



CHIEVER

BRAND PROTECTION

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The great strength of the Lego brand

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Broad protection of iconic Lego brand

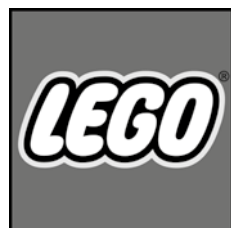
Toy manufacturer Lego has successfully taken action against the European registration of the toy trademark Lele Brother of the Romanian company Gaget4u. Although the similarity between the two trademarks is limited, according to the European trademark office EUIPO the high reputation of the Lego trademark still prevails here.

Logos in shades of gray

Lele Brother must have been a thorn in Lego's side for some time. The Romanians sell their toy building blocks in packaging very similar to Lego boxes. However, the issue in these proceedings was not the packaging, but the registration of the Lele Brother logo in shades of gray.

Iconic

Although the gray Lele logo is quite a distance away, Lego still draws the line here. World-renowned brands like Lego – EUIPO calls the brand's reputation "outstanding" – are afforded very broad protection. The iconic status of the Lego brand ensures that consumers will link the two brands.



According to EUIPO, Lele Brother is trying to hitch a ride on the great reputation of the Lego trademark, which is not allowed. So no European registration for Lele Brother. And now let's see if Lego gets those boxes off the market too.

EXIT ESCOBAR PERFUME

French entrepreneur Alexandre Maureta can forget about protection for his packaging of the Escobar perfume. According to the European trademark office EUIPO, the mark is contrary to public policy because it promotes crime and terrorism. After all, Escobar was the most powerful and violent drug lord ever. There is also no doubt, according to EUIPO, that the trademark refers to the infamous Escobar: Hacienda Napoles was the name of his farm and the cannabis leaf in the logo also speaks volumes.



Puma wins, but not for beer



The reputation of sports brand Puma is so great that it may stop the European registration of Zisan's logo, which also features a feline beast. At least, as far as products such as energy drinks or soft drinks are concerned. For beer, Zisan does get registration, the European Trademark Office determined in October 2023.

Reason for this split: energy drinks and soft drinks are also often encountered in sports contexts. And therefore consumers can make a connection with Puma. This does not apply to beer. Whether it will benefit Zisan is the question, because the brand does not give the impression that it will also be used for beer.

SHAPE TOBLERONE

Although it's been a while, still interesting enough to report: Toblerone has failed to remove Swissone's bar from the market. According to Kraft Foods, the owner of Toblerone, Swissone is too similar to the familiar shape of the Toblerone. According to the Swiss judge, however, there is sufficient distance. No danger of confusion, case closed. That much is clear. But could the choice of that name Swissone, which also ends in One, be a coincidence?



Commotion over Trump condom



German entrepreneur Frank Lindner is making frantic attempts to register the Trump trademark for condoms. But someone is interfering: the ex-president of the US. Trump is not happy with an eponymous condom and has therefore filed an opposition. He cites the reputation of his own Trump trademarks, which are registered in Europe for restaurant services and golf clubs.



These are not the condoms in question but a competitors

Use

The proceedings had been put on hold for a while because Lindner in turn had applied to have Trump's trademarks declared invalid. According to Lindner, Trump does not use his trademarks at all in Europe and then you lose your right after 5 years.

Battle continues again

However, Trump has now shown sufficient evidence of use of his trademark in Europe, according to EUIPO, so Lindner's request has been rejected. And so the battle for the Trump condom just continues full speed ahead again.

Citroën in trouble

When Citroën announced its new logo in late 2022, an awkward problem immediately came to light. The Chinese company Xiamen Golden Dragon Bus, manufacturer of luxury buses, appears to be using a trademark almost identical to Citroën's new logo.



On the left Citroën's new logo, on the right the Golden Dragon Bus logo

Oldest rights

To make matters worse, the Chinese also own the oldest rights: they have a European trademark registration of this logo from 2010. Life-threatening, because this would allow them to force Citroën to modify its logo.

Cancellation

To kill this danger, Citroën tried to overturn Xiamen's trademark registration. According to the French, Xiamen has not used the logo in Europe for the past five

years. In trademark law, the rule is that if you don't use your trademark for five years, another person can try to cancel your registration.

Mark in use

On Oct. 19 the European trademark office EUIPO issued its ruling. Based on evidence submitted, EUIPO now concludes that Xiamen did use the logo commercially in Europe. The trademark registration therefore remains in place for "electric buses" and "electric vehicles," EUIPO said.

The battle can begin

Now that it has been determined that Xiamen's European trademark is valid, the real fight can begin. Does Citroën's logo infringe on Xiamen's trademark rights? Hmmm, very dark clouds are gathering over the French car brand.



Above, a new Citroën. Below, the bus from Xiamen

The Levi's among mattresses

German company bett1 has clearly taken inspiration from the jeans brand Levi's. Like Levi's, bett1 tries to distinguish its mattresses with a red tab. However, unlike Levi's, bett1 is as yet unable to obtain European trademark protection for this mark. In October 2023, the European trademark office EUIPO refused registration due to lack of distinctive character. The big difference, of course, is in the familiarity: the Levi's tab has been around for more than 80 years and is well established and has acquired distinctiveness as a trademark.



