

COURT OF VENICE SPECIALIZED SECTION IN BUSINESS MATTERS

R.G. 1452/2022 r.g.

The appointed Judge

By dissolving the reserve of 1/6/2022 on the appeal for description and unheard-of seizure, altera part and then for injunction with penalty and publication order, pursuant to art. 129 and ss. c.p.i. 669bis and 700 of the Code of Civil Procedure proposed by

HUGO BOSS TRADE MARK MANAGEMENT GMBH & CO. KG (VAT number: DE

147164472), HUGO BOSS ITALIA S.P.A. (Tax code / VAT number: 10101190154)

with the lawyers Alberto Camusso of the Turin Bar, Massimo Baghetti of the Naples Bar and the lawyer Marianna De' Giudici del Foro di Venezia (also dom.) Appellants against Keelt Group S.p.A., (Tax Code / VAT number: 04517310274) with the lawyer Angelo Cocozza of Santa Maria

Capua Vetere

resistant

observe the following.

The applicants declare themselves respectively the first owner of numerous trademarks, and its second Italian branch, is understood to be the licensee of the trademarks; and this in relation to various brands revolving on the words HUGO, BOSS, HUGO BOSS, BOSS HUGO BOSS: they are documented in docs. various EU trademarks valid, among other things, for class 14 (watchmaking), and the defendant does not contest the ownership and license of the rights.

Among them, and with reference to the relevant class (14), it is documented in doc. 6A the ownership of a figurative EU trademark HUGO (black writing on a red background) n. 018439844 (two other trademarks documented therein do not cover class 14); to doc. 6B, valid for class 14, BOSS brand 049221; brand HUGO BOSS 049254, and brand 049262 BOSS HUGO BOSS (which appear to be word).

having regard to articles 128-130 Legislative Decree no. 30/05 and art. 669 sexies, second paragraph, c.p.c.;

1) Confirm description and seizure as ordered by decree dated 21/3/2022;

2) It prohibits the defendant, with effect in any member state of the European Union, from using, producing, distributing, advertising, exhibiting at the fair and offering for sale, of watches bearing the brands "BOSS", "HUGO", "HUGO BOSS", "BOSS HUGO BOSS" and / or similar, coming from non-EU third parties not authorized for entry into the European area; and in any case of watches that do not legitimately bear the owner's trademarks;

3) Establishes a penalty of € 1,000.00 for each day of delay in the execution of this provision, with regard to the conduct currently in place; and a penalty of € 200.00 for any further violation;

4) Order the publication of the heading and the device of this provision, for once and in double characters than normal, in the newspaper Corriere della Sera and in the magazine Vogue, by the applicants and at the expense of the defendant; and also for three months, in an immediately visible position, in normal characters, on the websites of the defendant [www.kechIQ.de](http://www.kechIQ.de), [www.kechIQ.com](http://www.kechIQ.com), [www.kechIQ.es](http://www.kechIQ.es), [www.kechIQ.fr](http://www.kechIQ.fr), [www.kechIQ.co.uk](http://www.kechIQ.co.uk), [www.kechIQ.it](http://www.kechIQ.it), [www.kechIQ.dk](http://www.kechIQ.dk), [www.kechIQ.pl](http://www.kechIQ.pl), [www.kechIQ.ro](http://www.kechIQ.ro), [www.kechIQ.se](http://www.kechIQ.se), subject to translation of the provision into the relevant languages, and furthermore, except in the case except that the latter already do not contain content exclusively in non-EU languages, including on the websites [www.kechIQ.au](http://www.kechIQ.au) and [www.kechIQ.ae](http://www.kechIQ.ae), subject to translation into the relevant languages.

5) Deadline for introducing the merit for the necessary part

6) It pays the appellants' expenses to the respondent party for € 3,600.00 in fees, € 545.00 in disbursements, and related 15% overheads, VAT and cpa

Venice, 6/6/2022

The JUDGE Dr. Lina Tosi