

# BENELUX-OFFICE FOR INTELLECTUAL PROPERTY OPPOSITION DECISION N° 2014329 of 16 July 2020

Opponent:	THE LINCOLN ELECTRIC COMPANY	
	22801 St. Clair Avenue	
	Cleveland, Ohio 44117-1199	
	United States of America	
Representative:	Visean Brands Consult t.h.o.d.n. Weizmann Ariana	
	Bargelaan 200	
	2333 CW Leiden	
	The Netherlands	
Invoked right 1:	EU trademark 15490196	
	LINCOLN	
Invoked right 2:	EU trademark 16529828	
	LINCORE	
	against	
Defendant:	LINCO bvba	
	Elisabethlann 46	
	3070 Kortenberg	
	Belgium	
Representative:	Sam Verbeke	
	Tervuursesteenweg 133	
	3001 Heverlee	
	Belgium	
Contested trademark:	Benelux application 1374424	
	UNG	

## I. FACTS AND PROCEEDINGS

#### A. Facts

1. On 28 April 2018, the defendant filed a Benelux trademark application for the combined word

and figurative trademark for goods in Classes 1 and 4. This application was processed under number 1374424 and was published on 24 May 2018.

2. On 24 July 2018, the opponent filed an opposition against this application. The opposition is based on the following earlier trademarks:

- European Union trademark 15490196 for the word trademark LINCOLN, filed on 31 May 2016 and registered on 17 January 2017 for goods and services in Classes 1, 6, 7, 8, 9, 35, 41 and 42;
- European Union trademark 16529828 for the word trademark LINCORE, filed on 30 March 2017 and registered on 26 July 2017 for goods in Classes 1, 7 and 9.
- 3. According to the register the opponent is the actual holder of the trademarks invoked.

4. The opposition is directed against all the goods of the contested application and is based on all the goods and services of the trademarks invoked.

5. The grounds for opposition are those laid down in Article 2.14, 2 (a) Benelux Convention on Intellectual Property (hereinafter referred to as: "BCIP").<sup>1</sup>

6. The language of the proceedings is English.

#### B. Proceedings

7. The opposition is admissible and the Benelux Office for Intellectual Property (hereinafter referred to as: "the Office") notified the parties on 25 July 2018. During the administrative phase of the proceedings both parties filed arguments. All the documents submitted meet the requirements as stated in the BCIP and the Implementing Regulations (hereinafter referred to as: "IR"). The administrative phase of the procedure was completed on 2 August 2019.

## II. ARGUMENTS OF THE PARTIES

8. The opponent filed an opposition at the Office under article 2.14, 2 (a) BCIP, in accordance with the provisions of article 2.2ter, 1 (b) BCIP: the likelihood of confusion based on the identity or similarity of the relevant marks and of the goods or services concerned.

#### A. Opponent's arguments

9. The opponent explains that its company is the world leader in the design, development and manufacture of arc welding solutions, robotic welding and cutting systems, plasma and oxyfuel cutting, and is a leading provider of brazing and soldering alloys. The company has been established more than

<sup>&</sup>lt;sup>1</sup> This decision refers to the laws and regulations applicable at the date of the decision, unless it concerns provisions that have undergone a material change relevant to the decision during the proceedings.

120 years ago, it has 60 manufacturing locations, including operations and joint ventures in 19 countries and a worldwide network of distributors and sales offices covering more than 160 countries. Products under the trademark LINCOLN are sold in the Netherlands through numerous service centres and dealers, as it results from maps on opponent's website.

10. According to the opponent, the contested trademark application coincides in respect to the first five letters out of seven from the composition of the earlier trademark registrations. The only differences between the compared signs are that the earlier registered trademarks additionally contain the letters – LN respectively –RE at the end of the word. In the opinion of the opponent, these differences are not significant and will hardly be noticed by the consumer.

11. Therefore, the opponent concludes that the signs are highly similar from an aural and visual point of view. As none of the signs has a meaning for the relevant public in Benelux, a conceptual comparison is not possible.

12. According to the opponent, the goods of the contested sign are identical or similar to a high degree to certain goods of the trademarks invoked in class 1 and to certain retailing and wholesaling services in class 35. Additionally, he considers that the contested goods in class 4 are similar and complementary in respect to the goods in classes 1, 6, 7, 8 and 9 for which the earlier trademarks are protected.

13. The opponent states that the earlier trademarks enjoy a higher degree of distinctiveness and are known in different EU-countries including Belgium and The Netherlands.

14. In conclusion, the opponent believes that the relevant consumer might think that the contested trademark identifies goods and services from the same company as the trademarks invoked. That is even more the case because the opponent owns a family of trademarks LINCOLN, LINCOLN ELECTRIC and LINCORE all including the LINCO element.

15. For these reasons, the opponent requests that the Office accepts the opposition, refuses to register the contested trademark and orders the defendant to pay the costs.

