



Question Marks

THOMSON COMPUMARK NEWSLETTER

March 2006

Our main focus for this year is the further development of our electronic services. In so doing, we have only one central objective: to help you to offer your internal and external clients as complete and efficient a service as possible. We regard it as our main priority to provide you with the best possible productivity tools in order to enable you to treat and process our reports and watch notices quickly, smoothly and simply with minimum effort. In recent years many of you have told us that you greatly appreciate these aids and that you look forward to our continuing developments. It is our intention for 2006 and our firm promise to introduce extra functionalities for the Search and Watch E-Services this year.

Jan Broeckx
Managing Director

FOCUS

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Thomson CompuMark
Global Trademark Solutions

THOMSON
—★—™

Two new databases on SAEGIS: Australia and South Korea

One of our objectives is to offer as many databases as possible online. The introduction of Australia and South Korea now brings the number of databases searchable via SAEGIS up to 31. Both databases contain lists of goods in English. The Australian databases covers approximately 400 000 trademarks, the South Korean one no less than 900 000.



SAEGIS Databases:

International Register
Community Trademarks

Europe:

Austria	Ireland	Portugal
Benelux	Italy	Slovakia
Czech Republic	Latvia	Spain
Denmark	Liechtenstein	Sweden
Finland	Lithuania	Switzerland
France	Monaco	United Kingdom
Germany	Norway	
Hungary	Poland	

Asia/Pacific Rim:

Australia
Japan
South Korea

North America:

Canada
Mexico
US Federal
US State

Trademark watching in Benelux: opposition possible in all classes

In 2004 the Benelux Trademarks Office initiated the opposition procedure for trademark applications in classes 2, 20 and 27. One year later this was extended to classes 6, 8, 13, 15, 17, 19 and 21. Since 1 January 2006 opposition is possible in all classes, at least for trademarks registered after that date. For registrations from before 2006 opposition is possible only for trademarks registered in the aforementioned classes 2, 6, 8, 13, 15, 17, 19, 20, 21 and 27.

Sunrise period .eu started

It took some time before the job was done and dusted but on 7 December 2005 the .eu domain was finally launched. In the first instance there is a sunrise period of four months.

Two times two months

During the first two months domain names could be requested on the basis of registered trademarks or geographical names and designations of origin. Public organisations could also register their domain names. Over the next two months it was possible to claim a domain name by reason of other existing rights, such as brand names and family names. On 7 April 2006 the register will open up to a broad public. Even those without any existing right may apply to register a domain name.

Germany to the fore

At present (status as at 6 January 2006, source: www.eurid.eu) most applications come from Germany (35 %), followed by the Netherlands (15%) and France (13%). The United Kingdom is very active, too, with 10% of all applications. Ghent-based trademarks office Remarkable maintains that the Belgian business world is not particularly interested in .eu domain names. A survey of 240 large enterprises (with more than one hundred employees) revealed that a mere 17% had submitted an application. Forty percent of the respondents had never even heard of .eu, although the survey was conducted just before the start of the sunrise period.

Sex!

Unsurprisingly, sex.eu is the most commonly requested domain name: 234 times, to be exact. Even a Dutch ecclesiastical community (Nederlands Kerkgenootschap) tried to take possession of this domain name, but it was filed seconds too late. Their intention was to use sex.eu to explain 'how fantastic sex is the way that God intended.'

Fast applications

The Benelux Trademarks Bureau further announced that November 2005 saw an unusual plethora of fast-track applications for trademarks. Instead of the normal number, in the few hundreds, there were 3 000 that month. Many wanted to obtain a trademark right in the short term so as to have a chance of receiving a corresponding domain name during the first sunrise period.



Trademark registrations after peak year 2000

The table and chart below show the number of registrations in eleven European countries with the Community Trademark Register and the International Register from 2001 to 2005.

