

## **Absolute grounds**

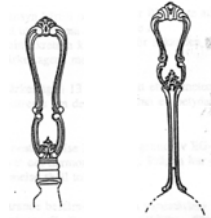
### **Article 13 par. 1 – Distinctiveness**

Case 06-113, ECOLOGICA:

*The court concluded that the word ECOLOGICA is descriptive of the characteristics of the goods covered by the application, namely non-alcoholic beverages (except beer) in class 33. Accordingly, the mark lacks distinctiveness.*

### **Article 13 par. 2 – “a shape which gives substantial value to the goods”**

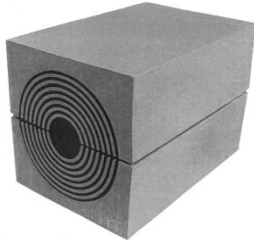
Joined cases 94-525 and 94-526, Three-dimensional mark representing cutlery:



*The court held that the sign consisted exclusively of a shape giving substantial value to the product. On this basis, the mark was rejected in accordance with article 13 par. 2.*

### **Article 13 par. 2 – “a shape attributable only to a technical result”**

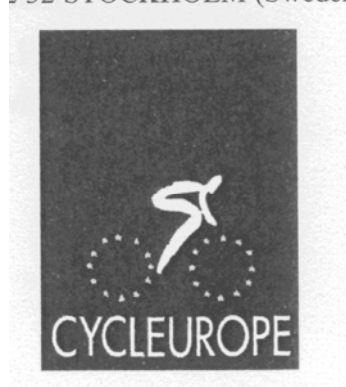
Case 06-168, Shapemark:



*The mark was refused because the essential features of the shape are attributable only to a technical result. The court noted that the ground for refusal under art. 13 par. 2 cannot be overcome by establishing that there are other shapes which allow the same technical result to be obtained.*

### **Article 14 par. 1, item 1 – State or international emblems**

Case 06-281, CYCLEUROPE



*The court held that the circle with stars in the mark, from heraldic point of view, is liable to convey the impression of being an imitation of the european emblem.*

**Article 14 par. 1, item 2 – Deceptive trademarks**

Case 04-351, PATAYA:

*The court held that the mark PATAYA was liable to convey the impression of being a geographical indication of the goods (i.e. fruit drinks and fruit juices from Pataya, Thailand). The mark was likely to deceive the public since the applicant was from Germany.*

**Article 14 par. 1, item 3 – Offensive trademarks**

RÅ 1976 ref 174, JESUS EXCLUSIVELY MADE BY BEATRIX

*The court concluded that the use of the applicant’s mark may be offensive to a significant part of the christian public. Consequently, the mark was refused.*

**Relative grounds**

**Article 14 par. 1, item 4 – The mark is likely to convey the impression of being a Swedish family name**

Case 05-270, FARMAND

*The court held that the mark is likely to convey the impression of being the Swedish family name FARMLAND.*

**Article 14 par. 1, item 4 – The mark is likely to convey the impression of being another person’s artistic name**

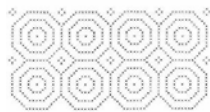
Case 93-243, ELVIS

*The famous musician Elvis Presley is widely known under the artistic name “Elvis”. The mark is likely to convey the impression of being the artistic name ELVIS.*

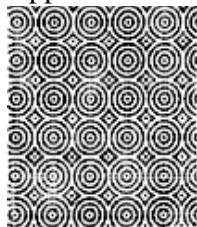
**Article 14 par. 1, item 5 – The mark violates another person’s right in a design**

Case 02-367:

Applicant’s mark:



Opponent’s design:



*The mark was held to be noticeably similar to the opponents design. Consequently, the mark was cancelled.*

**Article 14 par. 1, item 5 – The mark is likely to convey the impression of being the distinctive title of another person’s literary or artistic work**

Case 07-019, GOLDFINGER

*The mark is likely to convey the impression of being the distinctive film title GOLDFINGER.*

**Article 14 par. 1, item 6 – The mark is confusingly similar to a Swedish trademark**

Case 07-174:

Applicant’s mark:



Earlier mark:



The applicant’s mark was refused since it was confusingly similar to the Swedish trademark “Black Diamond”.

**Article 14 par. 1, item 6 – The mark is confusingly similar to a Swedish trade name**

Case 07-043:

Applicant’s mark:



*The mark was rejected since it was confusingly similar to the Swedish trade name GG Sömnadsindustri.*

**Article 14 par. 1, item 6 – The mark is confusingly similar to a non-registered trademark**

Case 02-218:

Applicant’s mark:



Opponent’s mark:



*The applied mark is confusingly similar to the opponent’s well-known unregistered trademark, which was established on the market when the application for registration was filed.*

**Article 14 par. 1, item 7 – Bad faith**

Case 01-117:

Applicant’s mark:

Opponent’s mark:



WORD OF LIFE

LIVETS ORD-WORD OF LIFE

*The applicant's mark is confusingly similar to the mark "WORD OF LIFE" which, at the time of the application, was used by the opponent. The applicant had knowledge about that use and had not used the mark before the opponents mark was first used.*

**Article 14 par. 1, item 8 – The mark is confusingly similar to a trademark covered by an international registration with effect in Sweden**

Case 05-489, FLAGGAN

*The applicant's mark FLAGGAN is confusingly similar to the international mark "FLAGGIS" with effect in Sweden.*

**Article 14 par. 1, item 9 – The mark is confusingly similar to a Community trademark**

Case 07-304, IPECS

*The applied mark IPECS is confusingly similar to the earlier Community trademark "IPCS".*