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Olympic Committee trips on UNION OLIMPIJA hurdle

Examination/opposition

Slovenia - ITEM d.o.o

National procedures

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In *Comité International Olympique v Pivovarna Union dd* (Case 31207-33/2008-10, May 11 2009), the **Slovenian Intellectual Property Office** (SIPO) has held that there was no likelihood of confusion between the figurative trademark OLYMPIAD and the word mark UNION OLIMPIJA.

Pivovarna Union dd filed an application for the registration of the mark UNION OLIMPIJA in Slovenia (Application Z-200870033). The **Comité International Olympique** (the International Olympic Committee) opposed the application on the grounds that there was a likelihood of confusion with its earlier Community trademark OLYMPIAD (and Olympic rings design). The committee also cited the **Nairobi Treaty on the Protection of the Olympic Symbol**.

SIPO dismissed the opposition, holding that the marks were not confusingly similar. In particular, SIPO pointed out that the trademark UNION OLIMPIJA referred to the name of a famous sports club in Ljubljana. Moreover, both parts of the mark ('union' and '*Olimpija*') were equally dominant. SIPO held that the differences between the marks - the word 'union' and the five Olympic rings - were sufficient to avoid a likelihood of confusion. Furthermore, SIPO stated that the word 'Olympiad' is a generic term for the Olympic Games, while '*Olimpija*' is the name of the Greek city where the original Olympic games were held. SIPO concluded that consumers would be aware of this conceptual difference. SIPO also emphasized that:

- there were over 60 valid trademarks in Slovenia that included the prefix 'olimp'; and
- no one could have a monopoly over words including this prefix.

Finally, SIPO held that the Nairobi Treaty protects only the Olympic rings, but not words such as 'Olympiad' or 'Olympic'. Since the trademark applied for did not include the Olympic rings, this ground of opposition was also dismissed.

The committee has appealed the decision to the Administrative Court.

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