

Date of document (dd/mm/yyyy): <input type="text" value="03/11/2016"/>	Number of pages (including current page) <input type="text" value="10"/>
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ReferenceYour reference: **Opposition proceedings**Language of proceedings: **Opponent(s)**

Opponent number: 1	Opponent EUIPO ID\:	<input type="text" value="To be assigned"/>
Type of opponent:	<input type="text" value="Legal entity"/>	
Name of organization:	<input type="text" value="McGREGOR SPORTS AND ENTERTAINMENT LIMITED"/>	
Nationality:	<input type="text" value="Ireland"/>	
Street name & house No:	<input type="text" value="Charter House
5 Pembroke Row"/>	
City/Town:	<input type="text" value="Dublin"/>	
Postal code:	<input type="text" value="2"/>	
Country:	<input type="text" value="Ireland"/>	
Postal address:	<input type="text"/>	
Telephone number:	<input type="text"/>	
Fax number:	<input type="text"/>	
Email address:	<input type="text"/>	

Representative(s)

Representative number: 1	EUIPO Representative ID number\:	<input type="text" value="10633"/>
Representative type:	<input type="text" value="Association"/>	
Name of organization:	<input type="text" value="FRKELLY"/>	
Street name & house no:	<input type="text" value="27 Clyde Road Ballsbridge"/>	
City/Town:	<input type="text" value="Dublin 4"/>	
Postal code:	<input type="text"/>	
Country:	<input type="text" value="Ireland"/>	
Postal address:	<input type="text" value="FRKELLY
27 Clyde Road Ballsbridge
Dublin 4
IRLANDA"/>	
Telephone number:	<input type="text" value="00 353-12314848"/>	
Fax number:	<input type="text" value="00 353-16682844"/>	
Email address:	<input type="text" value="dublin@frkelly.com"/>	

Challenged application

Number:	<input type="text" value="015691256"/>
Trade mark origin	<input type="text" value="EUTM application"/>
Application date:	<input type="text" value="23/07/2016"/>
Publication date:	<input type="text" value="03/08/2016"/>
Application representation:	<input type="text" value="CONOR McGREGOR THE NOTORIOUS"/>
Name of the applicant:	<input type="text" value="Tabassum Gazala Khan"/>
First language	<input type="text" value="EN (English) Selected"/>
Second language:	<input type="text" value="DE (German)"/>

