; fodder racks; curtain rollers; tool handles, not of metal; knife handles, not of metal; door handles, not of metal; scythe handles, not of metal; broom handles, not of metal; knobs, not of metal; fishing baskets; writing desks; seats of metal; benches [furniture]; vats, not of metal; honeycombs; sofas; bungs, not of metal; statues of wood, wax, plaster or plastic; figurines [statuettes] of wood, wax, plaster or plastic; oyster shells; silvered glass [mirrors]; ambroid bars; umbrella stands; gun racks; carts for computers [furniture]; dressing tables; washstands [furniture]; shelves for typewriters; draughtman's tables; massage tables; tables of metal; baby changing platforms; desks; tea carts; dinner wagons [furniture]; tables; steps [ladders], not of metal; chairs [seats]; high chairs for babies; bins, not of metal; placards of wood or plastics; footstools; crates; trolleys [furniture]; straw plaits; boarding stairs, not of metal, mobile, for passengers; straw mattresses; decorations of plastic for foodstuffs; beehives; funerary urns; winding spools, not of metal, non-mechanical, for flexible hoses; wax figures; door fittings, not of metal; coffin fittings, not of metal; bed fittings, not of metal; furniture fittings, not of metal; window fittings, not of metal; infant walkers; garment covers [storage]; stuffed animals; stuffed birds; hinges, not of metal; easy chairs; poles, not of metal; screens [furniture]; cupboards; filing cabinets; medicine cabinets; meat chests, not of metal; plate racks; bamboo curtains; paper blinds; slatted indoor blinds; woven timber blinds [furniture]; indoor window blinds [shades] [furniture]; interior textile window blinds; fire screens, domestic; yellow amber; lockers; bins of wood or plastic; chests for toys; letter boxes, not of metal or masonry; bottle racks.

Klasse 21: Autoclaves [pressure cookers], non-electric; indoor aquaria; buckets; china ornaments; dishes; paper plates; vegetable dishes; saucers; boxes for sweetmeats; bottles; carboys; busts of china, terra-cotta or glass; vases; epergnes; fruit cups; bird baths; baby baths, portable; plungers for clearing blocked drains; waffle irons, non-electric; coolers [ice pails]; buckets made of woven fabrics; whisks, non-electric, for household purposes; cooking skewers, of metal; rails and rings for towels; clothing stretchers; hair for brushes; birdcages; funnels; carpet beaters [hand instruments]; signboards of porcelain or glass; candle extinguishers; flower pots; chamber pots; glue-pots; cruets; decanters; large-toothed combs for the hair; combs for animals; tea cosies; abrasive sponges for scrubbing the skin; sponges for household purposes; toilet sponges; deodorising apparatus for personal use; sponge holders; toothpick holders; dishes for soap; napkin holders; holders for flowers and plants [flower arranging]; shaving brush stands; toilet paper holders; soap dispensers; ironing boards; cutting boards for the kitchen; bread boards; washing boards; strainers; smoke absorbers for household purposes; containers for household or kitchen use; kitchen containers; glass jars [carboys]; heat-insulated

containers; heat insulated containers for beverages; thermally insulated containers for food; glass flasks [containers]; frying pans; closures for pot lids; buckskin for cleaning; toothpicks; ceramics for household purposes; majolica; works of art, of porcelain, terra-cotta or glass; brush goods; domestic grinders, non-electric; cleaning instruments, hand-operated; cabarets [trays]; stew-pans; covers, not of paper, for flower pots; shaving brushes; cages for household pets; polishing leather; hot pots, not electrically heated; glass bulbs [receptacles]; boot trees [stretchers]; napkin rings; poultry rings; rings for birds; piggy banks; bread baskets, domestic; baskets for domestic use; waste paper baskets; feeding troughs; mangers for animals; lunch boxes; cookie jars; tea caddies; washtubs; earthenware saucepans; mess-tins; cauldrons; coffee percolators, non-electric; coffeepots, non-electric; coffee grinders, hand-operated; fused silica [semi-worked product], other than for building; beer mugs; tankards; rat traps; pot lids; aquarium hoods; butter-dish covers; covers for dishes; cheese-dish covers; buttonhooks; jugs; perfume burners; non-electric portable coolers (am.); watering cans; insect traps; mixing spoons [kitchen utensils]; basting spoons, for kitchen use; scoops [tableware]; pie servers; spatulas [kitchen utensils]; butter dishes; material for brush-making; polishing materials for making shiny, except preparations, paper and stone; noodle machines, hand-operated; polishing apparatus and machines, for household purposes, non-electric; pepper mills, hand-operated; mills for domestic purposes, hand-operated; feather-dusters; brooms; isothermic bags; confectioners' decorating bags [pastry bags]; mixers, manual [cocktail shakers]; basins [bowls]; mosaics of glass, not for building; saucepan scourers of metal; soap boxes; mouse traps; cooking pot sets; nozzles for watering cans; spouts; nozzles for sprinkler hose; fitted picnic baskets, including dishes; toilet cases; floss for dental purposes; fiberglass thread, not for textile use; cookie [biscuit] cutters; pastry cutters; sprinklers; sprinklers for watering flowers and plants; cotton waste for cleaning; wool waste for cleaning; cleaning tow; chopsticks; cocktail stirrers; pepper pots; gloves for household purposes; polishing gloves; gardening gloves; plates to prevent milk boiling over; trays for domestic purposes; trays for domestic purposes, of paper; lazy susans; heaters for feeding bottles, non-electric; candlesticks; trivets [table utensils]; coasters, not of paper and other than table linen; menu card holders; knife rests for the table; flat-iron stands; egg cups; grill supports; abrasive pads for kitchen purposes; pads for cleaning; drinking troughs; powdered glass for decoration; pottery; pots; cooking pots; painted glassware; tableware, other than knives, forks and spoons; porcelain ware; crockery; crystal [glassware]; cosmetic utensils; toilet utensils; trouser presses; cruet sets for oil and vinegar; make-up removing appliances; spice sets; food cooling devices, containing heat exchange fluids, for household purposes; apparatus for wax-polishing, non-electric; bottle openers; glove stretchers; bootjacks; crumb trays; tie presses; clothes-pins; glass caps; powder compacts; perfume sprayers; powder puffs; dusting apparatus, non-electric; toilet paper dispensers; combs; electric combs; griddles [cooking utensils]; sifters [household utensils]; drinking horns; shoe horns; candle rings; salad bowls; sugar bowls; beaters, non-electric; services [dishes]; coffee services [tableware]; liqueur sets; tea services [tableware]; sieves [household utensils]; cinder sifters [household utensils]; tea strainers; pipettes [wine-tasters]; siphons for



carbonated water; rolling pins, domestic; steel wool for cleaning; currycombs; blenders, non-electric, for household purposes; fruit presses, non-electric, for household purposes; drinking straws; salt cellars; drinking vessels; vessels of metal for making ices and iced drinks; refrigerating bottles; cups of paper or plastic; glass [receptacles]; drinking glasses; statues of porcelain, earthenware, ceramic or glass; figurines [statuettes] of porcelain, ceramic, earthenware or glass; glass for vehicle windows [semi-finished product]; plate glass [raw material]; opal glass; opaline glass; glass incorporating fine electrical conductors; enamelled glass; glass, unworked or semi-worked, except building glass; glass wool other than for insulation; vitreous silica fibers [fibres], not for textile use; fiberglass other than for insulation or textile use; clothes racks, for drying; soup bowls; drying racks for washing; basins [receptacles]; table plates; disposable table plates; graters [household utensils]; insulating flasks; indoor terrariums [plant cultivation]; indoor terrariums [vivariums]; cloth for washing floors; cloths for cleaning; dusting cloths [rags]; furniture dusters; litter boxes [trays] for pets; urns; aerosol dispensers, not for medical purposes; wax-polishing appliances, non-electric, for shoes; water apparatus for cleaning teeth and gums; electric devices for attracting and killing insects; sprinkling devices; utensils for household purposes; kitchen utensils; cooking utensils, non-electric; strainers for household purposes; coffee filters, non-electric; flasks; bottle gourds; molds [kitchen utensils]; cake molds [moulds]; ice cube molds [moulds]; cookery molds [moulds]; deep fryers, non-electric; comb cases; bread bins; fly catchers [traps or whisks]; teapots; kettles, non-electric; cups; garlic presses [kitchen utensils]; ironing board covers, shaped; tea balls; glass bowls; mops; mop wringers; corkscrews; animal bristles [brushware]; pig bristles; dishwashing brushes; brushes for cleaning tanks and containers; lamp-glass brushes; horse brushes; scrubbing brushes; toothbrushes; toothbrushes, electric; carpet sweepers; brushes for footwear; tar-brushes, long handled; toilet brushes; electric brushes, except parts of machines; brushes; eyebrow brushes; nail brushes; nest eggs, artificial; boxes of metal, for dispensing paper towels; garbage cans; window-boxes; boxes of glass.