#### B. Defendant's arguments

16. According to the defendant, the contested trademark distinguishes itself by the special positioning of the letters with the C into the O in combination with the different colours. This specific positioning identifies and characterizes the applicant's trademark so that it cannot be confused by the mere word marks of the opponent. The defendant resumes that the trademark as a whole is visually dissimilar to the mere verbal elements.

17. The choice of the positioning of the letters in this case even means that it is not obvious that the word LINCO could be derived from the figurative trademark. But even pronounced as [linco], the earlier trademarks both have two letters more, which results in a completely different overall impression and a non-existing degree of phonetic similarity, according to the defendant.

18. Lincoln is the surname of a former American president, while Linco has no particular meaning. Therefore, the defendant concludes that the trademarks are conceptually dissimilar.

19. The defendant observes that the goods *industrial gases* of the contested trademark are clearly registered for use in cooling systems and therefore have nothing to do with the specific industries for

which the earlier trademarks were registered. Both categories of goods are completely different and used in different industries.

20. Regarding the complementarity of the goods in class 4 to the goods in the classes 1, 6, 7, 8 and 9 of the trademarks invoked, the defendant points out that the fact that products can possibly be sold together does not result in any automatic complementarity. In his opinion, these goods are clearly not indispensable (essential) or important (significant) for the use of the other.

21. The defendant concludes that the contested goods are not (partially) identical nor similar to the goods and services of the trademarks invoked.

22. The defendant points out that, in the present case, both the customers of the applicant and those of the opponent are well-informed specialists and professionals who are familiar with the specific market, but yet operating in different industries, which means that likelihood of confusion is less likely to occur.

23. All documents attached to the opposition relate to the company name of the opponent and therefore cannot prove the fame of the trademarks invoked. Moreover, if the opponent would consider its trademarks as a family of trademarks, they would need to be used and present on the market, according to the defendant.

24. The defendant concludes that the opposition needs to be rejected and the contested application accepted. In the unlikely event the likelihood of confusion would be accepted, he requests that a restriction of the goods of the contested trademark would be ordered.

## III. DECISION

# A.1 Likelihood of confusion

25. In accordance with article 2.14 BCIP, the holder of a prior trademark may submit a written opposition to the Office, within a period of two months to be calculated from the publication date of the application, against a trademark which in the order of priority, ranks after its own in accordance with Article 2.2ter BCIP.

26. Article 2.2ter, para. 1 BCIP stipulates that, "A trademark shall, in case an opposition is filed, not be registered (...) where: b. because of its identity with, or similarity to, the earlier trademark and the identity or similarity of the goods or services covered by the trademarks, there exists a likelihood of confusion on the part of the public; the likelihood of confusion includes the likelihood of association with the earlier trademark."

27. According to case law of the Court of Justice of the European Union (hereinafter: the "CJEU") concerning the interpretation of Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trademarks (hereinafter: "Directive"), the likelihood of confusion of the public, which is defined as the risk that the public might believe that the goods or services in question come from the same undertaking or, as the case may be, from economically-linked undertakings, must be appreciated globally taking into account all factors relevant to the circumstances of the case (CJEU, Canon, C-39/97, 29 September 1998, ECLI:EU:C:1998:442; Lloyd Schuhfabrik Meyer, C-342/97, 22 June 1999, ECLI:EU:C:1999:323; CJBen, Brouwerij Haacht/Grandes Sources belges, A 98/3, 2 October 2000; Marca Mode/Adidas, A 98/5, 7 June

2002; Supreme Court of the Netherlands, Flügel-bottle, C02/133HR, 14 November 2003, ECLI:NL:HR:2003:AK4818; Court of Appeal Brussels, N-20060227-1, 27 February 2006).

#### Comparison of the trademarks

28. The wording of Article 5, 1 (b) of the Directive (cf. article 2.2ter, 1 (b) BCIP) according to which "there exists a likelihood of confusion on the part of the public including the likelihood of association with the earlier trademark" shows that the perception of marks in the mind of the average consumer of the type of goods or services in question plays a decisive role in the global assessment of the likelihood of confusion. The average consumer normally perceives a mark as a whole and does not proceed to analyze its various details (CJEU, Sabel, C-251/95, 11 November 1997, ECLI:EU:C:1997:528).

29. Global assessment of the visual, aural or conceptual similarity of the marks in question must be based on the overall impression given by the marks, bearing in mind, in particular, their distinctive and dominant components (CJEU, Sabel and Lloyd, already cited).

30. The overall impression created in the memory of the relevant public by a complex mark might, in certain circumstances, be dominated by one or more components of that mark (CJEU, Limonchello, C334/05 P, 12 June 2007, ECLI:EU:C:2007:333). With regard to the assessment of the dominant characteristics of one or more components of a complex trademark, account must be taken, in particular, of the intrinsic qualities of each of these components by comparing them with those of other components. In addition, account may be taken of the relative position of the various components within the arrangement of the complex mark (EGC, Matratzen, T-6/01, 23 October 2002, ECLI:EU:T:2002:261 and El Charcutero Artesano, T-242/06, 13 December 2007, ECLI:EU:T:2007:391).