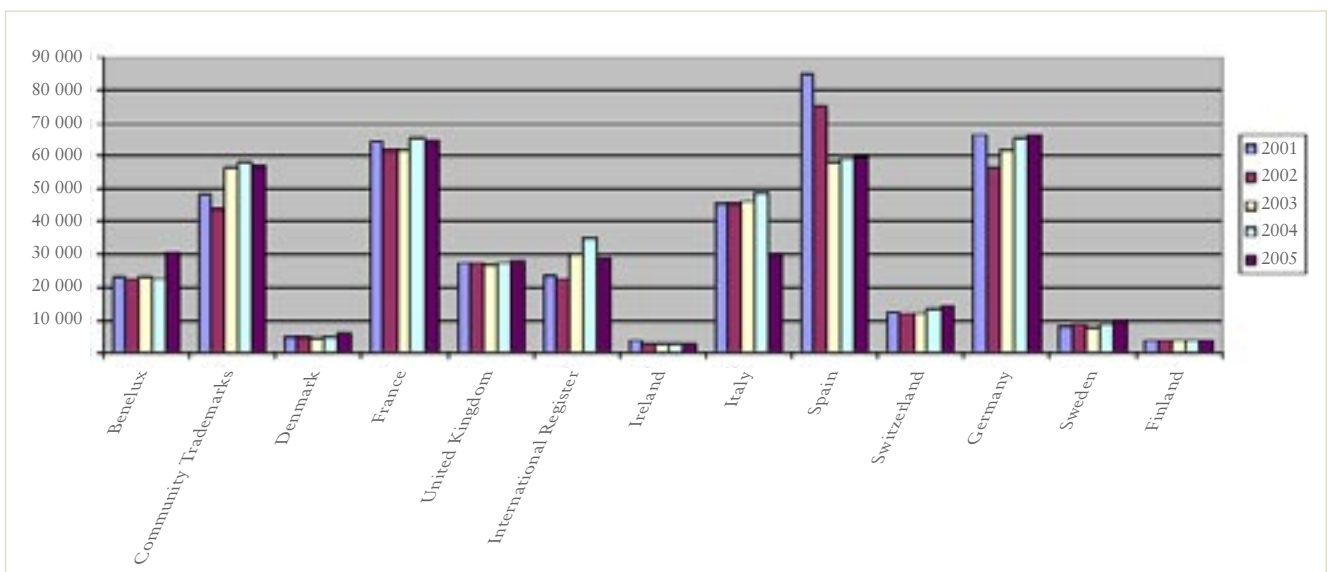
2000 is still taken as the absolute top year. After a downturn in the following years, in most countries the tide is on the ebb since 2004. Although the figures for 2005 are not yet complete, it looks like it is going in the right direction.

It will probably take a couple of months before we know the exact number for Italy.

The remarkable growth in Benelux in 2005 is mainly due to the .eu sunrise period (see page 3).

	2001	2002	2003	2004	*2005
Benelux	23 129	22 732	23 290	22 441	30 754
Community Trademarks	48 077	44 246	56 765	57 783	57 011
Denmark	4 764	4 988	4 570	5 051	5 758
France	64 112	61 615	61 584	65 636	65 081
United Kingdom	27 443	27 566	26 653	27 833	28 061
International Register	23 772	22 231	30 277	34 724	28 824
Ireland	3 846	2 617	2 459	2 695	2 479
Italy	45 591	45 460	45 732	49 006	30 310
Spain	84 578	75 220	58 119	58 697	59 487
Switzerland	12 508	11 611	11 470	13 327	14 044
Germany	66 443	56 750	61 526	65 421	66 208
Sweden	8 013	8 354	7 742	8 642	9 803
Finland	3 817	3 919	4 102	4 144	4 177

* The final figures for 2005 are not yet available





IPSEI VERSUS PEPSI

Ipsei, The Coca-Cola Company's new product, does not infringe the PepsiCo's Community Trademark Pepsi, according to the Community Trademark Court in The Hague.

Today The Coca-Cola Company won a trademark infringement case, brought by PepsiCo in response to Coca-Cola Holland's introduction of a new wellness drink under the trademark Ipsei. This mark originates from the latin word 'ipse', meaning self. PepsiCo considered Ipsei too similar to its Community Trademark Pepsi, and alleged that its reputed brand name risked being diluted and that confusion could arise. Both PepsiCo and The Coca-Cola Company relied on several market surveys, but each with very different conclusions.

The Community Trademark Court in The Hague decided that there was insufficient similarity between the trademarks. The Court took into account that the mark Ipsei was consistently presented in a special logotype [see example]. It furthermore considered that Ipsei is pronounced differently than PepsiCo argued it would be, namely as 'Ipsi'. Since it found no visual or auditive similarity, the Court denied PepsiCo's claims.