Klasse 24: Frieze [cloth]; velvet; household linen; diapered linen; bath linen, except clothing; bed linen; table linen, not of paper; buckram; dimity; felt; gauze [cloth]; damask; jersey [fabric]; table runners; drugget; shower curtains of textile or plastic; curtains of textile or plastic; net curtains; zephyr [cloth]; banners; canvas for tapestry or embroidery; bolting cloth; crepe [fabric]; crepon; marabouts [cloth]; furniture coverings of textile; fabrics for textile use; filtering materials of textile; wall hangings of textile; non-woven textile fabrics; plastic material [substitute for fabrics]; textile material; sleeping bags [sheeting]; moleskin [fabric]; pillowcases; mattress covers; bed blankets; brocades; handkerchiefs of textile; travelling rugs [lap robes]; coasters [table linen]; linings [textile]; hat linings, of textile, in the piece; curtain holders of textile material; bed covers; bed covers of paper; coverings of plastic for furniture; towels of textile; hemp cloth; gummed cloth, other than for stationery; printers' blankets of textile; cloth; door curtains; bed clothes; sheets [textile]; eiderdowns [down coverlets]; washing mitts; shrouds; glass cloths [towels]; napkins, of cloth, for removing make-up; face towels of

textile; tablemats, not of paper; place mats, not of paper; serviettes of textile; mosquito nets; calico; oilcloth for use as tablecloths; tablecloths, not of paper; billiard cloth; taffeta [cloth]; ticks [mattress covers]; tick [linen]; lingerie fabric; fabric, impervious to gases, for aeronautical balloons; jute fabric; fabric for footwear; ramie fabric; esparto fabric; rayon fabric; fiberglass fabrics, for textile use; adhesive fabric for application by heat; linen cloth; upholstery fabrics; hemp fabric; lining fabric for shoes; traced cloths for embroidery; chenille fabric; printed calico cloth; bunting; knitted fabric; cotton fabrics; silk fabrics for printing patterns; woollen cloth; elastic woven material; fabric; fabric of imitation animal skins; haircloth [sackcloth]; cheese cloth; tulle; flags, not of paper; flannel [fabric]; sanitary flannel; trellis [cloth]; covers for cushions; fitted toilet lid covers of fabric; covers [loose] for furniture; pillow shams; cheviots [cloth]; silk [cloth]; labels of cloth.

Klasse 25: Wimples; bandanas [neckerchiefs]; underclothing; sweat-absorbent underclothing [underwear]; berets; overalls; boas [necklets]; teddies [undergarments]; half-boots; ski boots; boots for sports; breeches for wear; trousers; football boots; brassieres; detachable collars; collars [clothing]; shirt yokes; veils [clothing]; gabardines [clothing]; galoshes; neckties; ascots; leg warmers; gaiters; boot uppers; corselets; jerseys [clothing]; vests; singlets; hosiery; heels; pants; hoods [clothing]; hat frames [skeletons]; pockets for clothing; collar protectors; cap peaks; tights; slippers [undergarments]; combinations [clothing]; wet suits for water-skiing; bodices [lingerie]; corsets [underclothing]; suits; bathing suits; masquerade costumes; beach clothes; jackets [clothing]; stuff jackets [clothing]; fishing vests; leggings [trousers]; liveries; camisoles; cuffs; short-sleeve shirts; mantillas; coats; sleep masks; furs [clothing]; mittens; miters [hats]; muffs [clothing]; footmuffs, not electrically heated; heelpieces for footwear; bibs, not of paper; fur stoles; ear muffs [clothing]; socks; beach shoes; sports shoes; footwear; paper clothing; outerclothing; ready-made clothing; motorists' clothing; cyclists' clothing; clothing for gymnastics; clothing of imitations of leather; clothing of leather; uniforms; clothing; fittings of metal for footwear; maniples; overcoats; parkas; pelerines; gloves [clothing]; ski gloves; pyjamas; bathing trunks; shirt fronts; scarfs; pocket squares; dresses; waterproof clothing; headbands [clothing]; garters; sock suspenders; stocking suspenders; ready-made linings [parts of clothing]; dress shields; soles for footwear; suspenders; lace boots; ponchos; girdles; belts [clothing]; money belts [clothing]; layettes [clothing]; non-slipping devices for footwear; pullovers; heelpieces for stockings; welts for footwear; chasubles; shirts; wooden shoes; sandals; bath sandals; boots; sarongs; jumper dresses; saris; sweaters; footwear uppers; inner soles; bath slippers; togas; knitwear [clothing]; underpants; gymnastic shoes; slippers; shoes; skull caps; turbans; headgear for wear; aprons [clothing]; tee-shirts; dressing gowns; bath robes; top hats; tips for footwear; stockings; sweat-absorbent stockings; shawls; caps [headwear]; paper hats [clothing]; shower caps; bathing caps; sashes for wear; studs for football boots; hats; babies' pants [clothing]; gaiter straps; pelisses; esparto shoes or sandals; skirts; petticoats; skorts.

Klasse 28: Arcade video game machines; video game machines; gaming machines for gambling; amusement machines, automatic and coin-operated; toy vehicles; swimming pools [play articles]; trampolines; novelties for parties, dances [party favors, favours]; scratch cards for playing lottery games; starting blocks for sports; body boards; skating boots with skates attached; dolls' feeding bottles; stationary exercise bicycles; creels [fishing traps]; shuttlecocks; spinning tops [toys]; jigsaw puzzles; clay pigeons [targets]; punching bags; bite sensors [fishing tackle]; hang gliders; flying discs [toys]; discuses for sports; dolls' houses; dominoes; swimming kick boards; surfboards; spring boards [sports articles]; skateboards; sailboards; chessboards; checkerboards; darts; Christmas trees of synthetic material; cups for dice; swimming jackets; ascenders [mountaineering equipment]; kites; toys; toys for domestic pets; stuffed toys; plush toys; mobiles [toys]; practical jokes [novelties]; parlor games; board games; ring games; games; building games; kaleidoscopes; bladders of balls for games; rosin used by athletes; edges of skis; bingo cards; playing cards; fairground ride apparatus; reels for fishing; rocking horses; swings; skittles; ninepins; billiard cues; golf clubs; hockey sticks; seal skins [coverings for skis]; bells for Christmas trees; dolls' rooms; confetti; explosive bonbons [christmas crackers]; ice skates; roller skates; in-line roller skates; dice; paintballs [sports apparatus]; ski bindings; dolls' beds; roulette wheels; fish hooks; building blocks [toys]; dolls; flippers for swimming; lines for fishing; gut for fishing; bows for archery; skis; waterskis; surf skis; mah-jong; wax for skis; hunting game calls; marionettes; toy masks; theatrical masks; fencing masks; masts for sailboards; teddy bears; chalk for billiard cues; targets; electronic targets; scale model kits [toys]; scale model vehicles; balls for games; artificial fishing bait; billiard table cushions; knee guards [sports articles]; billiard cue tips; elbow guards [sports articles]; dolls' clothes; fencing weapons; twirling batons; paragliders; pachinkos; baseball gloves; boxing gloves; golf gloves; gloves for games; batting gloves [accessories for games]; fencing gauntlets; piñatas; toy pistols; air pistols [toys]; detonating caps [toys]; caps for pistols [toys]; rattles [playthings]; horseshoe games; candle holders for christmas trees; christmas tree stands; sole coverings for skis; floats for bathing and swimming; floats for fishing; portable games with liquid crystal displays; swimming belts; decoys for hunting or fishing; scent lures for hunting or fishing; archery implements; kite reels; soap bubbles [toys]; divot repair tools [golf accessories]; billiard markers; protective paddings [parts of sports suits]; bats for games; surfboard leashes; harness for sailboards; weight lifting belts [sports articles]; sling shots [sports articles]; rollers for stationary exercise bicycles; harpoon guns [sports articles]; scooters [toys]; sleighs [sports articles]; bob-sleighs; butterfly nets; landing nets for anglers; nets for sports; tennis nets; bite indicators [fishing tackle]; scrapers for skis; slot machines [gaming machines]; appliances for gymnastics; quoits; bar-bells; climbers' harness; fishing tackle; artificial snow for christmas trees; snowshoes; snowboards; clay pigeon traps; billiard tables; coin-operated billiard tables; tables for table tennis; tables for indoor football; strings for rackets; gut for rackets; cricket bags; golf bags, with or without wheels; slides [playthings]; radio-controlled toy vehicles; body-building apparatus; machines for physical exercises; backgammon games; men's athletic supporters [sports articles]; rods

for fishing; ornaments for christmas trees, except illumination articles and confectionery; tennis ball throwing apparatus; conjuring apparatus; apparatus for games; bowling apparatus and machinery; counters [discs] for games; chips for gambling; bags especially designed for skis and surfboards; marbles for games; billiard balls; playing balls; play balloons; paintballs [ammunition for paintball guns] [sports apparatus]; snow globes; chess games; checkers [games]; poles for pole vaulting; paper party hats; shin guards [sports articles]; camouflage screens [sports articles]; chest expanders [exercisers].

