



EUROPEAN CITIZEN BAND FEDERATION (ECBF)
FEDERATION EUROPEENNE DE LA CITIZEN BAND (FECB)
EUROPEISCOEN FEDERATION DES CITIZEN BAND (EFCB)
FEDERAZIONE EUROPEA DELLA CITIZEN BAND (FECB)



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The President

**To OAMI
Avenida de Europa, 4
E-03008 Alicante
Spain
Attention to Mrs. Natalia Mas
Fax 0034965131344**

Milan, June 6, 2007

This is the reply to the notice of opposition B11012112,
(that has been sent to me by OAMI on 24/01/2007 in pages 13, excluding the cover letter, only with appendix 2, without appendix 3, 4, 5, 6, 7, 8, 9, 10)
**to the request of the trade mark registration of
European Citizen Band Federation (E.C.B.F.)
number 005082748,**
received by OAMI on 27/04/2006,
presented by Enrico Campagnoli,
personally and as President and legal representative of the association named
European Citizen's Band Federation (E.C.B.F.).

I inform that I presented a claim (esposto-denuncia) to an Italian Court (Procura della Repubblica) of Milan on January 16, 2007, registered under the number 52660, on the abuse of our user organization name **and doubts on possible violation of Market Abuse Directive 2003/6/EC in ETSI activities in our name.**

Notes

Before to analyse the premises please take note that:

1- European Citizen's Band Federation (E.C.B.F.) is an "Italian"¹ no profit organization", organized in 1975 and founded in 1976, according the statute "*independent from commercial influences*", with headquarter in via Lanzone 7, Milan (Italy), that I was representing at the moment, on 27/04/2006, I sent the request of registration n. 005082748, and that I am

1 See definitions, point 1.1 of Premises

representing still now, as President and legal representative, according the decisions of XII ECBF Congress, held in Warsaw (Poland) on October 21-22, 2006.

2- The request of registration at OAMI of the denominative mark n. 005082748, has been made by me as person and as President and legal representative of ECBF on April 26, 2006, as first reaction to the discovery that secretly a person on April 4, 2006 tried to usurp² the ECBF emblem, presenting in the name of ECBF (European Citizen's Band Federation), without any legal power, the request of registration at OAMI of the figurative mark n. 005.012.695.

With the request of the registration n.005082748 I protected the oldest ECBF name of Italian organization, that is in the ECBF emblem I registered in 1978 in Italy:

European Citizen Band Federation,

before the ECBF Athens Council to avoid that the organization could be controlled by a commercial company.

The ECBF Council held in emergency in Athens on April 28, 2006, ratified the request of registration and decided “to take appropriate legal actions to avoid the tentative to usurp ECBF emblem by unauthorized people” (see point E of ECBF Athens Council)³. The XII ECBF Congress in Warsaw ratified my actions to protect the denomination and the emblem.⁴

3- My request, on 26 June, 2006, of registration at OAMI of the denominative mark n. 005.196.274 of the more recent name EUROPEAN CITIZEN'S BAND FEDERATION of the same “Italian” organization, was a another action to protect the “Italian” organization name.

4- The trade mark application n. 5012695, that the opponent is using as basis of opposition (pag. 3 of the opposition B1102112), made on 27/03/2006 in name of ECBF (European Citizen's Band Federation) has been signed by a person that was not representing the organization.⁵

It was filed without the owner consent.

I sent to OAMI immediately the attached letter⁶

The trade mark application n. 5012695 has been withdrawn on 12/12/2006.

5- Appendixes missing in notice of opposition B1102112 are in notice of opposition B1137712, of the same opponent:

As the notice of opposition B1102112 has been sent to me from OAMI on 24/01/2007 in pages 13, excluding the cover letter, only with appendix 2, without the other appendix 3, 4, 5, 6, 7, 8, 9, 10, etc,

and notice of opposition B1137712, made by the same opponent, to my request of registration n. 005196274, has been sent to me on April 17, 2007 from OAMI in 67 pages, excluding the cover and has these appendixes, **I will use this documents referring to them as notice of opposition B1137712, followed by pag. number in this opposition.**

If UAMI will send me the missing appendixes of B1137712 notice of opposition, I will modify this reply referring also to them.

