

DECISION

**International registration has no effect in
Sweden**
IR 774142

Habel & Habel Patentanwälte
Am Kanonengraben 11
D-48151 Münster
Germany

HOLDER

Pantherwerke Aktiengesellschaft
Alter Postweg 190
D-32584 Löhne
Germany

Exp. Patent- och registreringsverket

2005 -09- 2 3

REPRESENTATIVE

Habel & Habel Patentanwälte
Am Kanonengraben 11
D-48151 Münster
Germany

DECISION

The Swedish Patent and Registration Office decides that the international registration 774142 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 Panther, registered for bicycles, tricycles, pedal scooters, pushchairs and wheelchairs and parts of the afore mentioned goods (included in this class), class 12, clothing, headgear, footwear, class 25 and games, toys; gymnastic and sporting articles (included in this class); stationary exercise bicycles; scooters (vehicles for children), class 28.

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

GROUND(S) 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), PANTHERA with no 341118, PANTER LOPPET no 266303, PANTHER FÖRNÄMSTA FABRIKAT no 85288, PANTHER no 157316 and PANTER no 218826, Article 14 par. 1, item 6 of the Swedish Trademark Act.

- The mark is confusingly similar to the Community Trademark(s), PANTHER with no 1244029, Article 14 par. 1, item 9 of the Swedish Trademark Act.
- Other grounds: The mark is confusingly similar to the Swedish Trade name PANTERN HANDELSBOLAG (969604-6995), Article 14 par. 1, item 6 of the Swedish Trademark Act.

Date of decision 23 SEP 2005


Hans Nordlund


Eva Zamel

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.

REGISTRERAD

Registreringsnummer:	341118	Registreringsdatum:	2000-10-13
Ansökningsnummer:	1997/04616	Ingivningsdatum:	1997-05-13

PANTHERA

Klassificering:

12: Rullstolar.

Innehavare:

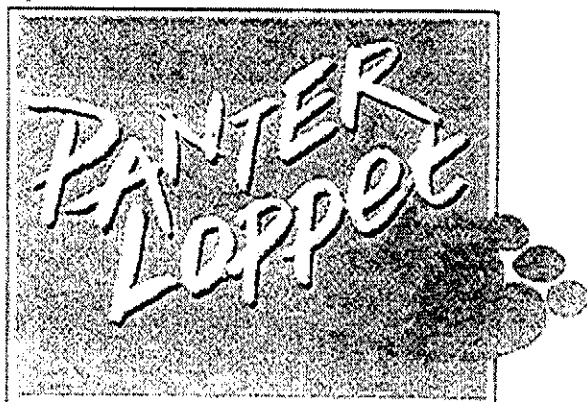
PANTHERA PRODUCTION AKTIEBOLAG, GUNNEBOGATAN 26, 163 53 SPÅNGA, Sverige

Ombud:

Groth & Co Kommanditbolag (Transportf. 2005/1376), Box 6107, 102 32 STOCKHOLM, Sverige,
Org.nr: 916642-3930

REGISTRERAD

Registreringsnummer: 266303 **Registreringsdatum:** 1995-08-18
Ansökningsnummer: 1993/09943 **Ingivningsdatum:** 1993-10-21
Figurklasser: 02.09.01; 03.07.19



Disclaimer:

ordet LOPPET.

Klassificering:

- 25:** Samtliga varor.
- 32:** Samtliga varor.
- 35:** Samtliga tjänster.
- 41:** Samtliga tjänster.

Innehavare:

Henrik Fritz-Crone, Vattentornsvägen 6, 184 52 ÖSTERSKÄR, Sverige

Ombud:

Albihns Stockholm AB, Box 5581, 114 85 STOCKHOLM, Sverige,
Org.nr: 556015-0046

REGISTRERAD

Registreringsnummer: 85288 **Registreringsdatum:** 1958-07-11
Ansökningsnummer: 1900/85288 **Ingivningsdatum:** 1978-07-10
Figurklasser: 03.01.04



Klassificering:

25: Gummiskodon.

Innehavare:

Coop Sverige Aktiebolag, 171 88 SOLNA, Sverige,
Org.nr: 556030-5921

Ombud:

Coop Sverige Aktiebolag, Juridik, 171 88 SOLNA, Sverige,
Org.nr: 556030-5921

REGISTRERAD

Registreringsnummer:	157316	Registreringsdatum:	1976-11-05
Ansökningsnummer:	1901/57316	Ingivningsdatum:	1900-01-01

PANTHER

Klassificering:

28: Bollar för tennis, squash, golf och landhockey; racketar och racketramar för tennis, badminton och squash; paddeltennisracketar; överdrag för tennis, bordtennis, squash, golf och badminton; tennisracketpressar; strängar för tennis- och squashracketar; bordtennisracketar; landhockeyklubbor; golfklubbor; golfbagar; golfkåror; benskydd för landhockey (bollar för fotboll och benskydd för fotboll är undantagna).

