

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

IR 898875

S.B.G. & K. Patent and Law Offices
Andrássy ut 113
H-1062 Budapest
Hungary

HOLDER

MOL Magyar Olaj- és Gázipari Nyilvánosan Működő Részvénytársaság
Október huszonharmadika u. 18
H-1117 Budapest
Hungary

*Exp. Patent- och registreringsverket***2008-06-04****REPRESENTATIVE**

S.B.G. & K. Patent and Law Offices
Andrássy ut 113
H-1062 Budapest
Hungary

DECISION

The Swedish Patent and Registration Office decides that the international registration 898875 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 MolNEO, registered for industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting, class 4, advertising; business management, class 35, operation of petrol stations, class 37, operation of petrol stations, namely the transport of fuel by pipeline and/or road to petrol stations, class 39, and treatment of materials, especially processing of oil, class 40.

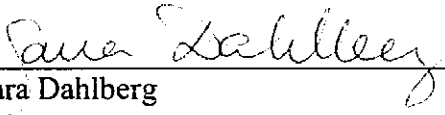
The holder has not requested a review of the provisional refusal within the time limit.

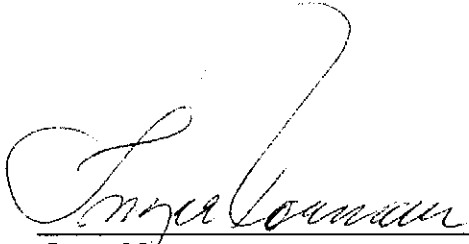
GROUND(S) FOR REFUSAL

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 Community Trademark(s), MONEO reg.no 2714798, Article 14 par. 1, item 9 of the Swedish Trademark Act.

Date of decision 0 4 JUN 2008


Sara Dahlberg


Inger Nörman

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.



OFFICE FOR HARMONIZATION
IN THE INTERNAL MARKET
TRADE MARKS AND DESIGNS

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CTM-ONLINE - Detailed trade mark information



Trade mark name : MONEO
Trade mark No : 002714798
Trade mark basis: CTM
Number of results: 1 of 1



Trade mark

Filing date: 28/05/2002
Date of registration: 24/11/2003
Expiry Date: 28/05/2012
Nice Classification: 9, 16, 28, 35, 36, 38, 39, 41, 42, 43 ([↔](#) Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Your reference: CLE/JS MEU01-0011
Status of trade mark: CTM registered ([↔](#) Glossary)
 ([↔](#) History of statuses)
Filing language: French
Second language: English

Graphic representation

No entry for application number: 002714798.

List of goods and services

Nice Classification: 9
List of goods and services Software, computer peripheral devices, scientific (other than for medical purposes), nautical and surveying apparatus and instruments, apparatus and instruments for the conducting, distribution, transformation, storage, regulation or control of electric current, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus for recording, transmission or reproduction of sound or images; magnetic and audio-visual data carriers; media for transmission, reproduction and duplication of sound and/or images; media for printed or other information; compact discs, optical discs; data processing equipment, computers, electronic cards, computer programs, computer software on media of all kinds; computer software comprising computer programmes for use with and on the world-wide communication network and the World Wide Web and computer programmes distributed online over the world-wide communication network and the World Wide Web, printed circuit boards connecting terminals or micro computers to public and private networks; data communication software, diskettes; magnetic cards, chip cards, telephone cards, computer-read, magnetic or barcoded payment or pre-payment cards; card distributors, card-recharging machines operated using coins, bank notes or bank cards; software packages and software to automate

optical and magnetic processing at tills;electric, mechanical, electromechanical and electronic apparatus and equipment for communications, information processing, payment, in particular at electronic payment terminals, machines for automatic printing or reading of characters on cheques, smart card or magnetic strip card readers, automatic vending machines and printing or title encoding machinery authorising the use of a financial service;electronic cash cards;rechargeable micro-calculator cards containing any currency used as a means of payment; electronic pocket calculators; electronic organisers, electronic diaries, any electronic device allowing the automatic or semi-automatic conversion of two or more currencies;desktop or pocket currency converters; cash registers.

