

**Internationell registrering skall inte gälla i Sverige**  
IR 771204

**INNEHAVARE**

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*Exp. Patent- och registreringsverket*

**2005 -04- 25**

**OMBUD**

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**BESLUT**

Patent- och registreringsverket (PRV) har med stöd av 56 § 2 stycket varumärkeslagen (1960:644) denna dag beslutat att den under ovanstående nummer angivna internationella registreringen inte skall gälla i Sverige.

**ÄRENDET**

Giltighet i Sverige av den internationella varumärkesregistreringen BAUHAUS THE HOME STORE, se nedan, registrerad för soil fertilizers; potting composts for plants; plant strengthening preparations; peats; growing substrates; bark products for plants; ground bark fertilizers; compost; potting compost for flowers; chemicals used in agriculture, horticulture and forestry, including biological preparations in the form of powder dusting for vegetables; humus; chemicals for plant upkeep (except fungicides, herbicides and vermin-destroying products); leaf shine products; soil-improving chemicals; chemical products for industrial use; casting resins and molded resins not included in other classes; fiber-optic bands, fiber-optic insulating batts, not included in other classes; silicone pastes; silicone rubber; concrete melters and concrete covering products not included in other classes; binding chemicals for concrete (except paints); stuffing pastes; damp-proofing products for buildings not included in other classes; soldering preparations; adhesives used in industry; solvents for varnishes, klass 1, Paints, varnishes, lacquers; varnish thinners; glazes, varnishing; paint binders and thinners; filling compounds (paints); antirust agents, preservatives against deterioration of wood; oil-based care products for wood; wood paints particularly wood coatings, paints, lacquers); dyestuffs; mordants, klass 2, partitions for shower cubicles and for bathtubs made of metal or mainly of metal combined with synthetic materials; raw non-precious metals, partly treated with their alloys; horseshoes; steel balls; safes and chests; shaped sections, sheet metals and decorated moldings of metal; metal nails and screws; chains (excluding propulsion chains for vehicles); metallic structural members, laminates and casts; non-electrical metallic cables and wires; metal components used in locksmithing and ironmongery; metal pipes; shaped sections, sheet metals and molds of metal mainly of aluminum; metallic collars for sanitary installations; metallic oil and grease cans (for