List of goods & services - Against all goods and services

Class	Goods & services
3	Toiletries; Tailors' and cobblers' wax; Essential oils and aromatic extracts; Cleaning and fragancing preparations; Animal grooming preparations; Abraders; Perfumery and fragrances; Body cleaning and beauty care preparations; Oral hygiene preparations.
8	Hygienic and beauty implements for humans and animals; Hand-operated tools and implements for treatment of materials, and for construction, repair and maintenance; Food preparation implements, kitchen knives and cutlery; Edged and blunt weapons; Lifting Tools.
9	Information technology and audiovisual equipment; Magnets, magnetizers and demagnetizers; Measuring, detecting and monitoring instruments, indicators and controllers; Navigation, guidance, tracking, targeting and map making devices; Optical devices, enhancers and correctors; Recorded content; Safety, security, protection and signalling devices; Scientific research and laboratory apparatus, educational apparatus and simulators.
14	Gemstones, pearls and precious metals, and imitations thereof; Jewellery; Jewellery boxes and watch boxes; Time instruments; Chronometric instruments; Jewels; Key rings and key chains.
16	Paper and cardboard; Printed matter; Stationery and educational supplies; Works of art and figurines of paper and cardboard, and architects' models; Glue for stationery or household use; Gluten [glue] for stationery or household purposes; Gums [adhesives] for stationery or household purposes; Pastes and other adhesives for stationery or household purposes.
18	Boxes made of leather; Boxes of leather or leatherboard; Cases of leather or leatherboard; Casings, of leather, for springs; Luggage, bags, wallets and other carriers; Saddlery, whips and animal apparel; Sausage skins and imitations thereof; Umbrellas and parasols; Walking sticks.
21	Brushes and brush-making articles; Cleaning articles; Cosmetic and toilet utensils and bathroom articles; Statues, figurines, plaques and works of art, made of materials such as porcelain, terra-cotta or glass, included in the class; Tableware, cookware and containers; Unworked and semi-worked glass, not specified for use; Battery operated lint removers; Boot jacks; Boot stretchers of wood; Boot trees [stretchers]; Brushes for footwear; Buttonhooks; Clothes brushes; Clothes drying hangers; Clothes drying hangers specially designed for specialty clothing; Clothes drying racks; Clothes-pegs; Clothing stretchers; Electric lint removers; Flat-iron stands; Frames for drying and maintaining the shape of clothing items; Glove stretchers; Ironing board covers, shaped; Ironing boards; Ironing boards [kotedai]; Ironing cloths; Laundry baskets; Laundry drying racks; Shirt stretchers; Shoe cloths; Shoe horns; Shoe polishing mitts; Shoe scrapers incorporating brushes; Shoe shine cloths; Shoe trees; Tie presses; Trouser presses; Trouser stretchers; Wax-polishing appliances, non-electric, for shoes.
25	Clothing; Footwear; Headgear.
26	Accessories for apparel, sewing articles and decorative textile articles; Artificial fruit, flowers and vegetables; Hair ornaments, hair rollers, hair fastening articles, and false hair.
28	Fairground and playground apparatus; Festive decorations and artificial Christmas trees; Sporting articles and equipment; Toys, games, playthings and novelties.
29	Birds eggs and egg products; Dairy products and dairy substitutes; Fish, seafood and molluscs; Meats; Oils and fats; Processed fruits, fungi and vegetables (including nuts and pulses).
30	Baked goods, confectionery, chocolate and desserts; Coffee, teas and cocoa and substitutes thereof; Ice, ice creams, frozen yogurts and sorbets; Processed grains, starches, and goods made thereof, baking preparations and yeasts; Salts, seasonings, flavourings and condiments; Sugars, natural sweeteners, sweet coatings and fillings, bee products.
32	Beer and brewery products; Non-alcoholic beverages; Preparations for making beverages.
35	Advertising, marketing and promotional services; Business analysis, research and information services; Business assistance, management and administrative services; Commercial trading and consumer information services.
41	Education, entertainment and sports; Publishing and reporting; Translation and interpretation.
43	Animal boarding; Provision of food and drink; Rental of furniture, linens and table settings; Temporary accommodation; Providing temporary accommodation; Services for providing food and drink.
44	Agriculture, aquaculture, horticulture and forestry services; Animal grooming services; Animal healthcare services; Human healthcare services; Human hygiene and beauty care; Pet grooming.

Basis of the opposition #1 - Trade mark

Trade mark number:	2016/01428
Trade mark origin:	National trade mark
Country:	Ireland
Trade mark name:	CONOR McGREGOR
Application date:	07/07/2016
Type of the representation of the earlier right:	Word
Word element(s) of the earlier right:	CONOR McGREGOR
Character set of the representation of the mark:	English
Reputation claimed:	Yes
Countries for which reputation is claimed:	Ireland

