



# Distinctive signs

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## Intellectual property



All creation of the human intellect. Intellectual property rights protect the interests of creators by offering them privileges in relation to their creations.

Copyright

Obras literarias, musical, dramática; danza; pictórica o de dibujo; escultórica y de carácter plástico; caricatura e historieta; arquitectónica; cinematográfica y demás obras audiovisuales; programas de radio y televisión; programas de cómputo; fotográfica; etc.



Industrial property

Distinctive signs: Brands, Commercial Notices (slogans), Commercial

Names, Denominations of Origin.

**Breeder's rights** 

Inventions: Patents, utility models, industrial designs, integrated

circuits, industrial secrets.





Protección contra la competencia desleal



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# Authority in charge of the administration of the Industrial Property system in Mexico.

## **Division division of brands**

Authority in charge of the processing and granting of distinctive signs.

## **Obtaining the right**

Use

Registry

Mixed system



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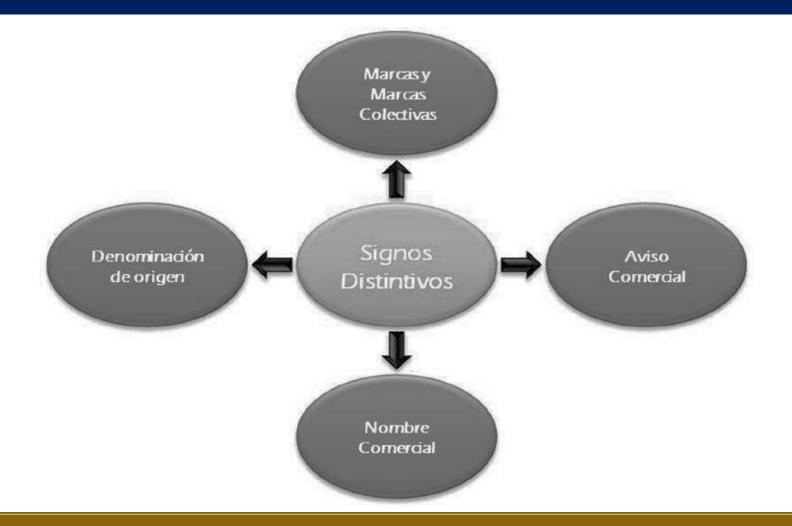
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#### **Brand**

Visible sign that distinguishes products or services from others of the same species or class in the market.





#### **Collective Brand**

Application of associations or societies of producers, manufacturers or service providers legally constituted.

Distinguishes in the market, the products or services of its members regarding the products or services of third parties.

Use reserved to the members of the association or societies, no transfer of rights or license of use.

Use subject to the rules of the association or societies.







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## **Commercial notice (slogan):**

Phrases or sentences that announce commercial, industrial or service establishments or negotiations.





#### Nombre comercial:

Company or industrial, commercial or service establishment.

Geographic area of the effective clientele and extends the whole country x mass dissemination national level thereof.

**Tacos Pedrito** 

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Guatemala

Democratic

Republic

of Congo





## Appellation of origin:

Name of a geographical region of the country serves to designate a product originating from it, and whose quality or characteristic are due exclusively to the geographical environment, including natural and human factors. Valid until the characteristics that gave rise to it subsist.







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## Types of brands

Nominative: identifies a product or service from a denomination; can be made of letters or words and contain orthographic signs that help to correct reading.

**FRISCO** 

**TEMPRA** 

**BONAFONT** 

Figurative or Unnamed: In them there is no phonetic content, and they are represented externally graphically, through a drawing, a logo or a combination of colors. With them an image is protected.









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## Types of brands

Three-dimensional: Protects wrappers, packaging and packaging of products, have volume (height, width and depth).





**Mixed:** Combine words with figurative and / or three-dimensional elements.





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Brand Tridimensional, the only one accepted in Mexico, the LPI does not regulate the protection for :

- Sound,
- Olfactory,
- Of movement,
- Isolated colors,
- Gustative, or
- Gestures.



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## Impediments to registration or publication



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## **Absolute prohibitions**



✓ Contrary to public order, morals and good manners.

Joaquín El Chapo Guzmán EXP. 1121759



#### El Chapo Guzmán, un mito muy real

Dicen que le gusta pasear por el malecór de Mazatlán, un balneario de Sinaloa, al noroeste de México, y comer en exclusivos restaurantes. Otros cuentar que se operó el rostro para lucir más mujer de 18 años de edad.

Autoridades lo han definido como un hombre inteligente, responsable de muchas de las 15,000 muertes ocurridas en el país desde tráfico de drogas.

Es Joaquín Guzmán Loera, "El Chapo", uno de los hombres más buscados en México y



de la batalla que mantiene contra carteles rivales de narcotráfico según reconocen

Pero "El Chapo" es real, como el miedo que inspira. BBC Mundo buscó a periodistas, académicos, empresarios y escritores de Sinaloa, donde nació Guzmán Loera, y ninguno accedió a hablar abiertamente del tema.

"Yo vivo aquí, y en este asunto no puedes tener protección de nada. Es muy poderoso, si dices algo te vas jugando la vida", comentó un empresario

De acuerdo con la agencia antidrogas de EE.UU. (DEA, por sus siglas en inglés), Guzmán Loera es uno de los principales líderes del Cartel de Sinaloa, la organización de tráfico de drogas más fuerte de México con redes en varios países

Impuestos

## "güey".

1. m. Méx. Silly person. U. t. c.

adj.

"Álzalas", ~.

1. loc. interj. *Méx*. U. to address someone who has stumbled.

EXP. 1121759

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## **Absolute prohibitions**



✓ Las denominaciones, figuras o formas tridimensionales animadas o cambiantes.





The image hologram that has been transformed, relocating the light it reflects and placing it in such a way that in the human eye the object that is represented can be seen in different planes at the same time, allowing then to be understood as a three-dimensional image in spite of be made on a two-dimensional support such as paper.



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✓ Technical or commonly used names, ordinary language or have become the usual or generic designation of products or services.



Institute Mexicano for Industrial  Solicitud de:  Chappenous finishersprons on Secretaria de Enames  Registro de Marca Colectiva  Registro de Marca Colectiva  Registro de Marca Colectiva  Registro de Aviso Comercial	Go	pogle jeggins	Ů a
Publicación de Nombre Comercial Selh-Freis» hous de presenter. Ande se Nere la freis hous les transferances generales et messa.  1 SANSO SEL, DEL LOS SOUCHARTE (S)  1 Nembre (SE)  SANSO TEXETI, IQUE TIMELER SANAVI VE TICARET ANORMS SIRRETT  2 Nembre (SE)  Nembre (S		Web Imágenes Videos Libros Más ▼ Herramientas de búsqueda	
3) Commission del primer solicitante, cales número, colono, cologo posast.  Seri Norando Bolaviero Care del Serio Norando Bolaviero Care del Polaviero Care del Serio Norando Bolaviero Care del Serio Serio Serio Care del Serio Se		Cerca de 995,000 resultados (0.36 segundos)  Imágenes de jeggins Notificar imágenes	
VANNEY A LICK GUTTERREZ MANOZ.  18 G OPP.  10 Dominic calls, namers, colonu, cologo possel PASEO DE LA REFORMA No. 1154* PROD. COL. LOMAS DE CHAPULTEREC, C.P. 11000  Photocole y Estable. MEXICO, D.F.  10) Telefron (stew): (1256) 5240-6460  11) Facilitaria; (1256) 5222-1131  12) Email gea@Californospiese con mix			
13) Signo distribrio. JECCINGS 14) Tipo de manue: Nomanifes X Innominada Tridimensional Milita 15) Facila de primer uso: 10) Mes Alo 15) Facila de primer uso: 17) Clase: 2 5 18) Productivi de servicinga (Sión er case de Marca o Aviso Cumercial) Prendas de vestir, calcado, artículos de sombrerería. (Sión er case de Marca o Aviso Cumercial)			
20) Delicación del establicomiserio COMERICAA. Direndelo (parie, numere, colores y cologo posable) Silver filoración fundere Objete Parie.  Parisoción, Estable y trais	13) Signo distintivo: JEGGINGS  14) Tipo de marca: Nominativa X Innominada	Más imágenes de <b>jeggins</b>	
Sphtiams, Cazianep TURICUIA 21) Side en case de Maria Luymotian 5 giuras no reservables. NINCURA.  Adhiera en este espacio la etiqueta del Signo Distintivo solicitado (side en case de marza incumandas, mixtas o tridirensociales)	15) Fecha de primer uso:  Día Mes Año	Jeggins / Leggins / Treggings - ¿ Que son y cómo chicastips.com/jeggins-leggins-treggings-que-son-y-como-combinarlos/ ▼ 5/3/2013 - Leggins, jeggins o treggings, un nuevo tipo de ropa que han tenido un gran	
22) \$60 on case de Marce o Aviso Counerial presentado en el astracijoro. Priordad reclamada. Pais de organ:  Número: Facta de Presentación de la Priordad.	17) Clase:  2 5 18) Producto(s) o servicio(s)  (Sóio en caso de Marca o Aviso Comercial)  Prendas de vestir, calzado, artículos de sombrerería.	éxito en los últimos años. Explicaremos qué son y cómo  Jeggins, una prenda que no te puede faltar   Be Bloggera	
Bajo protesta de deci verdedi. manifesso que los datos asentados en esta solicitud son certos.  LARLOS EFERZO ELA SISERIA		www.bebloggera.com/2011/10/j <b>eggins</b> .html ▼ 25/10/2011 - Al igual que el maquillaje en los <b>jeggins</b> los colores oscuros adelgazan tu figura y los claros no te harán ver "obesa" pero si dejarán ver una	



