

BESLUT

Internationell registrering skall inte gälla i Sverige

IR 912470

Strahlberg & Partners
P.O. Box 156
CH-3084 Wabern
Switzerland

INNEHAVARE

The Gates Corporation
1551 Wewatta Street
Denver, Colorado 80202
USA

OMBUD

Strahlberg & Partners
P.O. Box 156
CH-3084 Wabern
Schweiz

Exp. Patent- och registreringsverket

2009-06-10

BESLUT

Patent- och registreringsverket (PRV) beslutar med stöd av 56 § 2 stycket varumärkeslagen (1960:644) att den under ovanstående nummer angivna internationella registreringen inte skall gälla i Sverige.

ÄRENDET

Ärendet avser giltighet i Sverige av den internationella varumärkesregistreringen, återgiven nedan, registrerad för metal hose couplings; metal hose clamps; belt pulleys and sprockets (other than being parts of machines); metal belt tensioners; metal couplings including hose end connectors for automotive use, hydraulic and coolant systems use; metal couplings and adapters for use with hydraulic hose, fuel hose, braided hose and rigid tubing; couplings of metal for chains; small items of metal hardware; pipes and tubes of metal; metal tubes, being part of refill packs, functioning as repair kits for radiators; metal hose couplings for use in land vehicles, klass 6, machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); sprockets and pulleys, variable diameter pulleys, adjustable pulleys, dual pulley tensioning systems; tensioners, lockable tensioning devices, tensioning idlers, all being parts of engines, machines or motors; belts for engines and motors; power transmission belts for engines and motors including variable speed belts; timing belts for engines and motors; toothed belts for engines and motors; v-ribbed belts for engines and motors; v-belts for engines and motors; crankshaft dampers for engines; belts for material handling; conveyor belts; belts for linear motion control; flexible couplings for coupling rotating shafts in land vehicle engines; caps for engine oil intakes; hose crimping machines; hydraulic hose assemblies; radiator caps for cooling radiators for motors, engines and vehicles; machine parts, namely flexible couplings for coupling rotatable shafts and transmitting power there between; couplings and flexible couplings for use in machinery of all kinds (other than those for land vehicles); engine

components for land vehicles, namely modules comprising a set of engine parts; timing drive modules; timing and accessory drive modules comprising a set of engine parts; multi-ribbed belts for machines and engines; fan belts for motors; dynamo belts; non-metallic couplings for hydraulic apparatus; couplings for pneumatic apparatus; couplings other than for land vehicles; flexible couplings being parts of machines; fluid couplings (other than for land vehicles); hydraulic couplings for engines (other than for land vehicles), also being parts of machines; hydraulic quick release couplings for high pressure hoses; shaft couplings (other than for land vehicles); power transmission couplings (other than for land vehicles); safety couplings (other than for land vehicles); industrial motion control components including belts and pulleys; timing belts for synchronous conveying, linear positioning and power transmission for machines, motors and engines used in industrial applications; timing belts for machines, motors and engines used in industrial applications including linear belts, profile belts, welded belts, flex belts, wide belts, vacuum belts, self tracking belts and flat belts; turbocharger hose; vacuum hose; water pumps for land vehicle engines; synchronous belts and drive belts for conveyors or machines; synchronous and toothed belts for industrial applications; flat belts for vertical movement; flat belts wound on shafts for moving or lifting platforms and/or weights; repair kits for radiators for motors and engines, comprising tubes, "O" rings, plugs and taps and refill packs therefor consisting of radiator overflow tubes and plugs; power transmission drive components including low modulus belts, clutches and alternator decouplers, parts and components for asynchronous belt drive systems and parts and components for synchronous belt drive systems, other than for land vehicles, class 7, belt tensiometers; thermostats; testers for radiator caps for cooling radiators for motors, engines and vehicles; fuel cap testers; pre-recorded CD-ROMs featuring computer software for designing belt drives and information about belts, pulleys, hoses, couplings, and ordering information therefor; computer software for use in the design of power transmission systems; pre-recorded computer software for use in drawing designs for belt power transmission systems; laser systems for aligning industrial pulleys comprised of a laser light source and a reflector; electronically controlled belt tensioners whereby belt tension forces are controlled; software for electronic control of belt tensioners; belt tensioner control systems, comprising microprocessors, actuators and force measurement instruments using software for the control of belt tension forces; electrical power transmission drive system components including sensing instruments for system monitoring and temperature/load control; computer programmes (software) for use in the design and analysis of variable speed belt drives; measuring apparatus and instruments including tools for measuring characteristics of automotive pulleys, namely, tools for measurement of a pulley diameter, a belt surface contact width, number of pulley grooves and pulley bearing bore; auxiliary power units for use in land vehicles for supplying electrical and mechanical power to the land vehicle when the land vehicle main engine is not operating, class 9, fuel caps; flexible couplings for coupling rotating shafts in the power train of land vehicles; mudguards and splash guards for vehicles; belts, transmission belts and timing belts for land vehicles including variable speed belts; power transmission apparatus and parts (other than belts for land vehicles) including wiper blades including wiper blade refills, wiper blade arms and wiper blade linkage, tire valve caps and brake line hose for vehicles; engine transmission belts for land vehicles; couplings and flexible couplings for land vehicles; hydraulic couplings for land vehicles; shaft couplings for land vehicles; power transmission couplings for land vehicles; safety couplings for land vehicles; elastic couplings for land vehicles; flexible couplings connecting an engine shaft and a shaft which drives engine accessories; flexible couplings transmitting power between an electric motor and gearing for an electric steering system for land vehicles; power transmission drive components including tensioners, variable diameter pulleys, tensioning idlers, adjustable lock centre pulleys, lockable tensioning devices, dual