Klasse 35: Arranging subscriptions to telecommunication services for others; import-export agencies; commercial information agencies; advertising agencies; cost price analysis; rental of advertising space; business auditing; employment agencies; computerized file management; accounting; invoicing; business efficiency expert services; demonstration of goods; transcription; opinion polling; marketing studies; business information; commercial information and advice for consumers [consumer advice shop]; business investigations; business research; marketing research; personnel recruitment; business management and organization consultancy; business organization consultancy; business management consultancy; personnel management consultancy; professional business consultancy; layout services for advertising purposes; marketing; business management of performing artists; business management of sports people; news clipping services; updating of advertising material; word processing; organization of exhibitions for commercial or advertising purposes; arranging newspaper subscriptions for others; organization of fashion shows for promotional purposes; organization of trade fairs for commercial or advertising purposes; shop window dressing; business appraisals; payroll preparation; data search in computer files for others; sponsorship search; business management assistance; commercial or industrial management assistance; presentation of goods on communication media, for retail purposes; economic forecasting; auctioneering; sales promotion for others; production of advertising films; office machines and equipment rental; rental of advertising time on communication media; publicity material rental; rental of vending machines; rental of photocopying machines; publication of publicity texts; radio advertising; outdoor advertising; distribution of samples; dissemination of advertising matter; direct mail advertising; writing of publicity texts; advertising; on-line advertising on a computer network; advertising by mail order; television advertising; document reproduction; compilation of statistics; compilation of information into computer databases; business inquiries; systemization of information into computer databases; advisory services for business management; tax preparation; drawing up of statements of accounts; publicity columns preparation; telemarketing services; psychological testing for the selection of personnel; business management of hotels; commercial administration of the licensing of the goods and services of others; administrative processing of purchase orders; public relations; modelling for advertising or sales promotion; typing; relocation services for businesses; price comparison services; secretarial services; procurement services for others [purchasing goods and services for other

businesses]; shorthand; outsourcing services [business assistance]; telephone answering for unavailable subscribers; photocopying services.

Klasse 36: Credit bureaux; debt collection agencies; real estate agencies; financial analysis; renting of apartments; leasing of real estate; rental of offices [real estate]; leasing of farms; hire-purchase financing; savings bank services; accommodation bureaux [apartments]; rent collection; issuing of travellers' checks [cheques]; issuance of credit cards; issue of tokens of value; capital investments; insurance information; financial information; clearing, financial; insurance consultancy; financial consultancy; stock exchange quotations; lending against security; business liquidation services, financial; brokerage; financial management; exchanging money; home banking; debit card services; credit card services; factoring; organization of collections; antique appraisal; jewellery appraisal; financial evaluation of standing timber; stamp appraisal; real estate appraisal; numismatic appraisal; art appraisal; financial evaluation of wool; financial evaluation [insurance, banking, real estate]; repair costs evaluation [financial appraisal]; electronic funds transfer; bail-bonding; securities brokerage; housing agents; brokerage of carbon credits; insurance brokerage; loans [financing]; pawnbrokerage; check [cheque] verification; charitable fund raising; financial sponsorship; mortgage banking; instalment loans; insurance underwriting; life insurance underwriting; health insurance underwriting; accident insurance underwriting; marine insurance underwriting; fire insurance underwriting; apartment house management; real estate management; actuarial services; banking; retirement payment services; fiduciary; provident fund services; customs brokerage; mutual funds; financing services; safe deposit services; deposits of valuables; fiscal assessments.

Klasse 37: Asphalting; drilling of deep oil or gas-wells; drilling of wells; rebuilding engines that have been worn or partially destroyed; rebuilding machines that have been worn or partially destroyed; retreading of tires [tyres]; vulcanization of tires [tyres] [repair]; building sealing; linen ironing; pressing of clothing; disinfecting; rat exterminating; mining extraction; refilling of toner cartridges; knife sharpening; building insulating; repair information; construction information; bricklaying; riveting; construction consultation; varnishing; re-tinning; scaffolding; road paving; car wash; window cleaning; vehicle wash; building construction supervision; upholstery; renovation of clothing; rustproofing; anti-rust treatment for vehicles; sanding; pumicing; strong-room maintenance and repair; vehicle maintenance; paper hanging; painting or repair of signs; cleaning of buildings [exterior surface]; vehicle polishing; vehicle breakdown assistance [repair]; mending clothing; rental of bulldozers; rental of road sweeping machines; rental of cleaning machines; rental of cranes [construction equipment]; rental of construction equipment; rental of excavators; plumbing; masonry; cabinet making [repair]; roofing services; painting, interior and exterior; carpentry services; underwater repair; plastering; quarrying services; repair of security locks; umbrella repair; parasol repair; motor vehicle maintenance and repair; burner maintenance and repair; film projector repair and

maintenance; airplane maintenance and repair; safe maintenance and repair; clock and watch repair; pump repair; upholstery repair; shoe repair; clothing repair; photographic apparatus repair; furniture restoration; restoration of musical instruments; restoration of works of art; vehicle lubrication [greasing]; demolition of buildings; warehouse construction and repair; vehicle service stations [refuelling and maintenance]; washing; washing of linen; pipeline construction and maintenance; pier breakwater building; underwater construction; harbour construction; factory construction; building of fair stalls and shops; construction; shipbuilding; cleaning of buildings [interior]; street cleaning; vermin exterminating, other than for agriculture; artificial snow-making services; laundering; installation of doors and windows; irrigation devices installation and repair; elevator installation and repair; heating equipment installation and repair; burglar alarm installation and repair; furnace installation and repair; telephone installation and repair; air conditioning apparatus installation and repair; fire alarm installation and repair; freezing equipment installation and repair; electric appliance installation and repair; kitchen equipment installation; installation, maintenance and repair of computer hardware; machinery installation, maintenance and repair; office machines and equipment installation, maintenance and repair; interference suppression in electrical apparatus; swimming-pool maintenance; furniture maintenance; chimney sweeping; boiler cleaning and repair; cleaning of clothing; dry cleaning; vehicle cleaning; diaper cleaning; leather care, cleaning and repair; fur care, cleaning and repair.

Klasse 38: News agencies; wireless broadcasting; television broadcasting; cable television broadcasting; electronic bulletin board services [telecommunications services]; information about telecommunication; providing user access to global computer networks; providing access to databases; providing internet chatrooms; providing telecommunications connections to a global computer network; providing telecommunication channels for teleshopping services; transmission of greeting cards online; message sending; computer aided transmission of messages and images; transmission of telegrams; transmission of digital files; electronic mail; rental of message sending apparatus; rental of access time to global computer networks; rental of modems; rental of telecommunication equipment; rental of telephones; rental of facsimile apparatus; radio broadcasting; communications by fiber [fibre] optic networks; cellular telephone communication; communications by computer terminals; satellite transmission; communications by telegrams; communications by telephone; facsimile transmission; paging services [radio, telephone or other means of electronic communication]; teleconferencing services; telex services; voice mail services; telecommunications routing and junction services; telegraph services; telephone services.

Klasse 39: Air transport; motor coach rental; boat rental; garage rental; rental of vehicle roof racks; aircraft rental; parking place rental; rental of warehouses; booking of seats for travel; travel reservation; transport reservation; towing; bottling services; water distribution; delivery of

newspapers; message delivery; parcel delivery; delivery of goods; delivery of goods by mail order; flower delivery; launching of satellites for others; traffic information; transportation information; storage information; transportation logistics; rescue operations [transport]; arranging of cruises; arranging of travel tours; hauling; carting; transport and storage of trash; transporting furniture; lighterage services; ferry-boat transport; removal services; transport of travellers; armored-car transport; bus transport; car transport; barge transport; boat transport; railway transport; marine transport; passenger transport; river transport; portering; refloating of ships; vehicle breakdown assistance [towing]; shipbrokerage; transport brokerage; freight brokerage [forwarding (Am.)]; car rental; railway truck rental; rental of diving bells; rental of diving suits; rental of motor racing cars; railway coach rental; rental of wheelchairs; rental of storage containers; horse rental; rental of freezers; frozen-food locker rental; vehicle rental; stevedoring; unloading cargo; electricity distribution; distribution of energy; packaging of goods; ice-breaking; piloting; water supplying; escorting of travellers; ambulance transport; streetcar transport; transport by pipeline; wrapping of goods; operating canal locks; car parking; chauffeur services; pleasure boat transport; courier services [messages or merchandise]; transport; salvaging; salvage of ships; underwater salvage; taxi transport; franking of mail; freight [shipping of goods]; freighting; physical storage of electronically-stored data or documents; boat storage; storage of goods; storage; sightseeing [tourism]; freight forwarding.