2 I inform that I presented a claim (esposto-denuncia) to an Italian Court (Procura della Repubblica) of Milan on January 16, 2007, registered under the number 52660

3 <http://www.europeancbfederation.eu/ECBF/Athenscouncil2006.pdf>

4 <http://www.europeancbfederation.eu/ECBF/Warsawcongrmin2006.pdf>

5 <http://www.europeancbfederation.eu/ECBF/Registrationrequest5012695.pdf>

6 <http://www.europeancbfederation.eu/ECBF/Oppositioneregistrazionemarchio5012695.pdf>

The basis of the opposition are inconsistent and misleading.

PREMISES

1- There are two different organizations with the same or similar name.

Definitions

1.1 There is an association, the **European Citizen's Band Federation** or in capital letters **EUROPEAN CITIZEN'S BAND FEDERATION**, the European no-profit users association, **organized in 1975 and founded in 1976**, that I founded and also represented, as President and legal representative, for many, many years and **I am representing also now, in force of my election as president at XII Warsaw Congress, minute attached**⁷. This organization had its first headquarter in via Giuseppe Frua 19 Milan (Italy); now it has headquarter in via Lanzone n. 7, Milan (Italy) since April 28, 2006, according to the decisions of the ECBF Athens Council⁸ just on April 28, 2006. This association is since 1978 member of the World Citizens Band Union (W.C.B.U.). This association has been registered⁹ by notary dott. Mario Grossi with office in via Leopardi n. 27 in Milano (n. rep. 116493, n. raccolta 11. 20723) at "Ufficio del registro" in Abbiategrasso (Milan, Italy) on July 18, 2006 at the n. 727 Serie 1. The members of the Council have been elected at XII ECBF Congress in Warsaw, as minute attached¹⁰. **To avoid misunderstanding, also if it will be much more correct to call it "European organization", lets call it as the opponent call it, just in this document, "Italian organization"**, as its headquarter is now in Italy as when it has been founded in 1976 and it is registered in Italy.

1.2 There is an other organization, the "French" association, "**FEDERATION EUROPEENNE DE LA CB**", that has been founded in France on **September 8, 1989**, that I also represented as President since the foundation without any controversy¹¹ at least till last October 1, 2006, as it results from "*Process verbal de l'assemblee constitutive*" (see exhibit note¹²), deposited at Tribunal d'Instance di Illkirch in France and from the Statute in Volume XVIII n. 719, that is attached in a photocopy of a certified copy, deposited at Tribunal d'Instance d'Illkirch (see exhibit note¹³), and others documents. **Lets call it in this document for brevity, "French organization"**.

2- The "Italian organization" presented on April 4, 2006 , using me as delegated person and/or legal rappresentative, the request of trade mark registration n. 005082748 and presented on June 27, 2006 the request of trade mark registration n. 005196274.

On April 4, 2006, at the moment of the request of trade mark registration n. 005082748 and on June 27, 2006, at the moment of the request of trade mark registration n. 005196274, that the applicant is contesting, I were president and legal representative of both organizations without any controversy. **I presented the trade mark registration requests in name of the "Italian organization"**.

7 <http://www.europeancbfederation.eu/ECBF/Warsawcongrmin2006.pdf>

8 <http://www.europeancbfederation.eu/ECBF/Athenscouncil2006.pdf>

9 <http://www.europeancbfederation.eu/ECBF/StatutoECBFInitaliano.pdf>

10 <http://www.europeancbfederation.eu/ECBF/Warsawcongrmin2006.pdf>

11 About this controversy I inform that I presented a claim (esposto-denuncia) to an Italian Court (Procura della Repubblica) of Milan on January 16th, 2007, registered under the number 526608203.

12 <http://www.europeancbfederation.eu/ECBF/AssembleeconstitutivedelaFederationEuropeenedelaCB.pdf>

13 <http://www.europeancbfederation.eu/ECBF/AssembleeconstitutivedelaFederationEuropeenedelaCB.pdf>

3- There are two organizations with the same or similar name, but are two different organizations with different headquarters, languages, statutes, etc.

Let see the documents:

A- The documents about the foundation of the “French organization”.

The “*Process verbal de l'assemblee constitutive*” (exhibit note ¹⁴) of the French organization has been constituted in Strasbourg by its General Assembly, that approved its statute and elected its “*Comité de direction*”.

