

CHRISTMAS IN EU TRADEMARKS - Happy Holidays from the Kluwer Trademark Blog Editors!

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The Kluwer Trademark Blog wishes all readers very Happy Holidays and of a very good new year 2021 (not only in relative terms!).

Christmas is upon us - only two more days. Children are getting excited unless of course they have already received their presents, for example in the Netherlands where Sinterklaas brought them on December 6, or they have yet to wait for a while such as in Greece, where they get them on New Year's Eve, or in Spain, where the presents are brought by the Holy Kings only on January 6.

We thought that a little Christmas statistics would be fun. The Christmas spirit is clearly perceptible in EU trademarks (including IRs designating the EU, for the purposes of this article). The total number of records of marks including the term "Christmas" at the EUIPO are 154 (all included). If you also count marks that include "Natale", "Navidad" or "Weihnacht", that is well over 200. We didn't count "Noel" marks as Noel has different meanings and uses and distorts the statistics (there are 162 records for "NOEL" ...).

Looking at the "Christmas" marks only, the EUIPO appears to have been rather kindly predisposed vis-à-vis such marks. Of the 154 records, 136 are or were registered (27 have meanwhile expired), while only 15 were refused or withdrawn

(usually done following an objection). 3 have other statuses. So all in all the acceptance rate is pretty good.

The oldest EUTM (then CTM) from August 1996, no. 323469 **CHRISTMAS IN THE CITY** (classes 20, 21, 28) has meanwhile expired. As have “Christmas Apple” from December that same year (no. 427781) and “Santa Claus Christmas Magazine” from 1997 (534701). Also the beautiful “GOLDEN CHRISTMAS” (no. 1517820) from 2000 was allowed to lapse; this covered classes 14, 21, and 28.

As mentioned, overall the EUIPO appears to have been rather generous, probably inspired by Christmassy giving moods, when considering applications for registration. The following marks (in addition to those already mentioned) all are or were registered (figurative marks first, word marks second):





Christmas Concepts

OPERATION CHRISTMAS CHILD; FATHER CHRISTMAS; CHRISTMAS TREE MAGIC; CHRISTMAS IN LOVE; I LOVE CHRISTMAS; HEART OF CHRISTMAS; Christmas Feelings; Home of the First Christmas Tree; MR.CHRISTMAS; CHRISTMAS SHAPES; White Christmas, Christmas Time, THE CHRISTMAS FACTORY, THE CHRISTMAS SPIRIT; LETTERS FROM FATHER CHRISTMAS; A WHOLE LOT OF CHRISTMAS; AMAZING CHRISTMAS; DREAM OF CHRISTMAS.

Intriguing is the registration for THE CHRISTMAS PIG in no less than 20 classes. The latest application to have been filed (and published!) is CHRISTMAS PARTY for gaming software and online gaming.

Many of these cover decorative items, toys, Christmas tree decorations, paper articles, candles, perfumery, confectionery, drinks etc. Listing the goods and services of all of these marks would be too much – but the simple list of marks does show that there is a positive predisposition vis-à-vis “Christmas” marks!

That said, not all were lucky. In 1997, Starbucks tried to register “Christmas Blend” in class 30 but that was refused. The word mark CHRISTMAS CLASSICS (cl. 14, 21, 28) was withdrawn following an objection, “Silent night holy night – the Christmas concert” (a number of classes including 9, 16, 41) was refused, and the word mark applications THE ORIGINAL TASTE OF CHRISTMAS (cl. 32) and CHRISTMAS MOMENTS (cl. 30) were again withdrawn.

With all that, we wish everyone MERRY CHRISTMAS and hope that 2021 will prove to be a wonderful year for all of you. The EU family will be missing its UK members – but here on the blog we’ll continue to be one team!

Verena & Julius