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## Registration refusal



#### ¿Qué son los jeggins / jeggings y cómo combinarlos?

- Los jeggins son estupendos si os encanta llevar vaqueros o jeans. Éstos son una mezcla entre los leggins de toda la vida y los jeans o pantalones vaqueros. Además, suelen llevar las puntadas de los clásicos jeans. Los jeggins son versátiles, cómodos y elegantes a la vez.
- Sobre cómo combinar los jeggins, simplemente, hazlo como si de unos clásicos pantalones vaqueros se tratase



#### Thesis

Brands, registration of. If a generic word of common use is requested to be registered as a brand, it is not appropriate to grant the exclusive, but if that word or elements of common use are mercado. Alroad bien, el articulo 87 del mismo ordenamento legal establica que el usas de una mercado. Alroad bien, el articulo 87 del mismo ordenamento legal establica que el usas de una mercado. Alroad bien, el articulo 87 del mismo ordenamento legal establica que el usas de una mercado. Alroad bien, el articulo 87 del mismo ordenamento legal establica que el usas de una mercado. Alroad bien, el articulo 87 del mismo ordenamento legal establica que el usas del mismo ordenamento legal establica qu included in a composite brand, among whose elements they are only part of it, it is undoubted that as an integral part of the whole of the brand, such a word can be understood in it and reserved as part of it, but not as a fundamental element and fundamental use of said brand. Administrative protection in revision 2348/49. Bodegas de San Miguel, S. De R.

L. October 7, 1949. Unanimity of four votes. Absent: Manuel Bartlett B. Speaker: Frank Carreño.

Fifth instance period: second room Source: judicial weekly of the federation thesis isolated Subject (s): administrative



CERTIFICADO CON ACUSE DE RECIBO REG. No. 107471

DIRECCIÓN DIVISIONAL DE MARCAS SUBDIRECCIÓN DIVISIONAL DE EXAMEN DE SIGNOS COORDINACIÓN DEPARTAMENTAL DE EXAMEN DE MARCAS EM: 1042678 JEGGINGS

ASUNTO: Se niega el registro de marca que se indica

México, D.F., a 26 de octubre de 2010.

CARLOS PEREZ DE LA SIERRA APODERADO DE SANKO TEKSTIL ISLETMELERI SANAYI VE TICARET ANONIM SIRKETI PASEO DE LA REFORMA # 115, PISO 8 COL. LOMAS DE CHAPULTEPEC C.P. 11000, MÉXICO, D.F.

Después de analizar los argumentos vertidos en el escrito de contestación de referencia, respecto del impedimento legal citado por la Autoridad en el oficio de fecha 08 de diciembre de 2009, al cual correspondió el código de barras 20090570648, se procede a emitir la resolución correspondiente, conforme a las siguientes:

#### CONSIDERACIONES

PRIMERA.- El presente acto se emite con fundamento en lo que al efecto disponen los artículos 1º, 2º fracción V, 6º fracción III, 87, 88, 89 fracción I, 90 fracciones II, IV y XIV, 122 y 125 segundo párrafo de la Ley de la Propiedad Industrial.

SEGUNDA.- De acuerdo con el artículo 88 de la Ley de la Propiedad Industrial, una marca es todo signo visible capaz de distinguir productos o servicios de otros de su misma especie o clase en el marca solo se obtiene mediante su registro en este Instituto.

En relación con lo anterior, es importante mencionar que la Ley de la Propiedad Industrial establece diversos supuestos para objetar un registro y en consecuencia negarlo, siendo que el signo propuesto a registro incurre en los contemplados en las fracciones II, IV y XIV del artículo 90 de la Ley de la Propiedad Industrial que a la letra señalan:





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Republic of Congo Taiwan





✓ The three-dimensional forms that are public domain, lack originality, usual form or imposed by nature





	Productos y servicios				
Clase	Tipo de clase	Descripción			
32	8	CERVEZAS; AGUAS MINERALES Y GASEOSAS, Y OTRAS BEBIDAS NO ALCOHOLICAS; BEBIDAS DE FRUTAS Y JUGOS DE FRUTAS; JARABES Y OTRAS PREPARACIONES PARA HACER BEBIDAS.			

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## Common use



## Brand proposal to registration



	Productos y servicios				
Clase	Tipo de clase	Descripción			
32	8	CERVEZAS; AGUAS MINERALES Y GASEOSAS, Y OTRAS BEBIDAS NO ALCOHOLICAS; BEBIDAS DE FRUTAS Y JUGOS DE FRUTAS; JARABES Y OTRAS PREPARACIONES PARA HACER BEBIDAS.			

## Registration refusal



RANULFO JIMENEZ GOMEZ APODERADO DE CCM IP, S.A. (CCM IP AG) (CCM IP LTD) MONTE IRAZU # 159 COL. LOMAS DE CHAPULTEPEC C.P. 11000, MEXICO, D.F.

Después de haber amilizado los argumentos vertidos en el escrito de contestación indicado a 0, respecto del impedimento legal citado por la Autorisada en ol folicio de techa 22 de julio de 2005, al correspondió el código de barras 20050289116 se procede a emitir la resolución correspondiente, orme a las siguientes:

#### CONSIDERACIONES

PRIMERA - El presente acto se emite con fundamento en lo que al efecto disponen los artículos 1º, 2º fracción V, 6º fracción III, 87, 88, 89, 90 fracción III, 122 y 125 segundo párrafo de la Ley de la Propiedad Industrial 53 de su Reglamento.

SEGUNDA. - De acuerdo con el artículo 88 de la Ley de la Propiedad Industrial, una marca es odo signo viable capaz de distinguir productos o servicios de otros de su misma especie o clase en el enercado. Anno sine, el artículo 57 del mismo ordenamiento legal establece que el uso exclusivo de una larca solo se obliene mediante su registro en este Instituto.

En relación con lo anterior, es importante mencionar que la Ley de la Propiedad Industrial contempla los diversos supuestos para objetar un registro y en consecuencia regario, uno de ollos ses en el que incurre el signo propuesto a registro en el expediente que al rubro se indica, es el contemplado en la fracción III, del artículo 80 de la Ley de la Propiedad Industrial, misma que a la fuer-contemplado en la fracción III, del artículo 80 de la Ley de la Propiedad Industrial, misma que a la fuer-





## Thesis

MARKS. THE UTILITY AND FUNCTIONAL ELEMENTS OF THREE-DIMENSIONAL CONTAINERS ARE NOT RECORDABLE IF THEY HAVE DISTINCTIVENESS AND DO NOT IDENTIFY THOSE WHO PRODUCE THEM. According to article 90, section III, of the Industrial Property Law, a three-dimensional form must have a distinctive character and originality, justifying reason and sine qua non to be registered as a brand, since the mere suitability to obtain a technical result, a functional character and being useful, are common and commonly used aspects that do not justify it, unless their characteristics are unusual, arbitrary or fantasy, as these will allow the consumer to recognize a product by its appearance and link it, distinguish it or associate it with the one who produces it. Therefore, in the case of three-dimensional containers, utilitarian and functional elements are not registrable, since exclusivity rights, monopolies and unjustifiable trade barriers would be generated, since the similar characteristics, such as circular nozzle, smooth surface for labeling or printing and circular base, they fulfill a function of efficiency in the handling and use on the part of the consumers and, in addition, it is the usual or habitual form of those that are commercialized in Mexico, in such a way that its registration is not justified, precisely for lack of distinctiveness and not identify who produces them.