machines); decorative metallic panels for ceilings and walls; non-mechanical metallic reels for irrigation hoses, klass 6, power drills; machines for working metal, wood and plastics; hand-operated cold welding apparatus and cold soldering irons (hand operated) not included in other classes; electrical dust-removing apparatus and dust separators; electrically operated vacuum cleaning appliances; machines for the agricultural industry and mechanical agricultural tools; fountain pumps; grass extractors; submersible pumps; garden rollers; sprinkler pumps (for gardens); garden water pumps; power machines and apparatus for agricultural and gardening purposes, particularly pruning scissors, tree saws, hedge trimmers, lopping shears, garden shears, lawn trimmers, insecticide spray guns, grass shears for inaccessible corners, various lawn cutters, bush saws, scrub cutters for lawn, lawnmowers; construction machinery; lifting jacks (machine tools); lifting devices, planing machines; construction machines, particularly circular saws, sharpening and cutting devices; construction tools, machines and implements; wheeled concrete mixers; compressors (machines); lubricators; electric motors and engines (other than for land vehicles); electricity generators; garage door operating apparatus; blowing apparatus; motor-driven tools; electrical kitchen machines and implements not included in other classes; power apparatus for stapling and nailing; caulking guns; polishing machines, electric starters; electrical spraying devices; electric sanders; planers and spare planer blades; electric saws and tools, especially single-hand sanders, finishing sanders, belt sanders; two-tray grinding machines, right angle grinders; electric drills; powered machine tools for diy; spray guns for paint; floor polishers; electrical flax-yarn stitching machines; household appliances included in this class; power tools particularly saws, drills and drilling machines; drilling and screwing machines, screw driving machines, trueing machines, planing machines, parts of and accessories for all the above products, namely supports and tables for machines, particularly drill stands and saw tables; current generators; electric high-pressure cleaning apparatus; electric apparatus for aspirating liquids and mud; electric cleaning appliances for home use, particularly vacuum cleaners and vacuum-cleaner parts, mechanical polishers, steam cleaning appliances, high pressure cleaners and foam and liquid extractors; electrical dust-removing apparatus and dust separators; irrigation machines; elevator platforms; suspended transport belts; mechanical spools (reels) for irrigation hoses, klass 7, Hand-operated hand tools, particularly saws, gimlets and borers, saw filers, planes, screwdrivers, wrenches (tools), wrench boxes, hammers, pliers and nippers, files, spatulas (tools), tools for laying ceramic and faïence tiles; vises, screw clamps and parts of the aforementioned products; hand-operated instruments for agriculture, horticulture and forestry; flour (filler) spindles; hand-operated machines and apparatus for agriculture and gardening, particularly pruning scissors, tree saws, hedge trimmers, lopping shears, garden shears, lawn trimmers, insecticide spray guns, grass shears for inaccessible corners, various lawn cutters, bush saws, scrub cutters for lawns, lawnmowers; hand tools for gardening, particularly bulb planters, spades, shovels, pickaxes, rakes, grubbers (agriculture), scarifiers, forks (tools), saws, hand shovels, hand weeders, flower rakes, shears, sickles; soil-loosening implements; hand-operated instruments for the construction sector; lifting jacks (hand operated), hand tools for laying ceramic tiles; hand-operated hand tools, particularly shears, knives, saws, axes, spades, hand sanders, open-end wrenches and monkey wrenches, planes, single-hand sanders; hand tools and implements, especially tools of steel, particularly hammers, screwdrivers, wrenches, pliers; hand drills; hand apparatus for nailing and stapling; electric or manual hair clippers and scissors for hairdressers; cutlery, forks and spoons, nutcrackers; tire stud pullers; electric hair clippers and scissors for hairdressers, klass 8, Apparatus and instruments for heavy current engineering, namely for distribution, transformation, storage, regulation and control; electric welding apparatus; electric accumulators; charging units for electric accumulators; fuses; electric monitoring and control apparatus; welding electrodes;

timer switches; resistance welding apparatus and electric arc lamps; thermostats; electrical conduit connectors; electric welding apparatus and soldering irons; electric cables, conductors and connection junctions, switches and panels, junction boxes; electric irons; electric wiring material, especially cables; antenna cables (precut and in bulk), plugs, couplings, insulating sheaths, electrical outlets, electric casings, light dimmers, fastening terminals, fuses, winding drums, terminal blocks (jacks or insulating screw joints), switches; testing units, circuit testers; light current engineering apparatus and instruments, namely for telecommunication, for high-frequency and regulating techniques; image and sound media, particularly tapes, records, diskettes and films providing purchasers with optical, visual and/or acoustic information regarding the products they are buying; electric door chimes; intercoms; electric door openers; radio and television sets; signal bells (warning devices); electric bells; receivers used in the telephone industry, telephones and instruments with dials, telephone answering machines, video surveillance installations; audio and video cassettes; electric ringing alarms; fire extinguishers, fire alarms; electric anti-theft and alarm systems; electric testing units and controllers; multimeter controllers for testing electrical conductors; testing units and controller thermometers (excluding medical thermometers); spectacle cases; scientific apparatus and instruments, particularly barometers; electric batteries; garage door operating systems; protective goggles; protective gloves, klass 9, barbecue grills; barbecues (appliances); lighting apparatus; electric lamps; luminaires; flashlights; warning blinkers; gas lamps; de-icing lamps; defrosting lamps; lighting installations, especially bulbs and fluorescent tubes; Christmas tree lights; heating apparatus; radiators; apparatus for heating water, such as continuous-flow water heaters, inlet-control water heaters and storage water heaters; apparatus for heating and preparing hot water and necessary equipment; electrical foot warmers; apparatus and installations using sun light to produce thermal energy; cooking apparatus; electrical cooking apparatus; electrical immersion heaters; electric coffeemakers; plumbing fixtures for use with gas; gas cooking rings; cooling apparatus; air cooling devices; drying apparatus; hair driers; air driers, ventilation apparatus; air purification apparatus; fans; air humidifiers; humidifiers; air-conditioning apparatus and installations; water supply apparatus; humidors; indoor fountains; fountain pools; fittings for fountains; sanitary installations; valves and fittings for flexible hoses; traps made primarily of metal; upright and wall stacks for sanitary installations; mixing valves and their adjusting devices; sanitary installation equipment, particularly ducts, flexible hoses for sanitary installations; hot and cold water mixers; water closets, spare parts and accessories thereof namely rinsing systems, toilet lids, water flushing systems, compression rinsing machines, toilet seats, covers and lids, toilet bowls; wash-hand basins; reinforcing materials for bathtubs, for showers and for wash-hand basins; adjustable support arms for hand-held showers; vertical and hand-held showers; bathtubs; valves and fittings for showers; bidets; fittings and reinforcing sections for showers, for bathrooms, for toilets, for steam baths and sanitary uses, including corner valves, stop valves; valves for water pipes; swan-neck tubes with connections therefor; shower receivers; shower cubicles, without any water supply and discharge valves and fittings; dividing screens for shower and bath cubicles made of plastics alone, or combined with metal; shower doors; translucent shutters with a metal frame; valves and fittings for steam baths; showers and shower heads; electric water softeners and water cleaners; covers for car headlights; bathtub grips; electric wall fittings, klass 11, vehicles and apparatus for locomotion by land or by water, especially wheelbarrows, portable hose reels, concrete mixing vehicles, forklift trucks, automobiles, delivery tricycles, transport trucks, wheelbarrows used in construction and gardens; boats, wheel trolleys, motor vehicles and parts thereof; shock absorbers; car radiator firewalls; steering forks; bumpers; shock absorbing struts; towing cables and hooks for motor vehicles; doors, spokes and wheels for automobiles; wheel rims; protective sheaths for vehicle springs (for shock absorbers);

