

To: Linda Jackson
E509, CR Park
New Delhi
India- 100011

12 August, 2020

Dear Ms. Linda

This is with reference to your query dated 6 August, 2020, regarding the status and availability of the mark 'Litroen'. Pursuant to the scope of the use of the specified trademark we have conducted an extensive search and produce the same in this letter.

1. We have acted upon the abovementioned mail in connection with trademark opinion on 'Litroen'. Nothing in this mail shall create any obligation on 'S&A solicitors' and shall not give rise to any client relationship between the two parties.
2. The letter sets out our opinion based on the laws applicable to the Indian republic as at today's date and currently applied by the Indian courts. The letter is thus to be construed according to the legal principles and practices of Indian courts.
3. For the purposes of this letter, we have carried out:
 - a. a search on the 'phonetic similarity' of the mark on ipinida.nic.in
 - b. a search on other international databases like WIPO and USPTO to check the similarity of the mark to other registered marks whether phonetic or textual.

The search report is attached in ANNEXURE I for your reference.

4. After due enquiry and an extensive research we have made the following preliminary observations:
 - a. There are about 4 registered trademarks which are phonetically similar to the proposed mark 'Litroen' and about 12 marks with the same suffix i.e. 'itroen' under class 12 category of automobiles.

- b. The broad grounds of similarity are in the following table: (refer to annexures for detailed description of goods and services)

Conflicting Marks	Class	Grounds of similarity	Comments
Letourneau, Loader Max, Meladath Auto Components	12	Phonetic similarity	If we take into account other factors like the nature of goods and services, customary use, intended purpose and market, 'litteron' stands sufficiently differentiated.
Citroen C6, Citroen C3, Citroen C5 (Label), Citroen C8 (Label), Citroen C2, Citroen C4, Citroen C7, Citroen C9, Latelier Citroen Maitre Mecanicien & Carrossier	12	Similar word mark (suffix)	Citeron's conflicting mark has been registered in France, making it a part of a completely different market from 'litteron'. Additionally, being a French company, the difference also lies in the <i>pronunciation</i> of the words differ vastly.

- c. Potential strengths of the proposed mark

Factors like *origin* of goods, *nature* of goods, the *purpose* of the goods and *channel* of trade for the goods are analysed by the registrars while deciding the similarity between trademarks applied under classes marked for goods (Class-1 to 34).

The mark 'Litroen' has its origin in India and thus its understanding in common parlance would be different from a company that has its origin and market in Europe. The nature of goods also differs in terms of the wide array of services offered. Most of the marks which are phonetically similar have no bearing on Litroen as none of them offer the same goods or services. With respect to the channel of goods and the market, Litroen differs in the geographical location, thus naturally, the channel of goods and market differs when compared to citroen.

d. Potential weaknesses

Phonetic similarity, textual similarity and similar goods with other marks are one of the prominent potential weaknesses. However, all these weaknesses lie out of the scope of the meaning of section 9 of the Trademarks Act, 1999 which lays down the absolute grounds for refusal.

The subsequent sections substantiate the reasons for proceeding with the registration of 'Litroen' without any serious risk of infringing the rights of a prior user.

5. Opinion

Based on and subject to limitations of the search report and the potential weaknesses set out in the letter, we are of the following opinion under the respective heads;

a. Potential classes

Class 12 (Vehicles; apparatus for locomotion by land, air or water) along with **class 42** (scientific and technological services and research and design relating thereto) and **class 37** (repair; installation services). Can be potentially used to register the mark under them, considering the nature of goods and services is related to **automobile**.

b. Whether the proposed mark is available to use and/or register

In view of the strengths of the mark outweighing the weaknesses, the mark has potential to be registered without the scope of violating the provisions of the Trademark Act, 1999. However, the same can have stronger chances of getting registered if a visual sign is combined.

c. Potential risks

A potential risk of use of the trademark can be litigation and allied costs of the same. In order to avoid the same we can also approach the conflicting trademark owners for an NOC.

6. Conclusion

NTMC2020012

Please note that the above research and opinion is subject to any additional information provided to us by you. Thank you for reaching out to us, do let us know if you wish to proceed with the registration of the mark.

