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# Tour de France finally Gets Rolling



The Tour de France is one of the world's most famous cycling spectacles. No wonder the organization behind it (STF) has trademarked not just the name TOUR DE FRANCE, but also a whole host of other things (logos, the polka dot jersey, you name it).

For years, STF has tried to tackle piggybacking on their brand, but often with little success. Previous judges have ruled that the Tour de France trademark is well-known, but only for cycling. That's a bit odd, since famous trademarks are supposed to enjoy broader protection precisely to

prevent this kind of piggybacking. France's Supreme Court recently weighed in, in a case against the brand Tour De France à la Rame (a rowing race). The court confirmed that Tour de France is a famous mark—so well-known, in fact, that just about everyone in France recognizes it.

That means its fame extends beyond just the cycling event. Using the name Tour de France à la Rame could dilute the famous Tour de France brand. With this decision, the Tour de France can finally hit the road to enforce its rights more broadly.

## Design rights

# Plastic Dog basket: Inspiration or Imitation?

In 2017, Basil launched a new plastic dog bike basket (the BUDDY). The old baskets were unhygienic, not weatherproof, and pretty heavy. Since the Buddy's design was novel and had its individual character, Basil registered it as a design. When the Clipper hit the market in 2022, Basil objected. This plastic basket also had rounded corners, a wire dome, and a carrying handle. Basil argued that the Clipper looked too much like their Buddy basket and claimed infringement of their design and copyright. Clipper disagreed, saying the rim and feet were totally different, giving it a



Buddy



Clipper

more robust look. The judge agreed: despite similarities (like the handle), the Clipper gives a different overall impression. The rim isn't a gentle V-shape but a thick, rolled edge that runs slanted and uninterrupted downwards. The feet are separate and point inward. The fact that it's made of plastic isn't even apparent from the design registration. The claim was dismissed. Design rights are indeed the best way to protect a product's appearance, but they do have limits. If the overall impression is different, it's game over.

## Trademarks

### Monopoly on Packaging

Trademarks are more than just logos or names. Shapes, sounds, or even packaging designs can be registered as trademarks, giving the owner exclusive rights to use them. But how far does that protection go?

The front of MIESZKO's cherry bonbon packaging is registered as an EU trademark. When Nestlé launched a similar package, Mieszko objected. Both packages feature a big red cherry dropping into chocolate, with a purple background fading into pink. Nestlé called this nonsense.



The brands PASSION and MIESZKO are totally different, the words "cherry" and "cherrissimo" aren't the same, and the color gradients and layouts differ.

The court found the products identical, and the use of color and cherries very similar. "Cherry" and "cherrissimo" are also alike, and PASSION is hardly distinctive (it just describes the taste sensation). Since consumers don't pay much attention to everyday products like these, the packages can easily be confused. Result: Nestlé's trademark was rightly refused.

### Poppers are not perfume scents

What happens if you register a trademark for the wrong products? Funline sells poppers (as a finished product) under the brand JUNGLE PREMIUM to consumers. Poppers are little bottles of liquid you sniff (not drink). People use them to feel relaxed, excited, or just a bit looser when partying or during sex. The trademark was registered for, among other things, chemical preparations and scents that stimulate sexual activity, not intended for medical or pharmaceutical use (for products in classes 1 and 3).



I suspect a competitor tried to torpedo the brand, as a procedure was started claiming the trademark wasn't being used genuinely. Funline provided plenty of evidence of use for poppers. However, poppers actually fall under class 5

(medical and pharmaceutical products), and the trademark wasn't registered for that. Result: the JUNGLE PREMIUM trademark was cancelled. Lesson learned: always have your trademarks filed by a certified trademark attorney. They're trained for years to know how to file the best claim. Don't risk ending up empty-handed.

### IKEA- IKIKI: importance of logo registration

Very short trademarks have limited protection. Sometimes, just one or two different letters is enough to avoid confusion. That's why it's important for companies to register not just the word mark, but also all other branding elements they use in the market.



Ikea has registered not only the word but also its logo (the blue frame with the yellow oval), in both color and black-and-white. When the IKIKI logo was filed in the EU, Ikea rightly objected. Ikea is a brand with a stellar reputation in Sweden.



Both marks feature a black frame with an oval white shape containing the word. The words themselves are similar (four versus five letters). Result: the application was completely refused. If Ikea had only relied on its word mark, it's questionable whether they could have stopped the trademark application.

### SIMON SMOKES vs Public Policy

It doesn't happen often, but sometimes a trademark is refused because it's against public order. That's what happened to SIMON SMOKES for plush toys. Simon Smoke is "one of the Nightmare Critters, a group of eight characters created by Playtime Co. who presumably serve as the antithesis of the Smiling Critters ([fandom.com/wiki](http://fandom.com/wiki))."