steering wheels for automobiles; roof racks for cars; saddle holders for bicycles and motorcycles; masts for sail boats; seat covers for vehicles, klass 12, paper and cardboard goods, namely face towels, table napkins, filter paper, pocket handkerchiefs, toilet paper, babies' napkins, packaging containers, packaging sachets, sticky corners to hold photographs in place; printed matter; patterns for dressmaking (paper); patterns for jigsaws (paper); diy calendars; bookbinding material, namely thread, cloths and other textiles for bookbindings; stationery; adhesives for stationery or household purposes; artists' supplies, namely articles for drawing, painting and modeling; color sets (school requisites); gratings (used by painters to remove excess paint from rollers); painting boards; stencils for painters; drawing pads; painters' easels; painters' sketch-pads; chalks (for writing and for tailors); painters' rollers; painters' brushes; painting accessories; painting palettes; painting canvasses; paintbrushes; office requisites, namely non-electric office equipment and utensils, document files, letter trays, letter openers, writing pads, office perforators, staplers, paper clips and staples for office use, typewriter ribbons, stamps, stamp pads, stamp-pad inks, writing and drawing inks, Indian inks; instructional and teaching material (excluding apparatus), in the form of printed matter, games, life-like animals and plants, geologic models, globes, drawing instruments for blackboards; pictures, collages, photographs; chromolithographs; lithographs, posters, klass 16, products made of semi-processed plastics; extruded profiles made of plastic materials with layers of metal or resembling metal; plastic films (other than for packaging), including films for gardening, protective films for ponds and insulating underlays; acrylic plates, blocks, slabs, rods and tubes of semi-processed plastics, particularly made of acrylic and polystyrol; adhesive films not included in other classes; packing, stopping and insulating materials; insulating gloves; insulating fabrics; sealing and insulating materials in liquid, solid or paste form, particularly for plumbing fixtures, for window, door, wall and roof weather-stripping and insulation; insulating materials, particularly mineral wool, composite foam boards, flexible nonmetallic insulating tubes, insulating foam, soundproofing plates, insulating films, thermal insulation goods; adhesive tapes and strips not included in other classes; insulating sheets made of metal; insulating varnish; insulating boards for ceilings; hollow profiles packed with insulating materials (foam); insulating boards for walls; single-layer insulating paints; insulating baize; flexible nonmetallic pipes; accessories for watering installations, namely pipe couplings, water spraying pipes, spiral pipes, irrigation and spot-spraying pipes and plastic pipes; nonmetallic reinforcing materials for pipes; fiberglass strips and mats not included in other classes; mastic, pastes and other joint-sealing materials; insulating tape; jointing mastic; single-layer insulating paints; watering hoses; seals for sanitary installations, klass 17, mainly nonmetallic construction materials; elements for pipe building and water disposal; construction hinges; gutters, mainly not of metal; roughcasts; roughcast work; slabs (mainly non metallic); nonmetallic latticework; pipes and ducts (mainly non metallic); roller shutters (mainly non metallic); glass panels for construction purposes; rain-water collection pipes (mainly non metallic); cement sheets; mosaics for building; trays and tubs for mortar; plastic pools for artificial ponds; flagstones of natural or synthetic stone; sand; floor paving, wall and angle paving (mainly non metallic); plaster boards; split tiles, split stoneware tiles; cement; building materials for walls and partitions; floor slabs, wall slabs and floor tiles; decorative panels not of metal for ceilings and walls; cement mortar; nonmetallic roof tiles; nonmetallic construction elements for external facilities; fluxing media not included in other classes; door frames; doors (mainly non metallic); nonmetallic building materials for roads; stones (natural or synthetic); clinker; transit concrete; staircases and steps, not of metal; dry construction materials; floor insulation boards; chimneys (for roofs); indoor chimneys; gutters (mainly non metallic); window casings (mainly non metallic); window sashes (mainly non metallic), window components (mainly non metallic); window bolts; window