Yours Faithfully,

S&A solicitors

Connaught Place

New Delhi

India- 100011


ANNEXURES




COMPUTER GENERATED TM-SEARCH REPORT


Search Criteria : Phonetic Search String : litroen Class : 12 Search Date : 12-Aug-2020

APPL NO	CLASS	CONFLICTING MARK	JOURNAL No	PROPRIETOR NAME	PROPRIETOR ADDRESS	STATUS	Image
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93674	12	LETOURNEAU.	47	R.G.LETOURNEAU,INC.,	220 GRANT STREET,PEORIA, ILLINOIS UNITED STATES OF AMERICA.	Registered	
APPLICATION DATE : 07/03/1944						USER DATE :	
GOODS/SERVICES : ---							
Vienna Code(s) :							

2062778	12	LOADER MAX	1524	BIRLA TYRES	SHIVAM CHAMBERS, 5TH FLOOR, 53,SAYED AMIR ALI AVENUE, KOLKATA - 700019.	Registered	
APPLICATION DATE : 03/12/2010						USER DATE : 01/08/2008	
GOODS/SERVICES : AUTOMOTIVE TYRES & TUBES .							

3680270	12	MELADATH AUTO COMPONENTS	1828	MELADATH AUTO COMPONENTS PRIVATE LIMITED	GOKULAM, No-2 , BSK 3rd stage, 2nd phase , Dwarakanagar, Hosakerehalli	Registered	
APPLICATION DATE : 16/11/2017						USER DATE :	
GOODS/SERVICES : One way clutch, Gear Integrated One Way clutch, Overrunning Alternator Pulley, Overrunning Alternator Isolator, Electric drive kit for scooters, Drive assist and Momentum Braking system							

3792824	12	av	1848	A.V. AUTOMOTIVES P LTD.	C-231, Bulandshahr Road industrial Area, Ghaziabad 201001	Registered	
APPLICATION DATE : 30/03/2018						USER DATE : 16/02/2006	
GOODS/SERVICES : E-rickshaw, E-cart, battery operated vehicles and their spare parts.							



COMPUTER GENERATED TM-SEARCH REPORT

Search Criteria : Wordmark Search String : citroen Class : 12 Search Date : 12-Aug-2020

APPL NO	CLASS	CONFLICTING MARK	JOURNAL No	PROPRIETOR NAME	PROPRIETOR ADDRESS	STATUS	Image
864873	12	CITROEN C6	1297	AUTOMOBILES CITROEN,	7 RUE HENRI SAINTE-CLAIRE DEVILLE, 92500 RUEIL- MALMAISON, FRANCE	Registered	

APPLICATION DATE : 09/07/1999

USER DATE : 26/01/1999

GOODS/SERVICES : VEHICLES, APPARATUS FOR LOCOMOTION BY LAND, AIR OR WATER AND IN PARTICULAR MOTOR VEHICLES, THEIR COMPONENTS, NAMELY ENGINES, GEARBOXES, VEHICLE BODIES, CHASSIS, STEERING SYSTEMS, SUSPENSIONS, SHOCK ABSORBERS, TRANSMISSIONS, BRAKES, WHEELS, RIMS, HUBCAPS, TIRES, SEATS ANTI-THEFT WARNING APPARATUS, HORNS, SEAT COVERS, HEAD RESTS FOR SEATS, RESTRAINT DEVICES SUCH AS SEAT BELTS AND INFLATABLE SAFETY DEVICES, REARVIEW MIRRORS, STEERING WHEELS, TRAILER HITCHES, LUGGAGE RACKS, WINDSHIELD WIPERS, PROTECTIVE MOLDING RODS, TORSIONS BARS, TANK STOPPERS, BUMPER GUARDS, SKI STANDS, SPOILERS, SUN ROOFS WINDOW PANES.

1016438	12	CITROEN C3	1334	AUTOMOBILES CITROEN	IMMEUBLE COLISEE III, 12 RUE FRUCTIDOR, 75 835 PARIS CEDEX 17, FRANCE.	Registered	
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APPLICATION DATE : 13/06/2001

USER DATE :

GOODS/SERVICES : VEHICLES, APPARATUS FOR LOCOMOTION BY LAND, AIR OR WATER AND IN PARTICULAR MOTOR VEHICLES, THEIR COMPONENTS NAMELY ENGINES, GEARBOXES, CAR BODIES, CHASSIS, STEERING SYSTEMS, SUSPENSIONS, SHOCK ABSORBERS, TRANSMISSIONS, BRAKES, WHEELS, WHEEL RIMS, HUBCAPS, PNEUMATIC TYRES, SEATS, ANTI-THEFT WARNING APPARATUS, HORNS, SEAT COVERS, HEAD RESTS FOR SEATS, RESTRAINT DEVICES SUCH AS SAFETY BELTS AND INFLATABLE SAFETY DEVICES, REARVIEW MIRRORS, STEERING WHEELS, TRAILER HITCHES, LUGGAGE RACKS, WINDSCREEN WIPERS, PROS INCLUDED IN CLASS 12.