When deciding to refuse a trademark, the target audience for the product is

considered, along with the public's sensitivity and tolerance. However, there's also freedom of expression, so not everything can be refused.



bron: [poppy-playtime.fandom.com/wiki/Simon\\_Smoke](http://poppy-playtime.fandom.com/wiki/Simon_Smoke)

In my view, this refusal was justified. This trademark for toys trivializes the seriousness of smoking. For children, it sends the message that smoking is normal, which clashes with EU public health policy. The trademark owner didn't file a defense, so the mark was refused.

In my opinion, EUIPO isn't always consistent. The same mark was accepted for hoodies, even though kids wearing them could send the same message.

### Rituals Stores and Online Shops

A trademark is often registered for specific products. Some clients want to register it for advertising too, because they want to advertise those products. That's unnecessary. If you're protected for a product, you can advertise and sell it as you wish.

But what exactly counts as retail services in class 35? Is it just selling third-party products, or does it also cover your own online shop, flagship store, or a shop selling only your own products?



This was recently clarified by European authorities in a case involving RITUALS and its own stores. The Board of Appeal made it clear: retail services don't just cover selling

products, but also demonstrating and advising consumers about them—including selling your own products. If you have your own stores or online shops, register your mark in class 35.

### GAME OF THRONES - DÖNER

Game of Thrones is one of HBO's most popular series. Since its 2011 launch, it's gained massive popularity, earning 159 Emmy nominations (winning 59) and, according to Guinness World Records, the "Most Emmy Awarded drama series."

Alongside the show, there's a whole line of merchandise and plenty of licensing deals (even for tours of filming locations). For most people, Game of Thrones is a brand, a badge of origin linked to the series—even when used for other products.

GAME OF THRONES



GAME OF DÖNER

When the logo GAME OF DÖNER was filed for restaurant services, HBO rightly objected. Both marks start with GAME OF, and the D and T both have a horizontal stroke. The logo features a dragon—irrelevant to restaurant services, but a clear nod to the series, where dragons play a starring role. Because Game of Thrones has such a strong reputation, and given all the merchandise and licensing, consumers will make the connection to the series. A clear case of piggybacking without paying for it. The trademark was rightly refused.

### Copyrights

#### European Cup match in bistro

During major sporting events, it's tempting for bars and restaurants to let guests enjoy the match. But is that allowed?

Watching a match at home is fine, but in a business context, it's not so simple. Showing the match to a new audience counts as a new public performance, which requires permission from the copyright holder—and payment.

Videma enforces these rights for many Dutch and commercial broadcasters.



An employee saw that the Netherlands-Poland Euro Cup match was being shown in a bistro and sent the business an invoice.



The café argued this was unfair—no one was there, and they were just cleaning up. Videma said that didn't matter: the door was open and the "OPEN" sign was lit. The judge agreed. It's not about whether there's an actual audience, but whether a new audience could be reached. With the open door and "OPEN" sign, that was the case. Result: the fine (license fee) had to be paid.

Online – design law

### Facebook Post Fatal for Design Protection

When launching new products, there's often a tug-of-war between marketing and legal. The business side wants to launch ASAP to capitalize on the the new innovation, while legal wants everything locked down to keep competitors at bay. These interests can clash.



When Elektrobud launched a new food truck based on a tuk-tuk, they protected the design with an EU design registration. The design had to be novel and have its individual character. The new model was an updated version of an earlier tuk-tuk.

A few years later, the registration was challenged because three years earlier, photos of the first version had been posted on Facebook.



The differences between the tuk-tuks were minimal (different handles and storage drawers). As a result, the earlier Facebook posts meant the design was no longer new. The overall impression of the original and the new version was the same. Result: the design registration was cancelled. Lesson learned: when developing a new product, discuss early with legal whether you want to keep a competitive edge and protect your rights in time. A social media post can be fatal.

Abcor makes headlines

### Abcor Again in IP STARS Ranking

After our silver mention in the WTR1000 (World Trademark Review 2025), Abcor has once again made it into the IP STARS ranking this year.



Managing IP conducts annual research among IP firms and their clients in 70 countries. Through surveys and (phone) interviews, they gather information about our firm—how we handle new and ongoing cases, notable issues, and, of course, client satisfaction. We're absolutely thrilled to have secured a spot in this ranking once again based on these results.

### European Trademark Agency Abcor

Abcor is an IP Law firm, located in Europe (the Netherlands). Our specialty is consultation with regards to intellectual property matter, trademarks, designs, copy right 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.eu](mailto:info@abcor.eu)

Sources:

Adformatie, BIE, BMM, Boek9.nl, Class46.eu, Domjur.nl, Elsevier, GPD, IER, IE-Forum.nl, INTA bulletin, Nu.nl, OHIM.eu, PCM-newspapers, Quote, SIDN, Trademark Reporter and WIPO

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