

NJORD Lithuania: Lithuania's oldest sportswear, Audimas, loses EU trademark dispute with Audi

Audimas, a Lithuanian brand founded in 1931, famous for active leisure and sportswear, has lost a legal dispute with Germany's automotive company Audi over the registration of its new Audimas AB logo as a European Union trademark.



Audimas applied for trademark registration in 2014. The application was filed for goods and services covering the following: leather, animal skins, clothing, footwear, advertising, retailing, and wholesaling. However, in 2015, the German automaker Audi AG initiated an opposition proceeding, and the registration of the trademark was refused due to the opposition.

The sportswear company, unsatisfied with this decision lodged a complaint with the European Union Intellectual Property Office's (EUIPO) Board of Appeal. However, EUIPO rejected the appeal in the year 2018, because the brand's dominant element was the "Audi" portion of the text, and therefore this would generate confusion with Audi's existing trademarks.

The European Union General Court (the Court) has recently upheld EUIPO's decision and held that as the term "mas" is known to the Spanish speaking people, it has less-distinctiveness. In addition, the Court ruled that the consumers tend to identify the trademark and break it up based on the verbal elements. And beyond that, it was noted that more emphasis is applied to the first half of the mark compared to the second half.