Opposition based on:	Opposition directed against:
LINCOLN	ling
LINCORE	

31. The trademarks to be compared are the following:

32. The trademarks invoked are purely verbal trademarks, consisting of one word of seven letters. The contested application is a combined word/figurative trademark, consisting of several stylized letters in dark red, and a partly open circle in black inside the last letter.

33. It is not obvious to read the contested trademark immediately as "linco" as the opponent does, certainly not if one is not aware of the company name of the defendant. The first letter could be read as a "l", the second character as a stylized combination of the letter "i" and the letter "n", and finally a letter "C". However, the third character could also be perceived as an inversed stylized letter "l", in which case the trademark reads as "lilo". The partly open black circle at the end could be perceived as a letter "o", but then the trademark could also be read as "linoo".

34. Visually, the contested trademark is shorter than the trademarks invoked, and it differs from them in its graphic presentation of the very stylized characters, which remains in the memory of the public. It should also be considered that in rather short trademarks differences are more noticeable. Due

to the stylized representation of the letters in the contested trademark, it is uncertain which letters will be recognized and if the public refers to the sign aurally, it is not clear which phonetic reproduction the public will use. For this reason, an aural comparison is not possible.

35. Conceptually, the contested trademark differs clearly from the first right invoked as the latter will immediately be recognized as the name of the  $16^{th}$  president of the United States. As the second right invoked has no meaning at all, just like the contested trademark, a conceptual comparison between them is not possible.

#### Conclusion

36. As a result of the different graphic representation of the contested trademark, the overall impression of the trademarks is at most slightly similar from a visual point of view.

## A.2 Global assessment

37. When assessing the likelihood of confusion, in particular the level of attention of the relevant public, the similarity of the goods and services in question and the similarity of the signs are important factors.

38. The average consumer is deemed to be reasonably well-informed and reasonably observant and circumspect (case Lloyd, already cited). It should also be considered that the average consumer's level of attention is likely to vary in accordance with the category of goods or services in question. The present case concerns goods and services intended for the industry. The customers are therefore specialists and professionals and thus the average level of attention of the public concerned may be deemed higher than normal.

39. The global assessment of the likelihood of confusion assumes that there is a certain degree of interdependence between the factors that have to be taken into account, particularly between the level of similarity of the signs and of the goods or services which they cover. A lesser degree of similarity between the relevant goods or services can be offset by a greater degree of similarity between the trademarks, and vice versa (Canon and Lloyd, already cited).

40. However, this is not the case. As mentioned above, an aural and conceptual comparison is not possible (see points 34 and 35). Furthermore, the Office especially considers that the contested trademark contains a prominent figurative image, which cause a striking visual difference between the trademarks. Therefore, the Office finds that in this case the differences outweigh the similarities and that the overall impression of the trademarks is dissimilar.

41. The more distinctive the earlier trademark, the greater the likelihood of confusion. Marks with a highly distinctive character, either per se or because of the reputation they possess on the market, enjoy broader protection than marks with a less distinctive character (Canon, Sabel and Lloyd, already cited). However, where there is no similarity between the earlier mark and the contested sign, the reputation or recognition enjoyed by the earlier mark and the fact that the goods or services respectively covered are identical or similar are not sufficient for it to be found that there is a likelihood of confusion between the marks at issue or that the relevant public makes a link between them (see, to that effect, ECJ, CK CREACIONES KENNYA, C-254/09 P, 2 September 2010 and TiMi KiNDERJOGHURT, C-552/09 P, 24 March 2011). Even assuming the earlier marks enjoying an enhanced distinctiveness due to extensive use, would not alter the outcome. It is therefore not necessary to examine this argument.

42. Based on the abovementioned circumstances, particularly because the trademarks are dissimilar and regarding the goods and services concerned, the level of attention of the public is higher than average, the Office finds that no risk of confusion exists, even for those goods and services that are identical. Therefore a comparison of the goods and services is not necessary (ECG, YOKANA, T-103/06, 13 April 2010, ECLI:EU:T:2010:137). Only for the purpose of the readability and the scope of this opposition the goods and services concerned are listed below. Given the length of the lists of goods and services, they are reproduced in an annex to this decision.

## B. Other factors

43. Regarding the family of trademarks to which the opponent refers (see point 14), the opponent has not submitted any evidence of the existence of it. Moreover, if such a series exists (containing the element LINCO), the Office deems that the public will not associate the contested sign with the rights invoked, because they are too different (see also T-194/03, Bainbridge, 26 February 2006, ECLI:EU:C:2007:514).

44. A conditional restriction of the goods of the contested trademark as proposed by the defendant (see point 24) is not possible. Such a request needs to be unconditional and unambiguous.

#### C. Conclusion

45. On the basis of the foregoing, the Office comes to the conclusion that the trademarks invoked, and the contested trademark are not sufficiently similar to lead to a likelihood of confusion.

