



**QORTI CIVILI PRIM AWLA**

**S.T.O. PRIM IMHALLEF MARK CHETCUTI**

**Illum l-Erbgha, 30 ta' Settembru 2020**

Numru 13

**Rikors Guramentat Nru. 289/2020**

**Avukat Dottor Melvyn Mifsud LL.D. bhala mandatarju specjali,  
ghan-nom f'isem u in rapprezentanza tas-socjeta estera  
UNDER ARMOUR, INC., 1020 Hull Street, Baltimore,  
Maryland, United States 21230**

**vs**

**Dr Victor Bugeja u P.L. Luisa Tufigno  
kuraturi deputati sabiex jirraprezentaw  
lis-socjeta jew ditta estera EL FAROUK COMMERCE  
INTERNATIONAL, BACHA CENTRE 75 AVENUE  
KHAIER, EDDINE, BACHA BLOC C 2EME ETAGE,  
APPARTEMENT C6 MONT PLAISIR, 1076 TUNIS, nominati  
b'digriet tat-23 ta' Gunju 2020**

**Il-Qorti,**

Rat ir-rikors guramentat tal-attur nomine tal-11 ta' Mejju, 2020 li jghid hekk:

1. Illi l-Avukat Dottor Melvyn Mifsud jirraprezenta lis-socjeta estera UNDER ARMOUR, INC. bhalma jirrizulta mill-prokura, cioe kopja tal-istess, u dokumenti relatati, hawn annessa u mmarkata bhala Dokument MM1;

2. Illi s-socjeta attrici estera hija maghrufa sew fid-dinja, inkluz gewwa Malta, inter alia in konnesjoni ma' prodotti u cioe, dawk protetti u koperti b'diversi marki, fosthom, b'dawn is-segwenti marki (Trademarks: - (1) EUTM Trademark No. 006474051 (UNDER ARMOUR (word) – Class 25 "Clothing, footwear and headgear; socks; sweatbands"; Class 28 "Sports equipment including rackets, golf clubs; sports bags and sporting goods, namely sports balls"; Class 35 "Retail store services featuring apparel and sporting goods". (2) EUTM No.

012107413 UNDER ARMOUR (word) – Class 9 “Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; calculating machines, data processing equipment, computers; computer software; sports helmets; baseball and softball batting helmets; baseball and softball equipment for catchers, namely, catchers' helmets; protective headgear for baseball and softball catchers; lacrosse helmets; chin straps for protective helmets; chin strap pads for protective helmets; protective masks; teeth protectors for sports; gum shields; eyewear; eyewear namely, eyeglasses, spectacles, sunglasses and goggles, lenses for eyeglasses, spectacles, sunglasses and goggles, frames for eyeglasses, spectacles, sunglasses and goggles; visors for use with helmets; goggles for sports; lacrosse goggles; protective eyewear for sports; cases for eyeglasses, spectacles, sunglasses and goggles; straps used for holding sunglasses, eyeglasses and goggles; electronic monitoring instruments, other than for medical use; optical data carriers; pedometers; GPS navigation devices; GPS apparatus and instruments; batteries; battery chargers; electronic heart rate recorders [other than for medical use]; apparatus for recording and measuring sports performance, running and cycling cadence; computer software in the field of health and fitness for logging fitness data, creating workout schedules and goals, and downloading such data from an electronic device to a computer; software applications for mobile phones and other mobile devices; computer application software for mobile phones and other mobile devices, namely, software for logging fitness data and creating workout schedules and goals and downloading such data from an electronic device to a computer; computer peripherals; computer hardware; electronic devices, namely, data sensors, transmitters and receivers for relaying physical exercise data; electronic monitoring devices incorporating microprocessors, digital display, and accelerometers, for detecting, storing, reporting, monitoring, uploading and downloading sport activity, namely, team and individual athletic training and competition and fitness training data to the internet, and personal computers, regarding time, pace, speed, acceleration, velocity, height, athletic skill, physical position, global positioning, direction, distance, altitude, navigational, temperature, and weather information; USB hardware and USB operating software; AC adapters; computer software for fitness and weight management; music-composition software; digital media, namely, downloadable audio and video recordings featuring and promoting music, artistic performances and sports; computer software for creating and editing audio and video files in the fields of music and sports; cases and straps for electronic monitoring devices; armbands for electronic monitoring devices; computer interfaces and software for receiving, processing, transmitting and displaying data to be used with biometric monitors for athletic and medical use; data transfer unit, namely, a computer interface to download and upload data between biometric monitors and computer; briefcases, bags and backpacks specially adapted for holding laptop computers and peripheral devices; briefcases, bags and backpacks specially adapted for computers, tablet devices, smart phones, mobile phones, music playing devices and video playing devices; armbands, bags and cases specially adapted for holding mp3

players and cellular phones; magnetic coded gift cards; electronic gift cards; electronic gift vouchers; parts and fittings for all the aforesaid goods.”; Class 35 “Advertising; business management; business administration; office functions; retail, wholesale, online retail, in-store retail, mail order retail and mobile retail services connected with the sale of bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, spray cleaners for freshening athletic mouth guards, pharmaceutical and veterinary preparations, sanitary preparations for medical purposes, dietetic food and substances adapted for medical or veterinary use, food for babies, dietary supplements for humans and animals, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, preparations for destroying vermin, fungicides, herbicides, vitamin fortified beverages, protein supplements in the form of beverages, nutritionally fortified beverages, nutritional drinks used for meal replacement, meal replacement drinks, dietary supplemental drinks, dietary supplemental drinks in the nature of vitamin and mineral beverages, hand tools and implements (hand-operated), cutlery, side arms, razors, knives, fixed blade knives, folding knives, hand-operated knives to aid in skinning an animal, hunting knives, jack knives, knife sheaths, knife sheaths of leather, knives for military or tactical use, pocket knives, utility knives, working knives, scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, compact discs, DVDs and other digital recording media, calculating machines, data processing equipment, computers, computer software, protective clothing, footwear and headgear, sports helmets, protective helmets for sports, baseball and softball batting helmets, baseball and softball equipment for catchers, catchers' helmets, protective headgear for baseball and softball catchers, lacrosse helmets, chin straps for protective helmets, chin strap pads for protective helmets, protective masks, teeth protectors for sports, gum shields, eyewear, eyeglasses, spectacles, sunglasses and goggles, lenses for eyeglasses, spectacles, sunglasses and goggles, frames for eyeglasses, spectacles, sunglasses and goggles, visors for use with helmets, goggles for sports, lacrosse goggles, protective eyewear for sports, cases for eyeglasses, spectacles, sunglasses and goggles, straps used for holding sunglasses, eyeglasses and goggles, electronic monitoring instruments, other than for medical use, optical data carriers, pedometers, GPS navigation devices, GPS apparatus and instruments, batteries, battery chargers, electronic heart rate recorders [other than for medical use], apparatus for recording and measuring sports performance, running and cycling cadence, computer software in the field of health and fitness for logging fitness data, creating workout schedules and goals, and downloading such data from an electronic device to a computer, software applications for mobile phones and other mobile devices, computer application software for mobile phones and other mobile devices, software for logging fitness data and creating workout schedules and goals, computer peripherals, computer hardware, electronic devices, data sensors, transmitters and receivers for relaying physical exercise data, electronic monitoring devices incorporating microprocessors, digital display, and accelerometers, for

detecting, storing, reporting, monitoring, uploading and downloading sport activity, team and individual athletic training and competition and fitness training data to the internet, and personal computers, regarding time, pace, speed, acceleration, velocity, height, athletic skill, physical position, global positioning, direction, distance, altitude, navigational, temperature, and weather information, USB hardware and USB operating software, AC adapters, computer software for fitness and weight management, music-composition software, digital media, downloadable audio and video recordings, computer software for creating and editing audio and video, cases and straps for electronic monitoring devices, armbands for electronic monitoring devices, computer interfaces and software for receiving, processing, transmitting and displaying data to be used with biometric monitors for athletic and medical use, data transfer unit, computer interface to download and upload data between biometric monitors and computer, briefcases, bags and backpacks specially adapted for holding laptop computers and peripheral devices, briefcases, bags and backpacks specially adapted for holding handheld electronic devices, armbands, bags and cases specially adapted for holding mp3 players and cellular phones, surgical, medical, dental apparatus and instruments, orthopedic articles, suture materials, medical devices, inter-oral apparatus for spacing the occlusal surfaces of teeth, goods in precious metals or coated therewith, jewellery, horological and chronometric instruments, watches, stop watches, watches incorporating functions for monitoring and transmitting health, fitness and other data, bracelets, bracelets made of silicon, rubber or silicon wristbands in the nature of a bracelet, paper, cardboard and goods made from these materials, printed matter, bookbinding material, photographs, stationery, adhesives for stationery or household purposes, artists' materials, office requisites, instructional and teaching material, scoring sheets, scoring cards and scoring charts, printed publications, instructional manuals pertaining to athletic ability, potential and performance, posters, stickers, badges, leather and imitations of leather, and goods made of these materials, animal skins, hides, trunks and travelling bags, umbrellas and parasols, walking sticks, whips, harness and saddlery, bags, hand bags, toiletry kits sold empty, sport bags, travel bags, duffel bags, backpacks, sack pacs, reservoir backpacks, all-purpose sport bags, all-purpose athletic bags, athletic bags, bags for sports, daypacks, golf umbrellas, hiking bags, shoe bags for travel, messenger bags, tote bags, wristlet bags, golf bags, bags specially adapted for sports equipment, lacrosse stick bags, softball bat bags, sling bags, gym bags, overnight bags, shoulder bags, wristlet bags, wheeled bags, field hockey stick bags, lacrosse stick bags, baseball bat bags, softball bat bags, household or kitchen utensils and containers, combs and sponges, brushes, brush-making materials, articles for cleaning purposes, steelwool, unworked or semi-worked glass, glassware, porcelain and earthenware, bottles, reusable plastic water bottles sold empty, reusable stainless steel water bottles sold empty, sports bottles sold empty, squeeze bottles sold empty, vacuum bottles, flasks, ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags, padding and stuffing materials, raw fibrous textile materials, jock straps, lanyards, lanyards for holding mouthpieces, water bottles, eyeglasses, sunglasses, badges, flashlights or keys, textiles and textile goods, bed covers, table covers, bed linen, towels, sports towels, football towels, golf towels, clothing, footwear, apparel, headgear, athletic clothing, shirts, tops, t-shirts, tank tops, jerseys,

