

DECISION

International registration has no effect in Sweden
IR 834856

Exp. Patent- och registreringsverket

2006 -06- 0 5

Leonard T. Nuara, Mark W Bisard, Alan F. Kaufman, Thacher Proffitt & Wood LLP
25 DeForest Avenue
Summit, NJ 07901
United States

HOLDER

RJIP, Inc.
300 Delaware Avenue, Suite 1704
Wilmington, DE 19801
United States

REPRESENTATIVE

Leonard T. Nuara, Mark W Bisard, Alan F. Kaufman, Thacher Proffitt & Wood LLP
25 DeForest Avenue
Summit, NJ 07901
United States

DECISION

The Swedish Patent and Registration Office decides that the international registration 834856 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 DOMINION, registered for electronic controller for keyboard, video, mouse (KVM) electrical switches used to interface with personal computers, workstations, servers, and other computer networking equipment, namely, computer keyboard, monitor, and mouse switches and multiplexers for use in personal computer LAN server management; secure serial console server for connection to serially managed servers and serially controlled power strips; digital KVM switch and computer interface modules; and serial console controller having a plurality of serial ports for connecting to a global network to provide secure, remote, out-of-band access to a multiple number of target communication servers over an Internet provider from any Web browser anywhere in the world, class 9.

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

GROUND FOR REFUSAL

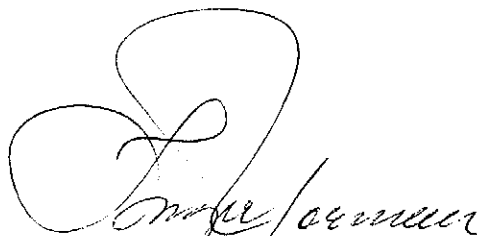
An obstacle to admitting effect in Sweden exists according to Article 54 par. 2 of the Swedish Trademark Act if the trademark referred to in the international registration does not fulfil the requirements under Article 13 or if an obstacle to a national registration would have existed according to Article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

- The mark is confusingly similar to the Community Trademark(s), 1) DOMINION reg.no 2277135 2) DOMINION reg.no 2421857 3) DOMINION SPEEDFORMULA reg.no 3601961, Article 14 par. 1, item 9 of the Swedish Trademark Act.
- Other grounds: The trademark is likely to deceive the public, Article 14 par. 1, item 2 of the Swedish Trademark Act.

Date of decision 05 JUN 2006



Sara Winther



Inger Norman

An appeal shall be lodged with the Court of Patent Appeals (Patentbesvärsträtten) 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. ---

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.



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CTM-ONLINE - Detailed trade mark information



List of results

Trade mark name : DOMINION
Trade mark No : 002277135
Trade mark basis: CTM
Number of results: 1 of 1

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Trade mark

Filing date: 26/06/2001
Date of registration: 04/02/2003
Expiry Date: 26/06/2011
Nice Classification: 9, 38 ([↗](#) Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Status of trade mark: Registration published ([↗](#) Glossary)
 ([↗](#) History of statuses)
Filing language: Spanish
Second language: French

Graphic representation

No entry for application number: 002277135.

List of goods and services

Nice Classification: 9
List of goods and services Apparatus for the recording, transmission, reproduction of sound and images; coin-operated apparatus; and data processing equipment and computers.

Nice Classification: 38
List of goods and services Radio, telephone and telegraph communications and services; rental of message sending apparatus; electronic mail; communication by computer terminals; cellular telephone communication.

Description

Description of the mark: Description is not available in this language

Owner

Name: GLOBAL DOMINION ACCESS, S.A.
ID No: 118849
Natural or legal person: Legal entity
Address: Rodriguez Arias, 6 - 4º Dpto 405
Post code: 48009
Town: Bilbao
Country: SPAIN
Correspondence address: GLOBAL DOMINION ACCESS, S.A. Rodriguez Arias, 6 -

4º Dpto 405 E-48009 Bilbao ESPAÑA

Representative

Name: Maria Antonia
Ezcurra Zufia
ID No: 5484
Address: Iparragirre, 15, 2ºA
Post code: 48009
Town: Bilbao (Vizcaya)
Country: SPAIN
Correspondence address: Maria Antonia Ezcurra Zufia Iparragirre, 15, 2ºA E-48009 Bilbao (Vizcaya) ESPAÑA
Telephone: 944245346
Fax: 944236170
E-mail: ezcurraabogados@mixmail.com

Seniority

Country: SPAIN
Registration number: 2246574
Status: Refused
Filing date: 28/06/1999
Grant date: 05/07/2000

Country: SPAIN
Registration number: 2246578
Status: Refused
Filing date: 29/06/1999
Grant date: 20/09/2000

Exhibition priority

No entry for application number: 002277135

Priority

No entry for application number: 002277135.

