

Thomas Kruse Lie - Patrade A/S

Fra: Thomas Kruse Lie - Patrade A/S
Sendt: 15. februar 2018 17:19
Til: pgo@njordlaw.com
Cc: Lisbeth Kortegaard Ekström - Patrade A/S
Emne: VI: VI: Oppositions against CRUZ <fig> on behalf of NHS, Inc. based on various SANTA CRUZ-registrations [Our ref.: V13405EU002/TKL and V13405NO01/TKL]

Applicant: Sports Group Denmark A/S
Application No.: 016241861 and 201705834
Country: EU and Norway
Classes: 09, 18, 25, 28, 35
Trade mark: Opposition against CRUZ on behalf of NHS, Inc. based on various SANTA CRUZ-registrations

Dear Peter

It has been a while since you had discussions with my former colleague, Klaus, regarding the abovementioned opposition in the EU.

I notice that we almost reached a settlement, but that my client declined to exclude and refrain to use the applied mark in regards to the goods contained in class 28.

After having reviewed the matter, including your extensive observations as filed with the EUIPO and Norwegian PTO, I, respectfully, see no reason for our client's to conflict about the subject matter and I believe it to be possible to coexist, especially taking into consideration the mark's differences and the actual differences between our client's goods and services.

As you may have noted, I have filed a formal request for proof of use at the EUIPO – My reason for doing so, is that the vast majority of the submitted material, in my opinion, is insufficient to prove genuine use, as it fails to serve as solid and objective evidence of effective and sufficient use of the trade mark on the market, hereunder that it fails to prove the correlation between the place, time, extent and nature of use of the opposing trade mark for the registered goods.

Furthermore, it is my client's general observation, that your client's marks cannot be considered well-known in the markets, neither in the EU or in Norway – After having reviewed the material, it is clear to me that none of the material is sufficient to establish the status of a well-known trademark. I note that the Opposition Division, just last year, has reached the exact same conclusion whereto they found that CRUZADE was not confusingly similar with your client's marks.

I see no significant reasons as to why this and the Norwegian opposition should reach any other outcome.

Moving forward

There is no doubt in my mind, that this matter is important to you and your client – As you are probably aware by now, my client is equally interested in continuing with what in our opinion, is perfectly legal use, and we are therefore instructed to defend their position in every possible way.

Although it seems like we must agree to disagree on the merits of the case, I imagine it to be possible to put all the proceedings to rest and reach an amicable agreement that would be in the interest of both parties.

In the interest of someone having to take the first step, you may note that my client is willing to reconsider your claim regarding class 28, as a gesture of good faith.

Please let me know, if you have other worthwhile suggestions or terms on which your client would feel comfortable to tolerate co-existence, and I will relay them to my client.

I look forward to hearing from you, please do not hesitate to ask, should you have any follow up-questions before relaying the above to your client.

Med venlig hilsen | Yours sincerely

Patrade A/S

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Fra: Mette Christensen - Patrade A/S

Sendt: 18. maj 2017 13:12

Til: trademarks@njordlaw.com

Cc: Klaus Kristensen - Patrade A/S

Emne: SV: AR: VS: 400583-036 Your ref.: V13405EU01 Opposition against EUTM 16241861 CRUZ (fig) [Vores ref.: V13405EU002/KKR]

Applicant: Sports Group Denmark A/S

Application No.: 016241861

Country: EU

Classes: 09, 18, 25, 28, 35

Trade mark: Possible opposition against CRUZ on behalf of NHS, Inc. based on EUTM SANTA CRUZ

Dear Pernille

Thank you for your e-mail.

We can confirm receipt of your correspondence.

The matter is having our attention.

Med venlig hilsen | Yours sincerely

Patrade A/S

Mette Christensen
IPR Coordinator

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Fra: trademarks@njordlaw.com [<mailto:trademarks@njordlaw.com>]

Sendt: 17. maj 2017 10:54

Til: Klaus Kristensen - Patrade A/S

Cc: Laila Haaning Olsen - Patrade A/S; Peter Gustav Olson; trademarks@njordlaw.com

Emne: 400583-036 Your ref.: V13405EU01 Opposition against EUTM 16241861 CRUZ (fig) [Vores ref.: V13405EU002/KKR]

Prioritet: Høj

NJORD ref.: 400583-036

Patrade ref.: V13405EU01

EUIPO Opposition ref.: B 2888181

Dear Mr. Kristensen,

We refer to previous correspondence in the above matter. It does not appear from our file that we have received a confirmation that you have received our communication below. We are looking forward to receiving your prompt response.

Med venlig hilsen / Best regards

Pernille Larsen

IP Paralegal

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NJORD
LAW FIRM

Professional skills are our foundation. Business understanding our force. Flexibility is part of our DNA.



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From: trademarks@njordlaw.com

Sent: 9. maj 2017 19:19

To: 'Klaus Kristensen - Patrade A/S'

Cc: Laila Haaning Olsen - Patrade A/S ; trademarks@njordlaw.com; Peter Gustav Olson

Subject: 400583-036 Your ref.: V13405EU01 Opposition against EUTM 16241861 CRUZ (fig) [Vores ref.: V13405EU002/KKR]

Importance: High