#### IV. DECISION

46. The opposition with number 2014329 is rejected.

47. The Benelux application with number 1374424 will be registered for all the goods and services it has been applied for.

48. The opponent is under obligation to pay the defendant EUR 1,045 in accordance with article 2.16, 5 BCIP in conjunction with rule 1.32, 3 IR, as the opposition is not justified in its entirety. This decision constitutes an enforceable order pursuant to article 2.16, 5 BCIP.

The Hague, 16 July 2020

Willy Neys rapporteur

BOIP

Eline Schiebroek

Pieter Veeze

Administrative officer:

Rudolf Wiersinga

#### Annex: goods and services of the trademarks invoked and of the contested trademark

#### European Union trademark 15490196

Class 1 Welding, cutting, soldering and brazing chemicals used in industry; Chemicals for use in welding and brazing; welding, brazing, soldering and cutting chemicals used in science and agriculture; fire extinguishing compositions; chemical preparations for use in metalworking, fluids for use in metalworking; welding, cutting, tempering and soldering preparations; tempering substances; chemical compositions for use in welding; chemical compositions for use in soldering, brazing and cutting; chemical fluxes; brazing flux, brazing paste; soldering flux, soldering paste; welding flux; flux for welding; flux preparations for welding; fluxes for arc welding equipment and to create a protective atmosphere for arc welding; welding paste; welding creams; metal welding flux and paste; Fluxing and coating materials for use in arc welding; fluids for welding, soldering and brazing; metal powders and alloys for use in welding and brazing; welding powder; welding means, namely welding chemicals and chemical preparations; chemical means that facilitate arc welding; chemicals for producing protective atmospheres around an electric arc; icing for soldering; welding gases; cutting gases; inert gases for welding; gaseous mixtures for welding, soldering, brazing and cutting purposes.

Class 6 Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; steel balls, nails and screws; safes; goods of common metal not included in other classes, namely rods, wires, grips, holders, clamps, fastening devices, rings, connecting parts, unprocessed and semi-processed materials of metal, filler materials, fittings, valves, panes, iron powders, steel powders and other metal powders for use in welding, soldering, brazing or cutting; wire reels of metal; wire drums of metal; ores; metal welding and soldering materials; electrodes for arc welding, blank and coated, solid and tubular, in the form of bars, plates, rods or coils; accessories for arc welding, namely earthing clamps, welding cables; soldering and welding consumables; electrode holders; welding pins, welding rods; metal rods for welding and brazing; metallic welding rods for hard- and soft-soldering; brazing alloys, metal wire for welding; welding wire; welding wires; flux coated rods for welding; flux cored welding wires; flux cored welding rods; metals in powder form; tungsten; welding cables; flux cored brazing and soldering metal alloy rods and wire; check valves; metal bags, containers and foils for packaging of welding or cutting consumables; industrial packaging containers of metal for packaging of weld wire, welding electrodes or welding rods; parts and fittings for all the before said goods.

Class 7 Machine tools; Machines for treatment of materials, for manufacturing and for construction; milling and coupling machines; motors and engines (except for land vehicles); generators; power supplies (generators); electric generators, particularly for electric welding machines, brazing machines, soldering and cutting machines; electrical appliances and equipment, and parts thereof, namely electric motors, electric generators, motor generator sets working either electrically or mechanically to produce electrical power; generators with order by petrol engines; motor generator sets; polyphase induction motors (slip-ring motors), vertical motors (and back-geared motors), motor-generator sets; machine coupling and transmission components (except for land vehicles); electric arc welding apparatus; electric cutting machines, electric plasma cutters; electric soldering machines; electric brazing machines; parts and appliances for electric welding, cutting, brazing and soldering machines; welding and brazing apparatus and installations; welding machines, welding apparatus; electric arc welders; welding apparatus (hand operated); robotic welding, cutting, soldering and brazing apparatus and installations; robotic welding systems; parts and appliances for electric welding, cutting, brazing and soldering machines; parts and appliances for robotic welding, cutting, brazing and soldering apparatus and installations; welding apparatus with a transformer and/or rectifier, as well as systems for managing these welding machines; electric arc welding torch and welding torches and other welding equipment, namely, connectors, adapters, water coolers, coil wires, guns, welding mouthpieces and nozzles,

