

Grundig's EON radio receiver trademark registration cancelled by German Federal Patent Court

Legal achievements

On 11 April 2006, the German Federal Patent Court in Munich, Germany, confirmed the earlier decision taken by the German Patent and Trademark Office in 2003 that the EON trademark, held by **Grundig Multimedia BV**, is invalid and thus cancelled for radio receiver products and associated goods (Class 9), but may be kept for other goods. This decision was based on evidence that EON was already a feature of the international RDS specification (issued by the EBU and CENELEC), and published before the initial Grundig trademark filing in 1991.

Prior to the year 2000 the RDS Forum had attempted to settle the matter directly with Grundig, but as they remained inflexible, it was then decided by the RDS Forum to request cancellation of the German EON trademark registration.

As the cancellation request was filed within the maximum permissible delay of five years for an objection, concerning the international registration of the same EON trademark made by Grundig at WIPO in 1995, the German Federal Patent Court decision from April 2006 also invalidates, in practice, the international WIPO registration.

Background information

The RDS system has existed for over 20 years. It has revolutionized the comfort of using FM radios, and thus it is found in almost all radios on the European market.

One significant step taken about 15 years ago was the improvement of the RDS switching functionalities achieved through the Enhanced Other Networks (EON) feature. The idea originated in the BBC and was then further developed through the EBU. By 1990, RDS-EON became an integral part of the European RDS standard, and in 1991 the first RDS car radios with the EON feature were launched on the European market by Panasonic, Grundig and Philips.

These were in a way the first car radios of a second RDS generation. To make it possible to distinguish these from radios without EON (first generation), the BBC commissioned the development of an RDS-EON logo, which was offered then to the industry via the EBU and its RDS Newsletter to be used, for free, and to be able to designate for consumer recognition RDS-EON radios.

Following this in 1991 Grundig registered an EON trademark in Germany, and 1995 an international trademark at the WIPO in Geneva. At that time, it was thought that Grundig was doing this only to protect itself. Grundig had been a long term RDS Forum member and therefore nobody in the RDS industry mistrusted this action. However, by 1999 a controversy with the RDS Forum started to develop. Grundig attempted to force market competitors (many of whom were RDS Forum Members) to accept a license agreement, permitting them to use the three letters EON on their RDS radios, on a fees payment basis.

Nobody was prepared to pay a license fee for marking products with RDS-EON. The RDS-EON logo, had been an integral part of the RDS standard since 1992 and thus this encouraged free use for appropriate products for the whole industry. The RDS Forum, acting on behalf of its Members, attempted a settlement with Grundig, but this was unobtainable and it was decided in 2000 to request the cancellation of the German trademark registration.

- Reference 1:** Grundig's German EON trademark registration
- Reference 2:** Grundig's International WIPO EON trademark registration
- Reference 3:** The decision from the German Patent and Trademark Office of 2003
- Reference 4:** The decision of the German Federal Patent Court of 2006



The RDS-EON logo of the RDS standard © 1991, BBC & EBU
This logo is optional and may be used to designate that an RDS receiver product has the optional EON feature implemented.