Nice Classification:
List of goods and services

16
Paper and cardboard (untreated, semi-finished or for stationery or printing); printed matter; printed matter; newspapers; books and manuals; promotional pamphlets; brochures, publications of all kinds and in all forms, periodicals;printed matter, documents and printed publications relating to the field of banking and finance; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; instructional and teaching material (except apparatus); packing paper; sacks, bags and sheets for packaging in paper or plastics; printers' type; printing blocks.

Nice Classification:
List of goods and services

28
Game cards.

Nice Classification:
List of goods and services

35
Advertising and business information; assistance and consultancy for business organisation and management, business consultancy, poster advertising, direct mail advertising, in particular for mail order sales, whether cross-border or not;services of a franchiser, namely business and industrial management assistance;providing of an administrative data bank; business consultancy and information; commercial promotion of all kinds and in particular by the provision of privileged user cards;business marketing, sales promotion of all kinds and on all media, in particular for mail order sales, whether cross-border or not; entry, formatting, compilation and processing of data and more generally recording, transcription, transmission and organisation of written communications and sound and/or visual recordings; subscriptions to printed matter, subscriptions to all information, text, sound and/or image media and in particular in the form of electronic or other publications, in the corresponding format (CDs, DVDs); rental of any publicity and commercial presentation material; management of commercial affairs, business administration, office functions; business consultancy, information or enquiries; accounting; computer file management, publicity and business consultancy, provided on-line or batch-processed using data processing systems, computer databases or computer or telematic networks including the world-wide communications network and the World Wide Web and the network allowing the content and services of the world-wide communications network and the World Wide Web to be provided via cellular telephone or any other wireless terminal;auditing;drawing up statements of accounts; document reproduction; employment agencies; organisation of exhibitions for commercial or advertising purposes;rental of vending machines.

Nice Classification:
List of goods and services

36
Information services relating to financial and banking affairs, insurance and real estate, provided on-line or batch processed using data processing systems,

computer and telematic databases, including the world-wide communications network and the World Wide Web and the network allowing the content and services of the world-wide communications network and the World Wide Web to be provided via cellular telephone or any other wireless terminal; insurance underwriting; financial affairs; banking and monetary affairs, all banking, monetary, financial and insurance services; real-estate affairs; savings banks; issuing of travellers' cheques and letters of credit; real-estate valuations; real-estate management; valuations and financial assessment in the field of insurance, banking and real estate, tax valuations and appraisals; collection and deposit of valuables; safe deposit services; financial analysis; insurance and financial information and consultancy, insurance brokerage, real estate brokerage; securities quotations and brokerage, savings and credit services; financing; trusteeship; lending against security or mortgage banking; credit bureaux; leasing; foreign exchange, financial and monetary transactions; issue of tokens of value; savings banks; setting up and investment of funds, capital investment; foreign exchange transactions and clearing houses; cheque verification; debit and credit card services; surety services; financial and property management; debt recovery services; electronic payment services, credit card services allowing electronic payments to be made using a bank card, charge card or cheque card.

Nice Classification:
List of goods and services

38

Telecommunications services; press and information agencies; communications by telephone and by telegraph, data transmission and all kinds of remote processing, interactive videotext and in particular computer terminals, peripherals or electronic and/or digital equipment; including videophone and video conferencing; sending and transmission of telegrams and messages; telex services, telegrams; transmission of information by teleprinter, transmission of information by data transmission network; transmission of information and news using all means of communication and telecommunications, provision of information relating to banking or monetary transactions; paging and electronic mail; remote data processing and data transmission; transmission of information contained in a server; electronic data and image exchange services; transmission of texts, electronic documents, databases, graphics and audiovisual data accessible by access codes, data-processing servers, computer database servers, by computer networks or by data transmission, including the world-wide communications network, the World Wide Web and the network allowing the content and services of the world-wide communications network and the World Wide Web to be provided via cellular telephone or any other wireless terminal; transmission of computer programs accessible by access code by personalised network page interfaces; transmission of periodicals and other printed publications by computer and communications networks; communication (transmission) in real time between computer users on the world-wide communications network and the World Wide Web.