electrode holders, flue devices and cables; control devices for electrical arc welding and parts thereof; welding heads; electric welding heads; automatic welding heads; electrodes; welding electrodes; stick electrodes; electrodes of welding; flux cored electrodes; hard facing electrodes; automatic welding electrodes; electrode holders; electrode holders for consumable and non-consumable electrodes; welding guns; automatic check valves; welding torches and tips; electrical and pneumatic devices that blend and proportion fuel gas and oxygen; cutting tips and gas regulators parts of machines; robotic welding systems, electric welding cooling systems and fume extraction systems, power connection for welding electrodes, accessories and control devices and holders for welding and soldering electrodes as consumable and non-consumable; welding electrode feeders and wire feeders and controls therefore; welding current generators, electric motors, electric generators; electrical apparatus and equipment and their components, namely electric motors, electric generators, electrically driven motor / generator units for electrical power; generator-powered internal combustion engine generators with belt drive, chassis and control instruments for electric generators; combustion-engine driven generators, belt-driven; fulland semi-automatic welding machines; cutting machines; full- and semi-automatic cutting machines; metal cutting machines; plasma cutters and plasma cutting machines; soldering machines; brazing machines; parts of welding, cutting, brazing and soldering machines; industrial welding and cutting robots; welding and cutting torches; cutting torches, cutting tips; welding heads and parts thereof; gaspowered blowpipes; welding, cutting, brazing and soldering equipment; brazing apparatus and torches and parts and fittings therefore; welding nozzles; welding torches; welding heads; wire feeding machines; wire feeders, welding wire feeders [parts of electronic welding apparatus]; fuel gas-air torches for low temperature brazing and welding; cutting attachments for cutting torches; devices and equipment for hand-operated welding and cutting tools; welding electrodes; machines for surface treatment; abrasive tools, machine tools for use in welding, cutting, brazing and soldering; agricultural implements other than hand-operated; grinding discs being parts of machines, parts and fittings for all the before said goods.

Class 8 Hand tools and implements (hand-operated); hand-operated tools for treatment of materials, for manufacturing and for building; cutting apparatus (hand-operated); cutters (hand tools); cutting tools (hand tools); welding pliers; arc pliers; clamps (hand tools); wire brushes; spanners (hand tools); agricultural implements, hand-operated; cutlery; blades; knifes; saws (hand-operated); grinding discs; tool bags (filled); parts and fittings for all the before said goods.

Class 9 Scientific, photographic, optical, weighing, measuring, signalling, checking (supervision) apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; ground clamps; welding cables; electric contacts, connectors and connections; electrical connectors; electrical welding safety equipment; welding lids; flame arresters; flow meters; electronic brazing torch controllers, namely, computer hardware and software that controls mixing of gas used in welding, brazing, soldering and cutting operations; switching power supply apparatus and high-frequency switching power supplies; inverters for power supply; inverters for power supply for welding, cutting, brazing and soldering machines and equipment therefore; electrical converters; welding transformers and power transformers and rectifiers and associated control devices; power supplies and power supply apparatus; power supplies for welding, brazing, soldering and cutting machines; power sources for arc welding, battery charging, lighting and a reserve of energy sources including generators powered by an electric motor; high-frequency power sources for fusing arc and associated control devices; control devices for power supplies; high frequency power sources including their control devices and their associated control components and systems for the management and regulation of consumable and durable welding electrodes and electrodes for brazing; high frequency power sources to create the part and the control device thereof, the device for the introduction of welding electrodes, associated components and systems for the management of these and holders of welding electrodes and electrodes for brazing, for consumable and durable electrodes; high-frequency power sources for igniting the electric arc and related control devices; calculating machines, data

processing equipment, computers; computer software; software for monitoring and controlling communication between computers and automated machine systems; software used to control welding and/or cutting processes; software used to control the weld arc in the field of gas metal arc welding; web tension sensors and controls for use in machines; web tension sensing apparatus and web tension control apparatus included in class 9; tension transducers (load cells); tensiometers for use in controlling motor drives; computer hardware and software that controls mixing of gas used in brazing operation; software for monitoring and controlling communication between computers and automated machine systems; units for controlling electric controllers; electrical controllers, converters and microprocessors for machines; power converters, transformer, rectifier; software for welding, cutting, brazing and soldering machines; hardware for welding, cutting, brazing and soldering machines; software in the nature of code that performs remote diagnostics, production reporting, monitoring, and administrative operations of robotic systems; data processing equipment, downloadable electronic publications; downloadable curriculum in the field of welding, cutting and brazing; downloadable educational materials in the field of welding, cutting and brazing; hand held units for controlling electric controllers, namely, hand-held electronic units for controlling a welding process, namely, an arc welding process, a laser process, cold or hot fed wire process, or hybrid process; electrical controllers for electric arc welders, namely, electrical controllers for the welding systems used to weld pipe seams; electrical controllers for welding wire feeders used with electrical arc welders; microprocessors; electronic, electrical and computer-generated controllers for controlling, automating, and managing welding equipment in the nature of electric arc welders; electronic controllers for controlling welding cycles and programs, namely, amp, volt, wire speed, and travel speed cycles and programs, weave patterns, pulsing and the like in an electric arc welder; tip parts, namely, electronic sensors for welding, cutting, brazing and soldering machines and equipment therefore; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; life-saving and teaching apparatus and instruments; protective clothing; protective clothing for welding, soldering, brazing and cutting; protective and safety helmets; welders' helmets; protective glasses; welding glasses; glasses for welders' helmets; protective and safety goggles; optical lenses, lenses for welding helmets and face shields; working and welding helmets; accidents and fire protective clothing; welders' clothes; protective gloves; welder's gloves; protective helmets; welder's helmets; protective aprons; aprons for welding, soldering; brazing and cutting; protective and safety masks; welding masks; protective and safety head shields and head coverings; fire-extinguishing apparatus; parts, and fittings for all the aforesaid goods.