frames; floor tiles and tiles (mainly non metallic); prefabricated elements for superstructures; ready-made mortar; window ledges; windows (mainly non metallic); concrete; roofing and roofers' equipment; nonmetallic construction elements for bridges and roadways; gravel; concrete-based products; fixed or sliding shutters; doors and windows for showers and bathrooms; sliding screens and their adjustable shutters; upright columns and hanging columns; decorative panels (predominantly made of nonmetallic materials) for ceilings and walls; binders (construction materials); vegetable planting trays (mainly non metallic); concrete boards, nonmetallic building materials for interior design and for courtyards and gardens; front doors (mainly non metallic); insulating glass for building; wall and floor tiles made of natural or synthetic stones; lime, particularly building lime and lime parget; glass panes; gypsum plasterboard covered with composite foam; plinths, mainly non metallic; glass bricks, nonmetallic garage doors; floor coverings made of rubber or plastic (construction materials); tool sheds (not of metal); prefabricated gardens, mainly non metallic; aerated concrete blocks; plaster; mortar; rigid pipes (mainly non metallic) for construction purposes, transportable constructions (mainly non metallic); prefabricated hothouses (mainly non metallic); pergolas, indoor hothouses (mainly non metallic); prefabricated shelters, bunkers (mainly non metallic); compost bins (mainly non metallic); prefabricated covered garages (mainly non metallic); prefabricated wooden sheds for garden tools; prefabricated greenhouses (transportable, mainly non metallic); construction materials, essentially made of wood; wooden fences; material made of building timber, particularly shaped sections, wood paneling, laths, glulam, composite laminated materials, blockboard, moldings made of wood, PVC post-formed panels; wooden fiberboards; wood trims; duckboards; fence poles; plywood; decorative paneling; rosewood; planks; diy wood; girders; wood blocks; building timber for the garden; wooden floors; mine timber; rigid paneling made of wood fibers; baseboards made of wood; pointing mortar, klass 19, Goods (included in this class) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, or plastic materials; curtain rails of rattan; nesting boxes; spare handles (not of metal) for household articles and for gardening tools; chests, not of metal; lacquered boxes not included in other classes; wickerwork; selvedge rods made of wood or synthetic materials; transportation pallets not included in other classes; nonmetallic barrels; handles, made mainly of wood; bamboo; glass plates for framing; nonmetallic baskets and handle supports of balsa; small boards of balsa wood; Easter decorations of wood and plastic; wooden eggs; wooden pearls; wooden rings; wooden balls; wooden wheels; furniture, frames; chipboard caskets; shelves and parts thereof; bathroom cabinets; easels not included in other classes; cork memo-boards; air mattresses; nonmetallic bins; curtain rails; vanity and dressing tables; tables; tables for wallpapering, chair cushions; stepladders and ladders; camping furniture; built-in kitchen furniture; rods for picture frames; material for hanging pictures (frames); bathroom furniture; benches; clothes' hooks; frames for paintings; boxes not included in other classes; rests; curtain casings and rails; work benches; kitchen worktops; curtain rods and poles; hooks for hand towels; mirrors; tarpaulins (horticultural containers); nonmetallic rings for sanitary installations; curtain tie-backs; non-mechanical non-metallic reels for irrigation pipes; seed trays; stakes and climbing poles, not of metal, for plants; non-metallic oil and grease cans (for machines); license plate holders, klass 20, cooling packs; household appliances included in this class; small apparatus, instruments and containers for household or kitchen use (neither of precious metal nor coated therewith); soap holders; toilet paper holders; toothbrush glass holders; clothes racks; mouse traps; flower and plant pots (mainly non metallic); containers made of plastic, particularly acrylic materials and/or polystyrene; wire candlesticks; watering tools, namely spray nozzles for pipes; rose heads and hoses; bath towel holders; napkin rings; hand towel holders; hand towel baskets; glass goods, porcelain