Klasse 41: Modelling for artists; academies [education]; rental of sports grounds; rental of tennis courts; lending libraries; booking of seats for shows; videotaping; physical education; discotheque services; animal training; dubbing; gambling; publication of books; education information; recreation information; entertainment information; movie studios; health club services [health and fitness training]; night clubs; layout services, other than for advertising purposes; microfilming; videotape editing; production of radio and television programmes; music-halls; production of music; game services provided on-line from a computer network; providing on-line electronic publications, not downloadable; religious education; gymnastic instruction; correspondence courses; practical training [demonstration]; organization of balls; organization of exhibitions for cultural or educational purposes; providing recreation facilities; arranging and conducting of colloquiums; arranging and conducting of congresses; arranging and conducting of conferences; arranging and conducting of concerts; arranging and conducting of workshops [training]; arranging and conducting of seminars; arranging and conducting of symposiums; organization of competitions [education or entertainment]; arranging of beauty contests; operating lotteries; organization of fashion shows for entertainment purposes; organization of shows [impresario services]; organization of sports competitions; vocational guidance [education or training advice]; amusement parks; sign language interpretation; television entertainment; bookmobile services; vocational retraining; providing karaoke services; providing golf facilities; providing sports facilities; providing amusement arcade services; cinema presentations; presentation of live performances; theatre productions; conducting fitness classes; educational

examination; timing of sports events; videotape film production; film production, other than advertising films; rental of audio equipment; rental of camcorders; rental of video cassette recorders; rental of videotapes; rental of show scenery; rental of sound recordings; toy rental; rental of movie projectors and accessories; rental of cine-films; games equipment rental; rental of stadium facilities; rental of lighting apparatus for theatrical sets or television studios; rental of radio and television sets; rental of skin diving equipment; rental of sports equipment, except vehicles; rental of stage scenery; electronic desktop publishing; publication of electronic books and journals online; publication of texts, other than publicity texts; radio entertainment; entertainer services; amusements; writing of texts, other than publicity texts; zoological garden services; news reporters services; party planning [entertainment]; music composition services; subtitling; holiday camp services [entertainment]; disc jockey services; personal trainer services [fitness training]; providing casino facilities [gambling]; calligraphy services; club services [entertainment or education]; providing museum facilities [presentation, exhibitions]; educational services; orchestra services; translation; scriptwriting services; ticket agency services [entertainment]; coaching [training]; sport camp services; recording studio services; language interpreter services; nursery schools; photography; photographic reporting; circuses; boarding schools; production of shows.

Klasse 42: Water analysis; computer system analysis; handwriting analysis [graphology]; chemical analysis; architecture; recovery of computer data; industrial design; graphic arts design; computer virus protection services; technical project studies; oil-field surveys; geological surveys; engineering; installation of computer software; meteorological information; material testing; textile testing; bacteriological research; biological research; geological research; research in the field of environmental protection; cosmetic research; mechanical research; chemical research; research and development of new products for others; analysis for oil-field exploitation; underwater exploration; technical research; calibration [measuring]; consultancy in the design and development of computer hardware; architectural consultation; computer software consultancy; oil-well testing; quality control; vehicle roadworthiness testing; land surveying; dress designing; updating of computer software; monitoring of computer systems by remote access; maintenance of computer software; authenticating works of art; design of interior decor; quality valuation of standing timber; quality evaluation of wool; digitization of documents [scanning]; conversion of data or documents from physical to electronic media; urban planning; provision of scientific information, advice and consultancy in relation to carbon offsetting; providing search engines for the internet; data conversion of computer programs and data [not physical conversion]; computer system design; rental of web servers; computer rental; rental of computer software; geological prospecting; oil prospecting; hosting computer sites [web sites]; duplication of computer programs; construction drafting; computer software design; cloud seeding; consultancy in the field of energy-saving; creating and maintaining web sites for others; computer



programming; chemistry services; packaging design; scientific laboratory services; styling [industrial design]; physics [research]; surveying.

Klasse 43: Accommodation bureaux [hotels, boarding; houses]; rental of temporary accommodation; rental of meeting rooms; tourist homes; hotel reservations; boarding house bookings; temporary accommodation reservations; hotels; retirement homes; snack-bars; cafés; cafeterias; motels; boarding houses; boarding for animals; rental of cooking apparatus; rental of chairs, tables, table linen, glassware; rental of tents; rental of transportable buildings; rental of drinking water dispensers; restaurants; self-service restaurants; canteens; holiday camp services [lodging]; bar services; providing campground facilities; food and drink catering; day-nurseries [crèches].

Klasse 44: Public baths for hygiene purposes; turkish baths; hospitals; rehabilitation for substance abuse patients; landscape design; convalescent homes; nursing homes; wreath making; hair implantation; pharmacy advice; aromatherapy services; manicuring; chiropractics; massage; horticulture; artificial insemination services; hairdressing salons; midwife services; veterinary assistance; dentistry; medical assistance; tree planting for carbon offsetting purposes; medical equipment rental; rental of sanitation facilities; farming equipment rental; aerial and surface spreading of fertilizers and other agricultural chemicals; animal breeding; gardening; landscape gardening; beauty salons; sanatoriums; blood bank services; health care; flower arranging; tattooing; vermin exterminating for agriculture, horticulture and forestry; weed killing; health spa services; aquaculture services; visagists' services; medical clinic services; opticians' services; plant nurseries; in vitro fertilization services; services of a psychologist; sauna services; solarium services; telemedicine services; therapy services; pharmacists' services to make up prescriptions; nursing, medical; lawn care; animal grooming; pet grooming; physical therapy; plastic surgery; tree surgery; hospices; health centers.

Klasse 45: Marriage agencies; detective agencies; night guards; adoption agency services; arbitration services; rental of safes; undertaking; lost property return; genealogical research; legal research; security consultancy; intellectual property consultancy; intellectual property watching services; monitoring of burglar and security alarms; crematorium services; licensing of intellectual property; licensing of computer software [legal services]; organization of religious meetings; opening of security locks; guards; planning and arranging of wedding ceremonies; missing person investigations; litigation services; baby sitting; pet sitting; baggage inspection for security purposes; inspection of factories for safety purposes; evening dress rental; rental of fire extinguishers; clothing rental; rental of fire alarms; registration of domain names [legal services]; personal background investigations; fire-fighting; escorting in society [chaperoning]; horoscope casting; copyright management; dating

services; alternative dispute resolution services; house sitting; mediation; funerals; personal body guarding.

Varemærket blev efterfølgende publiceret i Dansk Varemærketidende den 11. juni 2014.

Følgende citeres fra sagsbehandlingen i Patent- og Varemærkestyrelsen:

”... Den 18. juli 2014 gjorde Budde Schou A/S indsigelse på vegne af Rolex SA mod gyldigheden af det registrerede mærke AYONA i Danmark. Indsiger henviste til varemærkelovens § 23. Indsigelsen blev fremsat under henvisning til, at der er risiko for forvekslelighed mellem indehavers angrebne mærke **AYONA**, som er registreret for varer i bl.a. klasse 09 og 14 samt tjenesteydelser i bl.a.



klasse 37 og 41, og indsigers danske varemærkereгистраering VR 1990 07246 **DAYTONA**, som er registreret for varer i klasse 14, samt indsigers EU-varemærkereгистраering nr. 001457639 **DAYTONA**, som er registreret for varer i klasse 09 og 14, samt tjenesteydelser i klasse 37. Indsiger anførte, at der foreligger fuld varekollision mellem indehavers angrebne mærke og indsigers mærker for så vidt angår klasse 14, samt at der foreligger høj grad af varelighed for så vidt angår klasse 09, 37 og 41. Indsiger anførte, at ordelementet i indehavers angrebne mærke AYONA ligger meget tæt op ad ordelementet DAYTONA i indsigers mærker. Indsiger understregede, at begge ordelementer består af tre stavelser, hvori vokalerne er identiske. Det er derfor kun D og T, som er det første og fjerde bogstav i DAYTONA, der adskiller sig fra AYONA. Indsiger henviste ligeledes til en række OHIM afgørelser. I sletningssag nr. 7478 C, vurderede OHIM, at figurmærkerne SOLIGNO og LIGNO var forvekslelige. Ligeledes vurderede OHIM i indsigelsessag B 2 117 706 CITIZEN og CTZEN forvekslelige. Desuden vurderede OHIM i ankesag R 1660/2011-4 ONASSIS og OASIS forvekslelige. Indsiger nedlagde påstand om, at mærket DAYTONA er velkendt i Danmark og vedlagt dokumentation herfor. Indsiger anførte, at en tilsvarende indsigelse er nedlagt i en række andre lande, og anmoder om, at indehavers angrebne mærke afvises fra endelig registrering for følgende varer og tjenesteydelser:

Class 09: time recording apparatus, time switches, egg timers [sandglasses], chronographs [time recording apparatus], time clocks [time recording devices]

Class 14: Agates; diamonds; amulets [jewellery, jewelry (am.)]; anchors [clock and watch making]; barrels [clock and watch making]; bracelets [jewellery, jewelry (am.)]; straps for wristwatches; charms [jewellery, jewelry (am.)]; key rings [trinkets or fobs]; brooches [jewellery, jewelry (am.)]; alarm clocks; pins [jewellery, jewelry (am.)]; ornamental pins; tie pins; beads for making jewelry; pearls made of ambroid [pressed amber]; busts of precious metal; jet, unwrought or semi-wrought; pearls [jewellery, jewelry (am.)]; copper tokens; tie clips; cuff links; badges of precious metal; gold,

unwrought or beaten; cloisonné jewellery [jewelry (am.)]; ivory [jewellery, jewelry (am.)]; works of art of precious metal; jewellery; jewellery of yellow amber; iridium; precious stones; semi-precious stones; spun silver [silver wire]; necklaces [jewellery, jewelry (am.)]; rings [jewellery, jewelry (am.)]; boxes of precious metal; watch cases; clock cases; pendulums [clock and watch making]; medals; lockets [jewellery, jewelry (am.)]; precious metals, unwrought or semi-wrought; movements for clocks and watches; clockworks; coins; gold thread [jewellery, jewelry (am.)]; threads of precious metal [jewellery, jewelry (am.)]; silver thread; olivine [gems]; osmium; palladium; platinum [metal]; chronometrical instruments; watch springs; rhodium; ruthenium; stopwatches; silver, unwrought or beaten; earrings; ingots of precious metals; alloys of precious metal; statues of precious metal; statuettes of precious metal; watch crystals; paste jewellery [costume jewelry (am.)]; clock hands [clock and watch making]; ornaments [jewellery, jewelry (am.)]; shoe ornaments of precious metal; hat ornaments of precious metal; ornaments of jet; cases for watches [presentation]; cases for clock- and watchmaking; chronographs [watches]; chronometers; chronoscopes; chains [jewellery, jewelry (am.)]; watch chains; dials [clock and watch making]; atomic clocks; watches; sundials; clocks and watches, electric; control clocks [master clocks]; clocks; wristwatches; jewellery cases [caskets]; spinel [precious stones].