Class 35 Advertising; distribution of advertising brochures, documents or distribution of promotion material in the field of commercial and industrial products, namely welding, cutting, brazing and soldering machines and instruments, welding devices and equipment, cutting devices and equipment, brazing devices and equipment, soldering devices and equipment, welding electrodes, welding fluxes, electric motors, electric generators, electric power supplies; business management; business administration; office functions; advertising, business management, business administration, office functions in particular in the field of welding and cutting technology and apparatus, machines and fittings used therein; retailing and wholesaling, also via the internet and via other electronic media, concerning the following goods: chemicals used in industry, chemicals for use in welding and brazing, science and agriculture, unprocessed artificial resins and plastics, fire extinguishing compositions, chemical preparations for use in metalworking, fluids for use in metalworking, welding, cutting, tempering and soldering preparations, tempering substances, chemical compositions for use in welding, soldering, brazing and cutting, chemical fluxes, brazing flux, brazing paste, soldering flux, soldering paste, welding flux, flux preparations for welding, fluxes for arc welding equipment and to create a protective atmosphere for arc welding, welding paste, welding creams, fluxing and coating materials for use in arc welding, fluids for welding, soldering and brazing, metal powders and alloys for use in welding and brazing, welding powder, welding means, means that facilitate arc welding, chemicals for producing

protective atmospheres around an electric arc, icing for soldering, welding gases, cutting gases, inert gases for welding, gaseous mixtures for welding, soldering, brazing and cutting purposes, adhesives used in industry, paints, varnishes, lacquers, preservatives against rust and against deterioration of wood, colorants, Mordants, raw natural resins, metals in foil and powder form for painters, decorators, printers and artists, bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations for use in industry, soaps, protective soaps, soaps for use in industry, perfumery, essential oils, cosmetics, body creams and oils, protective creams and oils for hand and body care, body care products for use in industry, industrial oils and greases, lubricants, oils and greases for industrial purposes, flux oils, flux creams (lubricants) for use with welding, cutting, soldering and brazing machines, synthetic oils, synthetic creams (lubri-cants) for use with welding, cutting, soldering and brazing machines, cutting oils and creams, welding oils and creams, dust absorbing, wetting and binding compositions, fuels (including motor spirit) and illuminants, pharmaceutical preparations used in industry, sanitary preparations for medical purposes, plasters, materials for dressings, common metals and their alloys, metal building materials, transportable buildings of metal, materials of metal for railway tracks, non-electric cables and wires of common metal, ironmongery, small items of metal hardware, pipes and tubes of metal, horseshoes, steel balls, nails and screws, safes, goods of common metal not included in other classes, namely rods, wires, grips, holders, clamps, fastening devices, rings, connectiong parts, unprocessed and semi-processed materials of metal, filler materials, fittings, valves, panels, iron powders, steel powders and other metal powders for use in welding, soldering, brazing or cutting, ores, metal welding and soldering materials, electrodes for arc welding, blank and coated, solid and tubular, in the form of bars, plates, rods or coils, accessories for arc welding, especially earthing clamps, welding cables, soldering and welding consumables, welding torches, electrode holders, arc pliers, welding lids, welding heads, welding pins, welding rods, metal rods for welding and brazing, metallic welding rods for hard- and soft-soldering, brazing alloys, metal wire for welding, welding wire, welding wires, flux coated rods for welding, flux cored welding wires, flux cored welding rods, metals in powder form, tungsten, welding cables, flux cored brazing and soldering metal alloy rods and wire, check valves, metal bags, containers and foils for packaging of welding or cutting consumables, industrial packaging containers of metal for packaging of weld wire, welding electrodes or welding rods, machine tools, machines for treatment of materials, for manufacturing and for construction, motors and engines (except for land vehicles), generators, power supplies, electric generators, particularly for electric welding machines, brazing machines, soldering and cutting machines, electrical appliances and equipment, and parts thereof, including electric motors, electric generators, motor generator sets working either electrically or mechanically to produce electrical power, generators with order by petrol engines, motor generator sets, polyphase induction motors (slip-ring motors), vertical motors (and backgeared motors), motor-generator sets, machine coupling and transmission components (except for land vehicles), welding machines, welding apparatus, electric arc welders, full- and semi-automatic welding machines, cutting machines, full- and semi-automatic cutting machines, metal cutting machines, plasma cutters and plasma cutting machines, soldering machines, brazing machines, parts of welding, cutting, brazing and soldering machines, industrial welding and cutting robots, welding and cutting torches, welding heads and parts thereof, gas-powered blowpipes, welding, cutting, brazing and soldering equipment, welding nozzles, wire feeders, welding wire feeders [parts of electronic welding apparatus], welding electrodes, machines for surface treatment, abrasive tools, tools for use in welding, cutting, brazing and soldering, agricultural implements other than hand-operated, grinding discs being parts of machines, hand tools and implements (hand-operated), hand-operated tools for treatment of materials, for manufacturing and for building welding apparatus (hand-operated), cutting apparatus (handoperated), cutters (hand tools), cutting tools (hand tools), cutting torches, cutting tips, brazing apparatus and torches and parts and fittings therefore, fuel gas-air torches for low temperature brazing and welding, cutting attachments for cutting torches, devices and equipment for hand-operated welding and cutting tools, welding pliers, clamps, wire brushes, spanners (hand tools), agricultural implements,

