

DECISION

Exp. Patent- och registreringsverket

2008 -09- 0 4

**International registration has no effect in
Sweden**
IR 907929J. Todd Timmerman Shumaker, Loop & Kendrick,
LLP
101 East Kennedy Boulevard, Suite 2800
Tampa, FL 33602
United States**HOLDER**Sykes Enterprises, Incorporated
400 North Ashley Drive, Suite 2800
Tampa, FL 33602
United States**REPRESENTATIVE**J. Todd Timmerman Shumaker, Loop & Kendrick, LLP
101 East Kennedy Boulevard, Suite 2800
Tampa, FL 33602
United States

DECISION

The Swedish Patent and Registration Office decides that the international registration 907929 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 REAL PEOPLE. REAL SOLUTIONS., registered for customer relationship management services; business performance management services, namely, work force information, quality control information, and knowledge gathering, analysis, assessment, and management services; inventory control and management services; order taking, processing, and fulfillment services; return management services, namely, management of returned merchandise; administration, billing, and reconciliation of accounts; providing consumer product information for clients to customers with respect to such clients' products and services via telephone, e-mail, Internet, or any other form of communications media; customer service in the field of clients' products and services; telemarketing services; customer acquisition services, namely, inbound up-selling and cross-selling of clients' products and services; technical and support staffing services; business, business information, business management, business organization, business technology consulting and advisory services, in class 35, warranty claims administration and processing services; payment processing services, in class 36, emergency vehicle repair services, in class 37, arranging for and coordinating storage, pickup, delivery, and transportation of documents, packages, parcels, and freight via air, ship, rail, truck, or other ground carriers, in class 39, education and training services, namely, providing courses and instruction and developing instructional materials in the field of business management, career awareness, lifelong development, industry skills standards, information technology

skills, and linguistic skills, in class 41, technical support services, namely, troubleshooting of and advising with respect to computer hardware, computer software, communications equipment, communications services, Internet access technology, and Internet portal usage issues, in class 42, providing health care and medical information, in class 44.

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

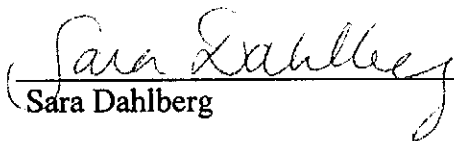
GROUND FOR REFUSAL

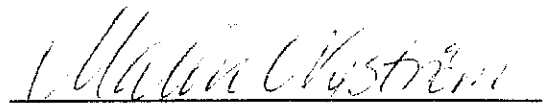
An obstacle to admitting effect in Sweden exists according to Article 54 par. 2 of the Swedish Trademark Act if the trademark referred to in the international registration does not fulfil the requirements under Article 13 or if an obstacle to a national registration would have existed according to Article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

The mark is confusingly similar to the national mark, SYKES REAL PEOPLE REAL SOLUTIONS reg no 339255, Article 14 par. 1, item 6 of the Swedish Trademark Act.

The mark is confusingly similar to the Community Trademarks, REAL PEOPLE. REAL SOLUTIONS. REAL ESTATE reg no 1708692 and REAL PEOPLE REAL SOLUTIONS REAL ESTATE reg no 2478931, Article 14 par. 1, item 9 of the Swedish Trademark Act.

Date of decision 0 4 SEP 2008


Sara Dahlberg


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.

REGISTRERAD

Registreringsnummer: 339255 **Registreringsdatum:** 2000-08-04
Ansökningsnummer: 1998/05160 **Ingivningsdatum:** 1998-06-29
Figurklasser: 26.11.08

SYKES

Real People. Real Solutions.

Klassificering:

- 9:** Datorer, kringutrustning för datorer, registrerad datormjukvara.
- 35:** Marknadsföring i form av telemarketing (telefonförsäljning).
- 37:** Teknisk support av datorhårdvara.
- 38:** Kommunikationer via telefon och datorterminaler.
- 42:** Rådgivning för användare av persondatorer, teknisk support av datormjukvara, översättning och anpassning av mjukvaror till lokala marknader.