EU trademark registration
18848122 denied

Striking statue

Funny really that no one has ever said anything about it: that enormous statue that has been standing in front of the District Court in Amsterdam since 2020. A hunched giant of 5 meters, dressed in training pants with two stripes on the side. Isn't that a little too adidas?



Art

Of course, this is a sculpture, a work of art, and not a pair of sports pants. From a legal point of view, therefore, it probably will be no problem. Still, it remains a bit strange that precisely the Amsterdam Court decided to place this sculpture pontifically in front of its courtroom.

Trademark infringement

This court has to rule almost daily in conflicts about trademark infringement. It could just happen that adidas will be on its doorstep in a few weeks to take action against a rival stripe thief. Should it be the training pants that the statue is wearing here, there's a pretty good chance that would have to be labeled trademark infringement.

Louis Vuitton

Surely it seems a somewhat awkward position into which the Amsterdam court has put its judges. After all, as a court, you also would not put an artwork of a giant fake Louis Vuitton bag in front of your door, would you?

CUPS DEAL

In October 2023, Nespresso and Peet's Coffee decided to bury the hatchet. So writes the authoritative platform *World Intellectual Property Review WIPR*. For years, the coffee giants were at odds over the design of their coffee capsules. According to Nespresso, Peet's cups are virtually identical to Nespresso cups. In March 2022, Nespresso dragged Peet's to court in New York. But now the parties seem to have struck a deal after all, and all claims back and forth are off the table. Like Nespresso, Peet's is no small boy: it is part of the JDE Peet's stock fund, which also includes Douwe Egberts.



Apple loses



Apple has failed to stop the registration of the new SYSMeta logo in Switzerland. According to the Swiss court, there is no likelihood of confusion, despite the fact that the Apple trademark is very well known and SYSMeta's trademark is applied for competing products. The marks are not similar and moreover, the court said, the SYSMeta mark does not depict an apple at all.

British Hairways

The German prankster who named her hair salon British Hairways has come home cold. Recently, airline British Airways managed to undercut the German lady's trademark registration. Of course, haircutting is different from flying, but still the woman unfairly took advantage of

the reputation of the British airline, according to the German court. What also did not help was that the woman confirmed during the case that she had chosen the name because it would attract more customers.



Elon forgets registration Gigabier

"And we're even gonna have a beer!" With this statement, Elon Musk announced the introduction of a new Tesla beer brand in Berlin on October 9, 2021: Gigabier. And of course Musk had not forgotten the sleek packaging: a striking, black, shiny bottle.

Trademark gone!

What Musk did forget was a trademark registration. A day after this Berlin announcement, the German company Juicyphant filed the trademark Gigabier in the European trademark register. Gone trademark!

No use

Naturally, Musk immediately filed an objection. He filed an opposition to

the registration based on his prior use. However, in September 2023, the European trademark office EUIPO rejected the opposition. There was no "use of more than local significance," EUIPO said.

Bad faith

Ultimately, Musk will probably still overturn Juicyphant's trademark in invalidity proceedings at a later date,



as it still appears that Juicyphant was acting in "bad faith" with this application. However, Musk could have easily saved himself this misery by not waking up only after introduction, but registering in a timely manner himself.



NEW OFFICE

Chiever has moved. As of November 1, 2023, we are located in the office building 2Amsterdam, on the Eduard van Beinumstraat in Amsterdam.

Why are we moving?

The 2Amsterdam building was recently completely renovated. It is sustainable and equipped with all new techniques and conveniences. This beautiful, modern office better suits our post-corona way of working, partly in the office and

partly at home. And not unimportant: the accessibility. The building is right next to Amsterdam-Zuid train station! Our phone numbers and e-mail addresses remain the same. Only the address has changed:

CHIEVER BV
2Amsterdam (3rd floor)
Eduard van Beinumstraat 10
1077 CZ Amsterdam
The Netherlands

THAT'S WHY CHIEVER

The Chiever Newsletter obviously doesn't tell you much about what Chiever does and how we work. We prefer to talk about our profession rather than about ourselves. But we do like to offer a few words below.

Chiever is an international trademark firm that offers companies advice on the legal protection of trademarks and designs. And we don't just do this in the Netherlands or Europe but worldwide. We conduct availability searches, we advise on risks and we register and protect our clients' trademarks. You might, of course, say that we are not the only agency doing that. So why choose Chiever?



PRACTICAL, CONCISE ADVICE

We are creative and offer unambiguous, compact, and practical advice that always includes a clear proposal for the next step.



ALWAYS A FAIR PRICE

Our rate: often as a fixed fee but sometimes on an hourly basis and always clearly quoted. We don't charge for simple phone calls to ask a short question.



PERSONAL AND SERVICE-ORIENTED

'Big enough to cope, small enough to care': we believe in a personal approach, short lines of communication, and a focus on speed and service.



SPECIALIST IN CONFLICT SOLUTION

We are resourceful and creative when solving trademark conflicts. If possible, we first opt for the road of mediation but, if necessary, we will start opposition proceedings. We invest heavily in this and with good results.



PASSION FOR WHAT WE DO

And last but not least: our team is a group of committed people who all share a passion for what they do and offer a very pleasant collaboration.

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