athletic uniforms, fleece pullovers, hooded pullovers, hooded sweat shirts, knit shirts, long-sleeved shirts, moisture-wicking sports shirts, polo shirts, short-sleeved shirts, sleeveless jerseys, sports jerseys, soccer jerseys, lacrosse jerseys, basketball jerseys, sport shirts, sports shirts, sweat shirts, undershirts, wind shirts, beachwear, swimwear, bikinis, fishing shirts, fishing pants, padded shirts, pullover shirts, sweaters, pants, sweat pants, skirts, skorts, leggings, dresses, shorts, bottoms, bib overalls, capris, capri pants, cargo pants, moisture-wicking sports pants, rain trousers, unitards, leotards, waterproof pants, wind pants, jogging pants, underwear, bras, baselayer bottoms, baselayer tops, boxer briefs, boxer shorts, briefs, ladies' underwear, men's underwear, moisture-wicking sports bras, sports bras, thongs, boy shorts, headwear, hats, headbands, hoods, skull caps, skull wraps, children's headwear, visors, bandanas, scarves, beanies, caps, bucket hats, neck gaiters, wristbands, sweat bands, jackets, rain jackets, rainproof jackets, rainwear, waterproof jackets, wind resistant jackets, vests, wind vests, coats, heavy coats, foul weather gear, parkas, heavy jackets, socks, men's socks, men's dress socks, sports socks, gloves, mittens, belts, hand-warmers, clothing for athletic use, padded shirts, padded pants, padded shorts, padded elbow compression sleeves, ankle socks, footwear, athletic footwear, beach footwear, running shoes, training shoes, cleats for attachment to sports shoes, sneakers, sandals, golf shirts, golf trousers, golf shorts, golf caps, golf socks, football shoes, football cleats, football girdles, baseball shoes, baseball uniforms, baseball caps, baseball cleats, softball cleats, hunting vests, hunting jackets, hunting pants, hunting shirts, bib overalls for hunting, camouflage gloves, camouflage jackets, camouflage pants, camouflage shirts, camouflage vests, camouflage leggings, camouflage underwear, ski bibs, ski gloves, ski jackets, ski pants, ski trousers, ski wear, ski socks, snow pants, snowboard gloves, snowboard pants, snowboard socks, snowboard mittens, snowboard jackets, snowboard trouser, soccer boots, soccer socks, soccer shorts, soccer goalkeeper jerseys, tennis wear, basketball sneakers, basketball shorts, volleyball jerseys, lacrosse cleats, children's clothing, children's socks, cloth eating bibs, children's bib overalls and hats, baby bodysuits, baby bottoms, baby tops, children's and infant's apparel, jumpers, rompers and one-piece garments, children's and infant's footwear, children's and infant's hooded pullovers and sweat shirts, infant and toddler one piece clothing, infant wear, infant's trousers, jackets, pants, play suits, shirts, short-sleeved shirts, shorts, sweat pants, sweat shirts, sweat suits and tops, light duty utility gloves, work gloves, outdoor gloves, outdoor mittens, running gloves, batting gloves, football gloves, lacrosse gloves, golf gloves, compression garments for athletic or non-medical use, shoes, rubber shoes, beach shoes, sneakers, trainers, baseball cleated shoes, softball cleated shoes, football cleated shoes, lacrosse cleated shoes, running shoes, boots, boots for sport, snow boots, trekking boots, water-proof boots, water repelling boots, water repelling leather boots, winter boots, hiking boots, rain boots, flip flops, lace boots, leather boots, leisure shoes, long-sleeved shirts, collared shirts, button down shirts, track jackets, sports jackets, shell jackets, warm-up suits, sports balls, basketballs, footballs, soccer balls, volleyballs, baseballs, softballs, rugby balls, golf balls, stickers, yoga pants, yoga shirts, field hockey gloves, thermal underwear, thermal vest, thermal t-shirts, thermal long-sleeved shirts, thermal short-sleeved shirts, thermal undergarments, thermal pants, thermal leggings, hand

warmers, brassieres, rain suits, athletic sleeves, tights, shirts, blouses, quarter zip shirts, quarter zip tops, pants, fleece tops, fleece vests, pullovers, long-sleeve pullovers, crew shirts, turtlenecks, crew necks, mocknecks, sun protective clothing, sun visors, running socks, running shorts, running pants, hockey socks, gym shorts, sports pants, body suits, undergarments, wrist packs, bib overalls, ribbons and braid, buttons, hair accessories, hair ties, ponytail holders, hair ribbons, toys, games and playthings, sporting goods, gymnastic and sporting articles, sports equipment, athletic equipment, decorations for Christmas trees, bags adapted for sporting and athletic equipment, bags adapted to carry sports implements, sports bags shaped to contain specific apparatus used in playing sports and in athletics, mouth guards, mouth guards for athletic use, guards for the lips, baseball and softball equipment for catchers, sports girdles, face masks, chest protectors, leg guards, knee supports, lacrosse sticks, lacrosse stick heads, lacrosse stick shafts, lacrosse stick handles, lacrosse gloves, lacrosse arm guards, lacrosse shoulder pads, lacrosse elbow pads, chin guards, shoulder pads, shooter sleeves, knee pads, elbow pads, forearm pads, shin guards, protective athletic gloves, pre-wraps in the nature of athletic tape used to restrain hair, mineral and aerated waters and other non-alcoholic beverages, fruit beverages and fruit juices, syrups and other preparations for making beverages, carbonated waters, drinking water, drinking water with vitamins, energy drinks, bottled water, bottled flavoured water, herbal juices, isotonic beverages, isotonic drinks, sports drinks, non-alcoholic non-carbonated sports drinks, and parts and fittings for all the aforesaid goods; loyalty and bonus scheme services; operation and administration of consumer loyalty and bonus programs; arranging and conducting incentive rewards programs to promote the sale of goods and services; information, advisory and consultancy services relating to all the aforesaid services.”; Class 41 “education; providing of training; entertainment; sporting and cultural activities; entertainment services; educational services, namely, training others in testing, measuring, analyzing, scoring, rating, and providing training and instruction in the field of sports; athletic training and instruction in the field of sports; entertainment services, namely, arranging, organizing, producing, exhibiting and conducting an array of athletic and sporting events rendered live and/or recorded for the purpose of distribution through broadcast media; entertainment services, namely, the production and distribution of motion pictures; production of TV shows; TV entertainment services; education services provided by TV shows; pay per view television programmes; arranging, organizing, producing, exhibiting and conducting competitions; competition reality shows; competition reality shows in the field of sports and athletics (entertainment); arranging, organizing, producing, exhibiting and conducting athletic and sporting events; athletic and sporting exhibitions and performances by professional sportsmen and entertainers; reality shows; providing sporting and athletics news and information via a global computer network; athletic testing, scoring, measurement, analyzing and rating services, namely, testing the physical performance of athletes for the purpose of sports training and assessment of athletic ability, potential, and performance, scoring the results of measured athletic performance for sports training purposes, measuring the physical performance of athletes for the purpose of sports training and assessment of athletic ability, potential, and performance, analyzing athlete's physical

performance test scores and data for others and assigning numeric measure to the results, rating the athletic performance of others by assigning numeric measure; entertainment ticket agency services; information, advisory and consultancy services relating to all the aforesaid services.” (3); EUTM No 006469266 (logo) – Class 25 “Clothing, footwear and headgear; socks; sweatbands”; Class 28 “Sports equipment including rackets, golf clubs; sports bags”; Class 35 “Retail store services featuring apparel and sporting goods.”; (4) EUTM No. 005758768 (logo) – Class 28 “Shin guards; chin guards; knee pads; elbow pads; mouth guards; protective cups; keeper/goalie gloves; slash guards ( this is a padded wristband for lacrosse); sports equipment not included in other classes.”; (5) EUTM No. 004705737 (logo) Class 9 “Eyewear, namely sunglasses, eyeglasses, frames for sunglasses and eyeglasses, lenses for sunglasses and eyeglasses, goggles, visors for use with helmets, cases for sunglasses, eyeglasses and goggles, and straps used for holding glasses, eyeglasses or goggles; pedometers; chin strap pads for use with protective helmets.”; Class 14 “Chronometers; stop watches; watch bands and straps; watch boxes; watch bracelets; watch cases; watches.”; Class 18 “Toiletry kits, sold empty; sport bags, travel bags, duffel bags, backpacks, sack packs, and reservoir backpacks.”; (6) EUTM No. 004703799 (logo) Class 9 “Eyewear, namely sunglasses, eyeglasses, frames for sunglasses and eyeglasses, lenses for sunglasses and eyeglasses, goggles, visors for use with helmets, cases for sunglasses, eyeglasses and goggles, and straps used for holding glasses, eyeglasses and goggles; pedometers; chin strap pads for use with protective helmets”; Class 14 “Chronometers; stop watches; watch bands and straps; watch boxes; watch bracelets; watch cases; watches”; Class 18 “Toiletry kits, sold empty; sport bags, travel bags, duffel bags, backpacks, sack packs, and reservoir backpacks.”; (7) EUTM No. 012107272 (logo) Class 9 “Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; calculating machines, data processing equipment, computers; computer software; protective clothing, footwear and headgear; sports helmets; baseball and softball batting helmets; baseball and softball equipment for catchers, namely, catchers' helmets; protective headgear for baseball and softball catchers; lacrosse helmets; chin straps for protective helmets; chin strap pads for protective helmets; protective masks; teeth protectors for sports; gum shields; eyewear; eyewear namely, eyeglasses, spectacles, sunglasses and goggles, lenses for eyeglasses, spectacles, sunglasses and goggles, frames for eyeglasses, spectacles, sunglasses and goggles; visors for use with helmets; goggles for sports; lacrosse goggles; protective eyewear for sports; cases for eyeglasses, spectacles, sunglasses and goggles; straps used for holding sunglasses, eyeglasses and goggles; electronic monitoring instruments, other than for medical use; optical data carriers; pedometers; GPS navigation devices; GPS apparatus and instruments; batteries; battery chargers; electronic heart rate recorders [other than for medical use]; apparatus for recording and measuring sports performance, running and cycling cadence; computer software in the field of health and fitness for logging fitness data, creating workout schedules and goals, and downloading such data from an electronic device to a