Innehavare:

SLAZENGERS LIMITED, CROYDON, Storbritannien

Ombud:

Zacco Sweden AB (publ) (transpf. V-92/98), Box 23101, 104 35 STOCKHOLM, Sverige,
Org.nr: 556000-2171

REGISTRERAD

Registeringsnummer:	218826	Registreringsdatum:	1990-09-21
Ansökningsnummer:	1988/06941	Ingivningsdatum:	1988-08-18

PANTER

Klassificering:

12: Cyklar samt delar därtill.

Innehavare:

Cycleurope AB, 432 82 VARBERG, Sverige,
Org.nr: 556141-6479

Ombud:

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



- Overview
- Trade mark
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CTM-ONLINE - Detailed trade mark information



List of results

Trade mark name : PANTHER
 Trade mark No : 001244029
 Trade mark basis: CTM
 Number of results: 1 of 1

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	Trade mark
Filing date:	16/07/1999
Date of registration:	17/09/2004
Expiry Date:	16/07/2009
Nice Classification:	12 (↗ Nice classification)
Trade mark:	Individual
Type of mark:	Figurative
Vienna Classification:	27.5.1, 29.1.96 (↗ Vienna Classification)
Acquired distinctiveness:	No
Date of last status:	26/10/2004
Status of trade mark:	Registration published (↗ Glossary)
	(↗ History of statuses)
Filing language:	English
Second language:	Spanish

Graphic representation



PANTHER

List of goods and services

Nice Classification: 12
List of goods and services motors and parts of wheelchairs and electric wheelchairs.

Description

Description of the mark: Description is not available in this language
Indication of colour : Blue, grey and white..

Owner

Name: Sunpex Technology Co., Ltd
ID No: 66388
Natural or legal person: Legal entity
Address: No. 678, Chung Hsiao Road
Town: Chiayi City
Country: TAIWAN, PROVINCE OF CHINA
Correspondence address: Sunpex Technology Co., Ltd No. 678, Chung Hsiao Road Chiayi City TAIWÁN

Representative

Name: MARKS & CLERK
ID No: 10578
Address: 90 Long Acre
Post code: WC2E 9RA
Town: London

Country: UNITED KINGDOM
Correspondence address: MARKS & CLERK 90 Long Acre London WC2E 9RA
 REINO UNIDO
Telephone: 00 44-2074200000
Fax: 00 44-2078363339
E-mail: admin@marks-clerk.com

Seniority

No entry for application number: 001244029.

Exhibition priority

No entry for application number: 001244029

Priority

No entry for application number: 001244029.

Publication

Bulletin no.: 008/2000
Date of publication: 24/01/2000
Part: A
Page: 488

Bulletin no.: [044/2004](#)
Date of publication: 01/11/2004
Part: B
Page: 2484

Opposition

Opposition No: 000253817
Reception date: 23/03/2000
Opponent name: Pantherwerke Aktiengesellschaft
Opponent ID No: 38619

Opposition No: 000263097
Reception date: 20/04/2000
Opponent name: Greys Defence Systems Limited
Opponent ID No: 34029

Cancellation

No entry for application number: 001244029

Appeals

Appeal number: R0508/2002-4
Date of receipt: 11/06/2002
Appellant name: Pantherwerke Aktiengesellschaft
Appellant number: 38619

Recordals

No entry for application number: 001244029

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Disclaimer and Copyright

Verksamhet/ändamål

Organisationsnr: 969604-6995
Företagsnamn (firma): Pantern Handelsbolag
Företagsform: HB
Ärendenr: 653512/94 REGDAT: 1994-10-04

Verksamhet fritext

/ Import och export av textil, kläder från Kina till andra länder samt därmed förenlig verksamhet.

Sida 1 av 1

◀ Föregående sida , Nästa sida ▶

◀ Tidigare verksamhet , Senare verksamhet ▶

Dessa uppgifter hämtades ur näringslivsregistret 09/09/05 klockan 08:34

Hjälp

Adress

Organisationsnr: 969604-6995
Företagsnamn (firma): Pantern Handelsbolag
Företagsform: HB
Ärendenr: 574079/00 REGDAT: 2000-08-18

Postadress

c/o:
Adress: Axbyplan 10, 1 tr
Postnr: 163 73
Ort: SPÅNGA
Land:

Säte

Län: 01 Stockholms
Kommun: 80 Stockholm
Ort:
Registreringslän: 01 Stockholms

← Tidigare uppgifter , Senare uppgifter →

Dessa uppgifter hämtades ur näringslivsregistret 09/09/05 klockan 08:34

Hjälp

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. ---

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.