

**IN THE MATTER OF Application
No 2013283 by Audio Medical Devices Ltd
to register a trade mark in Class 10**

AND

**IN THE MATTER OF Opposition No
43757 thereto by Audi AG**

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BACKGROUND

15 On the 7 March 1995, Audio Medical Devices Limited filed an application for the registration in Class 10 of the trade mark AUDI-MED in respect of:

Hearing aids; apparatus and instruments for the treatment of deafness; parts and fittings for all the aforesaid goods.

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On the 20 December 1995 Audi AG filed notice of opposition. The grounds of opposition are as follows:-

- 25 1. Use and registration of the applicants' mark would be likely to cause confusion and lead to association with the opponents' United Kingdom registered trade marks numbered 886501, 1147308, 1302724, 1316975, 1380047 and 1503185. Registration would therefore be contrary to Section 5(2) (b) of the Trade Marks Act 1994.
- 30 2. The opponents trade mark AUDI has a reputation in the European Community and in the United Kingdom, and use of the applicants' mark would take unfair advantage of the opponents' trade mark and/or dilute the distinctive character of the opponents' mark.
- 35 3. The application should be refused in the exercise of the Registrar's discretion.

The applicants accept that the opponents are the registered proprietors of the trade marks listed in the grounds of opposition but deny there are grounds for refusal under Section 5(2)(b) of the Trade Marks Act 1994. The second ground of opposition is denied in the following terms:

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“Paragraph 2 of the grounds of opposition is denied in its entirety. The use in the European Community is irrelevant. Any reputation acquired by use would be strictly confined to the specific field of use. It would not extend to hearing aids, apparatus and instruments for the treatment of deafness, and parts and fittings therefor. Indeed since the name Audi was originally selected because of its meaning ‘hear’ (see dictionary of Trade Name Origins, Adrian Room, published by Routledge and Kegan Paul), this would defeat any attempt to establish a monopoly in the field of hearing devices. Thus use of

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the mark applied for, in the specified field, cannot take unfair advantage of or be detrimental to a trade mark protecting, for example, insurance services and division of finance for the hire and purchase of vehicles.”

5 Both sides seek an award of costs. The matter came to be heard on the 10 June 1998 when the applicants were represented by Mr S D Powell of Williams, & Powell Associates, Trade Mark Agents, and the opponents were represented by Mr James St. Ville of Counsel, instructed by Mewburn Ellis, Trade Mark Agents.

10 **OPPONENTS’ EVIDENCE**

The opponents’ evidence consists of a Statutory Declaration dated 6 September 1996 by Klaus Bernd le Vrang, who is a Director of Audi AG. Herr le Vrang states that:

15 *“The opponent has used the trade mark AUDI in relation to motor cars, spares for motor cars and the service of maintaining and repairing motor cars for very many years and in the United Kingdom for approximately the last 30 years. In addition the mark is used in respect of financing and insurance services relating to motor cars, although such use is of a more recent date. The turnover in the United Kingdom in respect of goods and*
20 *services provided under the trade mark AUDI has been on an increasing scale and in recent years has been as follows:-*

<u>Years</u>	<u>£</u>
1992	362 million
25 1993	384 million
1994	460 million
1995	524 million

30 *On the United Kingdom Trade Marks Register the opponent is the proprietor of the only registrations showing the letters AUDI standing alone. The abbreviation and combining form AUDIO is a very common component of trade mark registrations and there are registrations of words that begin with the four letters “AUDI” but the opponents mark is unique on the Register. There is now produced and shown to me an exhibit marked*
35 *“KBLB2” being a search report covering all classes of the UK Register and showing all registrations contained in the string AUDI”.*

Exhibit KBLB1 to Herr le Vrang’s declaration consists of details of the opponents’ United Kingdom trade mark registrations. Details of these registrations are attached to this decision as Annex A. Exhibit KBLB2 consists of a search report of the UK Register conducted on the
40 21 November 1995. It appears to confirm that the opponents are the only party with a trade mark featuring the word AUDI alone or as a separate integer of a registered mark.

Exhibit KBLV2 also includes a copy of a printout which appears to show registered company names beginning with the letters AUDI-. Mr St. Ville asked me to accept this as evidence that
45 there are no other companies registered in the UK whose names consist of or include the letters AUDI as a separate integer. However, Herr le Vrang’s declaration offers no explanation of the status or origin of this printout. In these circumstances I do not think I can accept the print out

as evidence as to the state of the UK Companies Register.