I and Orfee Aliaga signed this document.

Of course in “*Process verbal de l'assemblee constitutive*” there is no reference at the preexisting “Italian organization”, that held its VII ECBF Congress in Athens approximately sixteen months before the foundation of the French organization, on May 1, 1988.

The opponents has not presented original statute of the French organization or copy of the original, but a misleading document, not signed.

The statute of “French organization” deposited on September 8 , 1989 is not what has been presented by the opponent (pag 13-19 and pag.7 “(see appendix 3: copy of status of 1989,..”) of Notice of opposition B1137712) .

The difference of the statute presented by the opponent and the photocopy of the certified copy of the statute (exhibit note¹⁵) is evident and significative:

The certified copy is on blank paper, not printed of course on a modified “Italian organization” ECBF headed paper.

In the certified copy of the statute:

a- there is not relation with ETSI membership (that Italian organization became member after the foundation of the “French organization”),

b- there is not any ECBF emblem,

c- there is no relation with the president and general secretary office addresses.

d- the name itself EUROPEAN CITIZEN'S BAND FEDERATION do not appear in any part of the statute of the “French organization”.

The language of French organization is French.

The headquarter , the “*siège social*” of this organization is c/o Maria ADELL, 6 rue Victor Hugo 67400 – ILLKIRCH-GRASSENSTADEN.

B- The documents of the “Italian organization” (statute, VII ECBF Congress minute) in 1988, just more than one year before the foundation of the “French organization”.

The preexisting “Italian organization”, founded in 1976, held in Athens on April 30, May 1, 1988 its ECBF VII Congress.

As you can see from:

a- the letter dated 16 April, 1988 of Peggy Tapper, ECBF General Secretary, resident in UK (exhibit note¹⁶), and

b- the minute of the Athens VII ECBF Congress of “Italian organization” on April 30, May 1 (exhibit note ¹⁷)and

c- the Statute, art.3, approved by Athens VII ECBF Congress “Italian organization” on April 30, May 1, (exhibit ¹⁸)

14 <http://www.europeancbfederation.eu/ECBF/AssembleeconstitutivedelaFederationEuropeenedelaCB.pdf>

15 <http://www.europeancbfederation.eu/ECBF/StatutodellaFederationEuropeenedelaCB.pdf>

16 <http://www.europeancbfederation.eu/ECBF/PeggyTapper.JPG>

17 <http://www.europeancbfederation.eu/ECBF/CompterenduCongresAthenes1988.pdf>

18 <http://www.europeancbfederation.eu/ECBF/StatutecongresAthenes1988.pdf>

the headquarter of “Italian organization” was c/o the General Secretary's office.

The headquarter of Italian organization was in that period in UK till May 1, 1988; after that date the headquarter of “Italian organization” has been moved, according the statute, from the office of General Secretary, **Peggy Tapper, 38 Amroth Walk, St Dials, CWMBRAN, Gwent, NP44 4NQ UK** to the office of the new elected General Secretary **Orfee Aliaga – Le lac- 11130 Sigean (France).**

On 1988 the provision of the Statute (see art.3 of exhibit ¹⁹) of “Italian organization” did not allow, as it has been possible in following statutory modifications, either to ECBF Congress, either to ECBF Council “in emergency”, to establish a different headquarter.

According the statute, no decision could be possible by Italian organization to change the headquarter, without modifying the statute by a Congress of the Italian organization, according art. 22 of the Statute.(see same exhibit ²⁰)

The language of Italian organization has been till the foundation English.

The provisional minute of the Athens 1988 Congress of Italian organization is in French, but as the English is the language of Italian organization, in bold character, Aliaga, the new elected General Secretary, wrote in the first page of the minute that the minute will be translated in English and “...*he is studying English*”(see exhibit ²¹)

C – The statutes of the two organizations are different.

The statutes of Italian organization in 1988 (exhibit ²²) and the statute of the French organization (exhibit ²³) at foundation in 1989 are substantially different.

For example, the articles 1, 3, 4, 5, 6, 7, 8 and 23 are different, with different names, different independence from commercial activities, headquarters, mission, etc, etc, etc, etc.²⁴

The lives of the two organizations have been different.

