

DECISION**International registration has no effect in Sweden**

IR 710450

Novagraaf Nederland B.V.
P.O. Box 22722
NL-1100 DE Amsterdam Zuidoost
Netherlands**HOLDER**Ttec Computer B.V.
22, Oude Dukenburgseweg,
NL-6503 Aa Nijmegen
Netherlands

Exp. Patent- och registreringsverket

2004 -04- 1 9

REPRESENTATIVENovagraaf Nederland B.V.
P.O. Box 22722
NL-1100 DE Amsterdam Zuidoost
Netherlands**DECISION**

The Swedish Patent and Registration Office decides that the international registration 710450 has no effect in Sweden according to Article 56 par. 2 of the Swedish Trademark Act (1960:644).

THE MATTER

Effect in Sweden of the international registration TTEC, registered for scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, monitoring (supervision), emergency (life-saving) and teaching apparatus and instruments; apparatus for recording, transmitting and reproducing sound or images; magnetic recording media, sound recording disks; data processing equipment and computers; recorded computer programs, class 9, printed matter; inks, class 16, computerized file management, class 35, telecommunications, class 38 and computer programming, consultancy in the field of automation, class 42.

The holder has not requested a review of the provisional refusal within the time limit.

GROUNDINGS FOR REFUSAL

An obstacle to admitting effect in Sweden exists according to Article 54 par. 2 of the Swedish Trademark Act if the trademark referred to in the international registration does not fulfil the requirements under Article 13 or if an obstacle to a national registration would have existed according to Article 14.

- The mark is confusingly similar to the national mark(s), Article 14 par. 1, item 6 of the Swedish Trademark Act, 1) TEC, registration number 212785 and 2) TEK, registration number 353511 (application number 1987/06040)

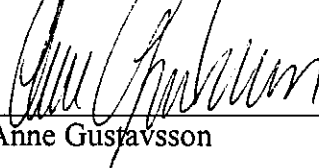
Holder: 1) Toshiba Tec Kabushiki Kaisha (also as Toshiba Tec Corporation), 1-1 Kanda Nishiki-cho, Chiyoda-ku, TOKYO, Japan.

2) Tektronix Inc., Howard Vollum Park, 14150 S.W. Karl Braun Drive, Beaverton, USA.


- The mark is confusingly similar to the Community Trademark(s), Article 14 par. 1, item 9 of the Swedish Trademark Act, TEC, registration number 167643

Holder: Toshiba Tec Kabushiki Kaisha (also as Toshiba Tec Corporation), 1-1 Kanda Nishiki-cho, Chiyoda-ku, TOKYO, Japan.

Date of decision **19 APR 2004**



Anne Gustavsson



Sara Winther

An appeal shall be lodged with the Court of Patent Appeals (Patentbesvärsrätten) within 2 (two) months from the date of the decision. The communications between the Court and the holder must be in Swedish. The appeal must be sent to:

The Swedish Patent and Registration Office
Box 530
S-826 27 SÖDERHAMN
Sweden

Enclosure: Extract from the Swedish Trademarks Act and a copy or copies of confusingly similar trademark registrations.

Extract from the Swedish Trademarks Act

Article 2. An exclusive right in a trademark is acquired also without registration when the mark has been established on the market.

Article 6. Symbols shall be deemed to be confusingly similar under this Act only if they relate to goods of the same kind or a similar kind.

Confusing similarity may be invoked also for the benefit of a symbol, which has a reputation in this country if the use of another similar symbol would take unfair advantage of, or would be detrimental to, the distinctive character or reputation of the symbol having the reputation.

Article 13. A trademark may be registered only if it is distinctive. A mark which, exclusively or with only minor changes or additions, indicates the kind, quality, quantity, use, price or geographical origin of the goods or the date of their production shall not in itself be deemed to be distinctive. In the assessment of whether a mark is distinctive consideration shall be given to all circumstances and in particular to the scale and the time of the use of the mark. A symbol consisting exclusively of a shape which results from the nature of the goods or of a shape which is necessary to obtain a technical result or of a sign which gives a substantial value to the goods may not be registered as a trademark.

