

With regard to current events we would like to draw your attention to a further

Supreme Court judgement

pronounced against the

ISA (International Suzuki Association)

Following legal action by *Dunham Investment Inc.* of Hamamatsu/Japan before the **European Union Office for Harmonization in the Internal Market (Trade Marks and Design)**, judgement was passed against the *ISA* on November 12, 2014. That court decision is legally binding.

This is a brief summary of the Conclusion reached by the court:

"It follows from the above that the CTM proprietor has not proven genuine use of the contested CTM for the following goods and services, for which the CTM must, therefore, be revoked:

Class 9: *Musical audio-visual recordings; computer programs relating to music; educational computer programs; downloadable musical recordings; electronic publications;*

Class 16: *Printed publications; books, magazines, periodicals, manuals and catalogues; paper, pads and books for musical notations;*

Class 41: *Musical, educational and instructional services.*

This decision is valid for all 28 states of the European Union; it cannot be revoked since it became legally binding in March 2015. The ISA had failed to lodge an appeal.

On June 18, 2018, the ISA wrote to all ESA Board members that they (the ISA) still owned all *Suzuki* trade mark rights even in Germany and Europe – which clearly is untrue and against their better judgement.

This letter as well as the original texts of the decisions taken by the German Patent Court on July 2, 2013, and by the European Office for Harmonization on November 12, 2014, can be made available by the DSG, on request, to any interested person.