List of goods & services - Based on all goods and services	
Class	Goods & services
41	Gymnasium services; Provision of health club services; Health and fitness training; Education; Provision of training; Entertainment; Sporting and cultural activities; Gymnastic instruction.
16	Books; Printed publications; Calendars; Diaries; Stationery.
28	Games and playthings; Gymnastic and sporting articles.
25	Clothing; Footwear; Headgear.
43	Restaurant and café services; Provision of food and drink; Takeaway food services; Hotel services; Temporary accommodation.
3	Aftershave; Toiletries; Shaving oils; Shaving gels; Shaving foam; Perfume; Cosmetics.
44	Barber shops; Hairdressing services; Healthcare services; Physiotherapy; Beauty salons; Medical clinic services.
9	Computer and video games; DVD's; Videos; Protective clothing; Compact discs; Teaching apparatus and instruments.
List of goods & services for which reputation is claimed	
Class	Goods & services
41	Gymnasium services; Provision of health club services; Health and fitness training; Education; Provision of training; Entertainment; Sporting and cultural activities; Gymnastic instruction.
16	Books; Printed publications; Calendars; Diaries; Stationery.
28	Games and playthings; Gymnastic and sporting articles.
25	Clothing; Footwear; Headgear.
43	Restaurant and café services; Provision of food and drink; Takeaway food services; Hotel services; Temporary accommodation.
3	Aftershave; Toiletries; Shaving oils; Shaving gels; Shaving foam; Perfume; Cosmetics.
44	Barber shops; Hairdressing services; Healthcare services; Physiotherapy; Beauty salons; Medical clinic services.
9	Computer and video games; DVD's; Videos; Protective clothing; Compact discs; Teaching apparatus and instruments.
Entitlement	
Entitlement of opponent:	Owner/Co-owner/Licencee
Grounds for the opposition	
Grounds: #1	Article 8(1)(b) EUTMR - there exists a likelihood of confusion on the part of the public.
Grounds: #2	Article 8(5) EUTMR - the use without due cause of the contested mark would take unfair advantage of, or be detrimental to, the distinctive character or repute of the earlier trade mark.
Explanation of grounds and other remarks:	<p>The Trade Mark applied for, CONOR MCGREGOR THE NOTORIOUS, the subject of EU Trade Mark Application No. 015691256 offends against Article 8(1)(b) of the EU Trade Mark Regulation in that it is similar to the Opponent's earlier Trade Marks within the meaning of Article 8(2)(a) and given the identity/similarity of the said goods and services covered by the Application, there exists a likelihood of confusion, which includes the likelihood of association, on the part of the public in the territory in which the Opponent's Trade Mark is protected by virtue of Irish Trade Mark Application No. 2016/01428 and No. 2016/01429.</p> <p>The Opponent has, by virtue of their use of the Trade Mark CONOR MCGREGOR and the Trade Mark THE NOTORIOUS, built up a substantial reputation such that use of the Trade Mark applied for by the Applicant would without due cause of the Trade Mark applied for take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier Trade Marks of the Opponent. The Application of the Applicant therefore offends against Article 8(5) of the EU Trade Mark Regulation.</p> <p>The Opponent reserves the right to provide further detailed explanation of grounds, including supporting documentation and evidence, at a later date and once the adversarial stage of the Opposition commences.</p>
Evidence	201601428.pdf (109Kb)
Translation	201601428.pdf (109Kb)

Basis of the opposition #2 - Trade mark

	Trade mark number:	2016/01429
Trade mark origin:	National trade mark	
Country:	Ireland	
Trade mark name:	THE NOTORIOUS	
Application date:	07/07/2016	
Type of the representation of the earlier right:	Word	
Word element(s) of the earlier right:	THE NOTORIOUS	
Character set of the representation of the mark:	English	
Reputation claimed:	Yes	
Countries for which reputation is claimed:	Ireland	

List of goods & services - Based on all goods and services

Class	Goods & services
41	Gymnasium services; Provision of health club services; Health and fitness training; Education; Provision of training; Entertainment; Sporting and cultural activities; Gymnastic instruction.
16	Books; Printed publications; Calendars; Diaries; Stationery.
28	Games and playthings; Gymnastic and sporting articles.
25	Clothing; Footwear; Headgear.
43	Restaurant and café services; Provision of food and drink; Takeaway food services; Hotel services; Temporary accommodation.
3	Aftershave; Toiletries; Shaving oils; Shaving gels; Shaving foam; Perfume; Cosmetics.
44	Barber shops; Hairdressing services; Healthcare services; Physiotherapy; Beauty salons; Medical clinic services.
9	Computer and video games; DVD's; Videos; Protective clothing; Compact discs; Teaching apparatus and instruments.