Article 14. A trademark may not be registered:

- 1) if the mark contains such a State emblem or international emblem or such a local authority coat of arms which under existing laws or regulations may not be used, without permission, as a trademark, or anything that may be easily confused therewith;
 - 2) if the mark is likely to deceive the public;
 - 3) if the mark is otherwise contrary to laws or regulations or public order or is likely to cause offence;
 - 4) if the mark contains or consists of elements which are likely to convey the impression of being another person's trade name or the family name, artistic name or similar name of another person, or another person's portrait, unless the name or the portrait obviously relates to a person who is long deceased;
 - 5) if the mark contains an element which is likely to convey the impression of being the title of another person's protected literary or artistic work, where the title is distinctive, or which would violate another person's copyright in a literary or artistic work or another person's right in a photographic picture or in a design;
 - 6) if the mark is confusingly similar to a name or a trade name which is being used in the course of another person's business activities or to another person's trademark which is registered on the basis of an earlier application, or to another person's trade symbol which is established on the market when the application for registration is filed;
 - 7) if the mark is confusingly similar to a trade symbol which, at the time of the application, is being used by another person and the applicant had knowledge about that use at the time of the application and had not used the mark before the other symbol was first used;
 - 8) if the mark is confusingly similar to a trademark covered by an international registration with effect in Sweden and for which the date referred to in Article 55, second paragraph, precedes the date of the application.
- 9) if the mark is confusingly similar to a Community trademark owned by another person which is registered on the basis of an earlier application.

In cases referred to in items 4), 5), 6), 7) 8) and 9) the registration may nevertheless be effected if the person whose right is involved gives his consent and there are no other obstacles according to the provisions of the first paragraph. ---

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Article 15. An exclusive right in a trademark acquired through registration does not include such elements of the mark, which can not by them be registered.

Article 21. Following an opposition, the Registration Authority shall invalidate the registration if there is an obstacle to it. If there is an obstacle only in respect of part of the goods listed in the registration, the Registration Authority shall, instead, if the trademark owner so desires, invalidate the registration only as regards those goods.

The Registration Authority shall refuse the opposition if there is no obstacle to the registration.

A notice shall be published when the decision of the Registration Authority concerning the opposition has taken legal force. If the decision implies that the registration is invalidated wholly or in part, this fact shall be recorded in the register.

Article 54. If the National Trademark Authority receives a notification from the International Bureau to the effect that a person other than one referred to in Article 51 has requested an extension of the territorial effect of an international registration of a mark to Sweden, the Authority shall examine whether there is an obstacle to admitting such an effect.

Such an obstacle exists if the trademark referred to in the international registration does not fulfil the requirements under Article 13 or if an obstacle to a national registration would have existed according to Article 14.

Article 55. If there is an obstacle to the registration according to Article 54, second paragraph, the National Trademark Authority shall, within 18 months from the date of the notification referred to in Article 54, first paragraph, notify the International Bureau that the international registration can not have effect in Sweden and state the grounds therefore.

Article 56. After the expiry of the time limit indicated in Article 55, third paragraph, the National Trademark Authority shall, if there is no obstacle to it, decide that the international registration shall have effect in Sweden. When that decision has taken legal effect, the trademark shall be entered into the register and a notice of this fact be published.

If there is an obstacle to admitting the effect in Sweden of the international registration, the National Trademark authority shall decide that the international registration shall not have any effect in this country. The decision shall indicate the grounds which have determined the result. If the National Trademark Authority has not previously transmitted a notification under Article 55, first paragraph, it shall communicate the decision to the International Bureau within 18 months from the date of the notification referred to in Article 54, first paragraph, or, if the time period indicated in Article 55, third paragraph, expires later, within one month from the expiry of that period. In the latter case, the National Trademark Authority shall, within 18 months from the date of the notification referred to in Article 54, first paragraph, notify the International Bureau that a decision as just referred to may be communicated later. When the decision that the international registration shall not have any effect in Sweden has taken legal force, a notice of this fact shall be published.

REGISTRERAD

Registeringsnummer: 212785 **Registreringsdatum:** 1988-12-30
Ansökningsnummer: 1980/03221 **Ingivningsdatum:** 1980-06-23

TEC

Klassificering:

9: Elektroniska anordningar (apparater) bestående av elektroniska kassaregister, vägningsanordningar och med skala försedda tryckningsanordningar, de senare utgörande maskiner, som överför data från en å dem anbringad skala och som sedan för den vägda varan trycker vikt, pris och datum på en etikett eller lapp.

Innehavare:

Toshiba Tec Kabushiki Kaisha (also trading as TOSHIBA TEC CORPORATION), 1-1 Kanda Nishiki-cho, Chiyoda-ku, TOKYO, Japan

Ombud:

Zacco Sweden AB (publ), Box 23101, 104 35 STOCKHOLM, Sverige ,
Org.nr: 556000-2171

Wet 010322/85

REGISTRERAD

Registeringsnummer: 353511 **Registreringsdatum:** 2002-03-22
Ansökningsnummer: 1987/06040 **Ingivningsdatum:** 1987-08-10

TEK

Klassificering:

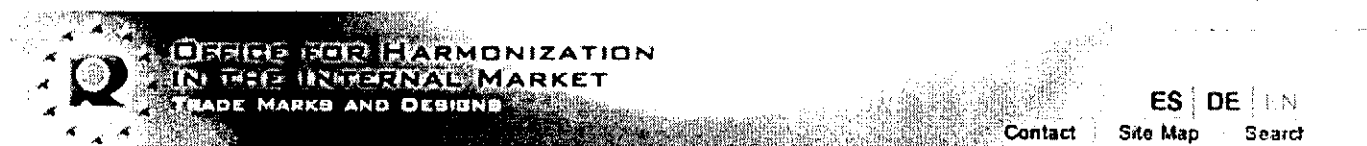
9: Oscilloskop, spektrumanalysatorer, digitala testapparater, mätsonder (elektriska), elektriska signalkällor, skrivare (ej för användning inom området för grafisk teknik).

