

DECISION**International registration has no effect in Sweden**

IR 869494

Benettin Alessandro
Via Sorio, 116
I-35141 Padova
Italy**HOLDER**Roncato srl
Via Olmo 112 Loc. Bronzola
I-35011 Campodarsego (PD)
ItalyExp. Patent- och registreringsverket
2008 -04- 25**REPRESENTATIVE**Benettin Alessandro
Via Sorio, 116
I-35141 Padova
Italy**DECISION**

The Swedish Patent and Registration Office decides that the international registration 869494 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 CIAK, see below, registered for trunks, suitcases, travel suitcases, diplomatic suitcases, suitcases and trunks of aluminium and other such goods, bags, satchels, clutch bags (leather goods), class 18.



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.

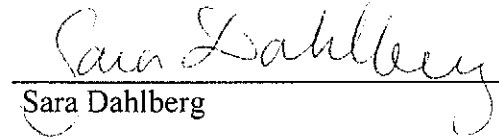
- The mark is confusingly similar to the national mark(s), CIAK, reg no 244239 and PISTON BY CIAK, reg no 261141, Article 14 par. 1, item 6 of the Swedish Trademark Act.
- The mark is confusingly similar to the Community Trademark(s), CIAK, reg no 1714013, Article 14 par. 1, item 9 of the Swedish Trademark Act.

Date of decision

25 APR 2008



Bo Tennemar



Sara Dahlberg

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

Registeringsnummer: 244239 **Registreringsdatum:** 1992-12-18
Ansökningsnummer: 1990/04906 **Ingivningsdatum:** 1990-05-22
Figurklasser: 27.05.01; 27.05.21; 27.05.23



The logo consists of the letters 'CIAK' in a very bold, black, hand-drawn style. The 'C' is a simple curve, the 'I' is a vertical bar with a small dot above it, the 'A' is a simple triangle with a horizontal bar, and the 'K' is a simple vertical bar with a diagonal stroke. The overall appearance is that of a rough, hand-painted or hand-drawn mark.

Klassificering:

25: SAMTLIGA VAROR

Innehavare:

CALZATURIFICIO STILMAN S.p.A., PALAZZOLO DI SONA VR, Italien

Ombud:

Awapatent Aktiebolag, Box 5117, 200 71 MALMÖ, Sverige,
Org.nr: 556082-7023

REGISTRERAD

Registreringsnummer:	261141	Registreringsdatum:	1994-09-30
Ansökningsnummer:	1994/00027	Ingivningsdatum:	1994-01-04

PISTON BY CIAK

Klassificering:

25: Samtliga varor.

Innehavare:

CALZATURIFICIO STILMAN S.p.A., Via Castagne, 4, PALAZZOLO (VERONA), Italien

Ombud:

Awapatent Aktiebolag, Box 5117, 200 71 MALMÖ, Sverige,
Org.nr: 556082-7023



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CTM-ONLINE - Detailed trade mark information



Trade mark name : CIAK
 Trade mark No : 001714013
 Trade mark basis: CTM
 Number of results: 1 of 1



Trade mark

Filing date: 19/06/2000
 Date of registration: 10/09/2001
 Expiry Date: 19/06/2010
 Nice Classification: 9, 16, 38, 41 ([↔](#) Nice classification)
 Trade mark: Individual
 Type of mark: Figurative
 Vienna Classification: 27.5.1 ([↔](#) Vienna Classification)
 Acquired distinctiveness: No
 Your reference: 11.A2082.22.EM.8
 Status of trade mark: CTM registered ([↔](#) Glossary)
 ([↔](#) History of statuses)
 Filing language: Italian
 Second language: English

Graphic representation

The word 'CIAK' is rendered in a large, bold, stylized font. The letters are thick and blocky, with some internal shading or cutouts, particularly in the 'I' and 'A'.

List of goods and services

Nice Classification: 9
 List of goods and services: Electric and electronic apparatus, scientific instruments, radio, photographic, optical, measuring, signalling, checking (supervision) and teaching apparatus, software pre-installed on electronic cards or computers, desk-top and portable computers, printers, modems, computer accessories, apparatus for recording, transmission or reproduction of sound, images and software, software downloaded onto computers using communications services, software pre-recorded onto tape, CD-ROMs, diskettes, software for management, control, diagnostics and analysis of computers and computer networks, cassettes, tapes, audio and video CD-ROMs, electronic games apparatus whether or not pre-recorded for use with television sets, spectacles and accessories for spectacles.

Nice Classification: 16
 List of goods and services: Articles of paper, cardboard, office requisites,

inkstands, pens, pencils, stationery, playing cards, printed matter, newspapers, magazines, periodicals, pamphlets, books, instruction manuals, reference guides, catalogues, journals, diaries, posters, photographs, adhesive labels and printed matter, teaching material.

Nice Classification:

38

List of goods and services

Telecommunications services, radio and television broadcasting, in particular direct satellite radio broadcasting whose signal can be rebroadcast from television aeriels via cable and tertiary radio and television transmitters or by means of online services via data transmission or computer networks, cellular telephone communication, communications by computer terminals, computer-aided transmission of messages and images, electronic mail, information about telecommunications, electronic bulletin boards, electronic transmission of data and documents by computer, distribution of data and mail by electronic transmission, news and information agencies.

Nice Classification:

41

List of goods and services

Services relating to education and recreation, organisation of educational courses, training and refresher courses, colloquiums, seminars, exhibitions, reviews, shows, events, competitions, cultural and sporting activities, publication of books and texts, film production.

Description of the mark:	Description	4
	No Description	
	Owner	4
Name:	Arnoldo Mondadori Editore S.p.A.	
ID No:	85986	
Natural or legal person:	Legal entity	
Address:	Via Bianca di Savoia, 12	
Post code:	20122	
Town:	Milano (MI)	
Country:	ITALY	
Correspondence address:	Arnoldo Mondadori Editore S.p.A. Via Bianca di Savoia, 12 I-20122 Milano (MI) ITALIA	
Telephone:	00 39-0275422214	
Fax:	00 39-0275422537	
	Representative	4
Name:	BUGNION S.P.A.	
ID No:	11599	
Address:	Via Vittorio Emanuele Orlando, 83	
Post code:	00185	
Town:	Roma	
Country:	ITALY	
Correspondence address:	BUGNION S.P.A. Via Vittorio Emanuele Orlando, 83 I-00185 Roma ITALIA	
Telephone:	00 39-0647825222	
Fax:	00 39-0647824170	
E-mail:	✉ roma@bugnion.it	

Seniority

No entry for application number: 001714013.

Exhibition priority

No entry for application number: 001714013

Priority †
No entry for application number: 001714013.

Publication †
Bulletin no.: 2001/029
Date of publication: 02/04/2001
Part: A.1

Bulletin no.: 2001/090
Date of publication: 15/10/2001
Part: B.2

Opposition †
No entry for application number: 001714013.

Cancellation †
No entry for application number: 001714013

Appeals †
No entry for application number: 001714013.

Recordals †
No entry for application number: 001714013

Renewals †
No entry for application number: 001714013.

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Disclaimer, and Copyright

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.