



By fax to : +44 20 7353 7377

**EDWARDS ANGELL PALMER & DODGE**

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LONDON EC2M 1QS  
(Angleterre)

Your ref.: MAP\JRO\306187\6225  
OHIM ref: opposition B001766701  
Object: Answer to your letter  
on January 5<sup>th</sup>, 2011

Villiers-sur-Marne,  
January 12, 2011

Dear Sirs,

I refer to your letter dated January 5, 2011, which received our full attention. However, after due consideration, we cannot follow up on your request.

As pointed out in your own examples, the MAC family products consists only in trade marks where the three letters 'MAC' stand distinctly alone and are complemented by a meaningful term, letter or sign.: 'iMac' (Internet), 'MAC.COM', '.MAC', 'MAC OS' (Operating System), etc.

Comme vous le soulignez dans vos exemples, la famille de marques MAC ne contient que des marques dont les 3 lettres MAC se détachent nettement en y ajoutant un autre mot, une lettre ou un signe significatif de sens : 'iMac' (Internet), 'MAC.COM', '.MAC', 'MAC OS' (Operating System), etc..

In our own trade mark, the three letters 'MAC' are not placed side by side with a meaningful term and must be seen as part of a whole, together with the others letters. As you mention, we are registered as proprietor of another French trade mark, 'MACARAJA SOFT', which confirms that our MACARAJA trade mark makes up a whole that can be complemented by meaningful terms, as is the case for your trade mark 'MAC'.

We would like to remind you, at this point, that our trade mark has been registered as a word trade mark.

In the case of the 'MAC', 'iMac', and 'MAC OS' trade marks, opposed to our trade mark 'MACARAJA', the letters 'MAC' pronounce as |mæk| and do form by themselves a full syllable. In the case of our trade mark 'MACARAJA', the letters 'MAC' pronounce as |ma:k| and are to be considered as the 2 syllables – |ma:ka| – of MACA, out of the 4 syllables of our trade mark name.

In your trade marks 'MAC', 'iMac', and 'MAC OS', the term 'MAC' originates in the abbreviation given by users of the Macintosh computer released on January 24, 1984, then registered as a trade mark by Apple Inc.. This term reminds connoisseurs of the apple variety

known by this name (as was the initial goal of Apple Inc.); to the public at large, it brings out the notion of « son of » when no reference to the Macintosh computer is intended.

Our trade mark 'MACARAJA' does not bear any particular meaning.

Your trade marks 'MAC', 'iMac', and 'MAC OS' – as, generally speaking, all trade marks owned by APPLE Inc. – are associated with the apple graphic design specific to this company, including for the European figurative trade mark registered under the No 006314546, which encompasses the classes 9, 41, and 42 targeted in the opposition at issue here.

The products covered by our trade mark 'MACARAJA' are not commercialized with a design resembling an apple.

Therefore, we will not introduce any modification in our registration of a community trade mark.

Best regards,

A handwritten signature in black ink, appearing to read 'F. Faulhaber', with a stylized flourish at the end.

Francis FAULHABER  
Chairman