List of goods & services for which reputation is claimed

Class	Goods & services
41	Gymnasium services; Provision of health club services; Health and fitness training; Education; Provision of training; Entertainment; Sporting and cultural activities; Gymnastic instruction.
16	Books; Printed publications; Calendars; Diaries; Stationery.
28	Games and playthings; Gymnastic and sporting articles.
25	Clothing; Footwear; Headgear.
43	Restaurant and café services; Provision of food and drink; Takeaway food services; Hotel services; Temporary accommodation.
3	Aftershave; Toiletries; Shaving oils; Shaving gels; Shaving foam; Perfume; Cosmetics.
44	Barber shops; Hairdressing services; Healthcare services; Physiotherapy; Beauty salons; Medical clinic services.
9	Computer and video games; DVD's; Videos; Protective clothing; Compact discs; Teaching apparatus and instruments.

Entitlement

Entitlement of opponent:	Owner/Co-owner/Licencee
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Grounds for the opposition

Grounds: #1	Article 8(1)(b) EUTMR - there exists a likelihood of confusion on the part of the public.
Grounds: #2	Article 8(5) EUTMR - the use without due cause of the contested mark would take unfair advantage of, or be detrimental to, the distinctive character or repute of the earlier trade mark.
Explanation of grounds and other remarks:	<p>The Trade Mark applied for, CONOR MCGREGOR THE NOTORIOUS, the subject of EU Trade Mark Application No. 015691256 offends against Article 8(1)(b) of the EU Trade Mark Regulation in that it is similar to the Opponent's earlier Trade Marks within the meaning of Article 8(2)(a) and given the identity/similarity of the said goods and services covered by the Application, there exists a likelihood of confusion, which includes the likelihood of association, on the part of the public in the territory in which the Opponent's Trade Mark is protected by virtue of Irish Trade Mark Application No. 2016/01428 and No. 2016/01429.</p> <p>The Opponent has, by virtue of their use of the Trade Mark CONOR MCGREGOR and the Trade Mark THE NOTORIOUS, built up a substantial reputation such that use of the Trade Mark applied for by the Applicant would without due cause of the Trade Mark applied for take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier Trade Marks of the Opponent. The Application of the Applicant therefore offends against Article 8(5) of the EU Trade Mark Regulation.</p> <p>The Opponent reserves the right to provide further detailed explanation of grounds, including supporting documentation and evidence, at a later date and once the adversarial stage of the Opposition commences.</p>
Evidence	201601429.pdf (109Kb)
Translation	201601429.pdf (109Kb)

Basis of the opposition #3 - Non-registered trade mark or other sign used in the course of trade

	Trade mark number:	N/A
Nature of the earlier right	Non-registered trade mark	
Relevant territory:	Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Croatia, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom	
Type of the representation of the earlier right:	Word	
Word element(s) of the earlier right:	CONOR MCGREGOR	
Character set of the representation of the mark:	English	