hand-operated, cutlery, blades, knifes, saws (hand-operated), grinding discs, tool bags (filled), scientific, photographic, optical, weighing, measuring, signalling, checking (supervision) apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, electric arc welding apparatus, electric cutting machines, electric plasma cutters, electric soldering machines, electric brazing machines, parts and appliances for electric welding, cutting, brazing and soldering machines, welding and brazing apparatus and installations, robotic welding, cutting, soldering and brazing apparatus and installations, robotic welding systems, parts and appliances for electric welding, cutting, brazing and soldering machines, parts and appliances for robotic welding, cutting, brazing and soldering apparatus and installations, welding apparatus with a transformer and/or rectifier, as well as systems for managing these welding machines, electric arc welding torch and welding torches and other welding equipment, namely, connectors, adapters, water coolers, coil wires, guns, welding mouthpieces and nozzles, electrode holders, flue devices and cables, control devices for electrical arc welding and parts thereof, welding heads, electric welding heads, automatic welding heads, electrodes, welding electrodes, stick electrodes, electrodes of welding, flux cored electrodes, hard facing electrodes, automatic welding electrodes, electrode holders, electrode holders for consumable and non-consumable electrodes, ground clamps, welding cables, electric contacts, connectors and connections, electrical connectors, welding guns, electrical welding safety equipment, flame arresters, automatic check valves, welding torches and tips, electrical and pneumatic devices that blend and proportion fuel gas and oxygen, tip wrenches, flow meters, cutting tips and gas regulators, wire reels, wire drums, robotic welding systems, electric welding cooling systems and fume extraction systems, power connections for welding electrodes, accessories and control devices and holders for welding and soldering electrodes as consumable and non-consumable, welding electrode feeders and wire feeders and controls therefor, electronic brazing torch controllers, namely, hardware and software that controls mixing of gas used in welding, brazing, soldering and cutting operations, switching power supply apparatus and high-frequency switching power supplies, inverters for power supply, inverters for power supply for welding, cutting, brazing and soldering machines and equipment therefore, electrical converters, welding transformers and power transformers and rectifiers and associated control devices, welding current generators, electric motors, electric generators, electrical apparatus and equipment and their components including electric motors, electric generators, electrically driven motor / generator units for electrical power, power supplies and power supply apparatus, power supplies for welding, brazing, soldering and cutting machines, power sources for arc welding, battery charging, lighting and a reserve of energy sources including generators powered by an electric motor, generator-powered internal combustion engine generators with belt drive, chassis and control instruments for electric generators, combustion-engine driven generators, belt-driven, high-frequency power sources for fusing arc and associated control devices, control devices for power supplies, high frequency power sources to create the part and the control device thereof, the device for the introduction of welding electrodes, associated components and systems for the management of these and holders of welding electrodes and electrodes for brazing, for consumable and durable electrodes, high-frequency power sources for igniting the electric arc and related control devices, calculating machines, data processing equipment, computers, computer software, software for monitoring and controlling communication between computers and automated machine systems, software used to control welding and/or cutting processes, software used to control the weld arc in the field of gas metal arc welding, web tension sensors and controls for use in machines, web tension sensing apparatus and web tension control apparatus, tension transducers (load cells), tensiometers for use in controlling motor drives, hardware and software that controls mixing of gas used in brazing operation, software for monitoring and controlling communication between computers and automated machine systems, units for controlling electric controllers, electrical controllers, converters and microprocessors for machines, power converters, transformer, rectifier, software for welding, cutting, brazing and soldering machines, hardware for welding, cutting, brazing and soldering machines, software in the nature of code that