Sent in by Boudewijn van Vondelen, NautaDutilh N.V., Lawyers Civil Law Notaries Tax Advisers



Support & Training at your service

You very probably most often come into contact with our Support & Training colleagues. A team that guarantees an efficient and personal service in different fields of expertise. You might already know certain faces, certain others perhaps not yet. So, let us introduce our Support & Training Team to you.

The staff of the Support & Training Team are your daily contact partners. They have an extensive knowledge of the product and know exactly what you are looking for at any given moment. You can turn to them with any questions you might have as regards searches, watches, E-Services and SAEGIS. Our point of departure here is the single point of contact principle. Nevertheless all experiences are shared with the whole team.

Any and all information you give our Account Managers is likewise systematically discussed with the Support & Training Team. In that way you can always be certain of a personal approach, whatever the voice at the other end of the line.

The Support & Training Team also runs basic and personal training courses. Our trainers give you customised training initiating you in the arts of SAEGIS or to help you make even more effective use of it.

If you have any questions, please do not hesitate to call us on +32 3 220 72 11 (see 'Our offices' on page 7) or contact us by e-mail at saegis.support.be@thomson.com for all questions concerning SAEGIS and compumark.be@thomson.com (see 'Our offices' on page 7) for all other questions.

For all questions regarding SAEGIS

.01 TOM TERRYN

Trainer for Germany (except Munich)

.02 KRISTIN VAN DEN BULCKE

Support

.03 ESTHER SIMONS

Trainer for the United Kingdom & Support

.04 LEEN DE ROOVER

Trainer for Benelux & Support

.05 AN VERBEEK

Trainer for Scandinavia and switzerland & Support

.06 SUZAN AKGÖZ

Administrative Support

.07 ILSE VAN HAAREN

Trainer for Italy, Austria and Munich

.08 CHRISTEL ROGIERS

Support & Training Manager

VERONIQUE VAN HOOYDONK (missing from picture)

Trainer for France

saegis.support.be@thomson.com

For all other questions (*)



.08 CHRISTEL ROGIERS
Support & Training Manager

.09 MONIQUE AERTS
Countries not mentioned earlier

.10 WENDY VERCAUTEREN
Administrative Support

.11 DAVY VAN BAVEL
Germany, Spain and Benelux

.12 BART DETHEE
the Netherlands

.13 CAROLINE DU MEUNIER
Germany and Switzerland

.14 ISABEL DENDAUW
Germany and Austria

DANIËLLE DE COCK (missing from picture)
Administrative Support

compumark.be@thomson.com

Our offices (*)

If you are based in ...

- France
- Italy
- the United Kingdom
- Scandinavia

then contact for all other questions ...

- | | |
|--|----------------|
| compumark.fr@thomson.com | 01 55 07 28 30 |
| compumark.it@thomson.com | 02 52 50 191 |
| compumark.uk@thomson.com | 020 7922 5555 |
| compumark.nordic@thomson.com | 08 441 77 30 |

E-Services under review on our Infodays

Towards the end of last year the Thomson CompuMark Infodays offered you ample opportunity to make yourself better acquainted with our E-Services. You could see for yourself how we simplify your administration and internal processing and save you precious time.

What did you find out about our E-Services?

The Watch E-Services give you on-line consultation of your watch portfolio and all watch notices. It is even possible to work completely on-line and no longer have to receive paper notices. The Search E-Services offer you on-line applications with which you can calculate the price of searches, order searches and consult and process your reports.

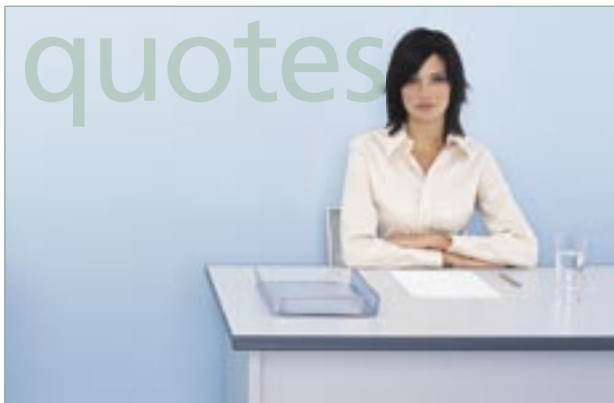
What are the practical experiences?