Class 37: clock and watch repair

Class 41: timing of sporting events

Indehaver af det angrebne mærke har ikke udtalt sig i sagen...”

Med brev af 21. september 2015 traf Patent- og Varemærkestyrelsen afgørelse i sagen. Styrelsen tog ikke indsigelsen til følge og opretholdt registreringen i sin helhed med følgende begrundelse:

### ”... 2. Lovgrundlaget

I varemærkelovens § 15, stk. 1, nr. 2 står der, at et varemærke ikke kan registreres, hvis:

*2) der er risiko for forveksling, herunder at det antages, at der er en forbindelse med det ældre varemærke, fordi det yngre mærke er identisk med eller ligner det ældre varemærke, og varerne eller tjenesteydelserne er af samme eller lignende art.*

I varemærkelovens § 15, stk. 4, nr. 1 står der, at et varemærke ikke kan registreres, hvis

*1) varemærket er identisk med eller ligner et ældre dansk varemærke efter stk. 2, og det søges registreret for varer eller tjenesteydelser af anden art end dem, for hvilke det ældre varemærke er registreret, når det ældre varemærke er velkendt her i landet, og brugen af det yngre varemærke ville medføre en utilbørlig udnyttelse af det ældre varemærkes særpræg eller renommé, eller sådan brug ville skade dette særpræg eller renommé, eller*

I varemærkelovens § 4, stk. 2 står der, at indehaver kan forbyde andre at gøre erhvervsmæssig brug af tegn:

*Stk. 2. Uanset begrænsningen i stk. 1 til varer eller tjenesteydelser af samme eller lignende art kan varemærkeindehaveren dog forbyde brugen også for varer eller tjenesteydelser af anden art, hvis varemærket er velkendt her i landet, og brugen ville*

*medføre en utilbørlig udnyttelse af varemærkets særpræg eller renommé eller skade særpræget eller renomméet.*

I varemærkelovens § 15, stk. 3, nr. 1 står der, at et varemærke ikke kan registreres, hvis:

*Stk. 3. Et varemærke er også udelukket fra registrering, hvis*

*1) det er identisk med eller ligner et ældre EF-varemærke, jf. stk. 2, og det søges registreret for varer eller tjenesteydelser af en anden art end dem, for hvilke det ældre EF-varemærke er registreret, når det ældre EF-varemærke er velkendt i Den Europæiske Union, og brugen af det yngre varemærke vil medføre en utilbørlig udnyttelse af det ældre EF-varemærkes særpræg eller renommé eller en sådan brug ville skade dette særpræg eller renommé,*


### **3. Vurdering af velkendthed af indsigers mærker efter varemærkelovens § 4, stk. 2**

Et dansk varemærke anses for velkendt, når det er **velkendt i omsætningskredsen**, og det har været **intensivt markedsført på det danske marked i en årrække**. Et EU varemærke anset for velkendt i EU, hvis det er velkendt i blot et EU land. For at være velkendt i Danmark skal et EU mærke være markedsført for den danske omsætningskreds. Indsiger har indsendt materiale til brug for dokumentation for, at DAYTONA er velkendt i Danmark, herunder et engelsk katalog over DAYTONAS historie, et engelsk katalog med ROLEX' sortiment, artikler, annoncer og reklamer fra nationale og internationale magasiner, fakturaer udstedt til danske smykkeforhandlere, samt to brancheerklæringer fra henholdsvis Danske Guldsmede og Urmagere og FDU (Forbundet af ur importører i Danmark).

Ud fra vurderingen af det indsendte materiale, er det styrelsens vurdering, at DAYTONA har en vis grad af velkendthed i den relevante omsætningskreds på det danske marked for "ure". Styrelsen har i denne vurdering især lagt vægt på at DAYTONA er brugt som et varemærke i reklamer og annoncer fra Magasinet BUSINESS, som er et tillæg til Berlingske Tidende, BØRSEN WEEKEND, dettes tillægsmagasin PLEASURE, samt artiklen i EUROMAN, som er landsdækkende aviser og magasiner, og derfor distribueres i stort oplag til hele landet. Ligeledes har styrelsen lagt vægt på fakturaer udstedt til danske forhandlere, som f.eks. KLARLUND A/S, som viser, at DAYTONA ure er bestilt til forhandlere i København, Århus, Herning og Odense i perioden 2009-2013. Der er desuden lagt stor vægt på de to brancheerklæringer fra henholdsvis Danske Guldsmede og Urmagere og FDU (Forbundet af ur importører i Danmark), som bekræfter at ROLEX har anvendt DAYTONA i Danmark siden 2000 og i kombinationen ROLEX DAYTONA siden 1990, at dette er almindeligt kendt i omsætningskredsen, samt at man ikke er bekendt med andre virksomheder, som benytter DAYTONA.


### **4. Vurdering af forvekslelighed efter varemærkelovens § 15, stk. 1, nr. 2.**

Indehavers angrebne mærke:

	<p>Registreret for klasse 05, 09, 14, 16, 18, 20, 21, 24, 25, 28, 35-39 og 41</p> <p>Herunder bl.a.:</p> <p>Klasse 09: time recording apparatus, time switches, egg timers [sandglasses], chronographs [time recording apparatus], time clocks [time recording devices]</p> <p>Klasse 14: Agates; diamonds; amulets [jewellery, jewelry (am.)]; anchors [clock and watch making]; barrels [clock and watch making]; bracelets [jewellery, jewelry (am.)]; straps for wristwatches; charms [jewellery, jewelry (am.)]; key rings [trinkets or fobs]; brooches [jewellery, jewelry (am.)]; alarm clocks; pins [jewellery, jewelry (am.)];</p>
---	---

	<p>ornamental pins; tie pins; beads for making jewelry; pearls made of ambroid [pressed amber]; busts of precious metal; jet, unwrought or semi-wrought; pearls [jewellery, jewelry (am.)]; copper tokens; tie clips; cuff links; badges of precious metal; gold, unwrought or beaten; cloisonné jewellery [jewelry (am.)]; ivory [jewellery, jewelry (am.)]; works of art of precious metal; jewellery; jewellery of yellow amber; iridium; precious stones; semi-precious stones; spun silver [silver wire]; necklaces [jewellery, jewelry (am.)]; rings [jewellery, jewelry (am.)]; boxes of precious metal; watch cases; clock cases; pendulums [clock and watch making]; medals; locket [jewellery, jewelry (am.)]; precious metals, unwrought or semi-wrought; movements for clocks and watches; clockworks; coins; gold thread [jewellery, jewelry (am.)]; threads of precious metal [jewellery, jewelry (am.)]; silver thread; olivine [gems]; osmium; palladium; platinum [metal]; chronometrical instruments; watch springs; rhodium; ruthenium; stopwatches; silver, unwrought or beaten; earrings; ingots of precious metals; alloys of precious metal; statues of precious metal; statuettes of precious metal; watch crystals; paste jewellery [costume jewelry (am.)]; clock hands [clock and watch making]; ornaments [jewellery, jewelry (am.)]; shoe ornaments of precious metal; hat ornaments of precious metal; ornaments of jet; cases for watches [presentation]; cases for clock- and watchmaking; chronographs [watches]; chronometers; chronoscopes; chains [jewellery, jewelry (am.)]; watch chains; dials [clock and watch making]; atomic clocks; watches; sundials; clocks and watches, electric; control clocks [master clocks]; clocks; wristwatches; jewellery cases [caskets]; spinel [precious stones].</p> <p>Klasse 37: clock and watch repair</p> <p>Klasse 41: timing of sporting events</p>
--	---

Indsigers mærker:

	<p>Klasse 14: Ædle metaller og legeringer heraf samt varer af ædle metaller eller overtrukket hermed (ikke indeholdt i andre klasser), juvelerarbejder, smykker, herunder armbånd og -smykker, ædelstene, ure, herunder armbåndsure, og kronometriske instrumenter samt dele og tilbehør (ikke indeholdt i andre klasser) dertil.</p>
<p>DAYTONA</p>	<p>Klasse 09: Time recording apparatus and components; apparatus for checking the operation and resistance to vibrations and impacts of watches, clocks and movements for clocks and watches; apparatus for checking the</p>

	<p>water proofing of watches and watch cases; magnifying glasses for watchmakers and watchmenders; time clocks.</p> <p>Klasse 14: Clock hands (clock and watch-making), anchors (clock and watch-making), barrels (clock and watch-making), clock cases, watch cases, watch straps; dials (clock and watch-making), sun dials, watch chains, chronographs (watches), chronometers, chronometrical instruments, chronoscopes; time clocks (master clocks), cases for watches (presentation), clocks; atomic clocks, electric clocks and watches, wrist watches, movements for clocks and watches, clocks, watch springs, alarm clocks, watch glasses.</p> <p>Klasse 37: Repair and maintenance of watches and chronometrical instruments.</p>
--	--

### Lighed mellem varer og tjenesteydelser

Indsigers mærker omfatter klasse 09, 14 og 35. Indehavers angrebne mærke omfatter bl.a. klasse 09, 14, 35 og 37. Indsiger anfører, at der foreligger fuld varekollision mellem indehavers angrebne mærke og indsigers mærker for så vidt angår klasse 14, samt at der foreligger høj grad af varelighed for så vidt angår klasse 09, 37 og 41.