computer; software applications for mobile phones and other mobile devices; computer application software for mobile phones and other mobile devices, namely, software for logging fitness data and creating workout schedules and goals and downloading such data from an electronic device to a computer; computer peripherals; computer hardware; electronic devices, namely, data sensors, transmitters and receivers for relaying physical exercise data; electronic monitoring devices incorporating microprocessors, digital display, and accelerometers, for detecting, storing, reporting, monitoring, uploading and downloading sport activity, namely, team and individual athletic training and competition and fitness training data to the internet, and personal computers, regarding time, pace, speed, acceleration, velocity, height, athletic skill, physical position, global positioning, direction, distance, altitude, navigational, temperature, and weather information; USB hardware and USB operating software; AC adapters; computer software for fitness and weight management; music-composition software; digital media, namely, downloadable audio and video recordings featuring and promoting music, artistic performances and sports; computer software for creating and editing audio and video files in the fields of music and sports; cases and straps for electronic monitoring devices; armbands for electronic monitoring devices; computer interfaces and software for receiving, processing, transmitting and displaying data to be used with biometric monitors for athletic and medical use; data transfer unit, namely, a computer interface to download and upload data between biometric monitors and computer; briefcases, bags and backpacks specially adapted for holding laptop computers and peripheral devices; briefcases, bags and backpacks specially adapted for computers, tablet devices, smart phones, mobile phones, music playing devices and video playing devices; armbands, bags and cases specially adapted for holding mp3 players and cellular phones; magnetic coded gift cards; electronic gift cards; electronic gift vouchers; parts and fittings for all the aforesaid goods.”; Class 35 “Advertising; business management; business administration; office functions; retail, wholesale, online retail, in-store retail, mail order retail and mobile retail services connected with the sale of bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, spray cleaners for freshening athletic mouth guards, pharmaceutical and veterinary preparations, sanitary preparations for medical purposes, dietetic food and substances adapted for medical or veterinary use, food for babies, dietary supplements for humans and animals, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, preparations for destroying vermin, fungicides, herbicides, vitamin fortified beverages, protein supplements in the form of beverages, nutritionally fortified beverages, nutritional drinks used for meal replacement, meal replacement drinks, dietary supplemental drinks, dietary supplemental drinks in the nature of vitamin and mineral beverages, hand tools and implements (hand-operated), cutlery, side arms, razors, knives, fixed blade knives, folding knives, hand-operated knives to aid in skinning an animal, hunting knives, jack knives, knife sheaths, knife sheaths of leather, knives for military or tactical use, pocket knives, utility knives, working knives, scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus for recording, transmission or



reproduction of sound or images, magnetic data carriers, recording discs, compact discs, DVDs and other digital recording media, calculating machines, data processing equipment, computers, computer software, protective clothing, footwear and headgear, sports helmets, protective helmets for sports, baseball and softball batting helmets, baseball and softball equipment for catchers, catchers' helmets, protective headgear for baseball and softball catchers, lacrosse helmets, chin straps for protective helmets, chin strap pads for protective helmets, protective masks, teeth protectors for sports, gum shields, eyewear, eyeglasses, spectacles, sunglasses and goggles, lenses for eyeglasses, spectacles, sunglasses and goggles, frames for eyeglasses, spectacles, sunglasses and goggles, visors for use with helmets, goggles for sports, lacrosse goggles, protective eyewear for sports, cases for eyeglasses, spectacles, sunglasses and goggles, straps used for holding sunglasses, eyeglasses and goggles, electronic monitoring instruments, other than for medical use, optical data carriers, pedometers, GPS navigation devices, GPS apparatus and instruments, batteries, battery chargers, electronic heart rate recorders [other than for medical use], apparatus for recording and measuring sports performance, running and cycling cadence, computer software in the field of health and fitness for logging fitness data, creating workout schedules and goals, and downloading such data from an electronic device to a computer, software applications for mobile phones and other mobile devices, computer application software for mobile phones and other mobile devices, software for logging fitness data and creating workout schedules and goals, computer peripherals, computer hardware, electronic devices, data sensors, transmitters and receivers for relaying physical exercise data, electronic monitoring devices incorporating microprocessors, digital display, and accelerometers, for detecting, storing, reporting, monitoring, uploading and downloading sport activity, team and individual athletic training and competition and fitness training data to the internet, and personal computers, regarding time, pace, speed, acceleration, velocity, height, athletic skill, physical position, global positioning, direction, distance, altitude, navigational, temperature, and weather information, USB hardware and USB operating software, AC adapters, computer software for fitness and weight management, music-composition software, digital media, downloadable audio and video recordings, computer software for creating and editing audio and video, cases and straps for electronic monitoring devices, armbands for electronic monitoring devices, computer interfaces and software for receiving, processing, transmitting and displaying data to be used with biometric monitors for athletic and medical use, data transfer unit, computer interface to download and upload data between biometric monitors and computer, briefcases, bags and backpacks specially adapted for holding laptop computers and peripheral devices, briefcases, bags and backpacks specially adapted for holding handheld electronic devices, armbands, bags and cases specially adapted for holding mp3 players and cellular phones, surgical, medical, dental apparatus and instruments, orthopedic articles, suture materials, medical devices, inter-oral apparatus for spacing the occlusal surfaces of teeth, goods in precious metals or coated therewith, jewellery, horological and chronometric instruments, watches, stop watches, watches incorporating functions for monitoring and transmitting health, fitness and other data, bracelets, bracelets made of silicon, rubber or silicon wristbands in the nature of a bracelet, paper, cardboard and goods

made from these materials, printed matter, bookbinding material, photographs, stationery, adhesives for stationery or household purposes, artists' materials, office requisites, instructional and teaching material, scoring sheets, scoring cards and scoring charts, printed publications, instructional manuals pertaining to athletic ability, potential and performance, posters, stickers, badges, leather and imitations of leather, and goods made of these materials, animal skins, hides, trunks and travelling bags, umbrellas and parasols, walking sticks, whips, harness and saddlery, bags, hand bags, toiletry kits sold empty, sport bags, travel bags, duffel bags, backpacks, sack pacs, reservoir backpacks, all-purpose sport bags, all-purpose athletic bags, athletic bags, bags for sports, daypacks, golf umbrellas, hiking bags, shoe bags for travel, messenger bags, tote bags, wristlet bags, golf bags, bags specially adapted for sports equipment, lacrosse stick bags, softball bat bags, sling bags, gym bags, overnight bags, shoulder bags, wristlet bags, wheeled bags, field hockey stick bags, lacrosse stick bags, baseball bat bags, softball bat bags, household or kitchen utensils and containers, combs and sponges, brushes, brush-making materials, articles for cleaning purposes, steelwool, unworked or semi-worked glass, glassware, porcelain and earthenware, bottles, reusable plastic water bottles sold empty, reusable stainless steel water bottles sold empty, sports bottles sold empty, squeeze bottles sold empty, vacuum bottles, flasks, ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags, padding and stuffing materials, raw fibrous textile materials, jock straps, lanyards, lanyards for holding mouthpieces, water bottles, eyeglasses, sunglasses, badges, flashlights or keys, textiles and textile goods, bed covers, table covers, bed linen, towels, sports towels, football towels, golf towels, clothing, footwear, apparel, headgear, athletic clothing, shirts, tops, t-shirts, tank tops, jerseys, athletic uniforms, fleece pullovers, hooded pullovers, hooded sweat shirts, knit shirts, long-sleeved shirts, moisture-wicking sports shirts, polo shirts, short-sleeved shirts, sleeveless jerseys, sports jerseys, soccer jerseys, lacrosse jerseys, basketball jerseys, sport shirts, sports shirts, sweat shirts, undershirts, wind shirts, beachwear, swimwear, bikinis, fishing shirts, fishing pants, padded shirts, pullover shirts, sweaters, pants, sweat pants, skirts, skorts, leggings, dresses, shorts, bottoms, bib overalls, capris, capri pants, cargo pants, moisture-wicking sports pants, rain trousers, unitards, leotards, waterproof pants, wind pants, jogging pants, underwear, bras, baselayer bottoms, baselayer tops, boxer briefs, boxer shorts, briefs, ladies' underwear, men's underwear, moisture-wicking sports bras, sports bras, thongs, boy shorts, headwear, hats, headbands, hoods, skull caps, skull wraps, children's headwear, visors, bandanas, scarves, beanies, caps, bucket hats, neck gaiters, wristbands, sweat bands, jackets, rain jackets, rainproof jackets, rainwear, waterproof jackets, wind resistant jackets, vests, wind vests, coats, heavy coats, foul weather gear, parkas, heavy jackets, socks, men's socks, men's dress socks, sports socks, gloves, mittens, belts, hand-warmers, clothing for athletic use, padded shirts, padded pants, padded shorts, padded elbow compression sleeves, ankle socks, footwear, athletic footwear, beach footwear, running shoes, training shoes, cleats for attachment to sports shoes, sneakers, sandals, golf shirts, golf trousers, golf shorts, golf caps, golf socks, football shoes, football cleats, football girdles, baseball shoes, baseball uniforms, baseball caps, baseball cleats, softball cleats, hunting vests, hunting jackets, hunting pants, hunting shirts, bib overalls for hunting, camouflage

