

State Office for Inventions and
Trademarks

Board of Cancellations

Cause no 15/2023

To: Shenzhen Welixun Electronics
Co.,LTD

B Area, 3F, Building C15, Fuyuan
Industrial Park, NO.598, Zhoushi Road,
Jiuwei Community, Hangcheng Street,
Bao'an Dist., Shenzhen, 518000
Guangdong (CN)

Ref: International Trademark IR 1680415 „HOGUO”, designated country Romania

In reference to address number OSIM 1051351/17.10.2023, by which you were informed that an invalidation request has been registered by **HUGO BOSS Trade Mark Management GmbH & Co. KG, located in Dieselstr. 12, Metzingen 72555, Germany** with the Board of Cancellation at the State Office for Inventions and Trademarks, Romania, in regards to international trademark no. **1680415 HOGUO**, we are writing again to you inform you of the following aspects:

According to art. 56 paragraph (1) point a) and b) from Law no.84/1998 on Trademark and Geographical Indications: *„the revocation of a trademark registration may be requested at any point during the trademark's protection period by any interested person, for any of the following reasons:*

art. 6 para. (1) b) *„if, for reasons of identity or similarity in relation to the previous trademark and for reasons of identity or similarity of the products or services that the two marks designate, a risk of confusion may be created in the public's perception, including the risk of association with the previous trademark.*

(2) In the sense of paragraph (1), earlier trademarks are:

a) European Union trademarks, trademarks registered in Romania or trademarks registered on the basis of international agreements having effect in Romania, whose filing date is prior to the filing date of the trademark registration application or, as the case may be, of the invoked priority right;

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art. 6 paragraph (3) lit. a) „a trademark is also refused registration or, if registered, liable to cancellation if:

a) is identical or similar in relation to a previous trademark registered in Romania, or in the European Union, in the sense of the provisions of para. (2), regardless of whether the products or services for which it is requested or registered are identical, similar or not similar to those for which the earlier trademark is registered, when the earlier trademark enjoys a reputation in Romania, or, in the case of the trademark of the European Union, enjoys a reputation in the European Union and if the use of the later mark would lead without justified reason to obtaining undue benefits from the distinctive character or reputation of the earlier mark or would prejudice them;”

The plaintiff owns the EU registered trademark 18710015 HUGO registered on 15/10/2022 for goods and services from classes 9, 35, 41 and 42.

We inform you that in accordance with Romanian law as stated in art.6 (2) provisions from the Regulation for implementing the Trademark Law (the Government Decision no.1134/2010):

“If the applicant, holder or any concerned person is not represented by an attorney/authorized representative and does not reside or has not registered any effective and functional industrial or commercial entity, within the territory of Romania, must find a correspondence address in Romania, that has to be notified to the Romanian State Office for Inventions and Trademarks, in order to conduct any kind of proceedings before the institution...”. Also according to **art. 61⁶ (2) in conjunction with art. 15 paragraph (2) of Law no. 84/1998 regarding trademarks and geographical indications: “If the applicant, holder of a trademark or any concerned person does not reside or has not registered any effective and functional industrial or commercial entity, within the territory of EU or EES, it is mandatory to be represented by an authorized representative “.**

The proceedings in front of the Board **are conducted solely in the Romanian language.**

Therefore, please **appoint a Romanian/ European Union trademark attorney (authorized representative) to represent you before the Romanian State Office for Inventions and Trademarks's Board of Cancellations in 30 days from the date you receive this letter.**

If an authorized representative is not appointed in due time, the Board of Cancellations will proceed to make a decision regarding the trademark in question without any further notice towards you.

The following hearing for the invalidation proceedings in front of the Cancellations Board has been set for 12.06.2024.

Please find attached the previous notices sent by the Board of Cancellations.

Future correspondence can be conducted by e-mail also, at registratura@osim.gov.ro or anulari-decaderi@osim.gov.ro .

For any further enquiries or clarifications regarding the revocation procedure you can contact us at anulari-decaderi@osim.gov.ro .

Secretary of the Board of Cancellations

Alina BUMBĂNAC