Innehavare:

TEKTRONIX, INC., HOWARD VOLLUM PARK, 14150S.W. KARL BRAUN DRIVE, BEAVERTON, USA

Ombud:

Groth & Co KB, Box 6107, 102 32 STOCKHOLM, Sverige ,
Org.nr: 916642-3930


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Trade Mark Consultation Service

Trade mark: **TEC**
 Application number: 000167643
 Result: 1 of 1

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	Trade mark
Filing date:	01/04/1996
Registration date:	19/10/1998
Expiration date:	01/04/2006
Nice classification:	9, 16
Trade Mark:	Individual
Type of Mark:	Figurative
Colour claimed:	No
Acquired distinctiveness:	No
Date of last legal status:	29/01/1999
Legal status of mark:	Registration published
First language:	English
Second language:	Spanish

Graphic Representation

 List of goods and services

Nice classification: 9
List of goods and services: Electronic cash registers; electronic installations for use in point of sales systems; bar code printers; electronic label printers; electronic weighing scales.

Nice classification: 16

List of goods and services: Inking ribbons for a printer.

☒ Description

No entry for application number: 000167643

Owner

Name: Toshiba Tec Kabushiki Kaisha, also trading as TOSHIBA TEC CORPORATION
Number: 2469
Nature of Legal person: Legal entity
Address: 1-1, Kanda Nishiki-cho Chiyoda-ku
Post code: 101-8442
Town: Tokyo
Country: ☒ JP
Correspondence address: Toshiba Tec Kabushiki Kaisha, also trading as TOSHIBA TEC CORPORATION
 1-1, Kanda Nishiki-cho
 Chiyoda-ku
 Tokyo 101-8442
 JAPON
Telephone: 00 81-332924020
Fax: 00 81-332924500

Representative

Association name: MARKS & CLERK
Number: 10578
Address: 57-60 Lincoln's Inn Fields
Post code: WC2A 3LS
Town: London
Country: ☒ GB
Correspondence address: MARKS & CLERK
 57-60 Lincoln's Inn Fields
 London WC2A 3LS
 REINO UNIDO
Telephone: 00 44-2074003000
Fax: 00 44-2074044910
E-mail: ☒ receipts@marks-clerk.com

Priority

No entry for application number: 000167643

Exhibition priority

No entry for application number: 000167643

	Seniority
Country:	🇦🇹 AT
Registration number:	95513
Status:	Accepted
Country:	🇦🇹 AT
Registration number:	100909
Status:	Accepted
Country:	🇧🇪 BX
Registration number:	368158
Status:	Accepted
Country:	🇧🇪 BX
Registration number:	383437
Status:	Accepted
Country:	🇩🇰 DK
Registration number:	02.338.1984
Status:	Accepted
Country:	🇩🇰 DK
Registration number:	04.547.1989
Status:	Accepted
Country:	🇫🇷 FR
Registration number:	1142174
Status:	Accepted
Country:	🇫🇷 FR
Registration number:	1204002
Status:	Accepted
Country:	🇫🇷 FR
Registration number:	1596524
Status:	Accepted
Country:	🇫🇮 FI
Registration number:	105384
Status:	Accepted
Country:	🇩🇪 DE
Registration number:	1057105
Status:	Accepted
Country:	🇩🇪 DE
Registration number:	645797

Status:	Accepted
Country:	DE
Registration number:	1057104
Status:	Accepted
Country:	GR
Registration number:	72035
Status:	Accepted
Country:	IT
Registration number:	499429
Status:	Accepted
Country:	IT
Registration number:	409199
Status:	Accepted
Country:	IT
Registration number:	385589
Status:	Accepted
Country:	PT
Registration number:	217097
Status:	Accepted
Country:	PT
Registration number:	217098
Status:	Accepted
Country:	PT
Registration number:	208328
Status:	Accepted
Country:	PT
Registration number:	208329
Status:	Accepted
Country:	ES
Registration number:	1011110
Status:	Accepted
Country:	SE
Registration number:	212785
Status:	Accepted
Country:	GB
Registration number:	1303094

Status: Accepted

Country: GB

Registration number: 1386765

Status: Accepted

Publication

Bulletin n°: 010/1998

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Part: A

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Date of publication: 08/02/1999

Part: B

Page: 570

Opposition

No entry for application number: 000167643
