

### **Descriptive marks**

The mark “THE YOGA CENTER” for education; training; coaching; sports and cultural activities, including yoga classes, was refused as it describes the services which it offers, inasmuch as the literal translation from English into Spanish has a meaning which naturally matches these languages and contributes to a clear and direct description of the characteristics of the services it sought to make distinctive.

### **Types of goods or services**



The mark “WODKA” was refused for alcoholic beverages, as it describes the good it sought to protect, due to the fact that the mark is a word of Polish origin that translates into Spanish as the name VODKA, which clearly describes the good for which protection was sought, since this is the exact word for the typical Russian and Polish alcoholic beverage VODKA, known throughout the world.

### **Quality of goods and services**



The mark “GARANTIA DE CALIDAD TOTAL” was refused for all stationery goods as it is indicative of the qualities of the goods, in particular denoting the quality.

### **Quantity of goods and services**



Registration of the mark “1Kg” was refused for confectionery and sweets as such a mark indicates the quantity of the good for which protection was sought, since the indication is used in trade to denote the quantity of a good, which is considered a descriptive mark under law.

### **Value of goods and services**

The mark “100 PESOS”, which sought protection for alcoholic beverages, was refused as the name itself indicates a value, given that the PESO is the currency of Mexico and that preceding

this word with the quantity 100 automatically indicates the price of the good, and as a consequence, might mislead or deceive consumers into thinking that this is the price of the good.

#### **Time of production of the goods or of the provision of services**



The mark "COSECHA 54" for alcoholic beverages was refused as it was indicative of the time of production, that is, the mark suggested that the alcoholic beverage is a good made in the vintage year 54, and it was therefore an unjustified privilege to grant exclusivity to this mark.

#### **Public order or morality**



Registration of the mark as reproduced was refused on the grounds that the image at first sight is contrary to morality.

#### **Article 6ter of the Paris Convention for the Protection of Industrial Property**

Registration of the mark "ASTRA" was refused for protecting heating apparatus due to an absolute ban on imitating a symbol of the European Union.



### **Specially protected emblems and symbols**

Registration of these marks was refused given that, taken as a whole, they imitate the coat of arms of Mexico, that although they are not an exact reproduction, they are nevertheless an imitation and include the provision established in Mexican law which stipulates that no reproduction or imitation of coats of arms, banners or emblems of any country shall be the subject of a trademark registration without permission.



**Mark refused**



**Mexican coat of arms**

### **Indications of source**

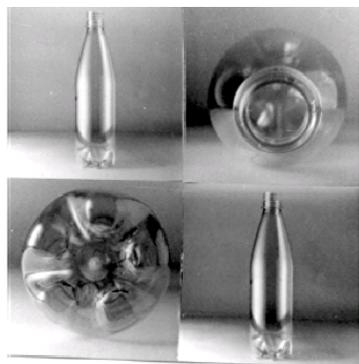


Registration of the mark “CHAMPAGNE MANGO PRODUCT OF MEXICO CIRULI BROTHERS WWW.CHAMPAGNEMANGO.COM 4312” was refused for the protection of agricultural products. The main ground for refusing registration is based on the word “champagne”, which is misleading as to the origin of the goods.

### **Shapes (signs that consist of shapes only)**



Registration of the mark was refused as it only comprises a drawing of a piece of furniture for an automated teller machine (ATM). Since this is a frequent shape and is therefore descriptive in referring to this class of goods, even though it is presented in various colors, such an element does not make the drawing distinctive.



Registration for this mark was refused as it is a shape frequently used for some of the goods it sought to protect (natural water, mineral and carbonated water).

### **Bad faith**

The mark “SEVILLA 92” for clothing was refused on the grounds of bad faith on the part of the applicant in applying for registration in 1992, when this indicated the Universal Exposition sevilla92 in an attempt to benefit from this event.

### **Rights through prior marks**

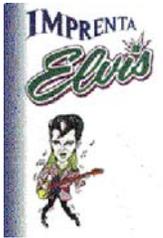
The mark in question was refused due to the existence of a prior mark called “IBARRA”. Although the mark for which protection was sought did not seek to protect the name IBARRA, the color combination and layout were determining factors in rating the similarity as confusing.



## Copyright



The mark "THE ADDAMS FAMILY" for protecting restaurant, bar, canteen, soda fountain and cafeteria services was refused as it is a generic comedy work of art protected by the laws of its country, a form of protection which Mexico, in accordance with the above laws and treaties, also recognizes.



The mark "IMPRESA ELVIS" for printing services was refused because the mark comprises the image or portrayal of a celebrity which cannot be registered without the consent of its creator or holder of the corresponding right.

## Personality right



Registration of the mark "REYNA SOFIA" was refused for bread, cakes and biscuits inasmuch as Mexican law establishes that names, pseudonyms, signatures and portraits shall not be registered as marks without the consent of those concerned.