#### FOURTH COURT COLLEGIATE IN ADMINISTRATIVE MATTER OF THE FIRST CIRCUIT.

Direct Amparo 201/2008. The Coca-Cola Company. October 8, 2008. Majority of votes. Dissenter: Patricio González-Loyola Pérez. Speaker: Jean Claude Tron Petit. Secretary: Claudia Patricia Peraza Espinoza.

Registration No. 168095 Location: Ninth Period Instance: Collegiate Circuit Courts Source: Judicial Weekly of the Federation and its

Gazette XXIX, January

2009

Page: 2769 Thesis: I.4o.A.662 A Isolated Thesis

Administrative

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#### Datos del expediente

Número de expediente:: Número de registro: Fecha de presentación:

Fecha de uso: Fecha de concesión: Fecha de vigencia:

Denominación: Clase nacional: Tipo de solicitud:

Tipo de marca: Leyendas y figuras no reservables: 1267161

19/04/2012 12:00:11 PM 12/06/2003

CLEMENTE JACQUES, DISEÑO Y FORMA TRIDIMENSIONAL

MARCA

MIXTA (Denominación y Diseño Tridimensional)
VINAGRE BLANCO DE ALCOHOL DE CAÑA, CONT NET. 500
ML, CÓDIGO DE BARRAS (FIGURA), 7501052475202

Productos y servicios				
Clase	Tipo de clase	Descripción		
0	10	VINAGRE		

Datos del titular		
Nombre:	SABORMEX EUROPA, S.L.	
Dirección:	GRAN VIA NO. 45 6º PLANTA	
Población:	BILBAO VIZCAYA, REINO DE ESPAÑA	
Código postal:		

## Common use











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MARKS. NEGATIVE OF REGISTER OF THREE-DIMENSIONAL **FIGURES.-** Article 90, section III, of the Industrial Property Law, establishes that it is not appropriate to grant the trademark registration with respect to three-dimensional figures that have been made of common use and those that lack originality that distinguish them easily. However, the impediment that the three-dimensional form proposed for registration lacks originality implies that the three-dimensional forms proposed for registration are not sufficiently distinctive of the products to be protected; This is precisely the function of any brand, the former, by virtue of the fact that the brands have as their purpose that any economic agent or producer or merchant, can distinguish products from others of the same class, that is, brands must be considered allow the client universe, a subject with average attention to be able to distinguish the products covered by them. Regarding the impediment of recording a three-dimensional form that has been made of common use, it must be understood in the sense that a three-dimensional form will be of common use when it is not identified in the same element that allows it to be particularized by other employees in relation to it. to the same products. In this tenor of ideas, it is possible to conclude that, in order for a brand to be legally protected, it is required to be able to identify and distinguish the products it intends to protect, that is, the brand is required to have a distinctive efficacy, such that distinctive effectiveness results from the first impression it generates on the consuming public.

Administrative Litigation No. 1374/08-EPI-01-3.- Resolved by the Regional Chamber Specialized in Intellectual Property of the Federal Court of Fiscal and Administrative Justice, on March 3, 2009, by majority vote.- Magistrate Instructor: María Teresa Olmos Jasso.- Secretary: Lic. Jorge Luis Rivera Medel.

MARKS. WHEN THEY ARE PROPOSED IN A MIXED FORM (NAME, DESIGN AND THREE-DIMENSIONAL FORM), AND THIS LAST ELEMENT DOES NOT APPLY INDIVIDUALLY, IN SUCH CIRCUMSTANCE IT PREVENTS REGISTRATION OF THOSE.

From the harmonic interpretation of articles 89, 90, fraction III, 113, fraction II, 122, 125 and 126 of the Industrial Property Law, and 53 of its Regulations, it is concluded that to obtain a trademark registration is granted to the interested party the right to choose the type of brand with which it seeks to protect its products, which may be nominative, unnamed, three-dimensional or mixed; and, in the event that it submits a mixed brand to registration in which the three-dimensional form as an integrating element is not individually recordable in the judgment of the authority, such circumstance prevents its registration, because in the proposal of the interested party of a mixed brand the three-dimensional element must be examined separately before the rest that integrate it.

Contradiction of thesis 471/2009. Among those supported by the Collegiate Courts Ninth and Seventeenth, both in Administrative Matters of the First Circuit. March 3, 2010. Majority of three votes. Dissidents: Sergio A. Valls Hernández and Sergio Salvador Aguirre Anguiano. Speaker: Sergio A. Valls Hernández. Secretary: Miguel Ángel Antemate Chigo.

Thesis of jurisprudence 41/2010. Approved by the Second Chamber of this High Court, in private session on March twenty-two, two thousand and ten.

Register No. 164755 Location:

Ninth Period

Instance: Second Room Source: Judicial Weekly of the Federation and its Gazette XXXI, April 2010

Page: 430

Thesis: 2a./J. 41/2010

Administrative

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## Examples of what is registrable

#### Datos del expediente

Número de expediente:: Número de registro:

243716 511569

22/09/1995 12:50:00 PM

Fecha de presentación: Fecha de uso: Fecha de concesión:

29/11/1995 22/09/2015

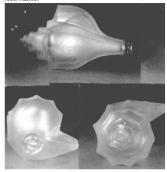
Fecha de vigencia: Denominación:

S/D (TRIDIMENSIONAL)

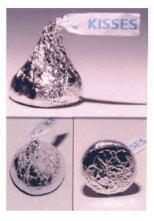
Clase nacional: Tipo de solicitud: Tipo de marca:

MARCA MIXTA

Leyendas y figuras no reservables:



Productos y servicios				
Clase Tipo de clase Descripción				
3		PERFUME. EAU DE PERFUM (AGUA DE PERFUME). COLONIA. LOCION, AGUA DE COLONIA. ESBOCIAGOS DE PERFUME, LOCION AROMANTE (EAU DE TOILLETTE). LOCION AFTER SHAVE. ACEITE PARA PERFUMES, AGUAS PERFUMADAS, AROMATIZANTES O AROMAS (ACEITES ESENCIALES). DELINEADOR, MAQUILLAJE. LIQUIDO. MAQUILLAJE. EN POLVO. ACEITES DE USO. COSMETICO. SOMBRIAS PARA PARPADOS, ESMALTE. O BARNIZ DE UNAS, GUITA ÉSMALTE. CREMA DE USO. COSMETICO, SOS HAMPOO, JABON. BRONCEADOR. CREMA PARA LA PIEL. DESODORANTE, CREMA PARA AFEITAR, Y EN GENERAL TODO TIPO DE PERFUMERIA Y COSMETICO.		



Productos y servicios					
Clase Tipo de clase Descripción					
30	L	CAFE, TE CACAO, AZUCAR, ARROZ, TAPIOCA, SAGU, SUCEDANEOS DEL CAFE, HARINAS Y PREPARACIONES HECHAS DE CRERALES, PAN. PASTELERIA Y CONFITERIA, HELADOS COMESTIBLES; MIEL, JARABE DE MELAZA, LEVADURA, POLVOS PARA ESPONJAR, SAL, MOSTAZA-VINAGRE, SALSAS (CONDIMENTOS); ESPECIAS; HIELO; ESPECIALMENTE CHOCOLATES Y DULCES (CONFITERIA).			





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✓ Descriptive or indicative in the designation of the species, quality, quantity, composition, destination, value, place of origin of the products or the time of production.

### Descriptive of the species







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## Descriptive of the quality

1232228

#### Datos del expediente

Número de expediente:: Número de registro:

Fecha de presentación: 02/12/2011 01:19:03 PM

Fecha de uso: Fecha de concesión: Fecha de vigencia: Denominación:

CHATARRA Clase nacional: MARCA Tipo de solicitud: NOMINATIVA

Tipo de clase

Leyendas y figuras no reservables:

Clase

	Productos y servicios
e	Descripción
	CAFE, TE, CACAO, AZUCAR, ARROZ, TAPIOCA, SAGU, SUCEDANEOS DEL CAFE; HARINAS Y PREPARACIONES A BASE DE CERÉALES, PAN, PRODUCTOS DE PASTELERIA Y DE CONFITERIA, HELADOS; MIEL, JARABE DE MELAZA; LEVADURA, POLVOS DE HORNEAR; SAL, MOSTAZA; VINAGRE, SALSAS (CONDIMENTOS); ESPECIAS; HIELO.



SCRAP: Mex. and Ur. U. in apposition to indicate that what is designated by the noun to which it is postponed is of very low quality. Junk food. According to the information provided by the online dictionary of the Royal Academy of the Spanish Language www.rae.com.