For så vidt angår klasse 09 er det styrelsens vurdering, at er identitet mellem hele indehavers klasse 09 og indsigers "*time recording apparatus*" i klasse 09, som er et bredt overbegreb, der er identisk med indehavers "*time recording apparatus*" samt er overbegreb for "*egg timers [sandglasses], chronographs [time recording apparatus], time clocks [time recording devices]*", som alle er en type af tidsregistreringsapparater og "*time switches*", som er en tidsafbryder, hvilket bruges til at måle/tage tid.

For så vidt angår klasse 14 er det styrelsens vurdering, at der er identitet mellem følgende varer i indehavers klasse 14 og begge indsigers klasse 14: "*anchors (clock and watch-making), barrels (clock and watch-making), clock cases, watch cases, watch straps, chronometrical instruments; clock hands [clock and watch making]; cases for watches [presentation]; chronographs [watches]; chronometers; chronoscopes; watch chains; dials [clock and watch making]; atomic clocks; sundials; clocks and watches, electric; movements for clocks and watches; clocks; wristwatches; alarm clocks; watches*"

Ligeledes er det styrelsens vurdering, at der er varesammenfald mellem indehavers varer "*Agates; diamonds; beads for making jewelry; pearls made of ambroid [pressed amber]; jet, unwrought or semi-wrought; precious stones; olivine [gems]; semi-precious stones; spinel [precious stones]*" i klasse 14 og indsigers "*ædelstene*" i klasse 14, da sidstnævnte er et bredt overbegreb til førstnævnte.

Ligeledes er der varesammenfald mellem indehavers varer "*amulets [jewellery, jewelry (am.)]; bracelets [jewellery, jewelry (am.)]; charms [jewellery, jewelry (am.)]; brooches [jewellery, jewelry (am.)]; pins [jewellery, jewelry (am.)]; tie pins; cloisonné jewellery [jewelry (am.)]; ivory [jewellery, jewelry (am.)]; pearls [jewellery, jewelry (am.)]; jewellery; jewellery of yellow amber ; necklaces [jewellery, jewelry (am.)]; rings [jewellery, jewelry (am.)]; tie clips; lockets [jewellery, jewelry (am.)]; ; gold thread [jewellery, jewelry (am.)]; threads of precious metal [jewellery, jewelry (am.)]; silver thread; earrings; paste jewellery [costume jewelry (am.)]; ornaments [jewellery, jewelry (am.)]; ornamental pins; cuff links; chains [jewellery, jewelry (am.)]; jewellery cases [caskets]; medals; key rings [trinkets or fobs]*" i klasse 14 og indsigers "*smykker samt dele og tilbehør (ikke indeholdt i andre klasser) dertil*" i klasse 14, da sidstnævnte er et bredt overbegreb til førstnævnte.

Ligeledes er der varesammenfald mellem indehavers varer ”pendulums [clock and watch making]; clockworks; watch springs; stopwatches; watch crystals; ]; cases for clock- and watchmaking” i klasse 14 og indsigers “ure og tilbehør til ure” i klasse 14, da sidstnævnte er et bredt overbegreb til førstnævnte.

Ligeledes er der varesammenfald mellem indehavers varer ”busts of precious metal; copper tokens; badges of precious metal; gold, unwrought or beaten; works of art of precious metal; spun silver [silver wire]; boxes of precious metal; iridium; precious metals, unwrought or semi-wrought; coins; osmium; palladium; platinum [metal]; rhodium; ruthenium; silver, unwrought or beaten; ingots of precious metals; alloys of precious metal; statues of precious metal; statuettes of precious metal; shoe ornaments of precious metal; hat ornaments of precious metal; ornaments of jet” i klasse 14 og indsigers “Ædle metaller og legeringer heraf samt varer af ædle metaller eller overtrukket hermed (ikke indeholdt i andre klasser)” i klasse 14, da sidstnævnte er et bredt overbegreb til førstnævnte.

For så vidt angår klasse 37 er det styrelsens vurdering, at der er identitet mellem indehavers klasse 37: “clock and watch repair” og indsigers klasse 37: “Repair and maintenance of watches and chronometrical instruments”, da der i begge klasser er tale om reparation af ure.

For så vidt angår indehavers klasse 41 er det styrelsens vurdering, at der ikke foreligger sammenfald eller ligartethed med indsigers varer og tjenesteydelser, idet der som udgangspunkt ikke er lighed mellem varer og tjenesteydelser. Uagtet indehavers klasse 41 omfatter ”timing of sporting events”, og indsiger har forskellige tidsregistreringsapparater i klasse 09, har indsiger ikke dokumenteret, at der er en forbindelse mellem disse varer og tjenesteydelser, der kan begrunde en fravigelse af dette udgangspunkt.

#### Lighed mellem mærkerne

Indehavers angrebne mærke	Indsigers mærker
	

Indehavers angrebne mærke består af et figurligt udformet ord. Ordet består af 5 bogstaver og har 3 stavelser A-YO-NA. Den figurlige udformning består i, at bogstaverne er skrevet med en meget firkantet font, der giver bogstaverne et kvadratisk udseende, desuden er det midterste O større end de resterende bogstaver. Indsigers første mærke er et ordmærke, der består af 7 bogstaver og har 3 stavelser DAY-TO-NA.

Indsigers andet mærke er et figurligt udformet mærke. Mærket består af en stilistisk krone med fem åbne bøjler og en kugle øverst på hver af bøjlerne. Under kronen er ordet ROLEX og nederst er ordet DAYTONA. Ordelementet består af to ord, som begge har opnået en vis grad af velkendthed. ROLEX er af flere omgange blevet vurderet velkendt på det danske marked, senest i Højesteretsafgørelsen 361/2011. Ved vurdering af forvekslelighed er det klare udgangspunkt, at mærkerne skal vurderes overfor hinanden i deres helhed. Dog kan en bestanddel af et sammensat varemærke i den konkrete situation bevare en selvstændig adskillelseevne uden ellers at udgøre mærkets dominerende bestanddel. Dette følger af EU domstolsafgørelsen C-120/04 THOMSON LIFE. Da både ROLEX og DAYTONA har opnået en vis grad af velkendthed på det danske marked, er det styrelsens vurdering, at ordelementerne ROLEX og DAYTONA i denne konkrete situation bevarer deres selvstændige

adskillelsesevne, hvorfor der i lighedsvurderingen kan lægges mere vægt på elementet DAYTONA i indsigers mærke ROLEX DAYTONA.

Både DAYTONA og AYONA er to særprægede ord, og det er derfor ordelementerne, der er de dominerende mærkeelementer.

*a) Den visuelle lighed mellem DAYTONA og AYONA*

Selvom indehavers angrebne mærke er fuldstændigt indeholdt i indsigers mærker, er der kun en meget lille visuel lighed mellem mærkerne. Det er kun sidste stavelse NA i mærkerne, der er identiske, mens der er stor forskel på første stavelse, som i indehavers angrebne mærke kun er på et bogstav A og indsigers mærkers første stavelse er på tre bogstaver DAY. Indehavers anden stavelse er på to bogstaver YO, og selvom indsigers anden stavelse også er på to bogstaver, er det kun det sidste bogstav, der er ens, nemlig O, mens Y og T er forskellige.

*b) Den lydige lighed DAYTONA og AYONA*

Selvom indehavers angrebne mærke er fuldstændigt indeholdt i indsigers mærker er der kun en meget lille lydlig lighed mellem mærkerne. Selvom vokalerne i begge mærker har samme rækkefølge, er det kun sidste stavelse NA i mærkerne, der udtales identisk, mens Indsigers to første stavelser starter med henholdsvis D og T, som udtales hårdt, udtales indehavers mærke blødt, da de to første stavelser blødt, da de begge starter med vokaler.

*c) Den begrebsmæssige lighed DAYTONA og AYONA*

Der er ikke nogen begrebsmæssig lighed mellem mærkerne. AYONA er et særpræget kunstord, som ikke giver nogen klare associationer, mens DAYTONA er en geografisk betegnelse for f.eks. en strand i Florida, hvor der afholdes forskellige racerløb. Der er derfor ikke nogen klar begrebsmæssig lighed mellem eller forskel på mærkerne.

### **Konklusion vedrørende vurderingen af risikoen for forveksling**

Da der kun er en meget lille visuel og lydlig lighed, og der ikke er nogen begrebsmæssig lighed mellem mærkerne, er det styrelsens vurdering, at der ikke foreligger risiko for forveksling.

