

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

IR 904172

Mayer Brown Rowe & Maw LLP
Bockenheimer Landstrasse 98-100
60323 Frankfurt
Germany

HOLDER

Deutsche Telekom AG
Friedrich-Ebert-Allee 140
53113 Bonn
Germany

*Exp. Patent- och registreringsverket***2008-06-24****REPRESENTATIVE**

Mayer Brown Rowe & Maw LLP
Bockenheimer Landstrasse 98-100
60323 Frankfurt
Germany

DECISION

The Swedish Patent and Registration Office decides that the international registration 904172 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 MAGENTA, registered for electric, electronic, optical, measuring, signalling, controlling or teaching apparatus and instruments (included in this class); apparatus for the recording, transmission, processing and reproduction of sound, images or data; machine-run data carriers; automatic vending machines and mechanisms for coin-operated apparatus; data processing equipment and computers, in class 9, printed matter, especially stamped and/or printed cards of cardboard or plastic; instructional and teaching material (except apparatus); office requisites (except furniture), in class 16, advertising and business management; database services, namely collection and provision of data; database services, namely running of a database; database services, namely collection and systematization of information, in class 35, insurance; financial affairs; monetary affairs; real estate affairs, in class 36, telecommunications; operation and rental of equipment for telecommunication, especially for broadcasting and television; database services, namely collection and provision of news; database services, namely rental of access time to a database, in class 38, education; training; entertainment; organization of sporting and cultural events; publication and issuing of books, periodicals and other printed matter, as well as corresponding electronic media (including CD-ROM and CD-I), in class 41, and computer programming; rental services relating to data processing equipment and computers; technical project studies and planning services relating to equipment for telecommunication, in class 42.

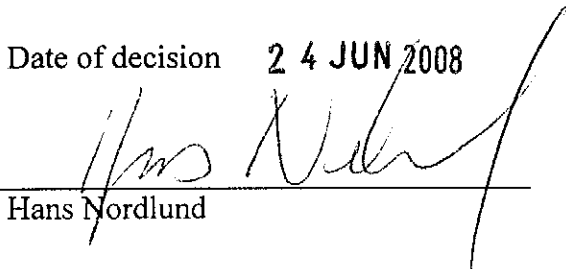
The holder has not requested a review of the provisional refusal within the time limit.

GROUNDINGS 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 not distinctive, Article 13 of the Swedish Trademark Act.
- The mark is confusingly similar to the national mark(s), M MAGENTA reg no 233634, Article 14 par. 1, item 6 of the Swedish Trademark Act.
- The mark is confusingly similar to the Community Trademark(s), MAGENTA reg no 2495513, Article 14 par. 1, item 9 of the Swedish Trademark Act.
- The mark is confusingly similar to the Swedish trade names:
 - 1) MAGENTA DATA AB, org no 556252-2572, Box 950, 220 09 Lund, Sweden
 - 2) MAGENTA MARKETING AB, org no 556528-5557, Sofiebergsvägen 24, 135 53 Tyresö, Sweden
 - 3) MAGENTA, org no 340430-9597, Råkvägen 14, 230 50 Bjärred, Sweden
 - 4) MAGENTA ELEKTRONIK, org no 590428-5953, Sjövägen 11, 541 57 Skövde, Sweden
 - 5) LUX MAGENTA, org no 591205-3922, Prästgården, 523 98 Hökerum, Sweden
 - 6) MAGENTA INTERACTIVE I STOCKHOLM, org no 650701-4816, Skånegatan 84, 3 tr, 116 37 Stockholm, Sweden

Date of decision 24 JUN 2008


Hans Nordlund


Malin Nyström

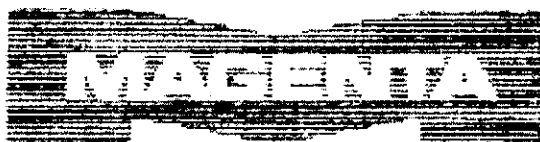
An appeal shall be lodged with the Court of Patent Appeals (Patentbesvärslätten) within 2 (two) months from the date of the decision. The communications between the Court and the holder must be in Swedish. The appeal must be sent to:

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: 233634 **Registreringsdatum:** 1992-04-30
Ansökningsnummer: 1990/09011 **Ingivningsdatum:** 1990-10-03
Figurklasser: 26.13.25; 27.05.21

**Klassificering:**

9: SAMTLIGA VAROR

Innehavare:

Magenta Data Aktiebolag, Box 950, 220 09 LUND, Sverige



CTM-ONLINE - Detailed trade mark information



Trade mark name : Magenta
Trade mark No : 002495513
Trade mark basis: CTM
Number of results: 1 of 1



Trade mark

Filing date: 10/12/2001
Date of registration: 22/10/2003
Expiry Date: 10/12/2011
Nice Classification: 7, 9 ([↔](#) Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Your reference: M 306 0147 EU
Status of trade mark: CTM registered ([↔](#) Glossary)
 ([↔](#) History of statuses)
Filing language: German
Second language: English

Graphic representation

No entry for application number: 002495513.