In this situation, the proposed sign SCRAP, has that the food products that are intended to protect, are of very low quality, that is, that is junk food.

To reinforce the above, it is appropriate to quote the following information obtained from the electronic page http://kidshealth.org/kid/en espanol/palabra/word junk food esp.html

The term "junk food" is used to describe foods with a small amount of the nutrients that the body needs and with a high content of fat, sugar and salt, elements that the body can obtain in excess very easily.

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Descriptive of the composition

Exp. A.C. 36883

## Made with whole grains

To announce the following products of Class 30 International: COFFEE, TEA, COCOA, SUGAR, RICE, TAPIOCA, SAGU, SUCEDANEOS DEL CAFÉ; FLOURS AND PREPARATIONS MADE OF CEREALS, BREAD, PASTRY AND CONFECTIONERY, EDIBLE ICE CREAMS; HONEY, MELAZA SYRUP; YEAST, POWDERS FOR SPONGE; SALT, MUSTARD; VINEGAR, SAUCES (CONDIMENTS); SPICES; ICE.

Applicant: GRUPO BIMBO, S.A. DE C.V.



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## Descriptive of the place of origin of the products

Exp. A.C. 46920

Exp. Reg. Mca: 1055740



Class 35: commercialization, purchase and sale of any merchandise (commercial intermediary) in different buildings (stores or premises).

#### All at the same price at only \$ 12.50

Class 35, such as advertising services; business direction; business Administration; Office work; including marketing services provided through department stores and self-service stores, in relation to the following products: clothing, footwear, headgear, whites, sporting goods, cosmetics, perfumery, jewelry, watchmaking, lenses, smokers' articles, cigars, confectionery, chocolates, pharmacists, etc.



Nicaragua

Paraguay

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## Three-dimensional



A. Sixth Period. Year II. No. 22. October 2009. p. 267

#### Datos del expediente

Número de expediente:: Número de registro: Fecha de presentación:

09/01/2009 01:46:10 PM

Fecha de uso: Fecha de concesión: Fecha de vigencia:

Denominación: Clase nacional:

MARCA Tipo de solicitud:

Tipo de marca: Leyendas y figuras no reservables: TRIDIMENSIONAL



Productos y servicios				
Clase Tipo de clase Descripción				
18	9	CUERO E IMITACIONES DE CUERO, Y PRODUCTOS HECHOS DE ESTOS MATERIALES NO COMPRENDIDOS EN OTRAS CLASES; PIELES DE ANIMALES; BAULES Y MALETAS; PARAGUAS, SOMBRILLAS Y BASTONES. LATIGOS, ARNESES Y TALABARTERIA.		

Datos del titular		
Nombre: HERMES INTERNATIONAL		
Dirección:	24, RUE DU FAUBOURG SAINT HONORÉ	



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#### **EVOCATIVE MARKS.- DEFINITION.-**

Evocative brands are those that derive from the word "evoke" and that involve bringing a thing to memory or imagination, however, this is not synonymous with the term describe, which refers to the detailed and detailed representation of parts of a thing. In such a way that the evocative brands are the denominations and / or visible figures formed in an arbitrary way that awaken the idea of the product or suggest its nature or utility, and that are related in a remote or indirect way with the merchandise, however, they do not lead directly and immediately to a characteristic of the product or service, because they designate or describe a quality or secondary or accidental element of these. Consequently, in the case of evocative brands, the consumer is required, in order to understand what product or service the brand covers, to make use of imagination and understanding, generating a deductive process between the brand and the product or service; it is for this reason that the evocative signs are recordable, because they do not comply with the requirement of descriptiveness provided for in Article 90, section IV, of the Industrial Property Law. (40)

Administrative Litigation No. 1826/08-EPI-01-4.- Resolved by the Regional Chamber Specialized in Intellectual Property of the Federal Court of Fiscal and Administrative Justice, June 30, 2009.- Thesis: unanimously voted .- Judgment: by majority vote.- Magistrada Instructor: Luz María Anaya Domínguez.- Secretary: Lic. Denisse Juárez Herrera. //R.T.F.J.F.A. Sixth Time Year II. No. 24. December 2009. p. 261

#### Datos del expediente

Número de expediente:: Número de registro: Fecha de presentación: Fecha de uso: 318416 742207 19/12/1997 01:37:00 PM

Fecha de concesión: Fecha de vigencia: Denominación:

09/04/2002 19/12/2017 DURACELL

Clase nacional:
Tipo de solicitud:
Tipo de marca:

MARCA

Leyendas y figuras no

MIXTA FIGURA DE LA PILA







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of Congo





## ✓ Letters, digits or colors isolated.

Instituto Mexicano de la Propiedad Pindustriat	0				
SOLICITUD DE REGISTRO O PUBLICACIÓN DE (Antes de lienar el formato, alivase leer las consideraciones qu	: SIG'				
Por la presente se solicita: (Marque sólo una opción)  (Marque sólo una opción)  Delegaciones y Subdelegaciones Fecde la Secretaria de Economia	Instituto Mexicano de la Propiedad Industrial				
🗷 Registro de Marca	Expediente: 1217396 Folio: Ø184Ø6Ø FECHA:05/10/2011 HORA:13.50				
Registro de Marca Colectiva	FECHA: 05/10/2011 HORA: 13.50				
Registro de Aviso Comercial	Clave 783337				
Publicación de Nombre Comercial  Sello, Fecha y hora de presentaciono, de folio de entrada.	ión,				
i. DATOS DEL (DE LOS) SOLICITANTE(S) 01) Nombre (s): SBE LICENSING, LLC					
02) Nacionalidad (es): Estadounidense 03) Domicilio del primer solicitante: (calle, número y colonia): 8000 Beverly Boulevard					
Población y Estado: Los Angeles, California Código postal: 90048 País: E.U.A.					
04) Teléfono (clave).* Co  II. DOMICILIO PARA OÍR Y RECIBIR NOTIFICACIONES					
05) Calle, número y colonia: Hamburgo No. 260, Col. Juárez, C.P. 98600	07) Signo distintivo: S 1	BAR			1
Población y Estado:   México, D.F.	11			<u>====</u>	<u> </u>
07) Signe distintivo: S BAR	08) Tipo de marca:	Nominativa X	Innominada	Tridimensional	Mixta
08) Tipo de marca: Nominativa X Innominada					
09) Fecha de primer uso:  Día Mes Año  No se ha usado:	09) Fecha de primer uso:		No se ha usado:		1
10) Clase: 4 3 11) Productos o servicios, en caso de Marca o Aviso Comercial.  SERVICIOS DE RESTAURANTES Y BAR.	100 - 50 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5	Dia Mes A	ño		1
V	10) Clase: 4 3 1	1) Productos o servicios en ca	aso de Marca o Aviso Comercial	/ Giro preponderante, en cas	to de Nombre Comercial:
12) Ubicación del establecimiento: Domicilio (calle, número y colonia):	10) 0.000.	T) Troudding o derminos, arra	iso de marea e rimos demorda.	, or o proportion on the	
8000 Beverly Boulevard	SERVICIO	S DE RESTAURANTES	Y BAR.		1
Población y Estado: Los Angeles, CA Código postal: 90048 País: E.U.A.					4
13) Leyendas y/o figuras no reservables: (Sólo en caso de Marca)					
					Continúa en anexo
Continúa en anexo	1				
Prioridad reclamada:     (Soto en caso de Marca o Aviso Comercial presentado en el extranjero)	* 1				
Pals (Oficina) de origen: Número: Fecha de Presentación Dia I Mes I Año	1.				
Bajoprotesta de decir verdad, el firmante manifiesta que los datos asentados actuar domo megdatica, suenta son /scultades para tevar a cabo el presente	en esta solicitud son ciertos y que en caso de trámite.				
LIC. MANUEL MARTIN SOTO GUTIERREZ MÉXICO.	, D.F. a 5 de Octubre del 2011				
Nombre y firma del solicitante o su madatario	Lugar y fecha				
Página 1 de 2	imi-1-00-001				



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## Examples of what is registrable





#### TÍTULO DE REGISTRO DE MARCA

ESTADOS UNIDOS DE AMERICA



#### SBE LICENSING, LLC

Nacionalidad Domicilio

ESTADOS UNIDOS DE AMERICA

LOS ANGELES, CA.

8000 BEVERLY BOULEVARD

LOS ANGELES, CA.

1432558

ESTADOS UNIDOS DE AMERICA

Registro Signo distintivo SBAR y Diseño

Clase 43

Se aplica a SERVICIOS DE RESTAURANTES Y BAR.