1016439	12	CITROEN C5 (LABEL)	1331	AUTOMOBILES CITROEN	IMMEUBLE COLISEE III, 12 RUE FRUCTIDOR, 75 835 PARIS CEDEX 17, FRANCE.	Registered	
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APPLICATION DATE : 13/06/2001

USER DATE :

GOODS/SERVICES : VEHICLES, APPARATUS FOR LOCOMOTION BY LAND, AIR OR WATER AND IN PARTICULAR MOTOR VEHICLES, THEIR COMPONENTS NAMELY ENGINES, GEARBOXES, CAR BODIES, CHASSIS, STEERING SYSTEMS, SUSPENSIONS, SHOCK ABSORBERS, TRANSMISSIONS, BRAKES, WHEELS, WHEEL RIMS, HUBCAPS, PNEUMATIC TYRES, SEATS, ANTI-THEFT WARNING APPARATUS, HORNS, SEAT COVERS, HEAD RESTS FOR SEATS, RESTRAINT DEVICES SUCH AS SAFETY BELTS AND INFLATABLE SAFETY DEVICES, REARVIEW MIRRORS, STEERING WHEELS, TRAILER HITCHES, LUGGAGE RACKS, WINDSCREEN WIPERS, PROTECTIVE MOULDING RODS, TORSION BARS, TANK STOPPER, BUMPER GUARDS, SKI RACKS, SPOILERS, SUNROOFS, WINDOW PANE.

1016440	12	CITROEN C8 (LABEL)	1333	AUTOMOBILES CITROEN	IMMEUBLE COLISEE III, 12 RUE FRUCTIDOR, 75 835 PARIS CEDEX 17, FRANCE.	Registered	
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APPLICATION DATE : 13/06/2001

USER DATE :

GOODS/SERVICES : VEHICLES, APPARATUS FOR LOCOMOTION BY LAND, AIR OR WATER AND IN PARTICULAR MOTOR VEHICLES, THEIR COMPONENTS NAMELY ENGINES, GEARBOXES, CAR BODIES, CHASSIS, STEERING SYSTEMS, SUSPENSIONS, SHOCK ABSORBERS, TRANSMISSIONS, BRAKES, WHEELS, WHEEL RIMS, HUBCAPS, PNEUMATIC TYRES, SEATS, ANTI-THEFT WARNING APPARATUS, HORNS, SEAT COVERS, HEAD RESTS FOR SEATS, RESTRAINT DEVICES SUCH AS SAFETY BELTS AND INFLATABLE SAFETY DEVICES, REARVIEW MIRRORS, STEERING WHEELS, TRAILER HITCHES, LUGGAGE RACKS, WINDSCREEN WIPERS, PROTECTIVE MOULDING RODS, TORSION BARS, TANK STOPPERS, BUMPER GUARDS, SKI RACKS, SPOILERS, SUNROOFS, WINDOW PANE.

1056061	12	CITROEN C2	1399	AUTOMOBILES CITROEN	6 RUE FRUCTIDOR, 75835, CEDEX, FRANCE	Registered	
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APPLICATION DATE : 02/11/2001

USER DATE :

GOODS/SERVICES : VEHICLES, APPARATUS FOR LOCOMOTION BY LAND, AIR OR WATER AND IN PARTICULAR MOTOR VEHICLES, THEIR COMPONENT NAMELY ENGINES, GEARBOXES, CAR BODIES, CHASSIS, STEERING, SYSTEM, WHEELS, WHEEL RIMS, HUBCAPS, PNEUMATIC TYRES SEATS, ANTI THEFT WARNING APPARATUS, HORNS, SEAT COVERS, HEAD RESTS FOR SEATS, RESTRAINT DEVICES SUCH AS SAFETY BELTS, AND INFLATABLE SAFETY DEVICES, REARVIEW MIRRORS, STEERING WHEELS, TRAILER HITCHES, LUGGAGE RACKS, WINDSCREEN WIPERS PROTECTIVE MOULDING RODS TORSION BARS TANK STOPPERS BUMPER GUARDS SKI RACKS SPOILERS SUNROOFS WINDOW PANE.