List of goods & services	
Class	Goods & services
N/A	<p>Aftershave; Toiletries; Shaving oils; Shaving gels; Shaving foam; Perfume; Cosmetics. Hygienic and beauty implements for humans and animals; Hand-operated tools and implements for treatment of materials, and for construction, repair and maintenance; Food preparation implements, kitchen knives and cutlery; Edged and blunt weapons; Lifting Tools. Computer and video games; DVD's; Videos; Protective clothing; Compact discs; Teaching apparatus and instruments. Information technology and audiovisual equipment; Magnets, magnetizers and demagnetizers; Measuring, detecting and monitoring instruments, indicators and controllers; Navigation, guidance, tracking, targeting and map making devices; Optical devices, enhancers and correctors; Recorded content; Safety, security, protection and signalling devices; Scientific research and laboratory apparatus, educational apparatus and simulators. Gemstones, pearls and precious metals, and imitations thereof; Jewellery; Jewellery boxes and watch boxes; Time instruments; Chronometric instruments; Jewels; Key rings and key chains. Books; Printed publications; Calendars; Diaries; Stationery. Paper and cardboard; Printed matter; Stationery and educational supplies; Works of art and figurines of paper and cardboard, and architects' models; Glue for stationery or household use; Gluten [glue] for stationery or household purposes; Gums [adhesives] for stationery or household purposes; Pastes and other adhesives for stationery or household purposes. Boxes made of leather; Boxes of leather or leatherboard; Cases of leather or leatherboard; Casings, of leather, for springs; Luggage, bags, wallets and other carriers; Saddlery, whips and animal apparel; Sausage skins and imitations thereof; Umbrellas and parasols; Walking sticks. Brushes and brush-making articles; Cleaning articles; Cosmetic and toilet utensils and bathroom articles; Statues, figurines, plaques and works of art, made of materials such as porcelain, terra-cotta or glass, included in the class; Tableware, cookware and containers; Unworked and semi-worked glass, not specified for use; Battery operated lint removers; Boot jacks; Boot stretchers of wood; Boot trees [stretchers]; Brushes for footwear; Buttonhooks; Clothes brushes; Clothes drying hangers; Clothes drying hangers specially designed for specialty clothing; Clothes drying racks; Clothes-pegs; Clothing stretchers; Electric lint removers; Flat-iron stands; Frames for drying and maintaining the shape of clothing items; Glove stretchers; Ironing board covers, shaped; Ironing boards; Ironing boards [kotedai]; Ironing cloths; Laundry baskets; Laundry drying racks; Shirt stretchers; Shoe cloths; Shoe horns; Shoe polishing mitts; Shoe scrapers incorporating brushes; Shoe shine cloths; Shoe trees; Tie presses; Trouser presses; Trouser stretchers; Wax-polishing appliances, non-electric, for shoes. Clothing; Footwear; Headgear. Accessories for apparel, sewing articles and decorative textile articles; Artificial fruit, flowers and vegetables; Hair ornaments, hair rollers, hair fastening articles, and false hair. Games and playthings; Gymnastic and sporting articles. Fairground and playground apparatus; Festive decorations and artificial Christmas trees; Sporting articles and equipment; Toys, games, playthings and novelties. Birds eggs and egg products; Dairy products and dairy substitutes; Fish, seafood and molluscs; Meats; Oils and fats; Processed fruits, fungi and vegetables (including nuts and pulses). Baked goods, confectionery, chocolate and desserts; Coffee, teas and cocoa and substitutes thereof; Ice, ice creams, frozen yogurts and sorbets; Processed grains, starches, and goods made thereof, baking preparations and yeasts; Salts, seasonings, flavourings and condiments; Sugars, natural sweeteners, sweet coatings and fillings, bee products. Beer and brewery products; Non-alcoholic beverages; Preparations for making beverages. Advertising, marketing and promotional services; Business analysis, research and information services; Business assistance, management and administrative services; Commercial trading and consumer information services. Gymnasium services; Provision of health club services; Health and fitness training; Education; Provision of training; Entertainment; Sporting and cultural activities; Gymnastic instruction. Restaurant and café services; Provision of food and drink; Takeaway food services; Hotel services; Temporary accommodation. Barber shops; Hairdressing services; Healthcare services; Physiotherapy; Beauty salons; Medical clinic services.</p>
Entitlement	
Entitlement of opponent:	Owner/Co-owner/Licencee
Grounds for the opposition	
Grounds: #1	Article 8(4) EUTMR -The earlier non-registered trade mark/sign is used in the course of trade of more than mere local significance and,, pursuant to the law governing it, the trade mark or other sign confers on its proprietor the right to prohibit the use of a subsequent trade mark.
Explanation of grounds and other remarks:	<p>The Opponent has, as a result of the use of the non-registered Trade Mark CONOR MCGREGOR, THE NOTORIOUS and CONOR MCGREGOR THE NOTORIOUS in the course of trade of more than mere local significance, built up a substantial reputation and goodwill in the Trade Marks and those Trade Marks confer on the Opponent the right to prohibit the use of the Trade Mark applied for by the Applicant. The Application of the Applicant therefore offends against Article 8(4) of the EU Trade Mark Regulation.</p> <p>The Opponent reserves the right to provide further detailed explanation of grounds, including supporting documentation and evidence, at a later date and once the adversarial stage of the Opposition commences.</p>
Evidence of the mark being used in the course of trade	To follow
Translation:	To follow