5 The opponents' evidence also includes a Statutory Declaration dated 18 September 1996 by Jytte Inger Christensen, who is a Trade Mark Agent with Mewburn Ellis. Ms Christensen provides further information about the opponents' use of the AUDI mark. She states that around 10% of the turnover figures given in Herr le Vrang's declaration of 6 September 1996 relate to vehicle repair and maintenance services provided under the mark. In addition, Ms Christensen provides figures for advertising expenditure in relation to the mark. For 1992-1994, the figures are around £11-14m per annum.

10 Ms Christensen states that she received this information from Volkswagen UK Limited, the opponents' UK distributors. The evidence is not challenged by the opponents.

15 Exhibit JIC2 to Ms Christensen's declaration consists of copies of advertisements for motor cars under the AUDI trade mark. Most of these appear to have come from national publications and some are dated prior to the relevant date in these proceedings.

APPLICANTS' EVIDENCE

20 The applicants' evidence consists of a Statutory Declaration dated the 13 January 1997 by Ian Edmund Munro, who is a Director of the applicants. Mr Munro states that the applicants' company was formed in 1986. He further states that:

25 *"Since its formation, the company has used the mark AUDI-MED in hyphenated or stylised form in connection with its products, namely devices for the treatment of deafness, especially hearing aids. During this period, I am not aware of a single case of confusion between the company or its products and the opponent or its products. None of the companies customers has ever even mentioned the possibility of confusion. This does not surprise me, as it is my firm belief that there is no possibility of confusion with or association with the opponent's trade marks. I have read the opponent's evidence and note that the opponent has not produced evidence of a single case of confusion"*.

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35 The applicants' evidence also includes a Statutory Declaration dated the 9 January 1997 by Anthony K Grant-Salmon, who is the Chairman of the British Hearing Aid Manufacturers Association. He states:

40 *"I would not believe there to be any confusion between the name AUDI-MED and the Audi range of Volkswagen cars, either now or potentially in the future. The name is not totally similar and AUDI-MED operates in an entirely different field of industry, I repeat, I believe that any likelihood of confusion is minimal. Additionally, and importantly, the use of the noun audi (from the Latin "to hear") is the most natural of words to use in this industry which is dedicated to give help to the increasing numbers of people with hearing difficulties. Finally this company has used this trade name for*
45 *many years and no case of confusion has ever been brought to my attention"*.

OPPONENTS' EVIDENCE IN REPLY

5 The opponents' evidence in reply takes the form of a further Statutory Declaration by Klaus Bernd le Vrang dated 18 April 1997 . This declaration contains mainly opinions and argument (or counter argument) rather than facts. I see no need to summarise what is said, although I do note the following extract:

10 *“The opponents are aware how common the prefix AUDIO- or AUDI- is and accept that it is likely to be seen as entirely descriptive. The opponents have therefore made the offer to the applicants that if they amend their mark to AUDIOMED or AUDIMED the opponents will make no further objection. That offer has been refused without reasons being given”.*

15 DECISION

20 At the Hearing, Mr St. Ville for the opponents, indicated that the ground of opposition under Section 5(2)(b) of the Act was not being pursued. Mr St. Ville was unable to point me to any provision within the Trade Marks Act 1994 which would allow the Registrar to refuse an application which meets the requirements for registration. In the circumstances I need say no more about the third ground of opposition. The only ground of opposition argued before me was that under Section 5(3) of the Act, which is as follows:

25 (3) A trade mark which -

(a) is identical with or similar to an earlier trade mark, and

(b) is to be registered for goods or services which are not similar to those for which the earlier trade mark is protected,

30 shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom (or, in the case of a Community trade mark, in the European Community) and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark.

40 The opponents have not provided any independent evidence in support of their claim to have a reputation under the mark AUDI. Nevertheless, I regard the evidence of use of their mark in relation to motor vehicles, supported by the evidence of national advertising, as sufficient, in this case, to establish the opponents' claim to have a reputation under their mark in respect of motor cars, parts and fittings therefor, and services relating to the repair and maintenance of motor cars.

45 Mr Powell, for the applicants, did not dispute that such a reputation existed. However, he pointed to the limited extent of the opponents' reputation. Mr Powell argued that AUDI is essentially a one product mark, and that the parties are engaged in completely unrelated fields of activity. In these circumstances, the applicants argue that there can be no likelihood of confusion.