As it is possible to see with more detail at next point E), the statute and members of the Council of Italian organization have been changed and elected regularly by its Congresses

on 1991 in Milan ,

on 1995 in Geneva,

on 1998 in Madrid,

on 2000 in Paris,

19 <http://www.europeancbfederation.eu/ECBF/StatutecongresAthenes1988.pdf>

20 <http://www.europeancbfederation.eu/ECBF/StatutecongresAthenes1988.pdf>

21 <http://www.europeancbfederation.eu/ECBF/CompterenduCongresAthenes1988.pdf>

22 <http://www.europeancbfederation.eu/ECBF/StatutecongresAthenes1988.pdf>

23 <http://www.europeancbfederation.eu/ECBF/StatutodellaFederationEuropeenedelaCB.pdf>

24- Some differences remains still after 2002, after the “update” of French organization statute.

The art. 18.1 of Statute of Italian organization, approved by XI ECBF Congress in Paris on April 13-14, 2000 says: “*The Council is elected exclusively by Congress for four years and any candidate must be clearly and publicly announced before Congress.*”

The art. 18.1 of Statute of French organization is close, but substantially different. It says :”*Le Conseil est élu exclusivement par le Congress pour un durée de mandat de 4 ans renouvelables et toute candidature doit être annoncée devant le Congress.*”

The members of the Council elected by the Congress, according the Italian organization statute, remain in charge exclusively for four years (art.18.1) and after that period are in charge, according art.13.2, “, only “the people who were part of the first Council or Presidium of ECBF when it was founded in 1976” as “rightfull members of the Council”. It is not so clear in the statute of French organization. The differences are larger now after Italian organization statute modification approved by the XII ECBF Congress in Warsaw on October 21.

on October 21, 2006 in Warsaw, convoked, this last one, by ECBF Athens Council on April 28, 2006.

In the French organization the statute and “*Comité de direction*” remained the same, as no Congress or Council have never been made.

D- The French organization has been founded in 1989 just as a “service organization” of Italian organization with a French General Secretary: some documents of French organization, produced in the Notice of opposition B1137712, are “modified” copy of the original copy and the “modifications” are leading to confuse the two organizations.

The French organization has been created, just on the paper, to be used just, as “service organization” of the preexisting “Italian organization” for the best functionality of the French General Secretary of Italian organization during the time he would be in charge according the “Italian organization” statute. It has been founded by the same persons that were elected in Italian organization President, General Secretary and members of the Council of Italian organization in its VII ECBF Congress 16 months before.

As the French organization has “legal existence”, the lack of documents c/o the Tribunal d'Instance di Illkirch till 2002 and after c/o the Prefecture de Pau can prove that this legal existence was merely “on the paper” and never had any life according its own statute. The French organization, founded in 1989 just a “service organization” for the best functionality of a French General Secretary of the Italian organization, never had also any change in Statute or in the “Comité de direction”.

When the Italian organization changed its General Secretary at XI ECBF Congress on 13-14 April 2000 in Paris and elected a new French General Secretary, Mr. Edgard Rosello, what happened?

Approximately sixteen months after the election of a new French General Secretary at XI Congress of “Italian organization” in Paris on April 13 -14, 2000 the new elected General Secretary of “Italian organization”, requested to me, as President of the French organization, in a private meeting in Geneva on September 2001 (at room 510 hotel Gran Pre) to transfer the headquarter of the French organization to his office address, as it is resulting from document at pages 30-31-32 of the notice of opposition B1137712, presenting a different statute: a statute closer at the statute of Italian organization.

I do not believe that this act has any legal significance as no Congress of the French organization has been convoked and never been made and the statute presented in 1989 has been never modified according its own statute's rules.

Practically he asked to repeat, with some modification, what has been done in 1989 to give more efficiency to him, as French General Secretary of the Italian organization.

However in 1989 a new organization has been founded, in 2002 the presentation of a statute close to the statute of the Italian organization as statute of the French organization is just a not correct information.

1-The three different versions of 2002 statute of French organization:

Version 1- The copy of the statute of the French organization²⁵, presented by the opponent is “modified” and misleading (pag. 23-29 of Notice of opposition B1137712 under “Appendix n. 4 “Articles of Association adopted on 13-14 April 2000 – Change of address of the opponent”).