Some guest speakers shared their personal experiences with the audience. You could hear for yourself - on the basis of practical experiences - how you can integrate our E-Services in your daily tasks. Some of the statements illustrated how the transition from our paper watching service to our on-line watching service, the Watch E-Services, was experienced. (See 'Quotes')

Your opinion of the Infodays

The reactions were very positive in all countries, with a satisfaction rating in excess of 90%. Particular satisfaction was expressed regarding the quantity and quality of the information provided as well as regarding the guest speakers, who illustrated their personal experiences. Location and timing also came in for abundant praise. We shall still be careful to take account of all your comments when we set about organising the next Infodays.

Would you like to obtain more information about our E-Services? Then just contact our Customer Support Department.



'It has become really easy to process reports and then send them on to agents or clients.'

Milena C. Lacruz Pernia - Nutricia International B.V.

'At any time and anywhere you can access the system.' 'By working on-line via the Watch E-Services we can save costs compared to the paper delivery of the watch notices.'

Johann Christoph Gaedertz - Mayer, Brown, Rowe & Maw

'You can find all the information in one place and it is very easy to handle.'

Malin van Odiijk - SCA Hygiene Products AB

'Trademark watching via Watch E-Services means independence and rapid reaction.'

Claudia Wild - CMS Hasche Sigle

'The overall administration improved significantly by choosing to work completely on-line via the Watch E-Services.'

Sue Scott - Beck Greener & Co

'E-Services do not use paper and are therefore faster off the mark.'

Dr. Matthias Humborg - REWE-Zentral AG

'Watch E-Services shed considerable light on day-to-day watching operations, since you can do everything from one work station, from the actual watching to the final report.'

Ariane Hettenkofer - Kroher & Strobel

Dates for your diary

This year again you can meet us at a number of events for trademark specialists. The Varumark days in Stockholm have since come and gone (19 and 20 January) but you can still meet us at the following conferences:

20-21 March 2006	PTMG Spring Conference	London	United Kingdom
22-23 March 2006	ITMA International Meeting	London	United Kingdom
4-5 May 2006	VPP Frühjahrstagung	Hamburg	Germany
6-10 May 2006	128. INTA Annual Meeting	Toronto	Canada
24-27 May 2006	GRUR Fachtagung	Halle	Germany
7-10 June 2006	ECTA	Warsaw	Poland
12-15 September 2006	Marques	Portomaso	Malta
28-29 September 2006	ITMA Autumn Conference	Newcastle	United Kingdom
4-7 October 2006	PTMG Autumn Conference	Boston	United States
8-12 October 2006	AIPPI	Gothenburg	Sweden
26-27 October 2006	VPP Fachtagung	Bonn	Germany
November	Markenforum	Munich	Germany

**We cordially
invite you to
our stand and
our client
reception at
the 128th annual INTA meeting**



**Thomson CompuMark Stand,
Metro Toronto Convention Centre**

Sunday 7 May	12.30 am - 4.30 pm
Monday 8 May	8.30 am - 4 pm
Tuesday 9 May	8.30 am - 2 pm
Wednesday 10 May	8.30 am - 2 pm

**Thomson CompuMark Client Reception,
'The Docks', Toronto**

Tuesday 9 May	9 pm
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Your order confirmed

In the future Thomson CompuMark can send you a detailed written confirmation of each new order or amendment of a current order. A new modus operandi that you will soon have to deal with in three situations.

1. Did you request or amend a search?

In that case you will receive the confirmation immediately accompanied by a statement of the charges on the same working day as your request.

2. Did you request or amend a watch?

In that case you will receive, as usual, a written confirmation stating all the relevant details.

3. Is there a current watch on annual renewal?

In that case you will receive, as usual, our letter of renewal. However, this letter of renewal will now also indicate renewal costs for the watches.



This transparent approach not only accommodates the wishes of many customers but also those of the Sarbanes-Oxley Act in the United States.

Thomson CompuMark happens to be part of the Thomson Group quoted on the Stock Exchange in the United States.

If you have any questions, please do not hesitate to contact our Customer Support Department.

What is the Sarbanes-Oxley Act?