Publication

Bulletin no.: 063/2002
Date of publication: 12/08/2002
Part: A
Page: 365

Bulletin no.: 023/2003
Date of publication: 17/03/2003
Part: B
Page: 731

Opposition

No entry for application number: 002277135.

Cancellation

No entry for application number: 002277135

Appeals

No entry for application number: 002277135

Recordals

No entry for application number: 002277135

Renewals (NEW)

No entry for application number: 002277135.

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CTM-ONLINE - Detailed trade mark information



List of results

Trade mark name : DOMINION
Trade mark No : 002421857
Trade mark basis: CTM
Number of results: 1 of 1

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Trade mark

Filing date: 16/10/2001
Date of registration: 04/02/2003
Expiry Date: 16/10/2011
Nice Classification: 35, 39, 42 ([↗](#) Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Status of trade mark: Registration published ([↗](#) Glossary)
 ([↗](#) History of statuses)
Filing language: Spanish
Second language: French

Graphic representation

No entry for application number: 002421857.

List of goods and services

Nice Classification: 35
List of goods and services Business management and commercial retailing.
Nice Classification: 39
List of goods and services Transport; packaging and storage of goods.
Nice Classification: 42
List of goods and services Scientific and industrial research; computer programming.

Description

Description of the mark: Description is not available in this language

Owner

Name: GLOBAL DOMINION ACCESS, S.A.
ID No: 118849
Natural or legal person: Legal entity
Address: Rodriguez Arias, 6 - 4º Dpto 405
Post code: 48009
Town: Bilbao
Country: SPAIN
Correspondence address: GLOBAL DOMINION ACCESS, S.A. Rodriguez Arias, 6 -

4º Dpto 405 E-48009 Bilbao ESPAÑA

Representative

Name: María Antonia Ezcurra Zufia
ID No: 5484
Address: Iparraguirre, 15, 2ºA
Post code: 48009
Town: Bilbao (Vizcaya)
Country: SPAIN
Correspondence address: María Antonia Ezcurra Zufia Iparraguirre, 15, 2ºA E-48009 Bilbao (Vizcaya) ESPAÑA
Telephone: 944245346
Fax: 944236170
E-mail: ezcurraabogados@mixmail.com

Seniority

No entry for application number: 002421857.

Exhibition priority

No entry for application number: 002421857

Priority

No entry for application number: 002421857.

Publication

Bulletin no.: 058/2002
Date of publication: 22/07/2002
Part: A
Page: 263

Bulletin no.: 026/2003
Date of publication: 24/03/2003
Part: B
Page: 539

Opposition

No entry for application number: 002421857.

Cancellation

No entry for application number: 002421857

Appeals

No entry for application number: 002421857

Recordals

No entry for application number: 002421857

Renewals (NEW)

No entry for application number: 002421857.

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CTM-ONLINE - Detailed trade mark information



List of results

Trade mark name : DOMINION SPEEDFORMULA
Trade mark No : 003601961
Trade mark basis: CTM
Number of results: 1 of 1

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Trade mark

Filing date: 16/03/2004
Date of registration: 20/06/2005
Expiry Date: 16/03/2014
Nice Classification: 9 ([↗](#) Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Status of trade mark: Registration published ([↗](#) Glossary)
 ([↗](#) History of statuses)
Filing language: Dutch
Second language: English

Graphic representation

No entry for application number: 003601961.

List of goods and services

Nice Classification: 9
List of goods and services Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording; transmission or reproduction of sound or images; magnetic media carriers; sound recording discs; data processing equipment and computers; in a nutshell: computer parts.

Description

Description of the mark: Description is not available in this language

Owner

Name: Dutchteam Computer Components B.V.
ID No: 181565
Natural or legal person: Legal entity
Address: Kiotoweg 701
Post code: 3047 BG
Town: Rotterdam
Country: NETHERLANDS
Correspondence address: Dutchteam Computer Components B.V. Kiotoweg 701
 NL-3047 BG Rotterdam PAÍSES BAJOS

Representative

No entry for application number: 003601961.

Seniority

No entry for application number: 003601961.

Exhibition priority

No entry for application number: 003601961

Priority

No entry for application number: 003601961.

Publication

Bulletin no.: **FF 004/2005**
Date of publication: 24/01/2005
Part: A
Page: 191

Bulletin no.: **FF 036/2005**
Date of publication: 05/09/2005
Part: B

Opposition

No entry for application number: 003601961.

Cancellation

No entry for application number: 003601961

Appeals

No entry for application number: 003601961

Recordals

No entry for application number: 003601961

Renewals (NEW)

No entry for application number: 003601961.

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