Basis of the opposition #4 - Non-registered trade mark or other sign used in the course of trade

	Trade mark number:	N/A
Nature of the earlier right	Non-registered trade mark	
Relevant territory:	Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Croatia, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom	
Type of the representation of the earlier right:	Word	
Word element(s) of the earlier right:	THE NOTORIOUS	
Character set of the representation of the mark:	English	

List of goods & services

Class	Goods & services
N/A	<p>Aftershave; Toiletries; Shaving oils; Shaving gels; Shaving foam; Perfume; Cosmetics. Hygienic and beauty implements for humans and animals; Hand-operated tools and implements for treatment of materials, and for construction, repair and maintenance; Food preparation implements, kitchen knives and cutlery; Edged and blunt weapons; Lifting Tools. Computer and video games; DVD's; Videos; Protective clothing; Compact discs; Teaching apparatus and instruments. Information technology and audiovisual equipment; Magnets, magnetizers and demagnetizers; Measuring, detecting and monitoring instruments, indicators and controllers; Navigation, guidance, tracking, targeting and map making devices; Optical devices, enhancers and correctors; Recorded content; Safety, security, protection and signalling devices; Scientific research and laboratory apparatus, educational apparatus and simulators. Gemstones, pearls and precious metals, and imitations thereof; Jewellery; Jewellery boxes and watch boxes; Time instruments; Chronometric instruments; Jewels; Key rings and key chains. Books; Printed publications; Calendars; Diaries; Stationery. Paper and cardboard; Printed matter; Stationery and educational supplies; Works of art and figurines of paper and cardboard, and architects' models; Glue for stationery or household use; Gluten [glue] for stationery or household purposes; Gums [adhesives] for stationery or household purposes; Pastes and other adhesives for stationery or household purposes. Boxes made of leather; Boxes of leather or leatherboard; Cases of leather or leatherboard; Casings, of leather, for springs; Luggage, bags, wallets and other carriers; Saddlery, whips and animal apparel; Sausage skins and imitations thereof; Umbrellas and parasols; Walking sticks. Brushes and brush-making articles; Cleaning articles; Cosmetic and toilet utensils and bathroom articles; Statues, figurines, plaques and works of art, made of materials such as porcelain, terra-cotta or glass, included in the class; Tableware, cookware and containers; Unworked and semi-worked glass, not specified for use; Battery operated lint removers; Boot jacks; Boot stretchers of wood; Boot trees [stretchers]; Brushes for footwear; Buttonhooks; Clothes brushes; Clothes drying hangers; Clothes drying hangers specially designed for specialty clothing; Clothes drying racks; Clothes-pegs; Clothing stretchers; Electric lint removers; Flat-iron stands; Frames for drying and maintaining the shape of clothing items; Glove stretchers; Ironing board covers, shaped; Ironing boards; Ironing boards [kotedai]; Ironing cloths; Laundry baskets; Laundry drying racks; Shirt stretchers; Shoe cloths; Shoe horns; Shoe polishing mitts; Shoe scrapers incorporating brushes; Shoe shine cloths; Shoe trees; Tie presses; Trouser presses; Trouser stretchers; Wax-polishing appliances, non-electric, for shoes. Clothing; Footwear; Headgear. Accessories for apparel, sewing articles and decorative textile articles; Artificial fruit, flowers and vegetables; Hair ornaments, hair rollers, hair fastening articles, and false hair. Games and playthings; Gymnastic and sporting articles. Fairground and playground apparatus; Festive decorations and artificial Christmas trees; Sporting articles and equipment; Toys, games, playthings and novelties. Birds eggs and egg products; Dairy products and dairy substitutes; Fish, seafood and molluscs; Meats; Oils and fats; Processed fruits, fungi and vegetables (including nuts and pulses). Baked goods, confectionery, chocolate and desserts; Coffee, teas and cocoa and substitutes thereof; Ice, ice creams, frozen yogurts and sorbets; Processed grains, starches, and goods made thereof, baking preparations and yeasts; Salts, seasonings, flavourings and condiments; Sugars, natural sweeteners, sweet coatings and fillings, bee products. Beer and brewery products; Non-alcoholic beverages; Preparations for making beverages. Advertising, marketing and promotional services; Business analysis, research and information services; Business assistance, management and administrative services; Commercial trading and consumer information services. Gymnasium services; Provision of health club services; Health and fitness training; Education; Provision of training; Entertainment; Sporting and cultural activities; Gymnastic instruction. Restaurant and café services; Provision of food and drink; Takeaway food services; Hotel services; Temporary accommodation. Barber shops; Hairdressing services; Healthcare services; Physiotherapy; Beauty salons; Medical clinic services.</p>