Nice Classification:
List of goods and services

39

Transport; packaging and storage of goods; travel arrangement; newspaper delivery; water supply and electricity distribution; transshipment services; marine towing, unloading cargo, refloating of ships; storage, safekeeping of clothing; refrigerator rental; rental of garages; booking of seats for travel; information services relating to transport and journeys provided on-line or batch-processed, using data processing equipment, computer databases and computer, data transmission and telecommunications networks, including the world-wide communications network, the World Wide Web and the network allowing the content

and services of the world-wide communications network and the World Wide Web to be provided via cellular telephone or any other wireless terminal.

Nice Classification:
List of goods and services

41
Consultancy and information services in the field of education, training and entertainment including the fields of sport, sporting and cultural events, electronic and computer game services, all provided online or batch-processed using data processing systems, computer databases or computer networks or by data transmission, including the world-wide communications network and the World Wide Web and the network allowing the content and services of the world-wide communications network and the World Wide Web to be provided via cellular telephone or any other wireless terminal; electronic publications of journals and articles in the field of sport and sporting and cultural events; providing of education; training; entertainment; sporting and cultural activities; publication of books and magazines; lending libraries, animal training; production of shows and films; theatrical agencies; rental of motion pictures, sound recordings, cinema film projectors and theatre set accessories; video tape editing; arranging of competitions for education or entertainment; arranging and conducting of colloquiums, conferences and congresses; organization of exhibitions for cultural and educational purposes; operating of lotteries; booking of seats for shows; news reporters services; filming on video; lotteries.

Nice Classification:
List of goods and services

42
Professional consultancy and preparation of plans (non-business) in the field of technical, scientific and computer project research; legal consultancy; personal letter writing; services provided by a franchiser, namely transfer (provision) of know-how, licensing, copyright management, construction, design and development of legal data banks and databases; programming of electronic apparatus and instruments, computers, remote processing and data communication systems, multi-media equipment, programming of multi-media materials; computer software design, updating of computer software, rental of computer software, maintenance of software, technical consultancy in the field of computers, rental of computers, computer programming, consultancy in the field of computer hardware; security systems to control access to and the authenticity of documents, money and banknotes for data protection purposes; technical consultancy and consultancy on the use of money substitutes; surveying; design of graphics, drawings and text for formatting web pages on the worldwide communications network; legal services; scientific and industrial research; engineering work (not for construction); prospecting; material testing; leasing access time to computer and data transmission database servers; rental of computer apparatus and instruments.


Nice Classification:
List of goods and services

43
Providing facilities for exhibitions.

	Description
Description of the mark:	No Description
	Owner
Name:	BILLETIQUE MONETIQUE SERVICES DEVELOPPEMENT (SAS) En abrégé B.M.S. DEVELOPPEMENT
ID No:	118582
Natural or legal person:	Legal entity
Address:	25, rue de Ponthieu

Post code: 75008
Town: Paris
Country: FRANCE
Correspondence address: BILLETIQUE MONETIQUE SERVICES DEVELOPPEMENT
 (SAS) En abrégé B.M.S. DEVELOPPEMENT 25, rue de
 Ponthieu F-75008 Paris FRANCIA
Telephone: 00 33-142995959
Fax: 00 33-142995958

Representative

Name: CABINET LAVOIX
ID No: 10706
Address: 2, place d' Estienne d'Orves
Post code: 75009
Town: Paris
Country: FRANCE
Correspondence address: CABINET LAVOIX 2, place d' Estienne d'Orves F-75009
 Paris FRANCIA
Telephone: 00 33-153201420
Fax: 00 33-153201491
E-mail:  marques@lavoix.eu

Seniority

Country: FRANCE
Registration number: 98 764263
Status: Accepted
Filing date: 14/12/1998
Grant date: 14/12/1998

Exhibition priority

No entry for application number: 002714798

Priority

No entry for application number: 002714798.

Publication

Bulletin no.: 2003/042
Date of publication: 19/05/2003
Part: A.1

Bulletin no.:  **2004/001**
Date of publication: 05/01/2004
Part: B.1

Opposition

No entry for application number: 002714798.

Cancellation

No entry for application number: 002714798

Appeals

No entry for application number: 002714798.

Recordals

No entry for application number: 002714798

Renewals

4

No entry for application number: 002714798.



Disclaimer, and Copyright I

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.