Expediente 1423070

Fecha de presentación OCT 16, 2013

Clasificación de

4.1.4, 26.4.7, 26.4.14, Elementos Figurativos (7) 26.4.18, 26.4.24, 27.5.4, 27.5.10,

Tipo de Marca

erencia se otorga con fundamento en los artículos 1º, 2º fracción V. 6º fracción III, 125 y 126 de la Ley de la Propiedad Industrial







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## Translation into other languages, capricious orthographic variation or the artificial construction of non-registrable words



## Translation to another language

**EM: 1206525 GOURMET** COOKIES



EM: 1284501 **EASY CREDIT** 

Brand **OLD BRIDGE** Registration 494309 Record of PONTE VECCHIO brand 1295050

#### BRAND. THE AUTHORITY MUST MAKE ITS TRANSLATION TO SPANISH IF THE BRAND PROPOSED TO REGISTER IS A WORD IN

ANOTHER LANGUAGE.- Article 90, Section VI of the Industrial Property Law, states that the translation of words into other languages, among others, will not be registrable as a brand. On the other hand, articles 119 and 122 of the Industrial Property Law provide that, once a brand is received, a registration request will proceed to perform a formal examination and subsequently, a substantive examination in order to verify whether the brand is registrable in terms of the applicable legislation. Given the above, it is clear that to perform the substantive examination in order to verify whether the brand under study updates the registration exception provided in section VI of Article 90 of the Industrial Property Law, the authority is obliged to perform the translation corresponding to Spanish, if this is proposed in another language. (88)

Administrative Litigation No. 1836 / 08- EPI-01-9.- Resolved by the Regional Chamber on Intellectual Property of the Federal Court of Fiscal and Administrative Justice, on March 13, 2009, by majority vote.- Magistrada Instrutora: María Teresa Olmos Jasso.- Secretary: Lic. María del Rosario Maldonado Nava.

//R.T.F.J.F.A. Sixth Time Year II. No. 23. November 2009. p. 340



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## EM: 1226631 PI-KPIEDRAS

Certificado con acuse de Recibo

Mexicano

DIRECCION DIVISIONAL DE MARCAS SUBDIRECCION DIVISIONAL DE EXAMEN DE SIGNOS DISTINTIVOS. COORDINACION DEPARTAMENTAL DE EXAMEN DE MARCAS.

EXPEDIENTE: 1226631 (de marca)

Asunto: Se le comunica impedimento lega México, D. F. a 04 DE ABRIL DE 2012.

RICARDO ERNESTO LARREA SOLTERO

INDIANA # 260, DESP. 1005, COL. CIUDAD DE LOS DEPORTES 03710 MEXICO DE

SIGNO DISTINTIVO: PLKPIFDRAS

Con relación a la solicitud arriba indicada, se le manifiesta que al practicarse el examen correspondiente, se

EL SIGNO PROPUESTO A REGISTRO I DE LA LEY DE LA PROPIEDAD NOMBRE DE LA SERIE DE A HANNA-BARBERA PRODUCT PUBLICO CONSUMIDOR AL O DE DISTINGUIR.

Para que de cumplimiento a lo ant que por trámites y servicios se de reposición de documentación, o omisiones, así como por enmienda contados a partir del día siguiente apercibido que de no contestar de artículos 122 y 122 bis de la Ley de SIGNO DISTINTIVO: PI-KPIEDRAS

Con relación a la solicitud arriba indicada, se le manifiesta que al practicarse el examen correspondiente, se encontró como impedimento:

EL SIGNO PROPUESTO A REGISTRO INCURRE EN LAS PROHIBICIONES PREVISTAS POR EL ART. 90 FRACCIONES VI, XIII Y XIV DE LA LEY DE LA PROPIEDAD INDUSTRIAL, TODA VEZ QUE ES LA VARIACION ORTOGRAFICA CAPRICHOSA DE "PICAPIEDRA", NOMBRE DE LA SERIE DE ANIMACION TITULADA "LOS PICAPIEDRA (EN INGLES THE FLINTSTONES)", CUYA PRODUCTORA ES HANNA-BARBERA PRODUCTIONS, POR LO QUE EN CONSECUENCIA ES SUSCEPTIBLE DE ENGAÑAR O INDUCIR A ERROR AL PUBLICO CONSUMIDOR AL CONSTITUIR FALSAS INDICACIONES RESPECTO A LA NATURALEZA DE LOS SERVICIOS QUE TRATA DE DISTINGUIR.

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## Whimsical spelling variation

**EKOCENTER** EM: 1355308

Capricious variation of the word "EKO", since it is only appreciated that the letter "K" is exchanged for the letter "C" of the word ECO, however, it does not generate that the sign loses its meaning, since it is imperceptible phonetically, and at the moment of pronouncing the proposed EKOCENTER sign, it is that it is listened to and expressly understood as "ECOCENTER", implying that the consuming public will understand the meaning, and therefore, be descriptive of the characteristic of the services that are they intend to protect.

The term ECOCENTRO, is a place where ecological and environmental activities are developed, based on the information provided by the website <a href="http://suenamexico.com/verde-y-social/ecocentros-mexicanos-en-pro-de-un-">http://suenamexico.com/verde-y-social/ecocentros-mexicanos-en-pro-de-un-pro-d mexico-sostenible-las-canadas-ejemplo-vivo-en-veracruz/

EKOCENTER, is not registrable as a brand to distinguish the services that are intended to protect, since it describes that they have the characteristic of being offered in an ECOCENTRO, that is, in a place that is mainly characterized by carrying out ecological activities, as they are precisely SERVICES OF ENVIRONMENTAL RECOVERY, TO KNOW, TREATMENT AND CONSERVATION OF SOIL, TRASH AND WATER that are intended to distinguish.



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## **Judicial Criterion**



BRANDS "CAPRICHOSA ORTHOGRAPHY". MEANING OF THIS NOTION REFERRED TO IN FRACTION V OF ARTICLE 91 OF THE LAW ON INVENTIONS AND MARKS. Article 91, section V, of the Law of Inventions and Brands, prohibits the registration of descriptive names, figures or phrases of the products or services that try to protect themselves with the brand, and adds in the final part of said fraction that "A descriptive denomination will not be considered distinctive because it has a capricious spelling ". It should be understood that a name has capricious spelling, when it has been replaced the letters with which it is written correctly, by others chosen at the discretion of the individual; for example, the one that proposes the name "KESSO", for "CHEESE", to be registered as the brand of dairy products, belonging to class 46 of the official classification, which includes food and its ingredients..

THIRD COURT COLLEGIATE IN ADMINISTRATIVE MATTERS OF THE FIRST CIRCUIT.

Amparo in revision 849/83. Marcelo Chiquiar Arias. August 16, 1983. Unanimity of votes. Speaker: Genaro David Góngora Pimentel.



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a Guatemala
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## The artificial construction of words



EM: 1185876

## **ConcretoPega**

He intended to distinguish the following products of Class 01 International: ADHESIVES FOR COATING TILES, TO KNOW: EMULSION OF HIGH ADHESION FOR CONCRETE, ADHESIVE BETWEEN CONCRETE NEW AND OLD; AND SEALANT FOR SURFACES AND POROUS ELEMENTS (EMULSION OF HIGH ADHESION FOR CONCRETE, WHICH SERVES AS ADHESIVE BETWEEN CONCRETE NEW AND OLD AND FOR SEALING SURFACES AND POROUS ELEMENTS).

The concrete glue is a mixture of resins and special additives of high quality, designed to achieve adhesion of new to old concrete, as well as flexion resistance and duracion in mortars and flattened, avoiding cracks and landslides.

EM: 1222259 SWISSLAB

I intended to distinguish the following services of Class 44 International:

ALL TYPES OF MEDICAL AND LABORATORY SERVICES FOR CLINICAL AND MEDICAL ANALYSIS.



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## Judicial Criterion



MARKS. THOSE CONSTITUTED BY A VOCABLO COMPOSED OF TWO WORDS OF FOREIGN LANGUAGE MUST NOT BE RECORDED.- The spirit of the Industrial Property Law can not be violated by the simple artifice of joining two words of foreign living language, pretending that for that single fact they cease to be words of a foreign language, so the brand consisting of a word of that nature should not be admitted to registration, since it falls within the prohibitions established in section XI of article 105 of the aforementioned law."

#### THIRD COURT COLLEGIATE IN ADMINISTRATIVE MATTERS OF THE FIRST CIRCUIT.

Amparo in revision 476/73. The Rubí, S.A. September 7, 1973. Unanimity of votes. Speaker: Felipe López Contreras.