Innehavare:

Sykes Datasvar Support AB, Box 615, 194 26 UPPLANDS VÄSBY, Sverige,
Org.nr: 556437-7439

Ombud:

Svenska Standardbolag Aktiebolag, Box 292, 791 27 FALUN, Sverige,
Org.nr: 556059-8434



CTM-ONLINE - Detailed trade mark information



Trade mark name : real people. real solutions. real estate
Trade mark No : 001708692
Trade mark basis: CTM
Number of results: 1 of 1



Trade mark

Filing date: 15/06/2000
Date of registration: 04/02/2002
Expiry Date: 15/06/2010
Nice Classification: 35, 36, 37, 42 ([↔](#) Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Applicant's reference: PH/TM00/105
Status of trade mark: CTM registered ([↔](#) Glossary)
 ([↔](#) History of statuses)
Filing language: English
Second language: Italian

Graphic representation

No entry for application number: 001708692.

List of goods and services

Nice Classification: 35
List of goods and services Business and commercial information; re-location for businesses; professional business consultancy; organisation of exhibitions and trade fairs for commercial or advertising purposes; compilation of information into computer database.

Nice Classification: 36
List of goods and services Real estate affairs; real estate appraisal; real estate brokerage; real estate agencies; real estate management; real estate evaluation; capital investment; selection, acquisition and letting of houses, apartments, flats, commercial premises, industrial buildings, shops, offices, and land; real estate developments; rating assessment services; investment services relating to real estate, raising of capital and portfolio management; rent collection; consultancy, research and advisory services, all relating to real-estate, lease renewal and to taxation and compensation relating to real estate; drafting and preparation of reports, all relating to the aforesaid services.

Nice Classification: 37
List of goods and services Building construction, repair and maintenance; building installation services; supervision of building construction, repair, maintenance and installation; civil engineering; building development services; property and real estate development; renovation and

restoration of buildings; refurbishment of buildings; cleaning services, all relating to property or real estate; information services all relating to the aforesaid services.

Nice Classification:

42

List of goods and services

Temporary accommodation; architectural consultation; architecture; security consultancy; consultation in environmental protection; design of interior décor; construction drafting; engineering drawing; civil engineering consultancy, design and planning, providing facilities for exhibitions, land surveying; land surveying; landscape gardening; professional consultancy (non-business); surveying; urban and real estate planning.

Description of the mark:**Description**

No Description

Owner**Name:**

James William Steevens

ID No:

81743

Natural or legal person:

Physical person

Address:

c/o Weatherall Green & Smith 22 Chancery Lane

Post code:

WC2A 1LT

Town:

London

Country:

UNITED KINGDOM

Correspondence address:James William Steevens c/o Weatherall Green & Smith
22 Chancery Lane London WC2A 1LT REINO UNIDO**Telephone:**

00 44-2074304000

Fax:

00 44-2074302628

Name:

Gregory Alan Cooke

ID No:

81744

Natural or legal person:

Physical person

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Town:

London

Country:

UNITED KINGDOM

Correspondence address:Gregory Alan Cooke c/o Weatherall Green & Smith 22
Chancery Lane London WC2A 1LT REINO UNIDO**Telephone:**

00 44-2074304000

Fax:

00 44-2074302628

Name:

Arthur Paul Gardner

ID No:

81745

Natural or legal person:

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Town:

london

Country:

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Fax:

00 44-2074302628

Representative**Name:**

MARKS & CLERK

ID No:

10578

Address:

90 Long Acre

Post code:

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Town:

London

Country:

UNITED KINGDOM

Correspondence address:MARKS & CLERK 90 Long Acre London WC2E 9RA
REINO UNIDO

Telephone: 00 44-2074200000
Fax: 00 44-2078363339
E-mail: admin@marks-clerk.com

Seniority

No entry for application number: 001708692.

Exhibition priority

No entry for application number: 001708692

Priority

No entry for application number: 001708692.

Publication

Bulletin no.: 2001/059
Date of publication: 09/07/2001
Part: A.1

Bulletin no.: 2002/024
Date of publication: 25/03/2002
Part: B.2

Opposition

No entry for application number: 001708692.

Cancellation

No entry for application number: 001708692

Appeals

No entry for application number: 001708692.