gloves, camouflage jackets, camouflage pants, camouflage shirts, camouflage vests, camouflage leggings, camouflage underwear, ski bibs, ski gloves, ski jackets, ski pants, ski trousers, ski wear, ski socks, snow pants, snowboard gloves, snowboard pants, snowboard socks, snowboard mittens, snowboard jackets, snowboard trouser, soccer boots, soccer socks, soccer shorts, soccer goalkeeper jerseys, tennis wear, basketball sneakers, basketball shorts, volleyball jerseys, lacrosse cleats, children's clothing, children's socks, cloth eating bibs, children's bib overalls and hats, baby bodysuits, baby bottoms, baby tops, children's and infant's apparel, jumpers, rompers and one-piece garments, children's and infant's footwear, children's and infant's hooded pullovers and sweat shirts, infant and toddler one piece clothing, infant wear, infant's trousers, jackets, pants, play suits, shirts, short-sleeved shirts, shorts, sweat pants, sweat shirts, sweat suits and tops, light duty utility gloves, work gloves, outdoor gloves, outdoor mittens, running gloves, batting gloves, football gloves, lacrosse gloves, golf gloves, compression garments for athletic or non-medical use, shoes, rubber shoes, beach shoes, sneakers, trainers, baseball cleated shoes, softball cleated shoes, football cleated shoes, lacrosse cleated shoes, running shoes, boots, boots for sport, snow boots, trekking boots, water-proof boots, water repelling boots, water repelling leather boots, winter boots, hiking boots, rain boots, flip flops, lace boots, leather boots, leisure shoes, long-sleeved shirts, collared shirts, button down shirts, track jackets, sports jackets, shell jackets, warm-up suits, sports balls, basketballs, footballs, soccer balls, volleyballs, baseballs, softballs, rugby balls, golf balls, stickers, yoga pants, yoga shirts, field hockey gloves, thermal underwear, thermal vest, thermal t-shirts, thermal long-sleeved shirts, thermal short-sleeved shirts, thermal undergarments, thermal pants, thermal leggings, hand warmers, brassieres, rain suits, athletic sleeves, tights, shirts, blouses, quarter zip shirts, quarter zip tops, pants, fleece tops, fleece vests, pullovers, long-sleeve pullovers, crew shirts, turtlenecks, crew necks, mocknecks, sun protective clothing, sun visors, running socks, running shorts, running pants, hockey socks, gym shorts, sports pants, body suits, undergarments, wrist packs, bib overalls, ribbons and braid, buttons, hair accessories, hair ties, ponytail holders, hair ribbons, toys, games and playthings, sporting goods, gymnastic and sporting articles, sports equipment, athletic equipment, decorations for Christmas trees, bags adapted for sporting and athletic equipment, bags adapted to carry sports implements, sports bags shaped to contain specific apparatus used in playing sports and in athletics, mouth guards, mouth guards for athletic use, guards for the lips, baseball and softball equipment for catchers, sports girdles, face masks, chest protectors, leg guards, knee supports, lacrosse sticks, lacrosse stick heads, lacrosse stick shafts, lacrosse stick handles, lacrosse gloves, lacrosse arm guards, lacrosse shoulder pads, lacrosse elbow pads, chin guards, shoulder pads, shooter sleeves, knee pads, elbow pads, forearm pads, shin guards, protective athletic gloves, pre-wraps in the nature of athletic tape used to restrain hair, mineral and aerated waters and other non-alcoholic beverages, fruit beverages and fruit juices, syrups and other preparations for making beverages, carbonated waters, drinking water, drinking water with vitamins, energy drinks, bottled water, bottled flavoured water, herbal juices, isotonic beverages, isotonic drinks, sports drinks, non-alcoholic non-carbonated sports drinks, and parts and fittings for all the aforesaid goods; loyalty and bonus scheme services;

operation and administration of consumer loyalty and bonus programs; arranging and conducting incentive rewards programs to promote the sale of goods and services; information, advisory and consultancy services relating to all the aforesaid services.”; Class 41 “Education; providing of training; entertainment; sporting and cultural activities; entertainment services; educational services, namely, training others in testing, measuring, analyzing, scoring, rating, and providing training and instruction in the field of sports; athletic training and instruction in the field of sports; entertainment services, namely, arranging, organizing, producing, exhibiting and conducting an array of athletic and sporting events rendered live and/or recorded for the purpose of distribution through broadcast media; entertainment services, namely, the production and distribution of motion pictures; production of TV shows; TV entertainment services; education services provided by TV shows; pay per view television programmes; arranging, organizing, producing, exhibiting and conducting competitions; competition reality shows; competition reality shows in the field of sports and athletics (entertainment); arranging, organizing, producing, exhibiting and conducting athletic and sporting events; athletic and sporting exhibitions and performances by professional sportsmen and entertainers; reality shows; providing sporting and athletics news and information via a global computer network; athletic testing, scoring, measurement, analyzing and rating services, namely, testing the physical performance of athletes for the purpose of sports training and assessment of athletic ability, potential, and performance, scoring the results of measured athletic performance for sports training purposes, measuring the physical performance of athletes for the purpose of sports training and assessment of athletic ability, potential, and performance, analyzing athlete's physical performance test scores and data for others and assigning numeric measure to the results, rating the athletic performance of others by assigning numeric measure; entertainment ticket agency services; information, advisory and consultancy services relating to all the aforesaid services.”;

3. Illi b'hila, b'invenzjoni kif ukoll b'hafna sagrificcju finanzjarju u bi promozzjoni reklamattiva estensiva da parti taghha, is-socjeta attrici akkwizixxiet reputazzjoni u avvjament enormi kemm fis-suq barrani u kif ukoll fis-suq Malti, in konnessjoni mal-marki (trademarks) taghha;

4. Illi in partikolari, is-socjeta attrici ghandha rregistrata b'dawn is-segwenti marki (Trademarks: bhalma jirrizulta mid-dokumenti hawn annessi u mmarkat bhala Dokumenti MM2 u dan dwar (Trademarks: - EUTM Trademark No. 006474051 (UNDER ARMOUR (word) – Class 25 “Clothing, footwear and headgear; socks; sweatbands“; Class 28 “Sports equipment including rackets, golf clubs; sports bags and sporting goods, namely sports balls“; Class 35 “Retail store services featuring apparel and sporting goods”. (2) EUTM No. 012107413 UNDER ARMOUR (word) – Class 9 “Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; calculating machines, data processing equipment, computers; computer software; sports helmets; baseball and softball batting

helmets; baseball and softball equipment for catchers, namely, catchers' helmets; protective headgear for baseball and softball catchers; lacrosse helmets; chin straps for protective helmets; chin strap pads for protective helmets; protective masks; teeth protectors for sports; gum shields; eyewear; eyewear namely, eyeglasses, spectacles, sunglasses and goggles, lenses for eyeglasses, spectacles, sunglasses and goggles, frames for eyeglasses, spectacles, sunglasses and goggles; visors for use with helmets; goggles for sports; lacrosse goggles; protective eyewear for sports; cases for eyeglasses, spectacles, sunglasses and goggles; straps used for holding sunglasses, eyeglasses and goggles; electronic monitoring instruments, other than for medical use; optical data carriers; pedometers; GPS navigation devices; GPS apparatus and instruments; batteries; battery chargers; electronic heart rate recorders [other than for medical use]; apparatus for recording and measuring sports performance, running and cycling cadence; computer software in the field of health and fitness for logging fitness data, creating workout schedules and goals, and downloading such data from an electronic device to a computer; software applications for mobile phones and other mobile devices; computer application software for mobile phones and other mobile devices, namely, software for logging fitness data and creating workout schedules and goals and downloading such data from an electronic device to a computer; computer peripherals; computer hardware; electronic devices, namely, data sensors, transmitters and receivers for relaying physical exercise data; electronic monitoring devices incorporating microprocessors, digital display, and accelerometers, for detecting, storing, reporting, monitoring, uploading and downloading sport activity, namely, team and individual athletic training and competition and fitness training data to the internet, and personal computers, regarding time, pace, speed, acceleration, velocity, height, athletic skill, physical position, global positioning, direction, distance, altitude, navigational, temperature, and weather information; USB hardware and USB operating software; AC adapters; computer software for fitness and weight management; music-composition software; digital media, namely, downloadable audio and video recordings featuring and promoting music, artistic performances and sports; computer software for creating and editing audio and video files in the fields of music and sports; cases and straps for electronic monitoring devices; armbands for electronic monitoring devices; computer interfaces and software for receiving, processing, transmitting and displaying data to be used with biometric monitors for athletic and medical use; data transfer unit, namely, a computer interface to download and upload data between biometric monitors and computer; briefcases, bags and backpacks specially adapted for holding laptop computers and peripheral devices; briefcases, bags and backpacks specially adapted for computers, tablet devices, smart phones, mobile phones, music playing devices and video playing devices; armbands, bags and cases specially adapted for holding mp3 players and cellular phones; magnetic coded gift cards; electronic gift cards; electronic gift vouchers; parts and fittings for all the aforesaid goods.”; Class 35 “Advertising; business management; business administration; office functions; retail, wholesale, online retail, in-store retail, mail order retail and mobile retail services connected with the sale of bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, spray cleaners for freshening athletic mouth

guards, pharmaceutical and veterinary preparations, sanitary preparations for medical purposes, dietetic food and substances adapted for medical or veterinary use, food for babies, dietary supplements for humans and animals, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, preparations for destroying vermin, fungicides, herbicides, vitamin fortified beverages, protein supplements in the form of beverages, nutritionally fortified beverages, nutritional drinks used for meal replacement, meal replacement drinks, dietary supplemental drinks, dietary supplemental drinks in the nature of vitamin and mineral beverages, hand tools and implements (hand-operated), cutlery, side arms, razors, knives, fixed blade knives, folding knives, hand-operated knives to aid in skinning an animal, hunting knives, jack knives, knife sheaths, knife sheaths of leather, knives for military or tactical use, pocket knives, utility knives, working knives, scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, compact discs, DVDs and other digital recording media, calculating machines, data processing equipment, computers, computer software, protective clothing, footwear and headgear, sports helmets, protective helmets for sports, baseball and softball batting helmets, baseball and softball equipment for catchers, catchers' helmets, protective headgear for baseball and softball catchers, lacrosse helmets, chin straps for protective helmets, chin strap pads for protective helmets, protective masks, teeth protectors for sports, gum shields, eyewear, eyeglasses, spectacles, sunglasses and goggles, lenses for eyeglasses, spectacles, sunglasses and goggles, frames for eyeglasses, spectacles, sunglasses and goggles, visors for use with helmets, goggles for sports, lacrosse goggles, protective eyewear for sports, cases for eyeglasses, spectacles, sunglasses and goggles, straps used for holding sunglasses, eyeglasses and goggles, electronic monitoring instruments, other than for medical use, optical data carriers, pedometers, GPS navigation devices, GPS apparatus and instruments, batteries, battery chargers, electronic heart rate recorders [other than for medical use], apparatus for recording and measuring sports performance, running and cycling cadence, computer software in the field of health and fitness for logging fitness data, creating workout schedules and goals, and downloading such data from an electronic device to a computer, software applications for mobile phones and other mobile devices, computer application software for mobile phones and other mobile devices, software for logging fitness data and creating workout schedules and goals, computer peripherals, computer hardware, electronic devices, data sensors, transmitters and receivers for relaying physical exercise data, electronic monitoring devices incorporating microprocessors, digital display, and accelerometers, for detecting, storing, reporting, monitoring, uploading and downloading sport activity, team and individual athletic training and competition and fitness training data to the internet, and personal computers, regarding time, pace, speed, acceleration, velocity, height, athletic skill, physical position, global positioning, direction, distance, altitude, navigational, temperature, and weather information, USB hardware and USB operating software, AC adapters, computer software for fitness and weight management, music-composition software, digital media, downloadable audio and video recordings,