and earthenware for household and kitchen use not included in other classes; colanders; porcelain figurines; sculptures not included in other classes for fountains; flowerpot holders not of paper; holders for toiletry articles; plant sprays; garden gnomes not included in other classes; watering devices, including watering devices for lawns and watering cans; buckets; wooden plates; disposable tableware; art objects made of glass, porcelain and earthenware; toothbrushes; toilet brushes and holders therefor; watering devices; mangers and drinking bowls for birds; fiberglass strips and mats not included in other classes; brushes (except paintbrushes), klass 21, clothing, footwear, headgear; work clothes; protection footwear, klass 25, non-textile wall hangings; carpets and rugs; doormats; mats; linoleum and other floor coverings; oilcloth; toilet mats; wall finishes made of paper, plastic materials, natural fibers or synthetic material; insulating wallpaper; floor coverings; insulating floor coverings, klass 27, agricultural, horticultural and forestry products, namely grains and other reproduction means, raw cereals, unsawn timber, natural seeds, plants and flowers; Christmas trees (cut), nursery plants, fruit-bearing trees; flower arrangements consisting of natural flowers; dried flowers, klass 31, frame making on order, klass 40. Märket är utfört i rött och vitt.



## SKÅL

Hinder mot att en internationell varumärkesregistrering skall gälla i Sverige finns enligt 54 § 2 stycket varumärkeslagen om det varumärke som den internationella registreringen avser inte uppfyller förutsättningarna enligt 13 § eller om något hinder mot en nationell registrering skulle ha funnits enligt 14 §.

Ett varumärke får enligt 14 § 1 stycket 6 punkten varumärkeslagen inte registreras om märket är förväxlingsbart med någon annans kännetecken som registrerats efter en tidigare ansökan. Ett varumärke får enligt 14 § 1 stycket 9 punkten varumärkeslagen inte heller registreras om märket är förväxlingsbart med ett gemenskapsvarumärke som innehas av någon annan och är registrerat efter en tidigare ansökan. Enligt 6 § 1 stycket samma lag skall kännetecken anses förväxlingsbara endast om de avser varor eller tjänster av samma eller liknande slag. Vidare får enligt 14 § 1 stycket 2 punkten varumärkeslagen inte ett varumärke registreras om det är ägnat att vilseleda allmänheten.

Frågan om förväxlingsbarhet skall avgöras vid en helhetsbedömning vid vilken alla omständigheter av betydelse i sammanhanget skall beaktas, bland annat märkenas likhet samt likheten i de varor eller tjänster som märkena avser.