It seems falsely signed in Paris on 14-04-2000 and has at pag 23, art. 3, the address of Edgard Rosello, as headquarter of the French organization, handwritten inside.²⁶

²⁵ <http://www.europeancbfederation.eu/ECBF/Frenchstatutemodified.pdf>

²⁶ <http://www.europeancbfederation.eu/ECBF/Oppositiontextpage23.pdf>

Version 2 - The copy presented by the opponent is also “modified” in respect to the same document presented by the opponent itself in an other act presented at OAMI to support the registration n. 005012695. In the reply to my consultation request D000930625 at OAMI, in the file documents CMT n. 005012695 that OAMI sent to me on 14/05/2007 it results that the opponent presented a different “version” of 2002 statute of the French organization. It is attached (see note²⁷). There still appear “Signè a Geneve 16/09/2001”).

Version 3 - The Statute in French language that has been signed in Geneva on September 16, 2001, in the informal meeting, just by four person, just as a formality to change the headquarter of the French organization, is different from the document presented by opponent (pag.23-29 of Notice of opposition B1137712) and different from version 2. The Statute of the French organization (attached as exhibit note²⁸) is a copy I received later, signed also by other people, however is still present the phrase “*Signè a Geneve 16/09/2001*” and there is not handwritten the name of Mr. Rosello and his address in art.3.

Conclusion : the copy that the opponent produced is a “modified” statute and it is not the document that has been signed on September 16, 2001 and it is misleading and confusing for several reasons.

1-The fact that it seems falsely signed in Paris on 14-04-2000 could induce falsely to think that XI ECBF Congress has been a Congress of the French organization.

2-The fact that the copy, that the opponent produced, at pag 23, art. 3, has inside handwritten the address of Mr Edgard Rosello and in this copy that has been signed on September 16, 2001, in Geneve, the art. 3 says: “Le siege social de l'ECBF est fixé a bureau de Secretaire General.”, can induce on doubt on the possibility to transfer the headquarter to a different address.

2- The document²⁹ , presented by opponent at pag 35 of Notice of opposition B1137712, refers to fact related to me of which I have no knowledge, to a “my” declaration to the Prefect on July 26, 2002.

I ask the opponent to produce a copy of “my” declaration sent to Prefect on July 26, 2002

The Prefect des Pyrenées-Atlantiques, - with this document - gives a receive to me of a declaration, made by me on July 26, 2002 , in which I let him know about the constitution of an association having name : ECBF EUROPEAN CITIZEN'S BAND FEDERATION with headquarter c/o Mr. Edgard Rosello at his address.

I have no information about this “my” declaration and the constitution by this “my” declaration of this – it seems - kind of new French organization.

E - The activities of the French and Italian organizations have been of course different.

Activity of the French organization.

No Congress, no Council has been never made by this French organization, at least till October 1, 2006, till I was president and legal representative also of the French organization without any dispute.

27 <http://www.europeancbfederation.eu/ECBF/Statuto2002Frenchorganizationdifferentversion.pdf>

28 <http://www.europeancbfederation.eu/ECBF/StatuteECBFGeneva16092001.pdf>

29 <http://www.europeancbfederation.eu/ECBF/Oppositiontextpage35.pdf>

Activity of the Italian organization.

After its VI ECBF Congress³⁰ in Athens in 1988 , before the foundation of the French organization, Italian organization, just to give an idea, held its :

VIII ECBF Congress on 1990 in Milan, attached agenda exhibit³¹

IX ECBF Congress on 1995 in Geneva attached photo with the General Secretary of the UIT Pekka Tarjanne, exhibit³²

X ECBF Congress on 1997 in Madrid attached exhibit³³

XI ECBF Congress on 2000 in Paris attached exhibit³⁴

and last one *XII ECBF Congress on 2006 on October 21 in Warsaw* (minute in exhibit³⁵), convoked by ECBF Council held in Athens on April 28, 2006 (minute exhibit³⁶)

It is attached³⁷ the Statute of Italian organization approved by XI Congress held in Paris on April 13-14, 2000

It is attached³⁸ the Statute of Italian organization approved by XII Congress held in Warsaw on October 21, 2006.

