

CAMPAGNOLO and F.LLI CAMPAGNOLO not similar
Switzerland - Meisser & Partners AG

Examination/opposition
Geographical indications/appellations of origin
Infringement

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The Swiss Federal Administrative Court has overturned a decision of the Federal Institute of Intellectual Property (IGE) which had affirmed an opposition from Campagnolo SPA based on its trademark CAMPAGNOLO (and design) against the trademark F.LLI CAMPAGNOLO, as the element CAMPAGNOLO was held to be descriptive (Case B-6249/2014, July 25 2016).

Campagnolo SPA was the owner of the following trademark in Class 25 which provides protection in Switzerland, among others:



F.lli Campagnolo subsequently filed the following international trademark in Class 25, also claiming Switzerland:



Campagnolo SPA filed an opposition against this mark on July 30 2012. After the IGE first refused the opposition due to lack of use, it subsequently affirmed it. F.lli Campagnolo appealed this subsequent decision, requesting that the Swiss Federal Administrative Court reject the opposition in its entirety.

After the court affirmed that the trademark had been used in a genuine way, it had to examine whether the trademarks were similar and likely to be confused. In order to do this, it stated that the word '*campagnolo*' is Italian and means 'rural', 'countrified' or 'countryman'. As outdoor and leisure clothing would be worn mainly outside or in the countryside, the term was directly descriptive of the goods in question. Therefore, the scope of protection with regard to clothing would be very limited. Also, the opposed mark contained the further element F.LLI which is an Italian abbreviation, commonly known as 'sons'.

The court concluded that the trademarks, in their graphical representation, were not similar and as the only element in common was descriptive, the marks were not confusingly similar. It therefore overturned the decision of the IGE and rejected the opposition in its entirety.

This decision highlights the importance in Switzerland of considering all four official languages – German, French, Italian and Rhaeto-Romanic. If a word used in a trademark is descriptive in one of those languages, that is sufficient for the mark to be qualified as weak or, even worse, descriptive.

Marco Bundi, Meisser & Partners AG, Landquart

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