performs remote diagnostics, production reporting, monitoring, and administrative operations of robotic systems, data processing equipment, downloadable electronic publications, downloadable curriculum in the field of welding, cutting and brazing, downloadable educational materials in the field of welding, cutting and brazing, hand held units for controlling electric controllers, namely, hand-held electronic units for controlling a welding process, namely, an arc welding process, a laser process, cold or hot fed wire process, or hybrid process, electrical controllers for electric arc welders, namely, electrical controllers for the welding systems used to weld pipe seams, electrical controllers for welding wire feeders used with electrical arc welders, microprocessors, electronic, electrical and computer-generated controllers for controlling, automating, and managing welding equipment in the nature of electric arc welders, electronic controllers for controlling welding cycles and programs, namely, amp, volt, wire speed, and travel speed cycles and programs, weave patterns, pulsing and the like in an electric arc welder, tip parts, namely, the computer stylist for electronic sensors for welding, cutting, brazing and soldering machines and equipment therefore, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, compact discs, DVDs and other digital recording media, lifesaving and teaching apparatus and instruments, protective clothing, protective clothing for welding, soldering, brazing and cutting, protective and safety helmets, welders' helmets, protective glasses, welding glasses, glasses for welders' helmets, protective and safety goggles, optical lenses, lenses for welding helmets and face shields, working and welding helmets, accidents and fire protective clothing, welders' clothes, protective gloves, welder's gloves, protective helmets, welder's helmets, aprons, aprons for welding, soldering, brazing and cutting, protective and safety masks, welding masks, protective and safety head shields and head coverings, fire-extinguishing apparatus, parts and fittings for all the aforesaid goods, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, vehicles, apparatus for locomotion by land, air or water, welding vehicles, cutting vehicles, soldering and brazing vehicles, motors and engines for land vehicles, couplings and transmission components for land vehicles, paper, cardboard, printed matter, catalogues, brochures, paper documents, flyers, printed training material in the field of welding, cutting soldering and brazing, bookbinding material, photographs, stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters and office requisites (except furniture), instructional and teaching material (except apparatus), plastic materials for packaging, bags, containers and foils of paper, cardboard or plastic for packaging of welding or cutting consumables, industrial packaging containers of paper, cardboard or plastic for packaging of weld wire, welding electrodes or welding rods, printers' type, printing blocks, plastics in extruded form for use in manufacture and production of welding, cutting, brazing and soldering machines, packing, stopping and insulating materials, flexible pipes, not of metal, building materials (non-metallic), non-metallic rigid pipes for building, asphalt, pitch and bitumen, non-metallic transportable buildings, articles for cleaning purposes, steelwool, sacks and bags, padding and stuffing materials (except of rubber or plastics), raw fibrous textile materials, clothing, footwear, headgear.

Class 41 Education; providing of training; education, instruction and training in the fields of welding, cutting, soldering and brazing; organisation and per-formance of educational and instructional events and meetings in the fields of welding, cutting, soldering and brazing, also via the internet; or-ganisation and performance of trainings and schoolings in the fields of welding, cutting, soldering and brazing, also via the internet; or-ganisation via the internet; entertainment.

Class 42 Scientific and technological services and research and design relating thereto; design and development of electrical apparatus and instruments; design and development of computer hardware; design and development of computer software; design and development of computer hardware and software, in particular for welding and cutting applications; design and development of software for monitoring and controlling communication between computers and automated machine systems; design and development of welding, soldering, brazing and cutting simulators comprised of computer hardware and virtual reality software; industrial analysis and research services.

#### European Union trademark 16529828

Class 1 Chemicals used in industry for welding, cutting, soldering and brazing processes; unprocessed artificial resins, unprocessed plastics; fire extinguishing compositions; chemical preparations for use in metalworking; fluids for use in metalworking; welding and hardfacing consumables in class 01; tempering and soldering preparations; chemical fluxes; brazing flux; welding flux; metal welding and brazing flux; soldering flux; adhesives used in industry.

Class 7 Machines and machine tools for treatment of materials and for manufacturing; motors and engines (except for land vehicles); power sources for welding, cutting, soldering and brazing machines; machine coupling and transmission components (except for land vehicles); welding, cutting, brazing and soldering machines, and parts thereof; electric arc welders; electric welding apparatus and electrodes for use therewith and parts and fittings for all the aforesaid goods; agricultural implements other than hand-operated; welding electrodes in class 07; electrodes for welding machines; electrodes for hardsurfacing in class 07; electrodes for soldering; tubular welding electrodes; welding wire feeders [parts of electronic welding apparatus]; welding nozzles.

Class 9 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; electric controllers; power converters; control devices; control units for welding, brazing soldering and cutting processes; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; electrodes; power sources; power supplies; power supply apparatus; inverters for power supplies; power sources, power supplies, power supply apparatus and inverters for welding brazing, soldering and cutting machines; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, digital recording media; calculating machines, data processing equipment, computers; computer software; computer hard- and software for welding, brazing, soldering and cutting machines; protective clothing; protective clothing for welding, soldering, brazing and cutting; protective helmets, glasses, shoes and suits; fire-extinguishing apparatus.

#### Benelux application 1374424

Class 1 Industrial gases; Gases for use in air conditioners; Gases for use in refrigeration systems. Class 4 Oils for engines; Oils for automobiles; Synthetic compressor oils; Mineral oils and greases for industrial purposes [not for fuel]