Genealogy: Report 1973, Third Part, Collegiate Circuit Courts, page 19.

Registration No. 255112 Location: Seventh Period Instance: Collegiate Circuit Courts Source: Judicial

Weekly of the Federation 57 Sixth Part

Page: 37 Isolated

Thesis Subject (s): Administrative



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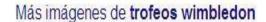
✓ Reproduce or imitate names or graphic representation of decorations, medals, prizes of exhibitions, fairs, congresses, cultural or sporting events, officially recognized.

Exp. Reg. Mca.: 1044863

## WIMBLEDON

Tennis event, officially recognized, in which various prizes are awarded, consisting of money, trophies that may consist of silver cups or trays and are known as prizes or trophies of WIMBLEDON

## Imágenes de trofeos wimbledon



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of Congo

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✓ Geographical names, maps, names, names and adjectives, which indicate the origin or may cause confusion or error.

Exp. Sol. Mca.: 1359766

Clase 33: VINOS.

# **DE MORAVIA**

It is constituted by a geographical name, this corresponds to the name of a region that is located east of the Czech Republic.

The region known as MORAVIA in the Czech Republic is recognized for the production

of wines.





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Nicaragua





✓ Denominations of populations or places that are characterized by the manufacture of certain products, to protect them. Except the names of places of private property, when they are special and unmistakable and you have the consent of the owner;

#### Datos del expediente

Número de expediente::

616431

Número de registro: Fecha de presentación:

27/08/2003 01:11:47 PM

Fecha de uso: Fecha de concesión: Fecha de vigencia:

Denominación: BAVARIA

Clase nacional:

Tipo de solicitud: MARCA
Tipo de marca: NOMINATIVA

Leyendas y figuras no reservables:

	Productos y servicios				
Clase	Tipo de clase	Descripción			
29	8	CARNE, PESCADO, AVES Y CAZA; EXTRACTOS DE CARNE; PRODUCTOS ALIMENTICIOS DE ORIGEN ANIMAL, CARNES FRIAS Y EMBUTIDOS, FRUTAS Y LEGUMBRES EN CONSERVA, HUEVO, LECHE Y PRODUCTOS LACTEOS; ACEITES Y GRASAS COMESTIBLES, CONSERVAS.			

## SIGNO DISTINTIVO: BAVARIA

Con relación a la solicitud arriba indicada, se le manifiesta que al practicarse el examen correspondiente, se encontró como impedimento:

QUE LA DENOMINACION PROPUESTA A REGISTRO, NO ES REGISTRABLE COMO MARCA, YA QUE BAVARIA ES UN ESTADO DE ALEMANIA, RECONOCIDO POR LA PRODUCCION DE CARNE DE BOVINO, AVES Y CERDOS, Y TODA VEZ QUE LA SOLICITANTE PRETENDE AMPARAR ENTRE OTROS LOS PRODUCTOS ANTES MENCIONADOS, INCURRE EN LA PROHIBICIONES PREVISTAS EN EL ART. 90 FRACCS. XI Y XIV DE LA LEY DE LA PROPIEDAD INDUSTRIAL.





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of Congo





#### Clase 33:

VINOS DE FRANCIA ORIGINARIOS DE BORDEAUX Y OTRAS BEBIDAS ALCOHOLICAS A SABER COCTELES PREPARADOS C CON ALCOHOL, VINOS APERITIVOS, **BRANDIES** C ESPIRITUOSAS DE ALTA GRADUACION, COGNAC, IN CORDIALES, LICORES, PONCHE CON ALCOHOL, BEBIDAS ESPIRITUOSAS DESTILADAS, VERMOUTH, VODKA, WHISKY.

EXPEDIENTE: 556788

(de marca)

: Se le comunica impedimento legal.

, D. F., A 15 DE MAYO DE 2003

SIGNO DISTINTIVO: B BORDEAUX y Diseño

Con relación a la solicitud arriba indicada, se le manifiesta que al practicarse el examen correspondiente, se encontró como impedimento:

LA MARCA PROPUESTA A REGISTRO INCURRE EN LA PROHIBICION PREVISTA EL EL ART. 90 FRACC. XI DE LA LEY DE LA PROPIEDAD INDUSTRIAL, POR SER UNA DENOMINACION DE ORIGEN.

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Mexico Bolivia Spain Ecuador Peru

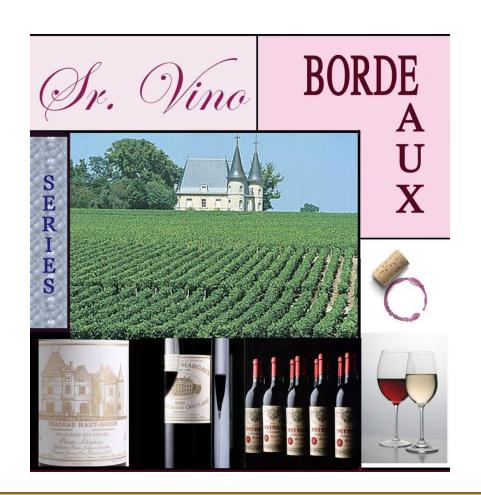
Holdings Colombia Cameroon El Salvador Taiwan

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Nicaragua

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vador Republic
van of Congo





Exp. Sol. Reg. Mca: **1026371** Clase 33: Bebidas Alcohólicas

# De los Reyes Michoacán

Name of the Municipality DE LOS REYES, which is located in the State of MICHOACAN, a place that is characterized by the manufacture of tequila, and precisely because it is the ALCOHOLIC BEVERAGE products that it was intended to protect, and in which it included tequila, it was determined that it was not registrable as a brand.

It is important to point out that the Municipality DE LOS REYES of the State of MICHOACAN, is one of the geographical zones that is expressly included in the General Declaration of Protection of the Tequila Denomination of Origin, as one of the territories of origin that are characterized by the production of the alcoholic beverage of tequila.

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✓ Denominations, figures or three-dimensional forms, susceptible to deceiving the public or misleading, (false indications about the nature, components or qualities of products or services).

#### **EM. 1214294 DOPAMINE**



Class 32 International: BEVERAGES INCLUDED ONLY AND EXCLUSIVELY IN THIS CLASS, SPECIFICALLY ENERGETIC BEVERAGES THAT DO NOT CONTAIN DOPAMINE, SPECIFICALLY EXCLUDING MINERAL AND GASEOUS WATERS, BEVERAGES AND FRUIT JUICES, SYRUPES AND OTHER PREPARATIONS TO MAKE DRINKS, DRIED BEVERAGES, ISOTONIC BEVERAGES AND BEERS.

DOPAMINE VEGAS IN A CAN ULTRA PREMIUM MIXER, is made up of the term in English DOPAMINE, which is a pharmaceutical substance also known as DOPAMINE.

Dopamine is a drug that increases the strength of the contraction of the heart muscle (positive inotropic effect), increases the heart rate and causes dilatation of the renal blood vessels..

According to the definition provided by the electronic page: http://www.plusesmas.com/salud/medicamentos/dopamina/1830.html



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# **Relative prohibitions**



✓ Reproduce or imitate, shields, flags or emblems (Country, State, etc.), denominations, acronyms, symbols or emblems of NGOs int. gub., no gub. or from any org. officially recognized.

EM: 1331903

Instituto Inglaterra PEDES IN TERRA AD SIDERA VISUS

EM: 809309



Emblem and acronyms of the public body National Company of Popular Subsistence.

EM: 1215175



They belonged to the acronym of the government organization of the "Instituto Mexicano de la Televisión"



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✓ Reproduce or imitate official signs or seals of control and guarantee or coins, bank notes, national or foreign commemorative coins.



The refusal of this sign proceeded due to the design of the clear imitation of the official seal of control and guarantee adopted by our country, known as MADE IN MEXICO, which has been adopted by the Mexican Government in order to strengthen the domestic market and national production.

It should be noted that the applicant did not have authorization from the competent authority.



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Brand Registration Application File: 1040432 RAYONFON (AND DESIGN):



In the design of the proposed sign is outlined the figure of a coin, which is the clear imitation of the currency of a peso, this refusal was based on the image of referred currency, which is shown below.





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Names, pseudonyms, signatures and portraits of persons, (interested or, if deceased, in their order, of the spouse, blood relatives in a straight line and by adoption, and collateral, both up to the fourth degree).

