

**The recording of a given license has no effect in
Sweden
IR 718193**

HOLDER

HUGO BOSS Trade Mark Management GmbH & Co. KG
Dieselstrasse 12
72555 Metzingen
Germany

Exp. Patent- och registreringsverket

2007 -09- 25**REPRESENTATIVE**

Harmsen & Utescher Rechtsanwälte Patentanwälte
Alter Wall 55
20457 Hamburg
Germany

DECISION

The Swedish Patent and Registration Office decides that the recording of the given license in the International Register on 09.06.2006 regarding the international registration no. 718193 has no effect in Sweden according to Article 57 par. 1 and Article 34 par. 3 of the Swedish Trademark Act (1960:644).

THE MATTER

Effect in Sweden of the recording of a license in the International Register on 09.06.2006.

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

GROUND FOR REFUSAL

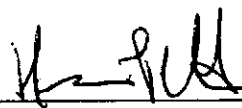
An obstacle to admitting effect of the license in Sweden exists according to Article 34 par. 3 of the Swedish Trademark Act. The Article states inter alia that a recordal of license shall not be made where the use of the trademark by the licensee would be obviously deceptive for the public.

The use of the trademark by the licensee would be obviously deceptive for the public while the goods in the international registration are identical and similar to the goods in the similar international registration 754225 BOSS HUGO BOSS.

Date of decision **25 SEP 2007**



Anna Axelsson



Herman Pettersson

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.

Article 33. Where a registered trademark has been assigned, an entry about this fact shall, upon request, be made in the trademark register. Such an entry shall, however, not be made where the mark has been assigned without the transfer of the business activity to which the mark belongs and the use of the mark by the new owner is obviously deceptive to the public.

As the owner of a trademark shall, for the purpose of lawsuits and other legal cases relating to the mark, be considered the person who has last been entered into the register in this capacity.

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Article 34. The owner of a trademark may grant to someone else the right to use the trademark (license) for all, or part of, the goods for which the trademark is registered and for the entire, or part of, the country. The license may be exclusive or non-exclusive.

The owner of a trademark is entitled to invoke the rights conferred to the trademark against a licensee who contravenes a provision in the license agreement relating to the duration of the license, the form under which the trademark may be used, the scope of goods for which the license is granted, the territory in which the trademark may be used, or the quality of the goods manufactured by the licensee.

The license shall, upon request, be recorded in the trademark register. Such a recordal shall, however, not be made where the use of the trademark by the licensee would be obviously deceptive for the public. Where it is shown that the license has expired, the entry shall be removed.

Unless otherwise agreed, the licensee is not entitled to assign his right to another person.

The right in a trademark or in a symbol as mentioned in Article 2, second paragraph, may not be sequestered for debt. If the owner is bankrupt and his property taken over by a receiver, the right shall, however, be included in the bankruptcy estate.

Article 57. A decision that an international registration shall have effect in Sweden shall be valid as from the date which the International Bureau has indicated as the date of the international registration. The provisions of Article 1, third paragraph, Articles 3 to 11, 25 to 27 and 32 to 45 shall apply to such registrations. The provisions in those Articles referring to a registration shall instead apply to a decision that an international trademark registration shall have effect in Sweden.

GODKÄND LAGA KRAFT

Registreringsnummer: 754225 **Registrerad hos WIPO:** 2001-02-08
Ansökningsnummer: 754225 **Designeringsdatum:** 2001-02-08

Figurklasser: 27.05.01

BOSS

H U G O B O S S

Klassificering:

- 3:** Essential oils, washing and bleaching agents; perfumed sprays; perfumery, deodorants for personal use; soaps; cosmetics; hair care products including hair lotions; dentifrices; non-medical mouthwashes.
- 9:** Spectacles and parts thereof.
- 14:** Precious metals and their alloys as well as goods made thereof or coated therewith (included in this class); jewellery, costume jewellery; clocks and watches.
- 18:** Leather and leather imitations as well as goods made therefrom (included in this class); in particular, small articles of leather; trunks and suitcases; bags; umbrellas and parasols.
- 24:** Woven fabrics and textile goods (included in this class), in particular, handkerchiefs and towels; bed and table linen; textile wallpapers.
- 25:** Articles of clothing for ladies, gentlemen and children; socks and stockings; headgear, underwear; nightwear; swimwear; bathrobes; belts; scarves and shawls; accessories, namely head scarves, neck scarves, shoulder scarves, pocket kerchiefs; ties; gloves; footwear; belts made of leather.
- 28:** Games, toys; gymnastic and sports equipment, in particular, skis, golf clubs and tennis rackets; balls; gymnastic and sports articles (included in this class).
- 34:** Tobacco and tobacco products; smokers' articles; matches.
- 35:** Advertising; business administration; business management; sales consultancy.
- 42:** Planning of business premises.

Innehavare:

HUGO BOSS Trade Mark Management GmbH & Co. KG, Dieselstrasse 12, 72555 Metzingen, Germany

Ombud:

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

WIPO Ombud:

Hoeger, Stellrecht & Partner, Patentanwälte Uhlandstrasse 14c 70182 Stuttgart Germany