

# ABCOR's ABChronicle

## Trademarks

### FIFA left empty handed

At major sports events such as the European Football Championships and the Olympic Games, the population of the Netherlands stands firmly behind the Dutch team. Naturally, official organizers will do anything in their power in order to prevent free-riders.

FIFA has its trademarks registered in Europe to prevent hooked advertising. However, how strong are these rights? Well, not very solid, as it turns out. This summer the European authorities rejected trademarks for the World Cup in Germany. According to the Board, the trademark 'WORLD CUP GERMANY' is a purely descriptive term, which ensures possibilities for the future.



### Olympics – solid brand

Mona introduces a new dessert every month. For example, during the European Championships the 'Light EC Dessert' was introduced. The same goes for 'Olympic Dessert', in August



Mona Light EC dessert



Mona Olympic dessert

The NOC\*NSF could not appreciate free-riding. Merely official sponsors may develop activities related to the Olympic Games. To protect its rights, not only is the logo with the rings protected, but the NOC\*NSF also had the trademark "OLYMPIC" registered. Mona decided to take the plunge and introduced the dessert of the month September one month earlier.



The same happened to Kees 't Hart with his booklet 'Olympic Chinese', made for athletes and supporters.

'Olympic' was not allowed, nor was his joke including the five rings. Therefore, a new cover had to be created and it became 'Indispensably Chinese'.

### Parody of police logo authorized

Joking about the police can cost you dearly. In January of this year, a 16-year-old girl was fined for wearing the image of a man urinating on the police logo on her coat. This constituted infringement of trademark- and copyright law, after the police felt offended and confiscated the coat.

A similar situation ensued in August. A man from Naarden was fined 100 euros in connection with a similar sticker on his rear car window, but refused to pay it. The police judge himself, however, proved that the police still have a sense of humor by stating that the sticker is an enactment of freedom of speech, other than an infringement. Result: no fine and the sticker may stay put.



## Slogans

### Auping now sleeps better too

Both Auping and Phi-ton sell beds and mattresses. Phi-ton advertises with the slogan "you've never slept this well" and "the highest comfort for all ages". Auping advertises with the slogan "no bed ventilates better" (the commercial in which 1200 liters of water falls on the mattress).



Upon which, Phi-ton demanded a ban based on misleading advertising. Nonsense, according to the judge, stating that the average consumer understands the exaggeration. According to the judge, a claim like this constitutes a prime example of 'the pot calling the kettle black'. A little exaggeration is accepted in advertising, especially if you can back the claims up with research.

### Slogan in no-time ingeschreven

In the context of pitches and new campaigns, the Society for Advertising has developed an emergency procedure. Following this



procedure, certainty can be obtained in advance as to whether the slogan will be accepted by the SFA. A decision will be given within four days.

## Designs

### Roaring lions protected

Lions and the color orange are symbols which a majority of people associate with Dutch athletes. Elements that can be freely used by anyone.



European design registration roaring shirt no 900857-1

One of the most successful promotions during the European Championships was Blokker's howler shirt. It is nice to be associated, but you surely must prevent someone else from taking off with your idea. For that reason, Blokker had the shirt registered as a European model in March, to prevent others from taking advantage of it.

## Copyrights

### Tintin gay or not?

The sex life of Tintin has occupied many people for years. After his earlier exploits, this time Tintin is making love to men in Spain.



In El Lota Rosa (The Pink Lotus, a parody of The Blue Lotus) Tintin comes out of the closet during his midlife crisis. Parody or not, Moulinsart (the company that owns the rights to all Tintin products) could not appreciate it and immediately had the album banned. The question remains, what will Tintin choose to do next?

### SAPPH gets a spanking

Leo de Deugd is the creator of brilliant photos in SAPPH's lingerie advertising campaign.



There is always something to do surrounding contracts and this situation was no different. The photographer claims that additional work had been delivered, given the fact that the photos had been

Abcor BV, merkgenachte met een marketing,

edited (cropped) and used for other purposes than agreed upon beforehand. SAPPH claimed that it was an all-in price. The court ruled favorably of the photographer. This constitutes an important ruling for freelancers, given that campaigns are often reposted on the Internet. For that reason, it is imminent you have agreements drawn up with the client (fees) recorded in writing in advance.

## Advertising law

### Blondie up to date

After almost 30 years, Blondie still has the ability to spark one's imagination. Therefore, one of her photos fitted perfectly within Cosmopolitan's new 'Tough Women' campaign. The campaign used existing stock



photographs. The rights that are paid for belong to the photographer. However keep in mind that portrait rights are not the same. This is something that Blondie knew too - When she saw herself on a poster after her performance in

Paradise, it was time to square up with the publisher

## Online Adwords and metatags

### Will the European Court of Justice give a decisive answer?

Primakabin sells second hand PORTAKABIN mobile building systems. For promotion purposes, several AdWords were placed at Google, where an ad for PRIMAKABIN appears. PORTAKABIN claims a ban, but the court rejects. The use of the AdWords is not unlawful, because PRIMAKABIN sells a lot of second-hand containers.

Metatags (hidden keywords) and AdWords (visible and paid advertisements) are used to receiving a better position within search engines like Google. The central question remains "when is use permitted"? Case law is divided on this issue. Misusing Meta tags in order to redirect to a competitor's site is not permitted. At this time, a proposal lies before the court requesting a ruling on this matter.



### Abcor BV

Abcor is an IP law firm, located in the Netherlands. Our specialty is consultation with regards to intellectual property matters, trademarks, designs and domain names in particular. Our services include the registration of trademarks and designs, searches, infringements and oppositions.

Suggestions for ABCOR's ABChronicle may be sent to: info@abcor.nl

Sources: Adformatie, BIE, BMM, Boek9.nl, Class46.eu, Domjur.nl, Elsevier, GPD, IER, Nu.nl, OHIM.eu, PCM newspapers, SIDN