In support of this contention the applicants say they have used their mark in “hyphenated or stylised form” since 1986 on, inter alia, hearing aids, without any instances of confusion with the opponents’ products. However, as Mr St. Ville pointed out at the hearing, the applicants have not provided any details of the nature or scale of the use claimed; nor is it clear that it has been used in the hyphenated form applied for. I have not overlooked the fact that Mr Grant-Salmon on behalf of the BHAMA states that he has been aware of the applicants’ use of the trade name AUDI-MED for many years, but in the absence of any information or specific details of this user I do not think that I can regard this as strong evidence as to the absence of any likelihood of confusion.

Mr St. Ville further contended that, once the opponents had established that they had a reputation under their trade mark, the onus was on the applicants to show that the use of their mark was not contrary to the provisions of Section 5(3) of the Act. He based this submission on the following footings:-

1. In an opposition based upon the mandatory provisions of the old law the onus was on the applicants.
2. Section 5 of the new law contained provisions which were mandatory.
3. The eleventh recital to EC Directive 104/89, which forms the basis of the new law, leaves the question of onus as a matter for national procedural rules, which are not prejudiced by the Directive.
4. The reasoning set out in old cases, such as *Eno v Dunn* (1890) 7 RPC 311 was still relevant under the new law with the consequence that the onus still rests on the applicants.

I have the following difficulties with those submissions:-

1. Because the new law is based upon the provisions of an EC Directive, one needs to exercise caution in looking at the decided cases under the old national law for guidance in deciding the appropriate approach under the new law.
2. In the *EUROLAMB* (1997 RPC page 279) Geoffrey Hobbs Q.C. , sitting as the Appointed Person on appeal from the Registrar, decided that Section 37 of the Act was neutral as concerns the relationship between the Registrar and an applicant. If that is right it is difficult to see why there should be a greater onus on an applicant if there is a subsequent opposition.
3. There is nothing in Section 38 of the Act (which provides for opposition to an application) which is akin to the express requirement in Section 37 of the Act for the Registrar to refuse registration unless he is satisfied that the requirements for registration are met. It is therefore difficult to identify any specific provision in the statute which could have the effect of placing an overall onus on an applicant in an opposition.

Further, I note that the wording of Section 5(3) of the Act closely follows the wording of Section 10(3) of the Act which makes similar provision with regard to infringement proceedings. In an

infringement action the onus would usually be on the plaintiff to make out his case reflecting the usual approach under English law that he who asserts must prove. Section 3 of the Act, with the possible exception of sub-section 6, is concerned with protecting the rights of the trade as a whole from unjustified monopolies and other matters connected with the protection of the public and/or public policy. In contrast, Section 5 is concerned with the relative property rights of two or more parties. It appears to me that the approach underlying Article 4 of the Directive (and hence Section 5 of the Act) is that a mark should be registrable unless another party was in a position to prevent applicant from using the mark applied for at the date of application. If Mr St. Ville is right and the onus under Section 5(3) is the reverse of that under Section 10(3) of the Act, the result would be that a proprietor of an earlier mark or right who was not able to prevent an applicant from using his mark in the UK may nevertheless be able to prevent him from registering it. Member States appear to be free to decide matters such as onus, but if Parliament had intended to introduce an overall onus in opposition proceedings under Section 5(3) of the Act on the applicant, one would have expected the Act to have contained some wording to bring about that result. As I have already noted, it does not.

I conclude that the onus under Section 5(3) of the Act is on an opponent to show that use of the mark applied for will take unfair advantage of and/or be detrimental to the opponent's earlier mark or its reputation. If he succeeds in doing so the applicant must, in order to avoid the refusal of his application, show that he nevertheless has "due cause" to use the mark applied for.

The opponents have not filed any independent evidence as to the likelihood of confusion. Where the fields of activity of the parties are far apart, as they are in this case, the Registrar should in my view be slow to infer from mere evidence of use of the earlier trade mark that there exists a likelihood of confusion with a similar mark which is to be registered and used in relation to dissimilar goods. In my judgement the opponents have not shown that there is any real likelihood of confusion.