pulley tensioning systems, toothed belts and v-ribbed belts, low modulus belts, clutches and alternator decouplers, parts and components for asynchronous belt drive systems and parts and components for synchronous belt drive systems, all for use with land vehicles, klass 12, flexible tubes, not of metal; flexible hose assemblies; hose clamping sleeves (non-metallic); protective sleeves for flexible tubes (non-metallic); hose bend restrictors; moulded articles made entirely or mainly of rubber; non-metallic couplings including hose end connectors for automotive use, hydraulic and coolant systems use; non-metallic couplings for use with hydraulic hose, fuel hose, braided hose and rigid tubing; industrial hose including material handling hose and fluid transfer hose; reinforced hose; hose for transferring hydraulic power; wire reinforced hose for the transfer of fluids under pressure for use in hydraulic applications; land vehicle parts, namely power steering flexible hose assemblies and kits for vehicles; anti-static strips for vehicles; flexible elastomeric winding sleeves for spooling continuous fiber strands and yarns thereon, namely synthetic and natural fiber strands and yarns; non-metallic, flexible tubes, being part or refill packs, functioning as repair kits for radiators for motors; non-metallic hose couplings for land vehicles, klass 17, retail services and business intermediary services related to the wholesale services (via commercial intermediaries) in the fields of belts (belt drives), hose (hose assemblies), couplings, clamps, pulleys, hydraulics and related goods and accessories for industrial and automotive use; retail services and business intermediary services related to the wholesale services (via commercial intermediaries) in the industrial and automotive original equipment and replacement markets, the industrial and automotive aftermarkets, agriculture, transportation, mining, forestry, construction, office equipment, computer and the food processing and handling markets; retail services and business intermediary services related to the wholesale services (via commercial intermediaries) in the fields of power transmission, automotive hoses and hydraulic and industrial hoses and connectors; marketing assistance and information relating thereto; import-export services; advertising and marketing; organising and conducting trade shows; advertising and commercial information services provided via the internet; on-line advertising on a computer network; e-commerce services, namely advertising via the internet and computer networks in the form of data, text, images, sound or combinations thereof relating to the sale of goods and provision of services of all kinds; e-commerce services, namely provision of product information via telecommunication networks for advertising and sales purposes; procurement services for others and assistance related thereto; procurement services for others (sale of products and provision of services for third parties), namely logistics and commercial assistance to customers in the procurement of hoses, belts, couplings, clamps, pulleys, hydraulic and related goods and accessories for industrial and automotive use and e-commerce and on-line services, namely ordering and inventory monitoring for automotive and industrial components, klass 35. Märket är utfört i vitt, rött och svart.



Innehavarens märke

SKÄL

Hinder mot att en internationell varumärkesregistrering skall gälla i Sverige finns enligt 54 § 2 stycket varumärkeslagen om det varumärke som den internationella registreringen avser inte uppfyller förutsättningarna enligt 13 § eller om något hinder mot en nationell registrering skulle ha funnits enligt 14 §.

Ett varumärke får enligt 13 § varumärkeslagen registreras endast om det har särskiljningsförmåga. Ett märke som uteslutande eller med endast mindre ändring eller tillägg anger varans art, beskaffenhet, mängd, användning, pris eller geografiska ursprung eller tiden för dess framställande, skall inte i och för sig anses ha särskiljningsförmåga.

Vad som ovan angetts gäller även tjänster.


PRV gör följande bedömning.

Innehavarens märke består av en vit rektangel innehållande en röd och en svart rektangel i olika storlekar. Den geometriska figuren är alltför enkel för att den ska kunna uppfattas som ett kännetecken för sökta varor och tjänster. Märket saknar därmed för registrering erforderlig särskiljningsförmåga.

Med hänsyn till de skäl som ovan anförts skall den internationella registreringen inte gälla i Sverige.

Beslutat den 10 JUN 2009


Hans Nordlund


Katy Lundqvist Perrier

HUR BESLUTET ÖVERKLAGAS

Den som vill överklaga beslutet skall göra det skriftligt. Skrivelsen skall vara ställd till Patentbesvärsrätten, men sändas till Patent- och registreringsverket, Box 530, 826 27 Söderhamn. I skrivelsen skall anges det beslut som överklagas och den ändring av beslutet som begärs. Skrivelsen skall ha kommit in till verket inom två (2) månader från beslutsdagen.