

ALPHA vs. ALPHA Clinics

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Alpha International, an international charity offering guidance and assistance in the areas of religion and relationships that provides the well known ALPHA Course, represented by Andra Musatescu Law & Industrial Property Offices, has just obtained another positive decision in Romania.

On February 5, 2015, the Romanian State Office for Inventions and Trademarks sent the drafted decision on the ALPHA vs. ALPHA Clinics case.

The facts of the case:

A Romanian company has filed with the Romanian State Office for Inventions and Trademarks an 'Alpha Clinics' trademark

ALPHA Clinics

for, *inter alia*, education; providing of training; entertainment; sporting and cultural activities in Class 41. Alpha International is the owner of the Community trade mark registration no. 2769016 for the word ALPHA and international registration designating Romania under no 793510 for ALPHA & Logo, both of which covering Class 41.

Alpha International considered that 'ALPHA Clinics' is similar as to create confusion among the consumers with its trademarks, its prior trademark rights are infringed by such an application and, therefore, decided to file an opposition to the 'ALPHA Clinics' trademark for the services in Class 41.

Arguments:

Alpha International's arguments in the opposition procedure were extensive, *including but not limited to*, similarity of the trademarks compared, the higher level of distinctiveness of the IR and CTM trademarks acquired through use, adding 'Clinics' not being of the nature to differentiate the trademarks, the similarity of the services in class 41 which the analyzed trademarks were registered, risk of confusion and association.

Findings of the court:

In judgment 7367/22.01.2015, which was drafted and, further, summoned to Alpha International on February 5, 2015, the Romanian State Office for Inventions and Trademarks decided to reject the ALPHA *Clinics* trademark to registration for all the services in Class 41, based on the view of the Opposition Commission according to which (1) the analysed trademarks are similar as they have the same dominant and principal element, namely ALPHA and start in the same way, i.e. ALPHA, (2) the services are similar and (3) there is a risk of confusion among the public which includes the risk of association.

Comments:

We consider the decision of the court as of high importance, not only for Alpha International as there is no risk that now their ALPHA trademarks to be diluted, but also as a precedent to be followed in similar cases.

Romanian State Office for Inventions and Trademarks decision is not yet final.

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Andra Musatescu Law & Industrial Property Offices acted for Alpha International in this case