computer software for creating and editing audio and video, cases and straps for electronic monitoring devices, armbands for electronic monitoring devices, computer interfaces and software for receiving, processing, transmitting and displaying data to be used with biometric monitors for athletic and medical use, data transfer unit, computer interface to download and upload data between biometric monitors and computer, briefcases, bags and backpacks specially adapted for holding laptop computers and peripheral devices, briefcases, bags and backpacks specially adapted for holding handheld electronic devices, armbands, bags and cases specially adapted for holding mp3 players and cellular phones, surgical, medical, dental apparatus and instruments, orthopedic articles, suture materials, medical devices, inter-oral apparatus for spacing the occlusal surfaces of teeth, goods in precious metals or coated therewith, jewellery, horological and chronometric instruments, watches, stop watches, watches incorporating functions for monitoring and transmitting health, fitness and other data, bracelets, bracelets made of silicon, rubber or silicon wristbands in the nature of a bracelet, paper, cardboard and goods made from these materials, printed matter, bookbinding material, photographs, stationery, adhesives for stationery or household purposes, artists' materials, office requisites, instructional and teaching material, scoring sheets, scoring cards and scoring charts, printed publications, instructional manuals pertaining to athletic ability, potential and performance, posters, stickers, badges, leather and imitations of leather, and goods made of these materials, animal skins, hides, trunks and travelling bags, umbrellas and parasols, walking sticks, whips, harness and saddlery, bags, hand bags, toiletry kits sold empty, sport bags, travel bags, duffel bags, backpacks, sack pacs, reservoir backpacks, all-purpose sport bags, all-purpose athletic bags, athletic bags, bags for sports, daypacks, golf umbrellas, hiking bags, shoe bags for travel, messenger bags, tote bags, wristlet bags, golf bags, bags specially adapted for sports equipment, lacrosse stick bags, softball bat bags, sling bags, gym bags, overnight bags, shoulder bags, wristlet bags, wheeled bags, field hockey stick bags, lacrosse stick bags, baseball bat bags, softball bat bags, household or kitchen utensils and containers, combs and sponges, brushes, brush-making materials, articles for cleaning purposes, steelwool, unworked or semi-worked glass, glassware, porcelain and earthenware, bottles, reusable plastic water bottles sold empty, reusable stainless steel water bottles sold empty, sports bottles sold empty, squeeze bottles sold empty, vacuum bottles, flasks, ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags, padding and stuffing materials, raw fibrous textile materials, jock straps, lanyards, lanyards for holding mouthpieces, water bottles, eyeglasses, sunglasses, badges, flashlights or keys, textiles and textile goods, bed covers, table covers, bed linen, towels, sports towels, football towels, golf towels, clothing, footwear, apparel, headgear, athletic clothing, shirts, tops, t-shirts, tank tops, jerseys, athletic uniforms, fleece pullovers, hooded pullovers, hooded sweat shirts, knit shirts, long-sleeved shirts, moisture-wicking sports shirts, polo shirts, short-sleeved shirts, sleeveless jerseys, sports jerseys, soccer jerseys, lacrosse jerseys, basketball jerseys, sport shirts, sports shirts, sweat shirts, undershirts, wind shirts, beachwear, swimwear, bikinis, fishing shirts, fishing pants, padded shirts, pullover shirts, sweaters, pants, sweat pants, skirts, skorts, leggings, dresses, shorts, bottoms, bib overalls, capris, capri pants, cargo pants, moisture-wicking sports pants, rain trousers, unitards, leotards, waterproof

pants, wind pants, jogging pants, underwear, bras, baselayer bottoms, baselayer tops, boxer briefs, boxer shorts, briefs, ladies' underwear, men's underwear, moisture-wicking sports bras, sports bras, thongs, boy shorts, headwear, hats, headbands, hoods, skull caps, skull wraps, children's headwear, visors, bandanas, scarves, beanies, caps, bucket hats, neck gaiters, wristbands, sweat bands, jackets, rain jackets, rainproof jackets, rainwear, waterproof jackets, wind resistant jackets, vests, wind vests, coats, heavy coats, foul weather gear, parkas, heavy jackets, socks, men's socks, men's dress socks, sports socks, gloves, mittens, belts, hand-warmers, clothing for athletic use, padded shirts, padded pants, padded shorts, padded elbow compression sleeves, ankle socks, footwear, athletic footwear, beach footwear, running shoes, training shoes, cleats for attachment to sports shoes, sneakers, sandals, golf shirts, golf trousers, golf shorts, golf caps, golf socks, football shoes, football cleats, football girdles, baseball shoes, baseball uniforms, baseball caps, baseball cleats, softball cleats, hunting vests, hunting jackets, hunting pants, hunting shirts, bib overalls for hunting, camouflage gloves, camouflage jackets, camouflage pants, camouflage shirts, camouflage vests, camouflage leggings, camouflage underwear, ski bibs, ski gloves, ski jackets, ski pants, ski trousers, ski wear, ski socks, snow pants, snowboard gloves, snowboard pants, snowboard socks, snowboard mittens, snowboard jackets, snowboard trouser, soccer boots, soccer socks, soccer shorts, soccer goalkeeper jerseys, tennis wear, basketball sneakers, basketball shorts, volleyball jerseys, lacrosse cleats, children's clothing, children's socks, cloth eating bibs, children's bib overalls and hats, baby bodysuits, baby bottoms, baby tops, children's and infant's apparel, jumpers, rompers and one-piece garments, children's and infant's footwear, children's and infant's hooded pullovers and sweat shirts, infant and toddler one piece clothing, infant wear, infant's trousers, jackets, pants, play suits, shirts, short-sleeved shirts, shorts, sweat pants, sweat shirts, sweat suits and tops, light duty utility gloves, work gloves, outdoor gloves, outdoor mittens, running gloves, batting gloves, football gloves, lacrosse gloves, golf gloves, compression garments for athletic or non-medical use, shoes, rubber shoes, beach shoes, sneakers, trainers, baseball cleated shoes, softball cleated shoes, football cleated shoes, lacrosse cleated shoes, running shoes, boots, boots for sport, snow boots, trekking boots, water-proof boots, water repelling boots, water repelling leather boots, winter boots, hiking boots, rain boots, flip flops, lace boots, leather boots, leisure shoes, long-sleeved shirts, collared shirts, button down shirts, track jackets, sports jackets, shell jackets, warm-up suits, sports balls, basketballs, footballs, soccer balls, volleyballs, baseballs, softballs, rugby balls, golf balls, stickers, yoga pants, yoga shirts, field hockey gloves, thermal underwear, thermal vest, thermal t-shirts, thermal long-sleeved shirts, thermal short-sleeved shirts, thermal undergarments, thermal pants, thermal leggings, hand warmers, brassieres, rain suits, athletic sleeves, tights, shirts, blouses, quarter zip shirts, quarter zip tops, pants, fleece tops, fleece vests, pullovers, long-sleeve pullovers, crew shirts, turtlenecks, crew necks, mocknecks, sun protective clothing, sun visors, running socks, running shorts, running pants, hockey socks, gym shorts, sports pants, body suits, undergarments, wrist packs, bib overalls, ribbons and braid, buttons, hair accessories, hair ties, ponytail holders, hair ribbons, toys, games and playthings, sporting goods, gymnastic and sporting articles, sports equipment, athletic equipment,



decorations for Christmas trees, bags adapted for sporting and athletic equipment, bags adapted to carry sports implements, sports bags shaped to contain specific apparatus used in playing sports and in athletics, mouth guards, mouth guards for athletic use, guards for the lips, baseball and softball equipment for catchers, sports girdles, face masks, chest protectors, leg guards, knee supports, lacrosse sticks, lacrosse stick heads, lacrosse stick shafts, lacrosse stick handles, lacrosse gloves, lacrosse arm guards, lacrosse shoulder pads, lacrosse elbow pads, chin guards, shoulder pads, shooter sleeves, knee pads, elbow pads, forearm pads, shin guards, protective athletic gloves, pre-wraps in the nature of athletic tape used to restrain hair, mineral and aerated waters and other non-alcoholic beverages, fruit beverages and fruit juices, syrups and other preparations for making beverages, carbonated waters, drinking water, drinking water with vitamins, energy drinks, bottled water, bottled flavoured water, herbal juices, isotonic beverages, isotonic drinks, sports drinks, non-alcoholic non-carbonated sports drinks, and parts and fittings for all the aforesaid goods; loyalty and bonus scheme services; operation and administration of consumer loyalty and bonus programs; arranging and conducting incentive rewards programs to promote the sale of goods and services; information, advisory and consultancy services relating to all the aforesaid services.”; Class 41 “education; providing of training; entertainment; sporting and cultural activities; entertainment services; educational services, namely, training others in testing, measuring, analyzing, scoring, rating, and providing training and instruction in the field of sports; athletic training and instruction in the field of sports; entertainment services, namely, arranging, organizing, producing, exhibiting and conducting an array of athletic and sporting events rendered live and/or recorded for the purpose of distribution through broadcast media; entertainment services, namely, the production and distribution of motion pictures; production of TV shows; TV entertainment services; education services provided by TV shows; pay per view television programmes; arranging, organizing, producing, exhibiting and conducting competitions; competition reality shows; competition reality shows in the field of sports and athletics (entertainment); arranging, organizing, producing, exhibiting and conducting athletic and sporting events; athletic and sporting exhibitions and performances by professional sportsmen and entertainers; reality shows; providing sporting and athletics news and information via a global computer network; athletic testing, scoring, measurement, analyzing and rating services, namely, testing the physical performance of athletes for the purpose of sports training and assessment of athletic ability, potential, and performance, scoring the results of measured athletic performance for sports training purposes, measuring the physical performance of athletes for the purpose of sports training and assessment of athletic ability, potential, and performance, analyzing athlete's physical performance test scores and data for others and assigning numeric measure to the results, rating the athletic performance of others by assigning numeric measure; entertainment ticket agency services; information, advisory and consultancy services relating to all the aforesaid services.” (3); EUTM No 006469266 (logo) – Class 25 “Clothing, footwear and headgear; socks; sweatbands”; Class 28 “Sports equipment including rackets, golf clubs; sports bags”; Class 35 “Retail store services featuring apparel and sporting goods.”; (4) EUTM No. 005758768 (logo) – Class 28 “Shin guards; chin guards; knee