Innehavarens märke är förväxlingsbart med varumärket Bauhaus, med registreringsnummer 252745 som registrerats för kemikalier för industriella ändamål samt för jordbruk, trädgårdsskötsel och skogsbruk; bindemedel för betong; bindemedel för industriella ändamål, gödselmedel, odlingsjord och torv (gödningsmedel), klass 1, rengöringspreparat, även preparat för rengöring av stengolv; polermedel, slipmedel, klass 3, tekniska oljor och fetter; smörjmedel; ih damm bindningsmedel. och dammabsorberingsmedel; gjutformsolja och nafta, klass 4, herbicider och fungicider; preparat för utrotning av skadedjur och ohyra, klass 5, maskiner och verktygsmaskiner; redskap (ej handredskap) och maskiner för jordbruk och trädgårdsbruk, även elektriskt eller med bensin drivna saxar, sprutanordningar för insektsbekämpning, gräsklippare, grästrimmare, saxar för klippning av gräskanter, apparater för gräsuptagning, pumpar för trädgårdsbevattning, sågar och sågmaskiner,

elektriska verktyg, även slipmaskiner och slipanordningar, strömalstrare, hyvelmaskiner och knivar för hyvelmaskiner, kompressorer, vattenblandare, bormaskiner, bandsågar, mekaniskt drivna handverktyg, maskinverktyg, körbara betongblandare, häftmaskiner, transportband, lyftanordningar och -apparater, maskiner och apparater för byggnadsändamål, elektriska lödnings- och svetsapparater, elektriska motorer (ej för landfordon), poleringsmaskiner, smörjningsapparater och -maskiner, elektriska köksmaskiner, bultningsmaskiner, klass 7, elektriska lödnings- och svetsapparater; termostater och kontrollapparater; kontroll- och styrapparater för områdena ventilation och luftkonditionering; kontrollorgan för blandningsarmaturer, nämligen termostater och kontrollanordningar för ångbad och duschar; signalklockor, elektriska ringklockor, elektriska alarmapparater, elektriska batterier, elektriska kopplingsur; elektriskt installationsmaterial, även kablar, antennkablar, stickproppar, kopplingar, kabelföringsrör, vägguttag, dosor, ljusintensitetsregleringsanordningar, fastsättningsklammer, säkringar, kabeltrummor; varningslampor; dammsugare; strykjärn, klass 9, apparater för belysning, uppvärmning, kokning, kylning, torkning, ventilation och vattenledning samt för sanitära installationer; duschanordningar i form av WC-tillsatser; bidéer; varor av keramik, nämligen tvättfat, WC-stolar och badkar; WC-anläggningar samt delar därav och tillbehör därtill, nämligen spolcisterner, spolanordningar, tryckspolare, toalettsitsar och WC-lock, avställningsventiler; duschanordningar, duschkabiner med installationer och armaturer för vatten och avlopp; armaturer för duschar, för badrum, toaletter, ångbad och för sanitära ändamål; blandningsarmaturer; luftfuktare och luftkonditioneringsanläggningar och -apparater, luftreningsapparater och avluftningsapparater, luftkylanordningar, lufttorkningsapparater; anordningar och apparater för vattenuppvärmning; apparater och anordningar för alstring av värmeenergi ur solstrålar (solkollektorer), även för uppvärmning av vatten och för rumsuppvärmning; ficklampor; hårtorkare, material för sanitetsinstallationer, nämligen rör, slangar, klammer och muffar; belysningsanordningar, även glödlampor och lysrör; hörnventiler, klass 11, körbara betongblandare; fordon, fortskaffningsmedel för befordring till lands, även skottkärror, slangvagnar, körbara betongblandare, körbara gaffeltruckar, körbara lyftplattformar, trehjulingar, transportkärror och transportlinbanor; båtar; cykelfälgar och fälgar för fordonshjul; rattar för fordon, klass 12, kemiska preparat i form av fuktighetsisoleringsmedel för väggar och byggnader; kautschuk, guttaperka, gummi, asbest, glimmer samt varor framställda av dessa material och icke ingående i andra klasser; varor av plast (halvfabrikat); tättnings-, packnings- och isoleringsmaterial; isoleringsfärger; slangar (ej av metall); metallfolier för isolering, folier av regenererad cellulosa (ej för förpackningsändamål); block, plattor, stavar och rör av plast (halvfabrikat), även av akryl och/eller polysterol; ihåliga profillister samt ihåliga profiler innehållande isolerande plastmaterial, isoleringsfilt, isoleringsfernissor, isoleringsväv, isoleringshandskar, isoleringsmaterial, värmeisoleringsmaterial, klisterband och klisterremсор (tejp, ej för kontors-, medicinska eller hushållsändamål), isoleringsväggplattor, isoleringsplattor för innertak; tättnings- och isoleringsmaterial i flytande, fast eller pastaform, även för sanitära ändamål och för tätning och isolering av fönster och dörrar, väggskarvar och tak, klass 17, Kallbitumen, klass 19, lantbruks-, trädgårds- och skogsbruksprodukter samt säd, ej ingående i andra klasser; fröer och utsäden, klass 31. Vidare är märket förväxlingsbart med firman Bauhaus, med organisationsnummer 610214-9371 som registrerats för elektronik, datorer, tekniska detaljer samt med gemenskapsvarumärket Bauhaus Dessau, med registreringsnummer 1373893 som registrerats för flyttbara byggnader (byggnationer) av metall; små smidesvaror av järn och metall; varor av oädla metaller, ingående i klass 6; byggnads-material av metall, klass 6, lampor och lyktor, klass 11, ädla metaller och deras legeringar samt varor av ädla metaller eller överdragna därmed (ingående i klass 14); smycken, ädelstenar; ur och tidmätningssinstrument, klass 14, trycksaker; målningar, litografier;