Entitlement

Entitlement of opponent:	Owner/Co-owner/Licencee
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Grounds for the opposition

Grounds: #1	Article 8(4) EUTMR -The earlier non-registered trade mark/sign is used in the course of trade of more than mere local significance and,, pursuant to the law governing it, the trade mark or other sign confers on its proprietor the right to prohibit the use of a subsequent trade mark.
Explanation of grounds and other remarks:	The Opponent has, as a result of the use of the non-registered Trade Mark CONOR MCGREGOR, THE NOTORIOUS and CONOR MCGREGOR THE NOTORIOUS in the course of trade of more than mere local significance, built up a substantial reputation and goodwill in the Trade Marks and those Trade Marks confer on the Opponent the right to prohibit the use of the Trade Mark applied for by the Applicant. The Application of the Applicant therefore offends against Article 8(4) of the EU Trade Mark Regulation. The Opponent reserves the right to provide further detailed explanation of grounds, including supporting documentation and evidence, at a later date and once the adversarial stage of the Opposition commences.
Evidence of the mark being used in the course of trade	To follow
Translation:	To follow

Basis of the opposition #5 - Non-registered trade mark or other sign used in the course of trade

	Trade mark number:	N/A
Nature of the earlier right	Non-registered trade mark	
Relevant territory:	Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, France, Greece, Croatia, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom, Italy	
Type of the representation of the earlier right:	Word	
Word element(s) of the earlier right:	CONOR MCGREGOR THE NOTORIOUS	
Character set of the representation of the mark:	English	