pads; elbow pads; mouth guards; protective cups; keeper/goalie gloves; slash guards ( this is a padded wristband for lacrosse); sports equipment not included in other classes.”; (5)EUTM No. 004705737 (logo) Class 9 “Eyewear, namely sunglasses, eyeglasses, frames for sunglasses and eyeglasses, lenses for sunglasses and eyeglasses, goggles, visors for use with helmets, cases for sunglasses, eyeglasses and goggles, and straps used for holding glasses, eyeglasses or goggles; pedometers; chin strap pads for use with protective helmets.”; Class 14 “Chronometers; stop watches; watch bands and straps; watch boxes; watch bracelets; watch cases; watches.”; Class 18 “Toiletry kits, sold empty; sport bags, travel bags, duffel bags, backpacks, sack packs, and reservoir backpacks.”; (6) EUTM No. 004703799 (logo) Class 9 “Eyewear, namely sunglasses, eyeglasses, frames for sunglasses and eyeglasses, lenses for sunglasses and eyeglasses, goggles, visors for use with helmets, cases for sunglasses, eyeglasses and goggles, and straps used for holding glasses, eyeglasses and goggles; pedometers; chin strap pads for use with protective helmets”; Class 14 “Chronometers; stop watches; watch bands and straps; watch boxes; watch bracelets; watch cases; watches”; Class 18 “Toiletry kits, sold empty; sport bags, travel bags, duffel bags, backpacks, sack packs, and reservoir backpacks.”; (7) EUTM No. 012107272 (logo) Class 9 “Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; calculating machines, data processing equipment, computers; computer software; protective clothing, footwear and headgear; sports helmets; baseball and softball batting helmets; baseball and softball equipment for catchers, namely, catchers' helmets; protective headgear for baseball and softball catchers; lacrosse helmets; chin straps for protective helmets; chin strap pads for protective helmets; protective masks; teeth protectors for sports; gum shields; eyewear; eyewear namely, eyeglasses, spectacles, sunglasses and goggles, lenses for eyeglasses, spectacles, sunglasses and goggles, frames for eyeglasses, spectacles, sunglasses and goggles; visors for use with helmets; goggles for sports; lacrosse goggles; protective eyewear for sports; cases for eyeglasses, spectacles, sunglasses and goggles; straps used for holding sunglasses, eyeglasses and goggles; electronic monitoring instruments, other than for medical use; optical data carriers; pedometers; GPS navigation devices; GPS apparatus and instruments; batteries; battery chargers; electronic heart rate recorders [other than for medical use]; apparatus for recording and measuring sports performance, running and cycling cadence; computer software in the field of health and fitness for logging fitness data, creating workout schedules and goals, and downloading such data from an electronic device to a computer; software applications for mobile phones and other mobile devices; computer application software for mobile phones and other mobile devices, namely, software for logging fitness data and creating workout schedules and goals and downloading such data from an electronic device to a computer; computer peripherals; computer hardware; electronic devices, namely, data sensors, transmitters and receivers for relaying physical exercise data; electronic monitoring devices incorporating microprocessors, digital display, and accelerometers, for detecting, storing, reporting, monitoring, uploading and

downloading sport activity, namely, team and individual athletic training and competition and fitness training data to the internet, and personal computers, regarding time, pace, speed, acceleration, velocity, height, athletic skill, physical position, global positioning, direction, distance, altitude, navigational, temperature, and weather information; USB hardware and USB operating software; AC adapters; computer software for fitness and weight management; music-composition software; digital media, namely, downloadable audio and video recordings featuring and promoting music, artistic performances and sports; computer software for creating and editing audio and video files in the fields of music and sports; cases and straps for electronic monitoring devices; armbands for electronic monitoring devices; computer interfaces and software for receiving, processing, transmitting and displaying data to be used with biometric monitors for athletic and medical use; data transfer unit, namely, a computer interface to download and upload data between biometric monitors and computer; briefcases, bags and backpacks specially adapted for holding laptop computers and peripheral devices; briefcases, bags and backpacks specially adapted for computers, tablet devices, smart phones, mobile phones, music playing devices and video playing devices; armbands, bags and cases specially adapted for holding mp3 players and cellular phones; magnetic coded gift cards; electronic gift cards; electronic gift vouchers; parts and fittings for all the aforesaid goods.”; Class 35 “Advertising; business management; business administration; office functions; retail, wholesale, online retail, in-store retail, mail order retail and mobile retail services connected with the sale of bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, spray cleaners for freshening athletic mouth guards, pharmaceutical and veterinary preparations, sanitary preparations for medical purposes, dietetic food and substances adapted for medical or veterinary use, food for babies, dietary supplements for humans and animals, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, preparations for destroying vermin, fungicides, herbicides, vitamin fortified beverages, protein supplements in the form of beverages, nutritionally fortified beverages, nutritional drinks used for meal replacement, meal replacement drinks, dietary supplemental drinks, dietary supplemental drinks in the nature of vitamin and mineral beverages, hand tools and implements (hand-operated), cutlery, side arms, razors, knives, fixed blade knives, folding knives, hand-operated knives to aid in skinning an animal, hunting knives, jack knives, knife sheaths, knife sheaths of leather, knives for military or tactical use, pocket knives, utility knives, working knives, scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, compact discs, DVDs and other digital recording media, calculating machines, data processing equipment, computers, computer software, protective clothing, footwear and headgear, sports helmets, protective helmets for sports, baseball and softball batting helmets, baseball and softball equipment for catchers, catchers' helmets, protective headgear for baseball and softball catchers, lacrosse helmets, chin straps for protective helmets, chin strap pads for protective helmets, protective masks, teeth protectors for sports, gum shields,

eyewear, eyeglasses, spectacles, sunglasses and goggles, lenses for eyeglasses, spectacles, sunglasses and goggles, frames for eyeglasses, spectacles, sunglasses and goggles, visors for use with helmets, goggles for sports, lacrosse goggles, protective eyewear for sports, cases for eyeglasses, spectacles, sunglasses and goggles, straps used for holding sunglasses, eyeglasses and goggles, electronic monitoring instruments, other than for medical use, optical data carriers, pedometers, GPS navigation devices, GPS apparatus and instruments, batteries, battery chargers, electronic heart rate recorders [other than for medical use], apparatus for recording and measuring sports performance, running and cycling cadence, computer software in the field of health and fitness for logging fitness data, creating workout schedules and goals, and downloading such data from an electronic device to a computer, software applications for mobile phones and other mobile devices, computer application software for mobile phones and other mobile devices, software for logging fitness data and creating workout schedules and goals, computer peripherals, computer hardware, electronic devices, data sensors, transmitters and receivers for relaying physical exercise data, electronic monitoring devices incorporating microprocessors, digital display, and accelerometers, for detecting, storing, reporting, monitoring, uploading and downloading sport activity, team and individual athletic training and competition and fitness training data to the internet, and personal computers, regarding time, pace, speed, acceleration, velocity, height, athletic skill, physical position, global positioning, direction, distance, altitude, navigational, temperature, and weather information, USB hardware and USB operating software, AC adapters, computer software for fitness and weight management, music-composition software, digital media, downloadable audio and video recordings, computer software for creating and editing audio and video, cases and straps for electronic monitoring devices, armbands for electronic monitoring devices, computer interfaces and software for receiving, processing, transmitting and displaying data to be used with biometric monitors for athletic and medical use, data transfer unit, computer interface to download and upload data between biometric monitors and computer, briefcases, bags and backpacks specially adapted for holding laptop computers and peripheral devices, briefcases, bags and backpacks specially adapted for holding handheld electronic devices, armbands, bags and cases specially adapted for holding mp3 players and cellular phones, surgical, medical, dental apparatus and instruments, orthopedic articles, suture materials, medical devices, inter-oral apparatus for spacing the occlusal surfaces of teeth, goods in precious metals or coated therewith, jewellery, horological and chronometric instruments, watches, stop watches, watches incorporating functions for monitoring and transmitting health, fitness and other data, bracelets, bracelets made of silicon, rubber or silicon wristbands in the nature of a bracelet, paper, cardboard and goods made from these materials, printed matter, bookbinding material, photographs, stationery, adhesives for stationery or household purposes, artists' materials, office requisites, instructional and teaching material, scoring sheets, scoring cards and scoring charts, printed publications, instructional manuals pertaining to athletic ability, potential and performance, posters, stickers, badges, leather and imitations of leather, and goods made of these materials, animal skins, hides, trunks and travelling bags, umbrellas and parasols, walking sticks, whips, harness and saddlery, bags, hand bags, toiletry kits sold empty, sport

bags, travel bags, duffel bags, backpacks, sack pacs, reservoir backpacks, all-purpose sport bags, all-purpose athletic bags, athletic bags, bags for sports, daypacks, golf umbrellas, hiking bags, shoe bags for travel, messenger bags, tote bags, wristlet bags, golf bags, bags specially adapted for sports equipment, lacrosse stick bags, softball bat bags, sling bags, gym bags, overnight bags, shoulder bags, wristlet bags, wheeled bags, field hockey stick bags, lacrosse stick bags, baseball bat bags, softball bat bags, household or kitchen utensils and containers, combs and sponges, brushes, brush-making materials, articles for cleaning purposes, steelwool, unworked or semi-worked glass, glassware, porcelain and earthenware, bottles, reusable plastic water bottles sold empty, reusable stainless steel water bottles sold empty, sports bottles sold empty, squeeze bottles sold empty, vacuum bottles, flasks, ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags, padding and stuffing materials, raw fibrous textile materials, jock straps, lanyards, lanyards for holding mouthpieces, water bottles, eyeglasses, sunglasses, badges, flashlights or keys, textiles and textile goods, bed covers, table covers, bed linen, towels, sports towels, football towels, golf towels, clothing, footwear, apparel, headgear, athletic clothing, shirts, tops, t-shirts, tank tops, jerseys, athletic uniforms, fleece pullovers, hooded pullovers, hooded sweat shirts, knit shirts, long-sleeved shirts, moisture-wicking sports shirts, polo shirts, short-sleeved shirts, sleeveless jerseys, sports jerseys, soccer jerseys, lacrosse jerseys, basketball jerseys, sport shirts, sports shirts, sweat shirts, undershirts, wind shirts, beachwear, swimwear, bikinis, fishing shirts, fishing pants, padded shirts, pullover shirts, sweaters, pants, sweat pants, skirts, skorts, leggings, dresses, shorts, bottoms, bib overalls, capris, capri pants, cargo pants, moisture-wicking sports pants, rain trousers, unitards, leotards, waterproof pants, wind pants, jogging pants, underwear, bras, baselayer bottoms, baselayer tops, boxer briefs, boxer shorts, briefs, ladies' underwear, men's underwear, moisture-wicking sports bras, sports bras, thongs, boy shorts, headwear, hats, headbands, hoods, skull caps, skull wraps, children's headwear, visors, bandanas, scarves, beanies, caps, bucket hats, neck gaiters, wristbands, sweat bands, jackets, rain jackets, rainproof jackets, rainwear, waterproof jackets, wind resistant jackets, vests, wind vests, coats, heavy coats, foul weather gear, parkas, heavy jackets, socks, men's socks, men's dress socks, sports socks, gloves, mittens, belts, hand-warmers, clothing for athletic use, padded shirts, padded pants, padded shorts, padded elbow compression sleeves, ankle socks, footwear, athletic footwear, beach footwear, running shoes, training shoes, cleats for attachment to sports shoes, sneakers, sandals, golf shirts, golf trousers, golf shorts, golf caps, golf socks, football shoes, football cleats, football girdles, baseball shoes, baseball uniforms, baseball caps, baseball cleats, softball cleats, hunting vests, hunting jackets, hunting pants, hunting shirts, bib overalls for hunting, camouflage gloves, camouflage jackets, camouflage pants, camouflage shirts, camouflage vests, camouflage leggings, camouflage underwear, ski bibs, ski gloves, ski jackets, ski pants, ski trousers, ski wear, ski socks, snow pants, snowboard gloves, snowboard pants, snowboard socks, snowboard mittens, snowboard jackets, snowboard trouser, soccer boots, soccer socks, soccer shorts, soccer goalkeeper jerseys, tennis wear, basketball sneakers, basketball shorts, volleyball jerseys, lacrosse cleats, children's clothing, children's socks, cloth eating bibs, children's bib overalls and hats, baby bodysuits, baby bottoms,