However, the opponents' case is not based solely on the likelihood of confusion. Indeed the case argued before me was primarily that the registration and use of the applicants' trade mark will result in the dilution of the distinctive character of the opponents' mark. Jonathan Sumption Q.C., sitting as a Deputy Judge of the High Court in the case of Marks & Spencer PLC and others v One In A Million and others (1998 FSR 265) summed up the current position under Section 10(3) of the Act in the following terms:

"... there is at the moment some uncertainty about whether it is the law that an infringing sign must for the purposes of Section 10(3) be such as is likely to cause confusion. Some questions of law can be appropriately decided on an application for summary judgement. This one is, however, rather different. It is on the face of it strange that the likelihood of confusion should be required (as it expressly is) where the infringement consists in the use of an identical sign with similar goods or services, or a similar sign with identical or similar goods or services, but not where it consists of its use with goods which are not even similar. For substantially this reason, it has been decided on at least two occasions in England that Section 10(3) does require proof that the use was such as was likely to cause confusion: See BASF PLC v CEP (UK) PLC (Knox J. 26 October 1995 - unreported) and Baywatch Production Co. Inc. v Home Video Channel 1997 FSR 22). On the other hand, in a passing dictum in case C251/95 Sabel v Puma,

5 *the European Court of Justice has remarked that under the provision of the Directive which permits member states to include a provision such as Section 10(3), no likelihood of confusion is required. This seems to me to be less than conclusive of an issue which raises important questions of principle, requires more fuller argument than can be appropriate on an application for summary judgement, and may ultimately require a reference to the European Court”.*

10 Section 5(3) of the Act is identical in all material respects to Section 10(3) of the Act. It follows from this that it is also uncertain whether Section 5(3) of the Act requires a likelihood of confusion. Section 5(3) of the Act is intended to implement Article 4(4)(a) of the Directive. This is an optional provision. At the Hearing, Mr St. Ville asked me to accept that the European Court of Justice’s decision in *Sabel v Puma* was more than “passing dictum”. In particular, he drew my attention to the following passages from the opinion of Advocate General Jacobs, which are reported in 1998 RPC page 199 at 213 and 214:

15 *“It is argued that, if confusion is not required in the case of goods which are not similar, then a fortiori it cannot be required in the case of similar goods. The argument is impossible to reconcile with the terms of the Directive, which expressly requires confusion in the case of similar goods. Moreover it is obvious that Article 4(4)(a) simply provides a different test from that of confusion, by requiring it to be shown that the use of the later mark would take advantage of, or be detrimental to, the earlier mark, and that test is appropriate to the specific purpose of the provisions, which is to protect marks with a reputation”.*

20 *“As the United Kingdom points out, the reason why Article 4(4)(a) applies only where goods are dissimilar is no doubt that, where goods are similar to goods covered by a mark with a reputation, it is difficult to imagine a situation in which there will be no likelihood of confusion”.*

25 Mr St. Ville also drew my attention to the following extracts from my own decision in the case of *Oasis Stores Limited v Ever Ready PLC* (unreported at the time of writing):

30 *“Some of the wording in the Directive, eg Article 3(1), comes from the Paris Convention. However, the words “without due cause, takes unfair advantage of, or is detrimental to, the distinctive character or repute of the (earlier) trade mark” in Article 4(4)(a), like the words “there exists the likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark” in Article 4(1)(b), appear to have been devised by the framers of the Directive. If the framers of the Directive had intended to introduce the requirement for confusion into Article 4(4)(a), it seems strange that they chose not to mention that requirement in the wording of the Article.*

35 *The words “without due cause, takes unfair advantage of, or is detrimental to, the distinctive character or repute of the (earlier) trade mark” also appear in Articles 4(3) and 5 of the Directive. Article 4(3) introduces a similar provision to Article 4(4)(a) in respect of earlier Community trade marks, but unlike Article 4(4)(a), is mandatory. Articles 5(1) to 5(4) set out the mandatory and optional provisions of the Directive with regard to infringement rights*

Article 5(5) of the Directive is as follows:

Paragraphs 1 to 4 shall not affect provisions in any Member State relating to the protection against the use of a sign other than for the purposes of distinguishing goods or services, where use of that sign without due cause takes unfair advantage of, or is detrimental to, the distinctive character or repute of the trade mark (my emphasis).

This provision specifies the minimum conditions under which national legislation may protect registered trade marks from the use of signs by other traders other than for the purposes of distinguishing goods or services. If a sign is not used for the purposes of distinguishing goods or services it is difficult to see how there could be a likelihood of confusion as to origin. Yet the wording of the latter part of this provision is the same as the relevant wording in Article 4(4)(a) and Section 5(3) of the Act.

I conclude that **either** the words “use of that sign without due cause takes unfair advantage of, or is detrimental to, the distinctive character or repute of the (earlier) trade mark” have a different meaning in the different Articles of the Directive, **or** it is possible for the specified conditions to be met without any likelihood of confusion. I find the first proposition improbable and I reject it. I adopt the second alternative.