Recordals

Title: Representative
Sub-title: Change of name and professional address
ID No: 001046237

Title: Representative
Sub-title: Change of name and professional address
ID No: 001204737

Renewals

No entry for application number: 001708692.





CTM-ONLINE - Detailed trade mark information



Trade mark name : REAL PEOPLE REAL SOLUTIONS REAL ESTATE
Trade mark No : 002478931
Trade mark basis: CTM
Number of results: 1 of 1



Trade mark

Filing date: 27/11/2001
Date of registration: 08/07/2003
Expiry Date: 27/11/2011
Nice Classification: 35, 36, 37, 38, 41, 42 ([↔](#) Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Applicant's reference: PdB/gi
Status of trade mark: CTM registered ([↔](#) Glossary)
 ([↔](#) History of statuses)
Filing language: French
Second language: English

Graphic representation

No entry for application number: 002478931.

List of goods and services

Nice Classification: 35
List of goods and services Management and operation of computerized files in the field of real estate; organisation and collection of data relating to real estate activities in a master file.

Nice Classification: 36
List of goods and services Real estate services for companies, namely real estate agencies, real estate transactions, real estate valuations, real estate audits, associations of co-owners, trustees, building management, real estate assets management, property prospecting, negotiation and brokerage in relation to the sale and rental of property and the provision of services to owners and occupiers of real estate, except all activities of builders, promoters, developers and estate agents.

Nice Classification: 37
List of goods and services Installations of fittings and fixtures in offices and buildings, such as partitions

Nice Classification: 38
List of goods and services Transmission of information relating to real estate activities by data transmission; communications by and/or between computers and computer terminals; telecommunications, electronic mail using the Internet; transmission of commercial and advertising information in the field of real estate via the Internet.

Nice Classification:	41
List of goods and services	Publication of data and information relating to real estate activities.
Nice Classification:	42
List of goods and services	Technical consultancy relating to the urban environment, finding and selecting suppliers and service providers for the owners and occupiers of real estate; design, updating and maintenance of computer software relating to real estate activities.
Description of the mark:	<p>Description</p> <p>No Description</p> <p>Owner</p> <p>Name: AUGUSTE-THOUARD IMMOBILIERS SERVICES-ATIS (Société anonyme)</p> <p>ID No: 118186</p> <p>Natural or legal person: Legal entity</p> <p>Address: 20-24, rue Jacques Ibert</p> <p>Post code: 92300</p> <p>Town: Levallois Perret</p> <p>Country: FRANCE</p> <p>Correspondence address: AUGUSTE-THOUARD IMMOBILIERS SERVICES-ATIS (Société anonyme) 20-24, rue Jacques Ibert F-92300 Levallois Perret FRANCIA</p> <p>Representative</p> <p>Name: Pierre de Boisse</p> <p>ID No: 371</p> <p>Address: 122, rue Edouard Vaillant</p> <p>Post code: 92593</p> <p>Town: Levallois Perret</p> <p>Country: FRANCE</p> <p>Correspondence address: NOVAGRAAF FRANCE Pierre de Boisse 122, rue Edouard Vaillant F-92593 Levallois Perret FRANCIA</p> <p>Telephone: 00 33-149646000</p> <p>Fax: 00 33-149646060</p> <p>Seniority</p> <p>No entry for application number: 002478931.</p> <p>Exhibition priority</p> <p>No entry for application number: 002478931</p> <p>Priority</p> <p>Country: FRANCE</p> <p>Number of basic application: 01 3128235</p> <p>Filing date of basic application: 25/10/2001</p> <p>Trade mark status: Accepted</p> <p>Publication</p> <p>Bulletin no.: 2002/101</p> <p>Date of publication: 23/12/2002</p> <p>Part: A.1</p> <p>Bulletin no.: 2003/067</p> <p>Date of publication: 18/08/2003</p>

Part:

B.1

Opposition

4

No entry for application number: 002478931.

Cancellation

4

No entry for application number: 002478931

Appeals

4

No entry for application number: 002478931.

Recordals

4

No entry for application number: 002478931

Renewals

4

No entry for application number: 002478931.



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.