baby tops, children's and infant's apparel, jumpers, rompers and one-piece garments, children's and infant's footwear, children's and infant's hooded pullovers and sweat shirts, infant and toddler one piece clothing, infant wear, infant's trousers, jackets, pants, play suits, shirts, short-sleeved shirts, shorts, sweat pants, sweat shirts, sweat suits and tops, light duty utility gloves, work gloves, outdoor gloves, outdoor mittens, running gloves, batting gloves, football gloves, lacrosse gloves, golf gloves, compression garments for athletic or non-medical use, shoes, rubber shoes, beach shoes, sneakers, trainers, baseball cleated shoes, softball cleated shoes, football cleated shoes, lacrosse cleated shoes, running shoes, boots, boots for sport, snow boots, trekking boots, water-proof boots, water repelling boots, water repelling leather boots, winter boots, hiking boots, rain boots, flip flops, lace boots, leather boots, leisure shoes, long-sleeved shirts, collared shirts, button down shirts, track jackets, sports jackets, shell jackets, warm-up suits, sports balls, basketballs, footballs, soccer balls, volleyballs, baseballs, softballs, rugby balls, golf balls, stickers, yoga pants, yoga shirts, field hockey gloves, thermal underwear, thermal vest, thermal t-shirts, thermal long-sleeved shirts, thermal short-sleeved shirts, thermal undergarments, thermal pants, thermal leggings, hand warmers, brassieres, rain suits, athletic sleeves, tights, shirts, blouses, quarter zip shirts, quarter zip tops, pants, fleece tops, fleece vests, pullovers, long-sleeve pullovers, crew shirts, turtlenecks, crew necks, mocknecks, sun protective clothing, sun visors, running socks, running shorts, running pants, hockey socks, gym shorts, sports pants, body suits, undergarments, wrist packs, bib overalls, ribbons and braid, buttons, hair accessories, hair ties, ponytail holders, hair ribbons, toys, games and playthings, sporting goods, gymnastic and sporting articles, sports equipment, athletic equipment, decorations for Christmas trees, bags adapted for sporting and athletic equipment, bags adapted to carry sports implements, sports bags shaped to contain specific apparatus used in playing sports and in athletics, mouth guards, mouth guards for athletic use, guards for the lips, baseball and softball equipment for catchers, sports girdles, face masks, chest protectors, leg guards, knee supports, lacrosse sticks, lacrosse stick heads, lacrosse stick shafts, lacrosse stick handles, lacrosse gloves, lacrosse arm guards, lacrosse shoulder pads, lacrosse elbow pads, chin guards, shoulder pads, shooter sleeves, knee pads, elbow pads, forearm pads, shin guards, protective athletic gloves, pre-wraps in the nature of athletic tape used to restrain hair, mineral and aerated waters and other non-alcoholic beverages, fruit beverages and fruit juices, syrups and other preparations for making beverages, carbonated waters, drinking water, drinking water with vitamins, energy drinks, bottled water, bottled flavoured water, herbal juices, isotonic beverages, isotonic drinks, sports drinks, non-alcoholic non-carbonated sports drinks, and parts and fittings for all the aforesaid goods; loyalty and bonus scheme services; operation and administration of consumer loyalty and bonus programs; arranging and conducting incentive rewards programs to promote the sale of goods and services; information, advisory and consultancy services relating to all the aforesaid services.”; Class 41 “Education; providing of training; entertainment; sporting and cultural activities; entertainment services; educational services, namely, training others in testing, measuring, analyzing, scoring, rating, and providing training and instruction in the field of sports; athletic training and instruction in the field of sports; entertainment services,

namely, arranging, organizing, producing, exhibiting and conducting an array of athletic and sporting events rendered live and/or recorded for the purpose of distribution through broadcast media; entertainment services, namely, the production and distribution of motion pictures; production of TV shows; TV entertainment services; education services provided by TV shows; pay per view television programmes; arranging, organizing, producing, exhibiting and conducting competitions; competition reality shows; competition reality shows in the field of sports and athletics (entertainment); arranging, organizing, producing, exhibiting and conducting athletic and sporting events; athletic and sporting exhibitions and performances by professional sportsmen and entertainers; reality shows; providing sporting and athletics news and information via a global computer network; athletic testing, scoring, measurement, analyzing and rating services, namely, testing the physical performance of athletes for the purpose of sports training and assessment of athletic ability, potential, and performance, scoring the results of measured athletic performance for sports training purposes, measuring the physical performance of athletes for the purpose of sports training and assessment of athletic ability, potential, and performance, analyzing athlete's physical performance test scores and data for others and assigning numeric measure to the results, rating the athletic performance of others by assigning numeric measure; entertainment ticket agency services; information, advisory and consultancy services relating to all the aforesaid services."vera kopji hawn annessi u mmarkati bhala Dokumenti MM2 sa MM8, (inkluzi);

5. Illi dwar dawn l-oggetti (fost ohrajn), is-socjeta attrici hija detentrici ta' dritt ghall-iskopijiet tad-disposizzjonijiet relevanti tal-Att dwar Drittijiet Dwar Proprjeta Intelletwali (Mizuri Intrakonfini) (Kapitlu 414 tal-Edizzjoni Riveduta tal-Ligijiet ta' Malta, biex b'hekk inter alia tgawdi mill-protezzjoni moghtija taht dik l-istess ligi, fl-artikli 2(1)(a)(i), 4 u 8(1) taghha; u kif ukoll kull protezzjoni moghtija mil-ligi tal-Unjoni Ewropeja, fosthom kif ukoll ligijiet u regolamenti ezistenti fil-Unjoni Ewropeja, fosthom r-Regolament (EU) 1001/2017 fit-totalita tieghu u b'mod partikolari artiklu numru disgha (9);

6. Illi ricentement waqt il-verifiki u skrutinji taht xi wahda mill-proceduri doganali msemija fl-artiklu 4 tal-istess Kapitlu 414 hawn qabel imsemija, il-Kontrollur tad-Dwana kien issopenda r-rilaxx tal-container numru DRYU4514314 ex OOCL MALAYSIA,, instabu diversi prodotti , konsistenti inter alia tlett elef sitt mija (3,600) brieret (Caps) li fihom il-kliem UNDER ARMOUR jew indikazzjonijiet ohrajn, liema prodotti waslu fil-Freeport Terminal tad-Dwana in transit ghar-rilaxx eventwali favur consignee/importatrici ndikata fuq l-istess Bill of Lading, bhala EL FAROUK COMMERCE INTERNATIONAL, kopja ta' l-istess Bill of Lading hawn anness u mmarkat Dokument MM9 u prima facia deher car lill-Kontrollur tad-Dwana li kienu jikkontravenju dritt ta' proprjeta intelletwali, bhalma jirizulta mill-hawn anness ittra immarkata bhala Dokument MM10;

7. Illi s-socjeta attrici giet infurmata b'din is-sejba u wara li ezaminat wiehed minn dawn l-oggetti, ikkonfermat lill-istess Kontrollur tad-Dwana li fil-fatt dawn huma oggetti kontrafatti (counterfeit) u li ghalhekk jikkontravvjenu d-drittijiet dwar proprjeta intelletwali, appartenenti lis-socjeta attrici, bhalma gie hawn

ipprezentat dokument relatat mir-rapprezzentant tagghom lokali, immarkat bhal Dokument MM11;

8. Illi l-azzjonijiet tal-konvenuta jiksru d-disposizzjonijiet ta' artiklu 4 tal-Kap. 414 hawn fuq imsemmi kif ukoll tal-artikli 10(1) u 2(b) tal-Att Dwar it-Trademarks (Kap. 416) u japplikaw ghall-kaz id-disposizzjonijiet rilevanti tal-artikli 14 sa 19 tal-Kap. 416, 2 u 8(1) tal-istess Kap. 414 u 76A(1) tal-Att XXII tas-sena 2005 dwar Azzjonijiet Gudizzjarji (Mizuri Varji);

9. Illi sussegwentement is-socjeta attrici inghatat id-dettalji tal-konvenuta mill-Kontrollur tad-Dwana u gie lis-socjeta attrici prefiss terminu, mill-istess Kontrollur tad-Dwana sabiex tinghatalu l-prova li nbdew l-opportuni procedimenti gudizzjarji civili fil-konfront tal-konvenuta li jwasslu ghal decizjoni sostantiva dwar il-merti tal-kaz;

10. Illi l-esponent nominee jisqarr li jaf personalment bil-fatti hawn kollha dikjarati;

11. Illi ghalhekk kellha ssir din il-kawza;

Ghaldaqstant ghar-ragunijiet hawn qabel premissi l-attur nominee umilment jitlob li dina l-Onorabbli Qorti:

1) Tiddikjara li l-oggetti konsistenti tlett elef sitt mija (3,600) brieret (Caps) bil-kliem UNDER ARMOUR u indikazzjonijiet ohrajn u li dawn l-istess oggetti msemmija jinsabu prezentement taht l-awtorita tal-Kontrollur tad-Dwana, wara li huwa kien issospenda r-rilaxx tal-container DRYU4514314 ex OOCL MALAYSIA, kontenenti inter alia l-imsemmija oggetti, jikkontravenju d-drittijiet ta' proprjeta intelletwali tas-socjeta attrici fir-rigward tat-trademarks taghha registrati fl-Europa mal- EUIPO (European Intellectual Property Office) bin-numru tar-registrazzjoni EUTM 006474051 UNDER ARMOUR; 012107413 UNDER ARMOUR; 006469266 (Logo); 005758768 (logo); 004705737 (logo); 004703799 UNDER ARMOUR; 012107272 (Logo), konsistenti fi-kliem UNDER ARMOUR;

2) Tiddikjara u tiddecidi illi d-dhul gewwa Malta u/jew l-importazzjoni temporanja u/jew tqeghid gewwa zona hielsa jew mahzen hieles ta' din il-kunsenja in kwistjoni ta' tlett elef sitt mija (3,600) brieret (Caps) permezz tal-container bin-numru DRYU4514314 ex OOCL MALAYSIA, da parti tas-socjeta konvenuta u li jinsabu maqbuda, wara l-applikazzjoni bil-miktub li ghamlet is-socjeta attrici lill-Kontrollur tad-Dwana, jikkontravenji d-dritt ta' proprjeta intelletwali tas-socjeta attrici in kwantu li ma humiex prodotti genwini jew originali skond artikolu 2(1)(a)(i)(ii)(iii) u (b) tal-Kap. 414 (Att dwar Drittijiet Dwar Proprjeta Intelletwali (Mizuri Inrtakonfini) u ghaldaqstant vjolazzjoni ta' l-istess artikolu 4 tal-istess Kap. 414 u dan fil-konfront tat-trademarks fuq imsemmija tas-socjeta attrici;

3) Tordna lill-Kontrollur tad-Dwana li jiddisponi mit-tali oggetti 'l hinn mill-kanali tal-kummerc b'dak il-mod li jipprekludi xi hsara lis-socjeta attrici jew tordna lill-Kontrollur tad-Dwana li jiddistruggi daww l-oggetti in kwistjoni , f'kull kaz



minghajr ebda kumpens lill-konvenut u dan ghas-spejjez tal-konvenut, inkluz dawk tat-trasport tal-imsemmija oggetti, tal-hazna qabel id-destruzzjoni eventwali taghhom, tal-hazna stess, tat-trasport tal-hazna sal-lok tal-eventwali distruzzjoni u tad-distruzzjoni stess, skond Artiklu 8 tal-Kap. 414;

4) Tiehu kull mizura u/jew tordna lill-Kontrollur tad-Dwana li jiehu kull mizura ohra dwar l-oggetti in kwistjoni li jkollha l-effett li effettivament iccahhad lill-konvenuta mill-beneficcji ekonomici taghha;

5) Tordna kull rimedju iehor li tista' skond it-termini tal-Att dwar Drittijiet Dwar Proprjeta Industrijali (Mizuri Intrakonfini) – Kap. 414 tal-Ligijiet ta' Malta u/jew skond it-termini tar-Regolamenti tal-Kunsill (EC) Numru 1383/2003 tat-22 ta' Lulju 2003, fil-komfront tas-socjeta attrici;

Bl-ispejjez kontra d-ditta konvenuta li tibqa' minn issa ngunta ghas-subizzjoni taghha.

Rat ir-risposta guramentata tal-kuraturi deputati tat-23 ta' Lulju 2020 fejn ecceppew:

1. Illi l-esponenti mhumix edotti mill-fatti tal-kawza u ghalhekk qeghdin jirriservaw li jintavola risposta ulterjuri kemm-il darba jkun il-kaz.
2. Salvi eccezzjonijiet ulterjuri.

Rat l-atti u d-dokumenti kollha tal-kawza;

Rat li l-kawza giet differita ghas-sentenza in difett ta' ostakolu.

### **Ikkunsidrat**

Illi jirrizulta li s-socjeta rikorrenti hija proprjetarja fost ohrajn tal-markji maghrufa bhala UNDER ARMOUR, liema markji huma registrati mal-Ufficcju tal-Proprieta Intellettuali tal-Unjoni Ewropea (EUIPO), bin-numri ta' registrazzjoni EUTM 006474051, 012107413, 006469266, 005758768, 004705737, 004703799, 012107272, u dan skont kif jidher fuq id-dokumenti MM2 sa MM8 annessi mar-rikors promotur.

Illi mill-provi prodotti jirrizulta li f'container numru DRYU4514314 li kien inhatt fil-port hieles ta' Marsaxlokk minn fuq il-vapur ex OOCL MALAYSIA li kien diehel Malta fit-3 ta' Awwissu 2019 l-Ufficjali tad-Dwana sabu konsenja ta' disa' (9) kaxxi b'total ta' tlett elf sitt mitt (3,600) beritta, bil-markji tas-socjeta rikorrenti, u li kien hemm suspett li ma humiex genwini u dan bi ksur tal-provvedimenti tal-Kap. 414, u minn ezamijiet li saru sussegwentement fuq l-

istess oggetti, instab li dawn kienu kontrafatti. Dan kollu jirrizulta mir-rapport datat 12 ta' Marzu 2020, (Dok. FG1 fol. 178) maghmul minn Frederick V. Gilger, rapprezentant tas-socjeta rikorrenti.

Illi allura jirrizulta li kien hemm ksur tal-artikoli appositi tal-Kap. 414 u 416 u b'applikazzjoni tal-artikolu 9 tar-Regolament EU 1001/2017, is-socjeta rikorrenti inizjat dawn l-opportuni proceduri gudizzjarji skont il-ligi, u fit-terminu indikat.

Peress li l-allegazzjonijiet u l-pretensjonijiet tas-socjeta rikorrenti jidhru li gew kollha ikkonfermati permezz tad-dokumenti esebiti mar-rikors guraumentat u atti ohra ipprezentati fl-atti tal-kawza li jinkludu l-affidavit tal-Ufficjal tad-Dwana Randolph Mizzi datat 15 ta' Settembru 2020 (Dok. RM1 fol. 174) li kkonferma li l-istess oggetti hawn indikati ghadhom qed jinzammu fl-imhazen tad-dwana, u tar-rapport ta' Frederick V. Gilger li ikkonferma li mill-ezamijiet li saru fuq l-istess merkanzija mertu tal-kawza odjerna, irrizulta li kienet fil-fatt kontrafatta.

Illi l-ispejjez kollha inkluzi sabiex issir id-distruzzjoni tal-istess oggetti hija elenkata fl-affidavit tal-Ufficjal tal-Dwana (fol. 175). Ghalhekk it-talbiet tas-socjeta rikorrenti ghandhom jigu milqugha kif gej.

## **Konkluzjoni**

Ghal dawn il-motivi, il-Qorti, taqta' u tiddeciedi, billi filwaqt li tichad l-eccezzjonijiet tal-kuraturi deputati, tilqa' t-talbiet attrici fis -sens hawn deciz b'dan illi

1. Tiddikjara u tiddeciedi illi l-oggetti kollha in kwistjoni konsistenti f'disa' (9) kaxxi b'total ta' tlett elf sitt mitt (3,600) beritta, li jinsabu maqbuda wara l-applikazzjoni bil-miktub li ghamlet is-socjeta rikorrenti lill-istess Kontrollur, huma pprojbiti taht d-dispozizzjonijiet tal-artikoli 2, 3, 4 tal-Kap. 414 tal-Ligijiet ta' Malta, u l-merkanzija maqbuda tikkontravvjani d-drittijiet ta' proprjeta intellettuali tas-socjeta rikorrenti skont l-artikolu 2(1)(a)(i), (ii) u (iii) u (b) tal-istess Kap. 414 tal-Ligijiet ta' Malta, kif ukoll huma pprojbiti taht l-artikolu 10(1) tal-Att dwar it-Trademarks (Kap. 416 tal-Ligijiet ta' Malta), liema infrazzjonijiet huma azzjonabbli b'applikazzjoni tad-dispozizzjonijiet rilevanti tal-artikoli 14 sa

19 tal-istess Kap. 416 tal-Ligijiet ta' Malta u l-artikoli 4 u 8(1) tal-istess Kap. 414 tal-Ligijiet ta' Malta, kif ukoll b'applikazzjoni tal-artikolu 9 tar-Regolament [EU] Nru. 1001/2017 dwar l-infurzar doganali tad-drittijiet tal-proprjeta intellettwali;

2. Tiddikjara u tiddeciedi illi d-dhul gewwa Malta u/jew l-importazzjoni temporanja u/jew tqeghid gewwa zona hielsa jew mahzen hieles ta' din il-konsenja ta' disa' (9) kaxxi b'total ta' tlett elf sitt mitt (3,600) beritta, b'container numru DRYU4514314 da parti tal-intimati u li jinsabu maqbuda wara l-applikazzjoni bil-miktub li ghamlet is-socjeta rikorrenti lill-Kontrollur tad-Dwana jikkontravvjenu d-dritt ta' proprjeta intellettwali tas-socjeta rikorrenti inkwantu li ma humiex genwini, skont l-artikoli precitati fid-decide ta' din is-sentenza;

3. Tordna lill-Kontrollur tad-Dwana a bazi tat-tielet talba sabiex fi zmien qasir u perentorju ta' disghin (90) gurnata mid-data ta' din is-sentenza jiddistruggi l-oggetti in kwistjoni minghajr ebda kumpens lil, u a spejjez tal-intimati, skont l-artikolu 8 tal-Kap. 414 u l-provvedimenti tar-regolament EU 1001/2017;

4. Tordna lil-intimati ihallsu l-ispejjez kollha inkluzi tat-trasport, tal-hazna, tad-distruzzjoni tal-oggetti in kwistjoni, u tal-ispejjez tal-Ufficjali tad-Dwana skont it-termini tal-Kap. 414 u tar-regolament EU 608/2013, u dan kif jirrizulta mill-affidavit tar-rapprezentant tal-Kontrollur tad-Dwana (fol. 175);

5. Tastjeni milli tiehu konjizzjoni ulterjuri tar-raba' u l-hames talbiet;

Bl-ispejjez kontra l-intimati b'dan li l-kuraturi deputati jithallsu skont il-ligi.

Mark Chetcuti  
Prim Imhalled

Anne Xuereb  
Deputat Registratur