#### Datos del expediente

Número de expediente::

Número de registro: Fecha de presentación:

12/02/2004 01:22:13 PM

MAURICIO ISLAS

641657

Fecha de uso: Fecha de concesión: Fecha de vigencia:

Denominación:

Clase nacional:

MARCA Tipo de solicitud:

Tipo de marca: NOMINATIVA

Leyendas y figuras no reservables:

Productos y servicios				
Clase	Tipo de clase	Descripción		
41	8	ACTIVIDADES CULTURALES, SERVICIOS DE INTERPRETACION ARTISTICA, INCLUYENDO SIN LIMITAR PRODUCCIONES, REPRESENTACION, CARACTERIZACION, PERSONIFICACION, ACTUACION, INTERPRETACION, EJECUCION DE PERSONAJES, COLABORACIONES Y PARTICIPACIONES PASIVAS O INTERACTIVAS EN MEDIOS DE COMUNICACION PUBLICA CONVECIONALES O INFORMATICOS.		

Datos del titular			
Nombre:	TELEVISA, S.A. DE C.V.		
Dirección:	VASCO DE QUIROGA # 2000, COL, SANTA FE ZEDEC		

#### BRANDS. CAN NOT CONSTITUTE IT THE NAME OF A PERSON WITHOUT

HIS CONSENT.- Article 90, section XII of the Industrial Property Law, establishes that the names, pseudonyms, signatures and portraits of persons will not be registrable as brand, without the consent of the interested parties or, if they have died, in their order, of the spouse, blood relatives in a straight line and by adoption, and collateral, both up to the fourth degree. Therefore, if a person requests the administrative declaration of nullity of a brand invoking as grounds for nullity that provided for in section I of article 151, in relation to article 90, section XII, both precepts of the aforementioned law, it is sufficient for it to accredit reliably that it is his name that is registered without express authorization, so that the requested nullity is configured. In the case that it is argued as an exception by the owner of the registry marked as null, that the said person is a different one because he officially has a name composed with a surname and does not correspond to the simple name with a surname that is registered, it is sufficient with proof that the name used in public and private events is the latter and that it refers to the same person. (87)

Administrative Litigation Judgment No. 1789/08-EPI-01-8.- Resolved by the Regional Chamber on Intellectual Property of the Federal Court of Fiscal and Administrative Justice, March 19, 2009, by unanimous vote.- Magistrate Instructor: María de los Ángeles Garrido Bello.- Secretary: Lic. Tania Monroy Caudillo.

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# **Pseudonyms**





Exp. Reg. Mca. 1317452 Class 43: Seafood services prepared in all its presentations for consumption.

# ARTURO DURAZO MORENO (El Negro Durazo)

By Los21 on Miércoles, junio 27, 2012

Me gusta A 2 personas les gusta esto. Sé el primero de tus amigos.



Nació en Cumpas, Sonora, México, en el año de 1924, falleció el 5 de agosto del 2000, en Acapulco, Guerrero, México.

Como ya mencione nacido en Sonora, de extracción humilde, su familia emigró a la ciudad de México en busca de mejores oportunidades económicas. Durante su infancia, vivió en la colonia Roma de la ciudad de México.

Ahí conoció y entablo amistad con José López Portillo, se dice que estudiaron en la misma escuela y que juntos tuvieron varias correrías y peleas con otros grupos, después cada uno siguió

Arturo Durazo, salto a la esfera política, gracias a su amistad con José López Portillo, presidente de México de 1976 a 1982, como ya mencionamos amigos desde la infancia, López Portillo lo invito a participar como su guardaespaldas durante su campaña por la presidencia de México.



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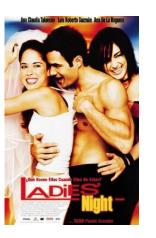
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- ✓ Titles of intellectual or artistic works, periodic publications and diffusions, fictitious or symbolic characters, etc..
- The term TITLE is defined by the Dictionary of the Royal Academy of the Spanish Language as: Del lat. titulus). 1. m. Word or phrase with which the name or subject of a work or of each one of the parts or divisions of a writing is made known.

EM: 1039367 Ladies night



Directed by Gabriela Tagliavini



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EM: 1366320

# El juego de lo posible



Written by François Jacob

EM: 1092420



He imitates the fictitious character known in Spanish as "El hombre araña", and in English as "Spiderman", owned by the company Marvel Characters, INC., Created by the American screenwriter Stan Lee.



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of Congo





# **Relative prohibitions**

✓ Denominations, figures or three-dimensional forms, equal or similar to a brand that the IMPI estimates or has declared well known in Mexico.



✓ Denominations, figures or three-dimensional forms, equal or similar in degree of confusion to a brand that the IMPI estimates or has declared famous, to be applied to any product or service.





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Exp. Sol. Reg. Mca: 1044614

The impediment that gave rise to the refusal to register the sign in question was because it was similar in degree of confusion to a brand notoriously known in Mexico, which is why it was cited as precedence in terms of Article 90, section XVI of the LPI the base register of the notorious brand declaration, as well as in terms of the provisions of fraction XV of the same article and law.

In this order of ideas, it is indicated that, the refusal of the sign BLACK BULL was based on the similarity in degree of confusion with a brand, in its notorious moment, but at the moment of denying it and the famous RED BULL, by resolution of declaration of fame issued on February 19, 2010 in folio 3248 issued by the Departmental Coordination of Resolutions of Brands Notorias of the Divisional Branch of Brands Notorias; Investigation; Control and Processing of Documents of the Divisional Directorate for the Protection of Intellectual Property.



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✓ Brand identical or similar in degree of confusion to another applied to the same or similar products or services.





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Exclusively; coffee, bread, pastry, confectionery, honey, ice cream.

Candies.

Brand record 1230972

**Parras candies** 

BRANDS.- THOSE WHO SHARE A COMMON ELEMENT THAT ARE THE DOMINANT AND OF GREATER SIGNIFICANCE ARE SIMILAR TO THE DEGREE OF CONFUSION.- The Judicial Power of the Federation has established that the similarity between two brands does not depend fundamentally on the different elements that appear in them, but primarily on the set of similar elements that constitute these brands, because this is where the similarity in degree can be appreciated. of confusion, and, secondarily, by the discrepancies that its various details could offer separately; However, if the administrative authority comes to the conclusion of denying the registration of a brand because there is a partial similarity in one of the elements that make up the same with another previously registered, this is valid as long as said element is the dominant one. both denominations and of greater significance, because otherwise it would be before the possibility that the consuming public could believe that both brands come from the same owner or that one is derivation of the other. (80)

Administrative Litigation No. 607/08-EPI-01-2.- Resolved by the Regional Chamber on Intellectual Property of the Federal Court of Fiscal and Administrative Justice, on March 12, 2009, by unanimity of votes.- Magistrada Instrutora: María de los Ángeles Garrido Bello.- Secretary: Lic. Mauricio Alberto Ramírez Mendoza. //R.T.F.J.F.A. Sexta Época. Año II. No. 22. Octubre 2009. p. 284

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Republic
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**Brand** 

**Oxetol** 

**Ocentol** 

registratio

n 979977

Record of brand

1386857

Protect the following Class 5 products:

Medications for the central nervous system.

Preparaciones farmacéuticas para uso humano, excluyendo los medicamentos para el sistema nervioso central.

BRANDS, IMITATION OF. In order to estimate the similarity of two brands, we must assess them together and not consider the elements that make them up in isolation, so that the difference of a single letter between the two is not enough, with greater reason if we take into account that the two apply to medicinal or pharmaceutical products, so that such resemblance can lead to confusion; from which it follows that, to determine if there is an imitation of a brand, it is not appropriate to take as a basis the differences between the brands in question, but the similarities that may cause confusion between them.

Administrative protection in revision 1001/53. Laboratorios Hormona, S.A. 10. July 1953. Unanimity of four votes. Absent: Octavio Mendoza González. Speaker:

Nicéforo Guerrero. Register No. 804429 Location: Fifth Period Instance: Second Room

Source: Judicial Weekly of the CXVII Federation

Page: 21 Isolated Thesis Subject (s): Administrative



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General Health Law and its Regulation of Inputs for Health, which in Article 23 stipulates that a distinctive denomination, must be differentiated orthographically or phonetically from another that is similar to it, at least in three letters of each word, and in order to interpret correctly referred treatment that follow the brands applied to medical products, we subtract the disposition in comment:

## **REGULATION OF HEALTH PRODUCTS**

**SECOND TITLE,** Inputs, Chapter I, Common Provisions, Second Section, Packaging and Labeling, Article 23, which establishes the letter:

**ARTICLE 23.** The Distinctive Denomination of the Inputs, in addition to complying with the provisions of Article 225 of the Law, when used, shall be subject to the following:

I. The Distinctive Denomination of two or more Inputs, when orthographic or phonetically are similar, must be differentiated in at least three letters of each word;

The above, has its support based on the provisions of Article 4 of the Industrial Property Law, which literally says:

## LAW ON INDUSTRIAL PROPERTY

**ARTICLE 4.-** No patent, registration or authorization will be granted, nor will be published in the Gazette, any of the legal figures or institutions that regulates that Law, when their contents or form are contrary to public order, morality and good customs or contravene any legal provision.