1056062	12	CITROEN C4	1328	AUTOMOBILES CITROEN	6 RUE FRUCTIDOR, 75835, CEDEX, FRANCE	Registered	
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APPLICATION DATE : 02/11/2001

USER DATE :

GOODS/SERVICES : VEHICLES, APPARATUS FOR LOCOMOTION BY LAND, AIR OR WATER AND IN PARTICULAR MOTOR VEHICLES, THEIR COMPONENT NAMELY ENGINES, GEARBOXES, CAR BODIES, CHASSIS, STEERING, SYSTEM, WHEELS, WHEEL RIMS, HUBCAPS, PNEUMATIC TYRES SEATS, ANTI THEFT WARNING APPARATUS, HORNS, SEAT COVERS, HEAD RESTS FOR SEATS, RESTRAINT DEVICES SUCH AS SAFETY BELTS, AND INFLATABLE SAFETY DEVICES, REARVIEW MIRRORS, STEERING WHEELS, TRAILER HITCHES, LUGGAGE RACKS, WINDSCREEN WIPERS, PROTECTIVE MOULDING RODS, TORSION BARS, TANK STOPPERS BUMPER GUARDS SKI RACKS, SPOILERS SUNROOFS WINDOW PANE.

1056063	12	CITROEN C7	1330	AUTOMOBILES CITROEN	6 RUE FRUCTIDOR, 75835,	Registered	
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CEDEX, FRANCE

APPLICATION DATE : 02/11/2001

USER DATE :

GOODS/SERVICES : VEHICLES, APPARATUS FOR LOCOMOTION BY LAND, AIR OR WATER AND IN PARTICULAR MOTOR VEHICLES, THEIR COMPONENT NAMEDLY ENGINES, GEARBOXES, CAR BODIES, CHASSIS, STEERING, SYSTEM, WHEELS, WHEEL RIMS, HUBCAPS, PNEUMATIC TYRES SEATS, ANTI THEFT WARNING APPARATUS, HORNS, SEAT COVERS, HEAD RESTS FOR SEATS, RESTRAINT DEVICES SUCH AS SAFETY BELTS, AND INFLATABLE SAFETY DEVICES, REARVIEW MIRRORS, STEERING WHEELS, TRAILER HITCHES, LUGGAGE RACKS, WINDSCREEN WIPERS, PROTECTIVE MOULDING RODS, TORSION BARS, TANK STOPPERS, BUMPER GUARDS, SKI RACKS, SPOILERS, SUNROOFS, WINDOW PANE.

1056064 12 CITROEN C9

1330 AUTOMOBILES CITROEN

6 RUE FRUCTIDOR, 75835,
CEDEX, FRANCE

Registered

CITROËN C9

APPLICATION DATE : 02/11/2001

USER DATE :

GOODS/SERVICES : VEHICLES, APPARATUS FOR LOCOMOTION BY LAND, AIR OR WATER AND IN PARTICULAR MOTOR VEHICLES, THEIR COMPONENTS NAMEDLY ENGINES, GEARBOXES, CARBODIES, CHASSIS, STEERING, SYSTEM, WHEELS, WHEEL RIMS, HUBCAPS, PNEUMATIC TYRES SEATS, ANTI -THEFT WARNING APPARATUS, HORNS, SEAT COVERS, HEAD RESTS FOR SEATS, RESTRAINT DEVICES SUCH AS SAFETY BELTS, AND INFLATABLE SAFETY DEVICES, REARVIEW MIRRORS, STEERING WHEELS, TRAILER HITCHES, LUGGAGE RACKS, WINDSCREEN WIPERS, PROTECTIVE MOULDING RODS, TORSION BARS, TANK STOPPERS, BUMPER GUARDS, SKI RACKS, SPOILERS, SUNROOFS, WINDOW PANE.

Vienna Code(s) :

1197180 12 CITROEN C1

1328 AUTOMOBILES CITROEN

"6 rue Fructidor, 75017 Paris,
France"

Registered

APPLICATION DATE : 07/05/2003

USER DATE :

GOODS/SERVICES : TOURIST CARS INCLUDED IN CLASS 12.