The Sarbanes-Oxley Act of 2002, a US act sometimes referred to as SOX, was a legislative attempt to respond to the accounting scandal caused by the recent fall of some publicly held companies in the US and the perceived excesses of the management of some other companies. Sarbanes Oxley requires compliance with a comprehensive reform of basic corporate accounting procedures. The aim is to promote and improve public confidence in the quality and transparency of financial reporting. The reforms apply to both internal and external auditors.

'The necessity of verifying the availability of a trademark before launching'

by Pierre de Boisse

As regular as clockwork the media report on the imitation of brand products by foreign - mainly Asian - manufacturers. European companies are probably barely able to comprehend that according to the letter of the law under certain circumstances they, too, can be equally big "fakers".

Of course, contrary to the forms of imitation that are being sued by the Customs Department, this is a matter of non-intentional imitation. That does not, however, detract from the fact that the consequences may be as serious as in the event of intentional copying.

Experience teaches us that many of today's economic players neglect to check whether or not a brand is available before they begin to use it on the market. In other words, they consider it unnecessary to make certain that the word or image of their choice is free of any exclusive rights.

European applicants restrict themselves to a simple search in a database or even with the administration without enlisting any expert advice or recommendations. Unfortunately, that kind of search is often nowhere near sufficient for setting up shop with a new trademark. Legal doctrine and jurisprudence unanimously agree that concealed reproduction of a registered trademark (intentional or not) or a simple adaptation thereof likely to cause confusion is to be considered an imitation to the same extent as would be a deliberate servile copy.

It is therefore absolutely necessary that any preliminary search should take account not only of the brand identities but also of marks that are in any way phonetically, visually and intellectually similar. It is thus recommended to conduct

a thorough search on each mark that may be relevant by reason of its similarity with the chosen brand, its distinctive character, the activity to which reference is made or the activity of the owner.

This is a delicate and intricate undertaking that should be entrusted only to specialists with extensive practical knowledge if it is to be seen through to a successful conclusion. Undeniably, availability searches are complex assignments: if certain rules are not respected, companies may unwittingly commit a criminal offence, with all civil liability consequences this entails.

This text gives the personal view of the author.

Pierre de Boisse is Industrial Property consultant at Novagraaf France. You can contact him at pierre.deboisse@novagraaf.fr.

Would you like to comment on this article or write an article of your own? Just send an e-mail to compumark.questionmarks@thomson.com.

Question Marks is the newsletter of Thomson CompuMark Europe, Middle East & Africa and is published three times a year.

You can also find this newsletter on our website at <http://compumark.thomson.com>

Editors

Sint-Pietersvliet 7, 2000 Antwerp, Belgium

Tel + 32 3 220 72 11, Fax + 32 3 220 73 90, compumark.questionmarks@thomson.com

Would you like to write an article?

If so, please contact **Ringo Van Oost**.

Do you have a question about our services?

Call our **Customer Support Department**.

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How well-known are Belgian trademarks internationally?

Place the corresponding Belgian trademark beside each image and try your luck. You can win a pack of splendid old-fashioned 'advocaat' (egg nog) from 'Den Ouden Advokaat' ('The Old Lawyer').



A



B



C



D



E



F



G

ANSWERS TO THE PREVIOUS QUIZ

Where and when did it happen? If you placed the correct year beside the correct city with the right brief description you obtained the following combinations:

Paris	1883	Industrial Property
Madrid	1891	International TM (Agreement)
The Hague	1925	International Industrial Designs
Nice	1957	Int. Classification for TM
Lisbon	1958	Appellations of Origin
Locarno	1968	Int. Classification for Industrial Designs
Vienna	1973	Device Marks
Madrid	1989	International TM (Protocol)

The following five readers sent us the correct answer and will soon be hitting a hole-in-one with their golf practice set:

- Mr Häüer - Intermark B.V. - Niederlande
- Mr Venetz - Nestlé Group IP - die Schweiz
- Ms Kjendlie - Nycomed - Norwegen
- Ms Rascon Garcia - Ungria S.A. - Spanien
- Ms Ferrari - Simões, Garcia, Corte-Real & Associados - Portugal

> Send your answer to compumark.questionmarks@thomson.com or fax it to + 32 3 220 73 90

 Ms

 Mr

NAME: _____

COMPANY: _____

ADDRESS: _____

COUNTRY: _____