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**Brand** registration 1248876

**Brand record** 1269329 Class 18

Clothing for animals; harnesses for animals; necklaces for animals; belts for animals.

Class 18

Necklaces, breastplates and leather straps, necklaces, bibs and nylon straps, necklaces and straps made of cotton, necklaces and straps of woven piola, chains and steel cables, exclusive for pets.

## BRANDS.- CONSIDERATIONS TO DETERMINE THE ORIGIN OF YOUR REGISTRATION BY CARRYING OUT THE CONCEPTUAL CONTENT.-

Entering the register of brands, the conceptual content is of utmost importance to decide an unmistakable, when it is different in competing brands, because such content greatly facilitates the memory of the brand, so when the memory is the same, for being the the same conceptual content, confusion is inevitable, even if orthographic or phonetic similarities could also appear. This type of confusion can be caused by the similarity of drawings, between a word and a drawing, between words with conflicting meanings and by the inclusion in the brand of the product name to distinguish. Within these assumptions the one that acquires greater prominence is the relative to the words and the drawings, since if the emblem or figure of a brand is the graphic representation of an idea, undoubtedly it is confused with the word or words that designate the same idea of the other brand or collation, for that reason the evocative denominations of a thing or a quality, protect not only the expression that constitute them, but also the drawing or emblem that can graphically represent them, the above is like that, because otherwise it would be feasible to circumvent the right of the owners of brands, obtaining the registration of emblems or words that refers to the same thing or quality alluded to by the name already registered, with which the consuming public will be easily induced to confuse the products. (10)

Judgment No. 15038 / 01-17-11-8.- Resolved by the Eleventh Regional Metropolitan Chamber of the Federal Court of Fiscal and Administrative Justice, on May 7, 2002, unanimously. - Magistrate Instructor: Gustavo Arturo Esquivel Vázquez. - Secretary: Lic. Eunice Ortigosa Vélez.

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# Datos del expediente

Número de expediente::

1358610

Número de registro:

Fecha de presentación:

20/03/2013 12:06:59 PM

Fecha de uso:

Fecha de concesión:

Fecha de vigencia:

Denominación: 500

Clase nacional:

Tipo de solicitud: MARCA

Tipo de marca: NOMINATIVA

Leyendas y figuras no

reservables:

	Productos y servicios				
Clase	Tipo de clase	Descripción			
Cii	10	MEZCLADORES ELECTRICOS PARA USO DOMESTICO, LICUADORAS.			

#### SIGNO DISTINTIVO: 500

Con relación a la solicitud arriba indicada, se le manifiesta que al practicarse el examen de novedad correspondiente, se encontró como impedimento legal oponible al registro solicitado la existencia de la(s) siguiente(s) anterioridad(es):

REGISTROS DE MARCA 882080 K500, 1020109 WELD 500 Y 570105 DORADO 500. CONFORME A LO DISPUESTO POR EL ARTICULO 90 FRACCION XVI DE LA LEY DE LA PROPIEDAD INDUSTRIAL.

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of Congo





Brand registration 886729

Brand record 1255993

Brand registration 1335765

VOSSEN

Class 36: Insurance, financial affairs, monetary affairs, real estate affairs, especially real estate development, real estate administration, real estate agency, brokerage and real estate appraisal, real estate agency.

Class 36: Insurance; financial operations; monetary operations; real estate business. (Except customs agencies and accounting).

Exp. Mca. 1360721

**VOSSEN** 

Class 35 International: PURCHASE SALE OF CAR RIVETS BY THIRD PARTY (COMMERCIAL INTERMEDIARY).

Class 12 International: Vehicle wheels



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MARCARIA CONFUSION.- IN ORDER TO BE UPGRADED, IT IS ENOUGH THAT ONE OF THE ASPECTS OF SIMILARITY MARCARIA CONCURRED.- In accordance with the provisions of article 90, section XVI, of the Industrial Property Law, and by the jurisdictional criteria themselves, the analysis of similarity between brands must be done taking into account, among other issues, the graphic, phonetic and / or conceptual of the brands, being this corresponding to the senses with which people can appreciate them, that is, through the sight of the voice or the idea that generates. Thus, it is enough for this assumption of trademark similarity to be updated, which includes any of these three aspects (graphic, phonetic or conceptual), since it is clear that the average consumer audience can associate any of these with ownership. of the brand, one of them being enough for the similarity to appear, and consequently, its possible confusion. (37)

Administrative Litigation No. 323/08-EPI-01-4.- Resolved by the Regional Chamber Specialized in Intellectual Property of the Federal Court of Fiscal and Administrative Justice, on May 29, 2009, by unanimity of votes.-Magistrate Instructor: Luz María Anaya Domínguez.- Secretary: Lic. Denisse Juárez Herrera.

//R.T.F.J.F.A. Sixth Time Year II. No. 24. December 2009. p. 258



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Holdings Colombia Cameroon El Salvador Taiwan

Guatemala Republic of Congo





✓ Brand identical or similar in degree of confusion, to a commercial name.

Exp. Mca. 893146

Business name 19208



British school

Services of Class 41:EDUCATION; TRAINING; SPORTS AND CULTURAL ACTIVITIES.

Commercial business: EDUCATION IN JARDIN OF CHILDREN, PREPRIMARY, PRIMARY, SECONDARY, BACCALAUREATE AND SUPERIOR STUDIES.



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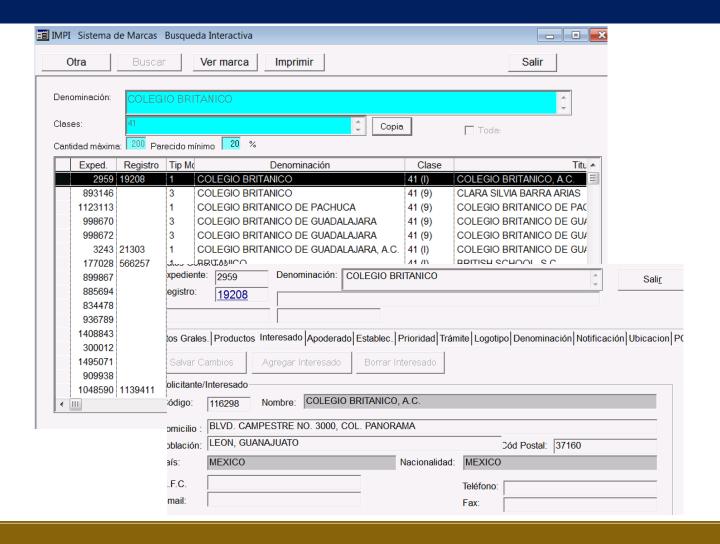
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on Democratic
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# Administrative procedure distinctive signs



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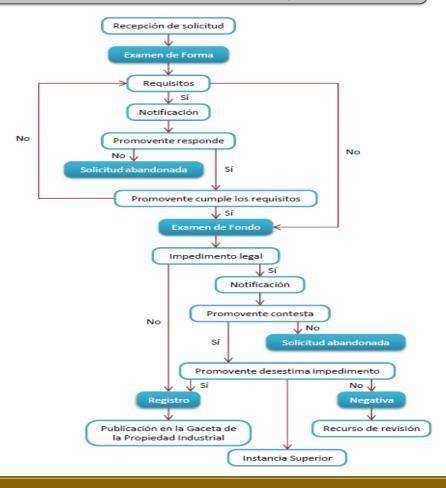
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Nicaragua Paraguay





Procedimiento de examen de marcas, nombres y avisos comerciales.





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Mexico Bolivia Spain Ecuador Peru

Holdings

Colombia Cameroon El Salvador Taiwan

Democratic Republic of Congo

Guatemala

Nicaragua Paraguay





# Background Exam

The substantive examination determines whether the sign proposed to register incurs a prohibition on its registration, whether absolute or relative. Deadline for substantive examination: 3 months counted from the conclusion of the formal examination.

# **Registration or publication / Refusal**

There is no legal requirement or impediment, the term is six months, counted from the date of presentation of the application that gave rise to.



Nicaragua

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# Thank You Very Much

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