List of goods & services	
Class	Goods & services
N/A	<p>Aftershave; Toiletries; Shaving oils; Shaving gels; Shaving foam; Perfume; Cosmetics. Hygienic and beauty implements for humans and animals; Hand-operated tools and implements for treatment of materials, and for construction, repair and maintenance; Food preparation implements, kitchen knives and cutlery; Edged and blunt weapons; Lifting Tools. Computer and video games; DVD's; Videos; Protective clothing; Compact discs; Teaching apparatus and instruments. Information technology and audiovisual equipment; Magnets, magnetizers and demagnetizers; Measuring, detecting and monitoring instruments, indicators and controllers; Navigation, guidance, tracking, targeting and map making devices; Optical devices, enhancers and correctors; Recorded content; Safety, security, protection and signalling devices; Scientific research and laboratory apparatus, educational apparatus and simulators. Gemstones, pearls and precious metals, and imitations thereof; Jewellery; Jewellery boxes and watch boxes; Time instruments; Chronometric instruments; Jewels; Key rings and key chains. Books; Printed publications; Calendars; Diaries; Stationery. Paper and cardboard; Printed matter; Stationery and educational supplies; Works of art and figurines of paper and cardboard, and architects' models; Glue for stationery or household use; Gluten [glue] for stationery or household purposes; Gums [adhesives] for stationery or household purposes; Pastes and other adhesives for stationery or household purposes. Boxes made of leather; Boxes of leather or leatherboard; Cases of leather or leatherboard; Casings, of leather, for springs; Luggage, bags, wallets and other carriers; Saddlery, whips and animal apparel; Sausage skins and imitations thereof; Umbrellas and parasols; Walking sticks. Brushes and brush-making articles; Cleaning articles; Cosmetic and toilet utensils and bathroom articles; Statues, figurines, plaques and works of art, made of materials such as porcelain, terra-cotta or glass, included in the class; Tableware, cookware and containers; Unworked and semi-worked glass, not specified for use; Battery operated lint removers; Boot jacks; Boot stretchers of wood; Boot trees [stretchers]; Brushes for footwear; Buttonhooks; Clothes brushes; Clothes drying hangers; Clothes drying hangers specially designed for specialty clothing; Clothes drying racks; Clothes-pegs; Clothing stretchers; Electric lint removers; Flat-iron stands; Frames for drying and maintaining the shape of clothing items; Glove stretchers; Ironing board covers, shaped; Ironing boards; Ironing boards [kotodai]; Ironing cloths; Laundry baskets; Laundry drying racks; Shirt stretchers; Shoe cloths; Shoe horns; Shoe polishing mitts; Shoe scrapers incorporating brushes; Shoe shine cloths; Shoe trees; Tie presses; Trouser presses; Trouser stretchers; Wax-polishing appliances, non-electric, for shoes. Clothing; Footwear; Headgear. Accessories for apparel, sewing articles and decorative textile articles; Artificial fruit, flowers and vegetables; Hair ornaments, hair rollers, hair fastening articles, and false hair. Games and playthings; Gymnastic and sporting articles. Fairground and playground apparatus; Festive decorations and artificial Christmas trees; Sporting articles and equipment; Toys, games, playthings and novelties. Birds eggs and egg products; Dairy products and dairy substitutes; Fish, seafood and molluscs; Meats; Oils and fats; Processed fruits, fungi and vegetables (including nuts and pulses). Baked goods, confectionery, chocolate and desserts; Coffee, teas and cocoa and substitutes thereof; Ice, ice creams, frozen yogurts and sorbets; Processed grains, starches, and goods made thereof, baking preparations and yeasts; Salts, seasonings, flavourings and condiments; Sugars, natural sweeteners, sweet coatings and fillings, bee products. Beer and brewery products; Non-alcoholic beverages; Preparations for making beverages. Advertising, marketing and promotional services; Business analysis, research and information services; Business assistance, management and administrative services; Commercial trading and consumer information services. Gymnasium services; Provision of health club services; Health and fitness training; Education; Provision of training; Entertainment; Sporting and cultural activities; Gymnastic instruction. Restaurant and café services; Provision of food and drink; Takeaway food services; Hotel services; Temporary accommodation. Barber shops; Hairdressing services; Healthcare services; Physiotherapy; Beauty salons; Medical clinic services.</p>
Entitlement	
Entitlement of opponent:	Owner/Co-owner/Licencee
Grounds for the opposition	
Grounds: #1	Article 8(4) EUTMR -The earlier non-registered trade mark/sign is used in the course of trade of more than mere local significance and,, pursuant to the law governing it, the trade mark or other sign confers on its proprietor the right to prohibit the use of a subsequent trade mark.
Explanation of grounds and other remarks:	<p>The Opponent has, as a result of the use of the non-registered Trade Mark CONOR MCGREGOR, THE NOTORIOUS and CONOR MCGREGOR THE NOTORIOUS in the course of trade of more than mere local significance, built up a substantial reputation and goodwill in the Trade Marks and those Trade Marks confer on the Opponent the right to prohibit the use of the Trade Mark applied for by the Applicant. The Application of the Applicant therefore offends against Article 8(4) of the EU Trade Mark Regulation.</p> <p>The Opponent reserves the right to provide further detailed explanation of grounds, including supporting documentation and evidence, at a later date and once the adversarial stage of the Opposition commences.</p>
Evidence of the mark being used in the course of trade	To follow
Translation:	To follow

Payment of fees

Pay by:	Current account with the EUIPO
Opposition fee:	320 EUR
Account No.:	000023

Signature

First name	Surname	Capacity of the signatory	Position
Paul	Kelly	The EUIPO professional representative	