 List of goods and services

Nice Classification: 7
List of goods and services Electric and electromagnetic servomotors and actuators, electric and electromagnetic actuators, electromagnets for use as actuating drives (included in class 7), all the aforesaid goods not being for telecommunications.

Nice Classification: 9
List of goods and services Systems for electromagnetic assemblies with electronics (included in class 9), electric and electronic driver and control systems for electromagnetic assemblies, servomotors, actuating drives and actuators (included in class 9), all the aforesaid goods not being for telecommunications.

Description

Description of the mark: No Description

Owner

Name: EBE Elektro-Bau-Elemente GmbH
ID No: 129502
Natural or legal person: Legal entity
Address: Harthäuser Str. 4
Post code: 70771

Town: Leinfelden-Echterdingen
Country: GERMANY
Correspondence address: EBE Elektro-Bau-Elemente GmbH Postfach 30 01 36
 D-70756 Leinfelden-Echterdingen ALEMANIA
Telephone: 00 49-711799860
Fax: 00 49-7117998660

Representative

Name: BONGEN, RENAUD & PARTNER
ID No: 12171
Address: Königstr. 28
Post code: 70173
Town: Stuttgart
Country: GERMANY
Correspondence address: BONGEN, RENAUD & PARTNER Königstr. 28 D-70173
 Stuttgart ALEMANIA
Telephone: 00 49-71116445212
Fax: 00 49-71116445101
E-mail: ✉ BRP.Rechtsanwaelte@t-online.de

Seniority

No entry for application number: 002495513.

Exhibition priority

No entry for application number: 002495513

Priority

Country: GERMANY
Number of basic application: 301 36 885.6
Filing date of basic application: 18/06/2001
Trade mark status: Accepted

Publication

Bulletin no.: 2002/088
Date of publication: 04/11/2002
Part: A.1
Bulletin no.: 2003/083
Date of publication: 24/11/2003
Part: B.2

✉ Opposition

Opposition No: 000557761
Reception date: 18/11/2002
Opponent name: Deutsche Telekom AG
Opponent ID No: 5805

Cancellation

No entry for application number: 002495513

Appeals

No entry for application number: 002495513.

Recordals

Title: Representative

Sub-title:	Change of name and professional address
ID No:	000602741
Title:	Representative
Sub-title:	Replacement of representative
ID No:	003169631

Renewals

4

No entry for application number: 002495513.



Disclaimer, and Copyright I

Näringslivsregistret - Grundinformation företag

Sökvärde: 556252-2572

Urtagen 2008-06-05 kl 14:52

Organisationsnummer: 556252-2572
Företagsnamn (firma): Magenta Data Aktiebolag
Företagsform: Aktiebolag
Företagsstatus:
Antal ärenden under handläggning: 0

Bolagsegenskaper

Detta är ett privat aktiebolag

Bildat: 1984-11-06
Registrerat: 1984-11-20
Räkenskapsår: 0501-0430

Adress, säte, registreringslän

c/o-adress:

Adress: Box 950
Postnummer: 220 09
Ort: LUND
Land:
Säte län: Skåne län
Säte kommun: Lund kommun
Namnet registrerat: 1985-03-21

Föreskrifter

Typ av föreskrift: Bolagsordning
Senast ändrad: 1984-12-06

Näringslivsregistret - Verksamhet/ändamål

Sökvärde: 556252-2572

Urtagen 2008-06-05 kl 14:53

Organisationsnummer: 556252-2572
Företagsnamn (firma): Magenta Data Aktiebolag
Företagsform: Aktiebolag
Företagsstatus:
Antal ärenden under handläggning: 0

Verksamhet

Bolaget skall driva försäljning av dataprodukter och konsulttjänster i anslutning härtill ävensom idka annan därmed förenlig verksamhet.

Näringslivsregistret - Grundinformation företag

Sökvärde: 556528-5557

Uttagen 2008-06-05 kl 14:53

Organisationsnummer: 556528-5557
Företagsnamn (firma): Magenta Marketing Aktiebolag
Företagsform: Aktiebolag
Företagsstatus:
Antal ärenden under handläggning: 0

Bolagsegenskaper

Detta är ett privat aktiebolag

Bildat: 1995-12-17
Registrerat: 1996-01-23
Räkenskapsår: 0101-1231

Adress, säte, registreringslän

c/o-adress:

Adress: Sofiebergsvägen 24
Postnummer: 135 53
Ort: TYRESÖ
Land:
Säte län: Stockholms län
Säte kommun: Tyresö kommun
Namnet registrerat: 1996-01-23

Föreskrifter

Typ av föreskrift: Bolagsordning

Näringslivsregistret - Verksamhet/ändamål

Sökvärde: 556528-5557

Uttagen 2008-06-05 kl 14:53

Organisationsnummer: 556528-5557
Företagsnamn (firma): Magenta Marketing Aktiebolag
Företagsform: Aktiebolag
Företagsstatus:
Antal ärenden under handläggning: 0

Verksamhet

Bolaget skall bedriva konsultverksamhet inom reklam och marknadsföring.

