



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

Cancellation Division

CANCELLATION No 9317 C (INVALIDITY)

Noosa Amsterdam B.V., Johan van Hasseltweg 26A, 1022 WV Amsterdam, Netherlands, (applicant), represented by **Hoyng Monegier LLP**, P.O. Box 94361, 1090 GJ Amsterdam, Netherlands (professional representative)

a g a i n s t

Desdirée Van Der Windt, Zekeringstraat 17, 1014BM Amsterdam, Netherlands (CTM proprietor)

On 10/12/2014, the Cancellation Division takes the following

DECISION

1. The application for a declaration of invalidity is upheld.
2. Community trade mark No 10 542 447 is declared invalid in its entirety.
3. The CTM proprietor bears the costs, fixed at EUR 1 150.

REASONS

The applicant filed an application for a declaration of invalidity against Community trade mark No 10 542 447 for the word mark 'CHUNK'. The request is directed against all the goods and services covered by the CTM, namely:

Class 14: Rope chains (jewellery) as necklaces; Articles of jewellery; Jewellery of yellow amber; Ivory (jewellery); Enamelled jewellery; Rope chains (jewellery) as bracelets; Ornaments (jewellery); Beads for making jewellery; Jewellery of crystal coated with precious metal; Rope chains (jewellery) as anklets.

Class 26: Lace and embroidery, ribbons and braid; Buttons, hooks and eyes, pins and needles; Artificial flowers.

Class 35: Advertising; Business management; Business administration; Office functions.

The applicant invoked Article 52(1)(b) CTMR.

SUMMARY OF THE PARTIES' ARGUMENTS

The applicant argues that it designs, produces and sells high quality jewellery and accessories and has done since 2009. It sells jewellery in the Netherlands, Belgium, Germany, Denmark, Austria, Switzerland and Australia and has around 800 points of sale in these countries. It further refers to its website and that it holds the domain name