### **5. Vurdering af utilbørlig udnyttelse af det ældre mærke efter § 15, stk. 4, nr. 1, og § 15, stk. 3, nr. 1**

Anvendelsen af bestemmelserne i varemærkelovens § 15, stk. 4, nr. 1 og § 15, stk. 3, nr. 1, forudsætter,

- at det ældre varemærke er velkendt i den relevante omsætningskreds,
- at der i den relevante omsætningskreds' bevidsthed skabes en sammenhæng eller association mellem mærkerne, og
- at brugen af det yngre mærke – uden skellig grund – vil medføre en utilbørlig udnyttelse af eller skade på det velkendte varemærkes særpræg eller renommé.

Efter styrelsens og Ankenævnet for Patentet og Varemærkers praksis indebærer disse krav bl.a., at en sammenhæng eller association mellem et yngre dansk registreret mærke og et ældre varemærke alene kan anses for at være opstået som følge af den til det ældre varemærke knyttede velkendthed, såfremt varemærket er velkendt i den danske omsætningskreds., jf. bl.a. AN 2011 00002.

Indledningsvist skal bemærkes, at mærkerne begge er registrerede for "ure" i klasse 14, hvilket er den vare, som indsigers mærker har opnået en vis grad af velkendthed for i Danmark.

I vurderingen af, om et yngre mærke skaber associationer til et ældre, velkendt varemærke skal indgå alle relevante faktorer, herunder ligheden mellem mærkerne, ligheden mellem varerne, mærkernes særpræg og den grad med hvilken det ældre mærke er velkendt.



Selvom mærkerne indeholder de samme vokaler og har en konsonant til fælles, er det styrelsens vurdering, at mærkerne er så forskellige, at den relevante omsætningskreds, som ser indehavers angrebne mærke ikke vil drage associationer til indsigers velkendte mærke. Allerede af denne grund, kan det konkluderes, at der ikke kan foreligge utilbørlig udnyttelse af skade på det ældre velkendte mærkes særpræg eller renommé.

## **6. Vurdering og konklusion**

Ved vurderingen af forvekslelighed er der særligt lagt vægt på, at der er tale om særprægede ordelementer, som både visuelt og lydligt har en meget lille grad af lighed, samt at der ikke foreligger nogen begrebsmæssig lighed.

Selvom der er sammenfald mellem varerne i klasse 09 og 14, samt tjenesteydelserne i klasse 37 i indehavers angrebne mærke og indsigers mærker, foreligger der ikke nogen risiko for forveksling, fordi der ikke er tilstrækkelig lighed mellem mærkerne.

DAYTONA er til en vis grad et velkendt mærke for ure på det danske marked. Ved vurderingen af, om AYONA krænker det velkendte mærke, er der lagt vægt på, at AYONA ikke giver associationer til DAYTONA, og at kravene efter § 15, stk. 4, nr. 1 og § 14, stk. 3, nr.1 allerede af denne grund ikke er opfyldt.

Vi tager derfor ikke indsigelsen til følge, og registreringen er fortsat gyldig i Danmark.

Vi har afgjort sagen efter varemærkelovens § 15, stk. 1, nr. 2 og § 15, stk. 4, nr. 1 jf. § 4, stk. 2 og § 15, stk. 3, nr. 1...”

Denne afgørelse blev med brev af 24. november 2015 fra Budde Schou A/S på vegne klager, ROLEX SA, indbragt for Ankenævnet for Patenter og Varemærker med følgende påstand:

”... Anke mod Patent- og Varemærkestyrelsens afgørelse vedrørende indsigelse mod MP1186526  
**AYONA** i navnet AYONA IP LIMITED

Indsiger: Rolex SA

## **K L A G E**

På vegne af vores klient, ROLEX SA, Geneve, Schweiz, påklages herved Patent- og Varemærkestyrelsens afgørelse af 22. september 2015, reference MP 1186526, vedrørende registrering af figurmærket AYONA for en bred varefortegnelse i klasserne 05, 09, 14, 16, 18, 20, 21, 24, 25, 28, 35, 36, 37, 38, 39, 41, 42, 43, 44 og 45.

### **Påstand:**

Styrelsens afgørelse af 22. september 2015 omgøres, og den danske del af det internationale varemærke MP1186526 AYONA afvises fra endelig registrering, for så vidt angår nedenstående varer og tjenesteydelser:

- Class 09: time recording apparatus, time switches, egg timers [sandglasses], chronographs [time recording apparatus], time clocks [time recording devices];
- Class 14: Agates; diamonds; amulets [jewellery, jewelry (am.)]; anchors [clock and watch making]; barrels [clock and watch making]; bracelets [jewellery, jewelry (am.)]; straps for wristwatches; charms [jewellery, jewelry (am.)]; key rings [trinkets or fobs]; brooches [jewellery, jewelry (am.)]; alarm clocks; pins [jewellery, jewelry (am.)]; ornamental pins; tie pins; beads for making jewelry; pearls made of ambroid [pressed amber]; busts of

precious metal; jet, unwrought or semi-wrought; pearls [jewellery, jewelry (am.)]; copper tokens; tie clips; cuff links; badges of precious metal; gold, unwrought or beaten; cloisonné jewellery [jewelry (am.)]; ivory [jewellery, jewelry (am.)]; works of art of precious metal; jewellery; jewellery of yellow amber; iridium; precious stones; semi-precious stones; spun silver [silver wire]; necklaces [jewellery, jewelry (am.)]; rings [jewellery, jewelry (am.)]; boxes of precious metal; watch cases; clock cases; pendulums [clock and watch making]; medals; lockets [jewellery, jewelry (am.)]; precious metals, unwrought or semi-wrought; movements for clocks and watches; clockworks; coins; gold thread [jewellery, jewelry (am.)]; threads of precious metal [jewellery, jewelry (am.)]; silver thread; olivine [gems]; osmium; palladium; platinum [metal]; chronometrical instruments; watch springs; rhodium; ruthenium; stopwatches; silver, unwrought or beaten; earrings; ingots of precious metals; alloys of precious metal; statues of precious metal; statuettes of precious metal; watch crystals; paste jewellery [costume jewelry (am.)]; clock hands [clock and watch making]; ornaments [jewellery, jewelry (am.)]; shoe ornaments of precious metal; hat ornaments of precious metal; ornaments of jet; cases for watches [presentation]; cases for clock- and watchmaking; chronographs [watches]; chronometers; chronoscopes; chains [jewellery, jewelry (am.)]; watch chains; dials [clock and watch making]; atomic clocks; watches; sundials; clocks and watches, electric; control clocks [master clocks]; clocks; wristwatches; jewellery cases [caskets]; spinel [precious stones].

Class 37: clock and watch repair;

Class 41: timing of sports events.

### **Begrundelse:**

Med henvisning til den førte korrespondance i indsigelsessagen samt bilag.

- Indsigelse mod MP 1186526 AYONA <fig> i navnet AYONA IP LIMITED – Indsiger Rolex SA af 18-07-2014 – inkl. tilhørende bilag:
  - 1) DAYTONA History
  - 2) Indsigelser.
- Supplerende dokumentation indsendt 23. februar 2015, bilag 1 – 10
  - 1) Eksempler på annoncer og reklame angående varemærket DAYTONA som indrykket i internationale magasiner omdelt også i Danmark.
  - 2) Reklamer og annoncer angående DAYTONA-produkter som indrykket i nationale danske magasiner og aviser.
  - 3) Diverse artikler angående DAYTONA som udgivet i danske nationale magasiner.
  - 4) Vor klients OYSTER PERPETUAL-katalog version 09.2013 på engelsk som distribueret også i Danmark og omfattende også DAYTONA-produkterne.
  - 5) Uddrag fra vor klients hjemmeside angående mærket DAYTONA.
  - 6) Uddrag fra en iPad app vedrørende varemærket DAYTONA.

- 7) Diverse fakturaer udstedt til danske forhandlere gennem årene 2009 – 2013.
- 8) En liste over samtlige DAYTONA-varemærkere registreringer world-wide.
- 9) Liste over vor klients domænenavne indeholdende ordet DAYTONA.
- 10) Brancheerklæring fra DANSKE GULDMEDE OG URMAGERE og FDU – Forbundet af UR-importører i Danmark.

### **Velkendthed.**

På baggrund af en meget omfattende dokumentation anmoder vi om, at mærkets velkendthed bliver lagt til grund i den fortsatte behandling.

### **Vare-/tjenesteydelseskollision**

**Klasse 9:** Styrelsen fastslår, at der er vareidentitet for de i indsigelsen anførte varer, hvilket vi selvfølgelig tilslutter os.

**Klasse 14:** Styrelsen fastslår, at der er vareidentitet for mange af de anførte varer samt varelighed for stort set alle de andre anførte varer. Vi tilslutter os selvfølgelig dette, men skal påpege, at vi stadig fastholder, at termen ”control clocks [master clocks]” er identisk eller forvekslelig med vores klients registrerede rettigheder, hvilket ikke fremgår af Styrelsens afgørelse. Vi henviser endvidere til, at termen ”watch straps” indgår som et overbegreb i vores klients CTM registrering i klasse 14, og er derved identisk med indehaverens ansøgte term ”straps for wristwatches” i klasse 14, hvilket fremstår modsat i Styrelsens afgørelse.

**Klasse 37:** Styrelsen påpeger, at der er identitet mellem de af indehavers anførte ydelser og indsigers ydelser, hvilket vi selvfølgelig tilslutter os.