Näringslivsregistret - Grundinformation företag

Sökvärde: 19 340430-9597 1

Utragen 2008-06-05 kl 14:54

Organisationsnummer: 19 340430-9597 1
Företagsnamn (firma): MAGENTA
Företagsform: Enskild näringsidkare
Företagsstatus:
Antal ärenden under handläggning: 0

Bolagsegenskaper

Registrerat: 1975-02-24

Adress, säte, registreringslän

c/o-adress:

Adress: RÅKV 14

Postnummer: 230 50

Ort: BJÄRRED

Land:

Säte län: Skåne län

Namnet registrerat: 1975-02-24

Registreringslän: 12 Skåne län

Näringslivsregistret - Verksamhet/ändamål

Sökvärde: 19 340430-9597 1

Uttagen 2008-06-05 kl 14:54

Organisationsnummer: 19 340430-9597 1
Företagsnamn (firma): MAGENTA
Företagsform: Enskild näringsidkare
Företagsstatus:
Antal ärenden under handläggning: 0

Verksamhet

ÖVERSÄTTNINGAR, MARKNADSFÖRING OCH AGENTUR

Näringslivsregistret - Grundinformation företag

Sökvärde: 19 590428-5953 1

Utragen 2008-06-05 kl 14:54

Organisationsnummer: 19 590428-5953 1
Företagsnamn (firma): Magenta Elektronik
Företagsform: Enskild näringsidkare
Företagsstatus:
Antal ärenden under handläggning: 0

Bolagsegenskaper

Registrerat: 1981-02-05

Adress, säte, registreringslän

c/o-adress:

Adress: Sjövägen 11

Postnummer: 541 57

Ort: SKÖVDE

Land:

Säte län: Västra Götalands län

Säte kommun: Skövde kommun

Namnet registrerat: 1981-02-05

Registreringslän: 14 Västra Götalands län

Näringslivsregistret - Verksamhet/ändamål

Sökvärde: 19 590428-5953 1

Uttagen 2008-06-05 kl 14:54

Organisationsnummer: 19 590428-5953 1
Företagsnamn (firma): Magenta Elektronik
Företagsform: Enskild näringsidkare
Företagsstatus:
Antal ärenden under handläggning: 0

Verksamhet

Produktion och utveckling av hobby- och industrielektronik

Näringslivsregistret - Grundinformation företag

Sökvärde: 19 591205-3922 1

Urtagen 2008-06-05 kl 14:56

Organisationsnummer: 19 591205-3922 1
Företagsnamn (firma): Lux Magenta
Företagsform: Enskild näringsidkare
Företagsstatus:
Antal ärenden under handläggning: 0

Bolagsegenskaper

Registrerat: 2005-05-02

Adress, säte, registreringslän

c/o-adress:

Adress: Prästgården

Postnummer: 523 98

Ort: HÖKERUM

Land:

Säte län: Västra Götalands län

Säte kommun: Ulricehamn kommun

Namnet registrerat: 2005-05-02

Registreringslän: 14 Västra Götalands län

Näringslivsregistret - Verksamhet/ändamål

Sökvärde: 19 591205-3922 1

Urtagen 2008-06-05 kl 14:56

Organisationsnummer: 19 591205-3922 1

Företagsnamn (firma): Lux Magenta

Företagsform: Enskild näringsidkare

Företagsstatus:

Antal ärenden under handläggning: 0

Verksamhet

- Förlagsverksamhet såsom framtagning och sammanställning av all slags text- och bildmaterial samt bearbetning, redigering och översättning av egna eller andras texter och bilder.
- Konstnärlig uppdragsverksamhet såsom design, bild, text, musik, drama och media.
- Utbildning och konsultverksamhet inom ovanstående områden.
- Import och försäljning av produkter relaterade till bolagets företagsprofil samt naturprodukter.
- Handel med och förvaltning av värdepapper samt direkt eller via intressegemenskap köpa och förvalta fast egendom och därmed förenlig verksamhet.

Näringslivsregistret - Grundinformation företag

Sökvärde: 19 650701-4816 1

Urtagen 2008-06-05 kl 14:56

Organisationsnummer: 19 650701-4816 1
Företagsnamn (firma): Magenta Interactive i Stockholm
Företagsform: Enskild näringsidkare
Företagsstatus:
Antal ärenden under handläggning: 0

Bolagsegenskaper

Registrerat: 1994-08-09

Adress, säte, registreringslän

c/o-adress:

Adress: Skånegatan 84, 3 tr

Postnummer: 116 37

Ort: STOCKHOLM

Land:

Säte län: Stockholms län

Säte kommun: Stockholm kommun

Namnet registrerat: 1994-08-09

Registreringslän: 01 Stockholms län

Näringslivsregistret - Verksamhet/ändamål

Sökvärde: 19 650701-4816 1

Uttagen 2008-06-05 kl 14:56

Organisationsnummer: 19 650701-4816 1
Företagsnamn (firma): Magenta Interactive i Stockholm
Företagsform: Enskild näringsidkare
Företagsstatus:
Antal ärenden under handläggning: 0

Verksamhet

Bolaget skall bedriva konsultverksamhet inom media och multimedia
produktion ävensom idka därmed förenlig verksamhet.

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.