

CHIEVER

BRAND PROTECTION

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European recognition Ronaldo: for underwear

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The Cristiano Ronaldo trademark is mainly known as a brand for underwear.

European recognition Ronaldo for... underwear

Cristiano Ronaldo also scores big time off-field. In April 2021, the Portuguese star footballer successfully opposed the European registration of a Cristiano trademark. Italian Vincenzo Cristiano applied for the trademark to market Cristiano clothing, among other things. The footballer himself owns a registration of the name Cristiano Ronaldo.

Unusual name

According to the European Trademark Office EUIPO, there is a risk of consumers confusing the brands Cristiano Ronaldo and Cristiano. This is partly due to the word Cristiano being distinctive because it is an 'uncommon' name in parts of Europe.

Trademark Cristiano Ronaldo?

However, there is a slight downside to Ronaldo's win. To get the broadest possible protection, the footballer had argued that the Cristiano

Ronaldo trademark has a high degree of recognition. However, EUIPO disagrees.

Well known for underwear

According to the trademark office, the submitted evidence mainly shows that *footballer* Ronaldo is world-famous. That doesn't mean the Cristiano Ronaldo trademark is. Evidence indicates that the Cristiano Ronaldo trademark has a high degree of distinctiveness only in relation to underwear, according to EUIPO. What a comedown.

Apple wins thanks to The Beatles

Apple may register the Apple Music trademark in the United States. The company has rebuffed the opposition filed by jazz musician Charles Bertini based on his old rights (1985) to the Apple Jazz trademark. How so? Apple itself owns even older rights, thanks to the Beatles.

Trouble in the music market

In 1968 the Beatles established their record label Apple. So when computer manufacturer Apple also launched an Apple brand in 1976, it didn't seem problematic: music and computers were different worlds. However, when Apple entered the music market with iTunes in 2001, things started to get messy.

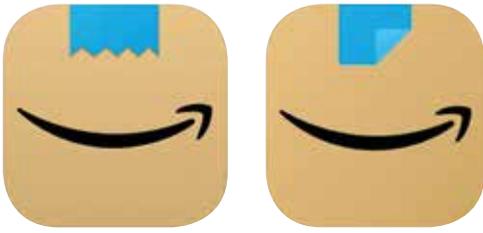
After many years of fighting, arguments and lawsuits, Apple and the Beatles finally struck a deal in 2007:

Apple Inc. became the owner of all of the Beatles' Apple trademarks. The Beatles, in turn, were licensed by Apple Inc. so they could continue to use their Apple brand.

Trademark rights 1968

Thanks to this deal, Apple could invoke the Beatles' oldest Apple trademarks from 1968 in this court case, making their rights 17 years older than Bertini's 1985 Apple Jazz trademark rights. They must have been thanking their lucky Beatle stars at Apple.





Amazon app icon fail

Web store Amazon introduced a new icon for an app in January this year. However, shortly after the introduction, it was brought to the company's attention that the icon evoked unwanted associations. Due to the blue adhesive tape area at the top, the logo resembles the Hitler moustache. Amazon has already adapted the new app icon.

NIKE BLUNDER

Nike made a huge mistake in Greece with its new 'Goddess of Victory' sneaker. In Greek, the capital letters P (Pi = Π) and S (sigma = Σ) are reminiscent of an N and an E. But it can't have been Nike's intention to place PIKS branding on the heel of the NIKE sneakers.



Tintin and the ladies

Moulinsart, the estate of cartoonist Hergé, cannot prevent Tintin from developing an interest in women in his old age. The French court recently determined that artist Xavier Marabout may continue producing paintings portraying the typically well-behaved comic book hero in an erotic setting in Edward Hopper paintings.

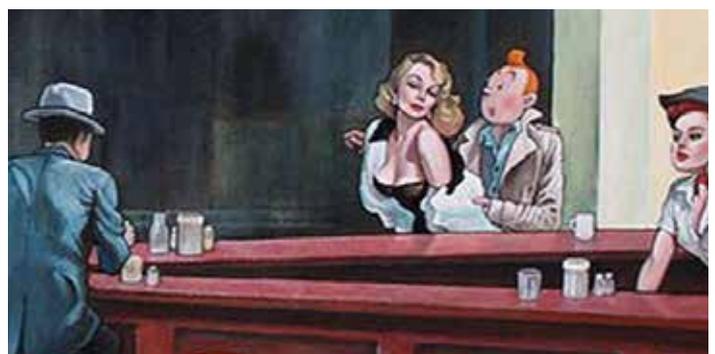
Legitimate parody

"Taking advantage of the reputation of a character to immerse him in an erotic universe has nothing to do with humour," Moulinsart's lawyers said. The judge (however) could appreciate the joke and ruled that this was a case of permitted parody.

A slap on the wrist

As Moulinsart had incorrectly informed various galleries that Marabout was infringing on Hergé's work, the court even gave the organisation an extra slap on the wrist. They were obliged to pay Marabout €10,000 in damages.

*Tintin: from chaste reporter to scumbag.
Finally interested in the ladies.*





The Stones attack

Musidor BV, the Dutch company representing the intellectual property rights of the Rolling Stones, has achieved a resounding victory in Australia. According to the trademark office, fashion firm We the Wild Ones made the application for trademark registration of the Jagger & Stone brand in bad faith. As a result, the company will not get registration for this trademark.

Fashion icons

According to the Australian trademark office, Mick Jagger's reputation as the lead singer of the Rolling Stones – popularly known as the Stones – is huge. Moreover, Jagger and the Stones are fashion icons. According to

the office, the Jagger & Stone clothing brand intends to plug into the familiarity of the Stones is evident in their promotional slogans such as 'If the music is too loud you are too old', and 'I'm with the band'. Exit Jagger & Stone in Australia.

THE ORIGINAL
CHIEVER
 -LETTER QUIZ-
THE RESULTS

The 2020 Chiever Letter Quiz was a tricky one, but it still managed to produce quite a few correct entries. Thank you all for taking part!

Due to the large number of correct entries we received, we had to draw lots for the winner, as we did last year. This year's winner is:

Laura de Bont

Legal assistant, District Court of Overijssel

Congratulations!

A 	B 	C 	D 	E
F 	G 	H 	I 	J
K 	L 	M 	N 	O
P 	Q 	R 	S 	T
U 	V 	W 	X 	Y
Z 				

T IS FOR T-MOBILE

The Swedish IT company Inclose Solutions had their registration of the stylised T in their Trixxa communications app as a European trademark rejected. T-Mobile successfully opposed the application based on their trademark registration of the letter T. Although the Inclose T

contains striking image elements, the general public will mainly recognise the letter T, according to the European trademark office. The consumer might even think that it's a new T-mobile design, according to the Office. A remarkable ruling.



Vati©an?

Perhaps the Vatican took the 'Just Use It' slogan across the stylised Jesus image a little too literally. In 2019, street artist Alessia Barbrow put her work on a bridge near the Vatican. To her amazement, she accidentally found out that the Vatican had used the image on a postage stamp issued at Easter 2020 without any consultation. Barbrow is now demanding €130,000 in damages from the Vatican for this copyright infringement.

Peaky Blinder whiskey



The production company behind the successful BBC series Peaky Blinders is as yet unsuccessful in keeping Sadler's Brewers whiskey brand Peaky Blinder off the American market.

In May, the California court ruled that the producer has not demonstrated a risk of confusion. The judge also finds it unrealistic that the Peaky Blinders brand suffers 'irreparable harm', as claimed by the producer. According to the judge, why did they wait 2 ½ years to take action after the first summons in 2018?



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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