In *RBS Advanta v Barclays Bank plc* 1996 RPC P307, Laddie J. considered the meaning of the proviso to Section 10(6) of the Act which deals with comparative advertising. The second half of the proviso contains wording identical with the wording in Section 5(3) of the Act. Laddie J. expressed the following view on the meaning of the above words in that context:

“At the most these words emphasise that the use of the mark must take advantage of it or be detrimental to it. In other words the use must either give some advantage to the defendant or inflict some harm on the character or repute of the registered mark which is above the level of *de minimis*.”

I see no reason to adopt a more restrictive interpretation of these words as they appear in Section 5(3) of the Act. I will consider each of these alternative headings in turn.”

Nothing said during the hearing caused me to change my view as to the meaning of Section 5(3) of the Act. I therefore consider whether the use of the applicants’ mark AUDI-MED is likely to be detrimental to the distinctive character or repute of the opponents’ trade mark AUDI.

Any use of the same or similar mark for dissimilar goods or services is, to some extent, liable to dilute the distinctiveness of the earlier mark. The provision is clearly not intended to have the sweeping effect of preventing the registration of any mark which is the same as, or similar to a trade mark with a reputation. It therefore appears to be a matter of degree. In considering detriment under this heading it appears to me to be appropriate to consider:

1. Similarity of respective marks.

Although it might appear appropriate to consider this as a preliminary point I think it must in fact be considered globally with the other relevant factors. For otherwise the

question of whether one mark is similar to another begs the question “similar enough for what?” The answer to that question must be similar enough that use of the later mark will take unfair advantage of the earlier mark, or be detrimental to its distinctiveness or repute. The opponents have the word AUDI registered under No 1380047 in Class 12 in a slightly stylised form and within an oval border. This registration covers motor land vehicles and parts and fittings. In my view the word AUDI is likely to be taken as the dominant element of that mark. They also have the word AUDI registered alone in plain type for related services. The word AUDI is, in my view, clearly recognisable as a separate integer in the applicants’ mark. The second element in the applicants’ mark, the suffix -MED, is a recognised abbreviation for “medical”, and is, I think, likely to be taken as a reference to the nature of the applicants’ goods. When used in relation to deafness aids, I think it is also likely that many people will recognise that the AUDI- prefix of the applicants’ mark is also the first four letters of the well known dictionary word AUDIO. The fact that AUDI-MED is hyphenated rather than two separate words is, I think, another factor that makes it less likely that the AUDI- in AUDI-MED will give rise to any sort of association with the opponents’ mark. However, I do not rule out the possibility that the applicants’ mark may still remind some people of the opponents’ mark.

2. The inherent distinctiveness of the earlier trade mark.

In my view, the opponents’ trade mark has a high degree of inherent distinctiveness when considered in relation to motor cars and related parts and services. The word AUDI would be less inherently distinctive for deafness aids because of its similarity to the well known English word AUDIO. The opponents accept that AUDI is likely to be seen as descriptive of the applicants’ goods (see Herr le Vrang’s evidence above) and take issue only with the separate presentation of that word in the applicants’ mark.

3. The extent of the reputation that the earlier mark enjoys.

In the absence of evidence from the trade or relevant public it is difficult to establish exactly what the extent of the opponents’ reputation under their mark is. However, based upon the extent of their use of the mark, I think it is likely to be high in relation to motor cars etc.

4. The range of goods or services for which the earlier mark enjoys a reputation.

The opponents’ mark is essentially a ‘one product’ mark. The reputation appears to be limited to motor cars and goods and services relating thereto.

5. The uniqueness or otherwise of the mark in the market place.

On the evidence before me it would appear that the opponents are the only proprietors of a trade mark on the UK Register which consists of or includes the word AUDI as a separate integer. There is no real evidence before me as to whether the position in the market place is any different.

6. Whether the respective goods/services, although dissimilar, are in some way related or likely to be sold through the same outlets.

5 The respective goods are clearly completely unrelated and are very unlikely to be sold through the same outlets.

7. Whether the earlier mark will be any less distinctive for the goods/services for which it has a reputation than it was before.

10 Mr St. Ville contended that the dilution of the uniqueness of the AUDI trade mark which would occur if the applicants' mark were placed upon the Register was, of itself, sufficient to justify refusal of the application under Section 5(3) of the Act. I cannot accept that proposition. In my view, this provision can only apply where use of the later mark will have more than a de minimis effect on the distinctiveness of the earlier trade mark *in the*
15 *market place*. The fact that the opponents' mark will no longer be the only mark on the United Kingdom Trade Mark Register which incorporates the letters AUDI as a separate integer cannot, of itself, have more than a de minimis effect on the distinctive character of the earlier mark, if indeed it has any effect at all.

