

RE: document SCT/22/2

The aim of this submission is to give related additional examples from the trademark examination practice of the Patent Office of the Republic of Latvia concerning trademark refusals.

EXAMPLES

I. Geographical origin of products

Trademark application M-99-699 (applied for beer in class 32; the applicant is from Finland):



This trademark was considered geographically deceptive regarding the origin of the beer (i.e. Finland). The character is known as soldier Švejk from well-known Czech satirical novel "The Fateful adventures of Good Soldier Švejk during the World War" by Jaroslav Hašek. Illustrations by Josef Lada (1887-1957) are as charismatic as the novel itself; therefore the Patent Office looks on this trademark as an indirect geographical indication that could mislead the public on the actual geographic origin of this beer. Since Czech beer is more popular and appreciated in Latvia, the Office refused to register this mark.

II. Public order and morality

1) International registration 692450 (applied for goods in class 33 and services in classes 35 and 39):

STALINSKAYA (Stalin's)

The Office found that the name “Stalin” is generally associated by public with repressions, deportations of civilians, and genocide; accordingly, acknowledgement of such trademark would be perceived as offence to society. Refusal of all listed goods and services was based on the fact that this trademark contradicts with socially accepted principles of morals. The refusal was confirmed by the Board of Appeal.

2) Trademark application M-99-87 (applied for tobacco in class 34 and services in class 35):

LIVE LIGHT

The decision of the Office was based on the fact that the slogan could be perceived by public as encouragement to smoke. The registration of the trademark was refused as it contradicts with public policy and the socially accepted principles of morals regarding tobacco [and smoking] but was accepted for advertising in class 35.

III. Badges, emblems or escutcheons other than those covered by Article 6 of the Paris Convention and that are of particular interest to public

Trademark application M-03-338 (applied for goods in class 16 and services in class 35 and 41):



This sign is recognized by the Office as a sign of high symbolic value which shall not be registered as trademark. The Banner of peace was designed by artist and humanist Nicholas Roerich (1874-1947) and symbolizes the synthesis of all arts, sciences and religions within the circle of culture. It is displayed at all events, gatherings and centers which promote planetary peace.

IV. Copyright

According to the Law on Trademarks and Indications of Geographical Origin of the Republic of Latvia, the Patent Office does not examine trademarks on earlier rights, but earlier rights, including copyright, could be invoked in post-registration opposition procedure.

International registration 875594 (applied for meal and cereal preparations, macaroni in class 30):



This mark has been declared invalid by the Board of Appeal as a mark which includes copyrighted material. The trademark contains a male character, known as Super Mario that has been created by Japanese designer Shigeru Miyamoto for series of video games by Nintendo, and this character, i.e. Super Mario, has been protected by copyright.