

Change in ownership has no effect in Sweden
IR 564097**HOLDER**DSM IP Assets B.V.
Het Overloon 1
NL-6411 TE Heerlen
Netherlands

Exp. Patent- och registreringsverket

2007 -10- 3 1**REPRESENTATIVE**DSM N.V., DSM Patents & Trademarks, Delft Office (600-0240)
Postbus 1
NL-2600 Ma Delft
Netherlands**DECISION**

The Swedish Patent and Registration Office decides that the change in ownership recorded in the International Register on 26.07.2006 regarding the international registration no. 564097 has no effect in Sweden according to Article 57 par. 1 and Article 33 par. 1 of the Swedish Trademark act (1960:644).

THE MATTER

Effect in Sweden of the change in ownership recorded in the International Register on 26.07.2006.

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

GROUND FOR REFUSAL

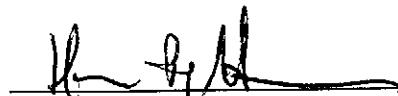
An obstacle to admitting effect of a change in ownership in Sweden exists according to Article 33 par. 1 of Swedish Trademark Act. The Article states inter alia that a recordal of change in ownership shall not be made where the mark has been assigned without the transfer of the business activity to which the mark belongs and the use of the mark by the new owner is obviously deceptive to the public.

The mark has been assigned without the transfer of the business activity to which the mark belongs and the use of the mark NATUPHOS by the new owner is obviously deceptive to the public while the goods in the international registration are identical or similar with the goods in the identical Swedish registration 237789 NATUPHOS which remains with the transferor.

Date of decision 31 OKT 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.

REGISTRERAD

Registreringsnummer: 237789 **Registreringsdatum:** 1992-07-17
Ansökningsnummer: 1991/06048 **Ingivningsdatum:** 1991-07-10

NATUPHOS

Klassificering:

- 1:** Kemiska produkter för industriella och vetenskapliga ändamål samt för jordbruk, skogsbruk och trädgårdsskötsel; konserveringsmedel för livsmedel.
- 31:** Näringsmedel för djur, foder, tillsatsmedel till foder, ej för medicinska ändamål.

Innehavare:

DSM IP Assets B.V., Het Overloon 1, NL-6411 TE HEERLEN, Nederländerna

Ombud:

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

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.