20 It is possible to envisage situations whereby later use of the same or very similar trade mark on dissimilar goods could reduce the distinctiveness of the earlier mark. For example, where goods are ordered purely by the trade mark the existence of the same mark for dissimilar goods sold through the same outlets might mean that the earlier mark was no longer as distinctive as it was before. And where the earlier mark is unique and has a reputation in relation to a range of
25 different goods and services the potential for detriment is obvious.

There are no such considerations here. The differences between these marks, the fact that the AUDI prefix is semi descriptive in the applicants' mark, combined with the 'one product' nature of the earlier mark and the disparate channels of trade, leads me to the clear conclusion that use
30 of the later trade mark will have no effect on the distinctiveness of the earlier trade mark in respect of the goods and services for which it enjoys a reputation.

The opponents also allege that use of the applicants' mark would take unfair advantage of their reputation under the trade mark AUDI. Mr S. Ville contended that the opponents' reputation
35 under the mark AUDI was not simply in respect of motor cars; it was more particularly in respect of high technology motor cars. He argued that it was this aspect of Audi's reputation which the applicants' mark sought to take unfair advantage of. In my view, the opponents' evidence on this point is very thin. And even if the opponents had established such a specific reputation in evidence, it does not seem to me to be the sort of reputation that would easily transfer to use of
40 a similar mark in respect of deafness aids. In short I can see nothing in the opponents' evidence or in the facts of this case which support the argument that use of the applicants' mark is likely to take unfair advantage of the opponents' reputation.

I conclude that the opposition under Section 5(3) of the Act fails.

The opposition having failed the applicants are entitled to a contribution towards their costs. I order the opponents to pay the applicants the sum of £750.

5 Dated this 6th Day of July 1998

10 Allan James
For the Registrar
The Comptroller General

ANNEX A



886,501. Motor land vehicles and parts thereof included in Class 12. AUTO UNION G.m.b.H. (a Joint Stock Company organised under the laws of the German Federal Republic), Schrankenstrasse 3, Ingolstadt 8070, Donau, Germany; Manufacturers and Merchants.—4th November, 1965. Address for service is c/o Mewburn, Ellis & Co., 70/72, Chancery Lane, London, W.C.2.

1,380,047. 14 April 1989. (12)



To be associated with No. 886,501 (4580, 809) and others.

Motor land vehicles and parts therefor, all included in Class 12.
Audi AG, Postfach 220, D-8070 Ingolstadt, Federal Republic of Germany.

Agent: Mewburn Ellis, 2 Cursitor Street, London EC4A 1BQ.

1,302,724. 3 March 1987. (37)



To be associated with No. 886,501 (4580, 809) and another.

Repair, maintenance and cleaning of vehicles, included in Class 37.

Audi Aktiengesellschaft, Postfach 220, D-8070 Ingolstadt, Federal Republic of Germany.

Agent: Mewburn Ellis, 2 Cursitor Street, London EC4A 1BQ.

AUDI quattro

Registration of this Trade Mark shall give no right to the exclusive use of the word "Quattro".

1,147,308. Motor land vehicles and parts thereof included in Class 12. AUDI NSU AUTO UNION AKTIENGESELLSCHAFT (a Company incorporated under the laws of the Federal Republic of Germany), 7107 Neckarsulm, Federal Republic of Germany; Manufacturers and Merchants.—20th January, 1981. Address for service is c/o Mewburn Ellis & Co., 2/3 Cursitor Street, London EC4A 1BQ. To be Associated with No. 886,501 (4580, 809).

1,316,975. 28 July 1987. (36)

AUDI

Insurance services; provision of finance for the hire and for the purchase of vehicles; all included in Class 36.

Audi Aktiengesellschaft, Postfach 220, D-8070 Ingolstadt, Federal Republic of Germany.

Agent: Mewburn Ellis, 2 Cursitor Street, London EC4A 1BQ.

1503185 11 June 1992 (36)

AUDI

To be associated with No. 1316975 (5780,3530) and another.

Credit services, credit agency, credit brokerage, credit card services, credit bureau services, provision of finance for credit sales, lease-purchase financing, leasing services; information and advisory services, all relating to the aforesaid; all included in Class 36.

Audi AG, Postfach 10 02 20, Ingolstadt W 8070, Germany.

Agent: Mewburn Ellis, 2 Cursitor Street, London, EC4A 1BQ.