

**International registration has no effect in Sweden**

Exp. Patent- och registreringsverket

IR 573407

2008 -05- 2 1

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Heidehofstrasse 9  
70184 Stuttgart  
Germany**HOLDER**Avon Cosmetics GmbH  
85326 München  
Germany**REPRESENTATIVE**Lichtenstein, Körner & Partner  
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Germany**DECISION**

The Swedish Patent and Registration Office decides that the international registration 573407 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 AVON SENSUAL, registered for soaps; perfumery, essential oils, cosmetics, hair lotions, preparations for cleaning, treating and improving the appearance of hair, personal deodorants (perfumery), in class 3.

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

**GROUND(S) FOR REFUSAL**

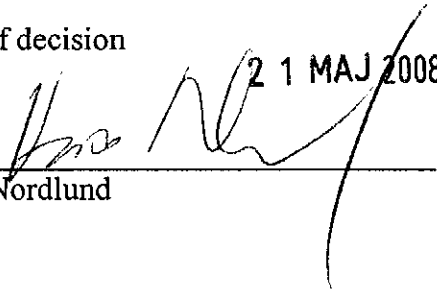
An obstacle to admitting effect in Sweden exists according to Article 54 par. 2 of the Swedish Trademark Act if the trademark referred to in the international registration does not fulfil the requirements under Article 13 or if an obstacle to a national registration would have existed according to Article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

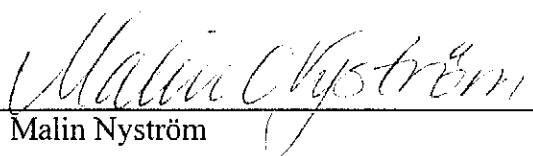
- The mark is confusingly similar to the national mark(s):  
1) AVON reg no 116806; 2) AVON SKIN SO SOFT reg no 128342;  
3) AVON FASHION reg no 129377; 4) AVON SPORTS reg no 131417;  
5) AVON CARE DEEPLY reg no 144099; 6) AVON ON DUTY 24 reg no 145457;  
7) AVON STYLE reg no 165666; 8) AVON AQUA reg no 167825; 9) AVON TASHA reg no 176173;  
10) AVON SOFT MUSK reg no 179179; 11) AVON MOISTUREPLUS reg no 187595, Article 14 par. 1, item 6 of the Swedish Trademark Act.

- The mark is confusingly similar to the mark(s) registered under the Madrid Protocol:  
1) AVON NATURAL MATCH reg no 793523; 2) AVON AROMA...PEACE reg no 809437;  
3) AVON AROMA...FRESH reg no 809789; 4) AVON AROMA...ENERGY reg no 811530;  
5) AVON IN THE MOMENT reg no 815301; 6) AVON RE-CHARGE reg no 818279;  
7) AVON GET READY reg no 822818; 8) AVON TO THE RESCUE reg no 822847, Article 14 par. 1, item 8 of the Swedish Trademark Act.
- The mark is confusingly similar to the Community Trademark(s):  
1) AVON reg no 139188; 2) AVON TINGLE reg no 645796;  
3) AVON SCENT TREND reg no 686899; 4) AVON IN-SHAPE reg no 692996;  
5) AVON MILK MADE reg no 773606; 6) AVON EYE FORCE reg no 805358;  
7) AVON HERBAL CARE reg no 805606; 8) AVON DAY FORCE reg no 809533;  
9) AVON AQUA FRAIS reg no 841924; 10) AVON COLOR TREND reg no 845545;  
11) AVON YOUNG AMERICANS reg no 888602; 12) AVON TECHNIQUES reg no 918672;  
13) AVON RARE EMERALDS reg no 978742; 14) AVON RARE RUBIES reg no 985606;  
15) AVON ETERNAL LIGHT reg no 1244680; 16) AVON DOLCE AURA reg no 1284231;  
17) AVON YASSOU reg no 1371582; 18) AVON VITATONICS reg no 1481209;  
19) AVON INCANDESSENCE reg no 1504638; 20) AVON BOTANISOURCE reg no 1507656;  
21) AVON YESSAMIN reg no 1926799; 22) AVON KIDS reg no 1966498;  
23) AVON ESSENTIAL reg no 2030344; 24) AVON PUR BLANCA reg no 2259943;  
25) AVON SOLUTIONS reg no 2907889, Article 14 par. 1, item 9 of the Swedish Trademark Act.

Date of decision

21 MAJ 2008

  
Hans Nordlund

  
Malin Nyström

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.*