fotografier, affischer, klass 16, flyttbara byggnader (byggnationer), ej av metall; monument; byggnadsmaterial (ej av metall), klass 19, möbler, speglar, tavelramar; varor, ingående i klass 20, av trä, kork, vass, rotting, korg, horn, ben, elfenben, valfiskben, snäckskal, bärnsten, pärlemor, sjöskum eller av ersättningar för dessa material, eller av plast, klass 20, varor av glas, porslin och keramik, ingående i klass 21; apparater och behållare för hushåll och kök, ingående i klass 21, klass 21, textilier och textilvaror (ingående i klass 24); sängkläder och bordsdukar; väggbeklädnader av textil, klass 24, klädesartiklar; huvudbonader; fotbeklädnader, klass 25, mattor och mattbeläggningar, linoleum och andra material för golvbeläggningar; tapeter, ingående i klass 27, klass 27, organisation och anordnande av resor, rundturer och visningar; reseeskort, klass 39, arrangerande och hållande av seminarier; utbildningstjänster; arrangerande och hållande av mässor och utställningar för kulturella ändamål; kulturverksamhet; dia- och föreläsningar och -visningar, klass 41, planering och rådgivning vid byggnads- och konstruktionsarbete; arkitekturverksamhet; inredningsarkitektur; utskänkning av mat och dryck till gäster; bokning av kortvarigt boende, klass 42.

Det föreligger varu- och tjänsteslagslikhet mellan de varor och tjänster som omfattas av föreliggande internationella registrering och de varor och tjänster som är registrerade för nämnda varumärken. Det föreligger även likhet mellan de varor och tjänster som omfattas av föreliggande internationella registrering och den verksamhet som firman bedriver. Beträffande märkeslikheten konstateras att dominanten i innehavarens märke är identisk med mothållna kännetecken eller med dess dominant. Vid en helhetsbedömning anser PRV således att innehavarens varumärke är förväxlingsbart med nämnda kännetecken.

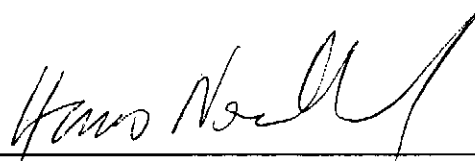
Innehavaren har gett in ett medgivande från innehavaren av varumärket Bauhaus, med registreringsnummer 252745. Medgivandet kan dock inte godtas eftersom allmänheten kan vilseledas om varornas kommersiella ursprung.

Med hänsyn till vad PRV anfört ovan skall den internationella registreringen inte gälla i Sverige.

Beslutat den **25 APR 2005**



Tom Kronhoffer



Hans Nordlund

## HUR BESLUTET ÖVERKLAGAS

Den som vill överklaga beslutet skall göra det skriftligt. Skrivelsen skall vara ställd till Patentbesvärsrätten, men sändas till Patent- och registreringsverket, Box 530, 826 27 Söderhamn. I skrivelsen skall anges det beslut som överklagas och den ändring beslutet som begärs. Skrivelsen skall ha kommit in till verket **inom två (2) månader** från beslutsdagen.