**Klasse 41:** Styrelsen anfører, at der ikke foreligger sammenfald eller ligartethed mellem indehavers ydelse ”timing of sports events” og vores klients registrerede rettigheder til forskellige tidtagningsapparater i klasse 9, alene på den baggrund, at der som udgangspunkt ikke er lighed mellem varer og tjenesteydelser. Det er korrekt, at der som udgangspunkt ikke er lighed mellem varer og tjenesteydelser, men man skal i vurderingen heraf inddrage de konkrete salgs- og distributions forhold, hvorved det er svært at se, at der ikke er en lighed mellem den genstand/vare, som man anvender til at tage tid til et sportsarrangement og den ydelse, som man tilbyder ved tidtagning til et sports event. Vi henviser endvidere til VML-Bet. side 110, hvor det nævnes som eksempel på ligartethed mellem varer og tjenesteydelser, at der er ligartethed mellem varerne vaskemidler og vaskemaskiner over for tjenesteydelser der udbydes af et vaskeri altså en lighed mellem den ydelse, som man udbyder og de genstande/varer, som man anvender til at udbyde ydelsen.

På baggrund af ovenstående og vores førte argumentation over for Styrelsen, fastholder vi, at der er varekollision mellem alle de i indsigelsen anførte varer og tjenesteydelser og vores klients registrerede rettigheder.

### **Mærkelighed**

Styrelsen anfører, at der kun er en meget lille visuel lighed mellem mærkerne selvom AYONA er fuldt indeholdt i DAYTONA.

Styrelsen anfører, at det kun er den sidste stavelse NA, der er visuelt identisk, hvilket vi bestrider. Bortset fra det indledende D, så er det visuelt kun et T, der adskiller AYONA fra at være direkte tilstede i vores klients mærke **DAYTONA**, hvilke giver en klar visuel lighed mellem mærkerne. I indsigelsesafgørelsen anfører Styrelsen, at der kun er en lille lydæssige lighed mellem mærkerne, vi vil dog fastholde at den lydæssig lighed mellem mærkerne er markant.

Udtalen af den første stavelse af indehavers mærke "A" vil blive påvirket af den næste stavelses begyndelse, og vil derfor komme til at lyde som AY, hvilket er lydmæssigt lignende den første stavelse i vores klients mærke DAY. Endvidere er det ikke kun den sidste stavelse NA, som er identiske, men hele lyden ONA, som giver en karakteristisk lydmæssig endelse på begge mærker. På baggrund af ovenstående samt at AYONA er fuldt indeholdt i DAYTONA, og at vokalerne har samme rækkefølge i begge mærker, vil vi fastholde, at mærkerne har en stor lydmæssig lighed.

### **Forvekslighed**

Der foreligger både vareidentitet samt varelighed for de anførte varer samt en høj grad af visuel og lydmæssig lighed mellem vores klients mærker DAYTONA og indehavers mærke AYONA. Derfor må man ud fra en helhedsbedømmelse vurdere, at der er en høj grad af risiko for forveksling. Vi kan udover ovenstående argumentation bekræfte, at vores klients indsigelser mod indehavers mærke i nedenstående lande er blevet afgjort til fordel for vores klient. Se vedhæftede bilag (1-13). Tyskland (bilag 1), Litauen (bilag 2), Irland (bilag 3), Kroatien (bilag 4), Storbritannien (bilag 5), Bulgarien (bilag 6), Cypern (bilag 7), Ungarn (bilag 8), Benelux (bilag 9), Australien (bilag 10), Østrig (bilag 11), Ukraine (bilag 12) og Frankrig (bilag 13).

Vi hæfter os herunder særligt ved den franske afgørelse hvor der jf. begrundelsen for mærkernes forvekslelighed er lagt til grund:

### **Om sammenligning af tegnene:**

**Eftersom** det omstridte mærke bærer benævnelsen AYONA gengivet herunder:

AYTONA

**Eftersom** det ældre påberåbte mærke bærer benævnelsen DAYTONA gengivet herunder:

DAYTONA

**Eftersom** indsigervirksomheden gør gældende, at det omstridte tegn efterligner det ældre mærke.

**Eftersom** efterligningen medfører påvisningen af en risiko for forveksling mellem tegnene, som således skal vurderes samlet set ud fra alle faktorer, der er vedkommende for sagen; at denne samlede vurdering bør, hvad angår den visuelle, auditive eller begrebsmæssige lighed mellem de pågældende mærker, være begrundet med det samlede indtryk mærkerne giver, idet især deres særprægede og dominerende elementer tages i betragtning.

**Eftersom** visuelt set den omstridte benævnelse AYONA og den påberåbte benævnelse DAYTONA har en sammenlignelig længde (henholdsvis 5 og 7 bogstaver) og har 5 bogstaver til fælles (A, Y, O, N og A) placeret i samme rækkefølge og udgørende ens sekvenser AY- og -ONA, hvilket bibringer dem et meget ens udseende;

**Eftersom** det omstridte tegns særlige skrifttype forekommer ubetydelig og ikke kan opfattes;

**Eftersom** tegnene fonetisk set udtales i tre stavelser og de på hinanden følgende lyde ligner hinanden meget [èi-o-na] eller [äi-o-na] for det omstridte tegn og [dèi-o-na] for det ældre mærke.

**Eftersom** det følger af det foregående, at de to tegn har en meget ens visuel og fonetisk benævnelse til fælles, således at forbrugerne kan forveksle (AYONA / DAYTONA);

**Eftersom** indsigervirksomheden desuden gør gældende, at det ældre mærke nyder et vist renommé inden for urmageri, og dette renommé kommer til at forstærke risikoen for forveksling med det omstridte tegn.

**Eftersom** det omstridte tegn således udgør en efterligning af de påberåbte ældre mærke.

**Eftersom** der samlet set eksisterer en risiko for forveksling i offentlighedens bevidsthed vedrørende mærkernes oprindelse på grund af identiteten og ligheden mellem visse af de pågældende varer og det omstridte tegns efterligning af det ældre mærke.

**Eftersom** benævnelsen AYONA som følge heraf ikke kan opnå beskyttelse i Frankrig som varemærke for identiske og lignende produkter uden at skade indsigervirksomhedens tidligere rettigheder til benævnelsen DAYTONA.

### **Konklusion**

Vores klients mærker velkendthed i Danmark og nyder derfor en udvidet beskyttelse for utilbørlig udnyttelse af deres særpræg og renommé jf. Varemærkelovens § 15, stk. 3, nr. 1 og § 15, stk. 4, nr. 1. Styrelsen anfører selv i deres afgørelse de betingelser, der skal være opfyldt for at ovennævnte paragraffer kan tages i anvendelse. Vi vil på baggrund af den førte korrespondance i indsigelsessagen samt nærværende anke fastholde, at ovennævnte betingelser er opfyldt, og at bestemmelserne derfor bør anvendes.

Idet der både foreligger varelighed og vareidentitet, må der ud fra en helhedsbetragtning tages hensyn hertil i bedømmelsen af mærkelighed. Idet indehaverens mærke er fuldt indeholdt i vores klients registrerede mærker sammenholdt med mærkernes visuelle og lydæssige lighed og den udvidede beskyttelse af et velkendt mærke, må det antages, at der er en stor risiko for forveksling mellem mærkerne.

På baggrund af ovenstående og den hidtil førte argumentation og dokumentation i indsigelsessagen anmoder vi hermed Klagenævnet for Patenter- og Varemærker om at omgøre Styrelsens afgørelse af 22. september 2015, og afvise den danske del af det internationale varemærke MP1186526 AYONA fra endelig registrering, for så vidt angår ovennævnte varer og tjenesteydelser...”

Med brev af 19. februar 2016 afgav Patent- og Varemærkestyrelsen følgende udtalelse:

”... Som svar på Ankenævnets brev af 28. januar 2016 skal styrelsen udtale følgende:

Under behandlingen for Ankenævnet ses der ikke at være fremlagt sådanne nye væsentlige argumenter, at styrelsen har anledning til at ændre opfattelse.

Styrelsen fastholder derfor afgørelsen af 22. september 2015 og den under behandlingen fremførte argumentation og vurdering.

Styrelsen skal således henstille til Ankenævnet, at den trufne afgørelse stadfæstes...”

Med brev af 21. marts 2016 kommenterede Budde Schou A/S på vegne klager, ROLEX SA, styrelsens udtalelse således:

”... På baggrund af Patent- og Varemærkestyrelsens høringssvar henstilles det, at Ankenævnet tager den foreliggende sag op til objektiv vurdering af registrerbarheden af den danske del af IR 1186526 AYONA, særligt under hensyntagen til den i sagen fremlagte dokumentation for DAYTONA mærkets udbredelse og velkendthed i Danmark, samt den refererede praksis, der sammenholdt med vores argumentation bekræfter, at AYONA mærket bør anses som en utilbørlig udnyttelse af DAYTONA varemærkets særpræg og renommé jf. Varemærkelovens § 15, stk. 3, nr. 1.

Vores klient har bedt os meddele, at man ikke ønsker at anmode om en mundtlig forhandling i sagen...”

Indklagede har ikke udtalt sig i sagen.

*Udskriftens og fotokopiens rigtighed bekræftes.*

*Ankenævnet for Patenter og Varemærker, den 24. juni 2016.*