1252316 12 CITROEN

1357 AUTOMOBILES CITROEN

"6 rue Fructidor, 75017 Paris,
France"

Registered

APPLICATION DATE : 28/11/2003

USER DATE :

GOODS/SERVICES : VEHICLES, APPARATUS FOR LOCOMOTION BY LAND, AIR OR WATER; MOTOR VEHICLES, THEIR COMPONENTS NAMEDLY; ENGINES, GEARBOXES, BODYWORK, CHASSIS, STEERING SYSTEMS, SUSPENSION UNITS, SHOCK ABSORBERS, TRANSMISSIONS, BRAKES, WHEELS, WHEEL RIMS, HUBCAPS, PNEUMATIC TYRES, SEATS, ANTI-THEFT WARNING APPARATUS, HORNS, SEAT COVERS, SEAT HEADRESTS, RESTRAINT DEVICES SUCH AS SAFETY BELTS AND INFLATABLE SAFETY DEVICES, REARVIEW MIRRORS, STEERING WHEELS, TRAILER COUPLINGS, LUGGAGE RACKS, WINDSCREEN WIPERS, PROTECTIVE MOULDING RODS, TORSION BARS, TANK CAPS, BUMPER GUARDS, SKI RACKS, SPOILERS, SUNROOFS, WINDOW PANES INCLUDED IN CLASS 12.

2221879 12 CITROEN

1567 AUTOMOBILES CITROEN

6 RUE FRUCTIDOR, 75835
PARIS CEDEX 17, FRANCE

Registered

APPLICATION DATE : 18/10/2011

USER DATE :

GOODS/SERVICES : MOTOR VEHICLES AND STRUCTURAL PARTS THEREFOR, NAMEDLY MOTORS AND ENGINES, GEAR BOXES, BODIES FOR VEHICLES, CHASSIS, STEERING, SUSPENSIONS, SUSPENSION SHOCK ABSORBERS, TRANSMISSIONS, BRAKES, WHEELS, WHEEL RIMS, HUB CAPS FOR WHEELS, SEATS, ANTI-THEFT DEVICES, HORNS, SEAT COVERS, HEADREST FOR SEATS, RESTRAINT DEVICES, INCLUDING SAFETY BELTS AND INFLATABLE SAFETY DEVICES, REAR VIEW MIRRORS, STEERING WHEELS, TRAILER HITCHES, LUGGAGE RACKS, WINDSCREEN WIPERS, PROTECTIVE BARS, TORSION BARS, PETROL CAPS, BUMPER, SKI-RACKS, DEFLECTORS, SLIDING ROOFS, CAR WINDOWS.

3915826 12
LATELIER
CITROEN MAITRE
MECANICIEN &
CARROSSIER

1864 AUTOMOBILES CITROËN

7 Rue Henri Sainte-Claire
Deville F-92500 Rueil-
Malmaison FranceProtection
Granted

APPLICATION DATE : 01/06/2018

USER DATE :

GOODS/SERVICES : Vehicles, apparatus for locomotion by land, motor vehicles, component parts thereof, namely suspension shock absorbers for vehicles; shock absorbers (springs) for vehicles; motors and engines for land vehicles; gear boxes for land vehicles; vehicle chassis; vehicle bodies; transmission shafts for land vehicles; hydraulic circuits for vehicles; torque converters for land vehicles; clutches; axles; brakes for vehicles; vehicle wheels; vehicle wheel rims; hub caps for wheels; hubs for vehicle wheels; solid tires for vehicle wheels; steering wheels; vehicle seats; headrests for vehicle seats; security devices for vehicles such as safety belts and air bags; rearview mirrors; windshield wipers; torsion bars; bumpers; protective molding rods; spoilers; spoilers; windshields; sunroofs; windows for vehicles; caps for gas tanks; luggage racks for vehicles.

Vienna Code(s) : 270510, 260410, 241118, 260323

3986906 12 LA
MANUFACTURE 1875 AUTOMOBILES
CITROEN CITROËN
7 Rue Henri
Sainte-Claire
Deville F-
92500 RUEIL-
MALMAISON
France
Protection
Granted

LA MANUFA

APPLICATION DATE : 17/04/2018

GOODS/SERVICES : Vehicles, apparatus for locomotion by land, motor vehicles, particularly trucks; vans; vans (vehicles); motorcycles; mopeds; cycles; electric absorbers (springs) for vehicles; motors and engines for land vehicles; gear boxes for land vehicles; vehicle chassis; vehicle bodies; transmission shafts for land vehicles; vehicle wheels; vehicle wheel rims; hub caps for wheels; hubs for vehicle wheels; solid tires for vehicle wheels; steering wheels; vehicle seats; headrests for torsion bars; bumpers; protective molding rods; spoilers; spoilers; windshields; sunroofs; windows for vehicles; caps for vehicle fuel tanks; luggage racks; saddles motorcycles; anti-theft devices.

Vienna Code(s) : 270501