F – ECBF and European Telecommunication Standard Institute (ETSI). Doubts of possible violation of Market Abuse Directive 2003/6/EC

The Italian organization ECBF, Athens Congress, in 1988 appointed Mr. Albert Bertrana to follow as Italian organization technical affairs³⁹. Never same appointment has been given to him by the French organization.

ECBF - ETSI relation became not under control of the Italian organization or the French organization.

The European ETSI Standards on CB sets have been made by SOME persons acting in name of ECBF, but related to a commercial company.

The attached letters have been sent to ETSI in 2006⁴⁰ and in 2007⁴¹.

A contract (see after) with that commercial company, that assumed a leading position on the market, signed, also in name of ECBF, without any knowledge of legitimate ECBF bodies both of Italian and French association, could arise also some doubt of a violation of Market Abuse Directive 2003/6/EC.

G – Last events: the discover of tentative to usurp the ECBF emblem and rumors of the “secret” contract, brought to the illegal convocation at the last minute of a “congress” of the French association, by a person that signed that contract.

The contract attached⁴² signed secretly in ECBF name by Vice President Albert Bertrana in 1990 and formally⁴³ discovered only on Autumn 2006, gives evidence of the control “de facto” of a commercial company on ECBF, an users, no profit association.

When Mr Albert Bertrana in February 2006 has been by me strongly requested to stop any economical commercial interference, he presented on 27 /03 /2006 secretly the request⁴⁴ of the registration at OAMI of the figurative mark n. 005012695 of the ECBF emblem, simply signing

30 <http://www.europeancbfederation.eu/ECBF/CompterenduCongresAthenes1988.pdf>

31 <http://www.europeancbfederation.eu/ECBFMilanCongress1990.pdf>

32 <http://www.europeancbfederation.eu/ECBF/PhotoECBFGenevacongress1995.JPG>

33 <http://www.europeancbfederation.eu/ECBFMadridCongress1997.JPG>

34 <http://www.europeancbfederation.eu/ECBF/StatutiECBFParis2000.pdf>

35 <http://www.europeancbfederation.eu/ECBF/Warsawcongrmin2006.pdf>

36 <http://www.europeancbfederation.eu/ECBF/Athenscouncil2006.pdf>

37 <http://www.europeancbfederation.eu/ECBF/StatutiECBFParis2000.pdf>

38 <http://www.europeancbfederation.eu/ECBF/StatuteswithmodificationsWarsaw2006.pdf>

39 <http://www.europeancbfederation.eu/ECBF/CompterenduCongresAthenes1988.pdf>

40 <http://www.europeancbfederation.eu/ECBF/LettertoETSI2006.pdf>

41 <http://www.europeancbfederation.eu/ECBF/LettertoETSI2007.pdf>

42 <http://www.europeancbfederation.eu/ECBF/President1990.pdf>

43 Since 2000 some doubt, some more evidence difficult to prove in 2001 after the meeting, more evidences in 2006,

44 <http://www.europeancbfederation.eu/ECBF/Registrationrequest5012695.pdf>

without authority in name of ECBF, either the Italian or the French organization, and using his personal address^{45, 46}

When, just on the basis of the discover of the tentative of unknown person to usurp the ECBF emblem, the Athens Council of Italian organization on April 28, 2006, convoked the extraordinary Congress of the Italian organization on October 21 in Warsaw, he convoked⁴⁷, at the last minute, on August 25, 2006, an alternative “Congress” of the French association in Bruxelles on October 1, 2006, trying with misleading information to confuse the two organizations.

This convocation has been made, also if claiming to have the majority of the Council, in open violation of the statute of the French association, as only the President or the Council have, according the statute of the French association, the power to convocate a Congress.

ON THE BASIS OF THESE PREMISES

1- It is missing the Grounds of opposition, as the “Italian organization”, not the opponent, is the owner of the sign European Citizen's Band Federation or in capital letters EUROPEAN CITIZEN'S BAND FEDERATION.

On the basis of these premises, it is evident that the French organization was not existing since 1976. The legally created French association on September 1989 is an other association, that never had any activity and had just a legal existence “on the paper”.

The name EUROPEAN CITIZEN'S BAND FEDERATION or EUROPEAN CITIZEN BANB FEDERATION

The Article 8(4) CTMR do not apply to the French organization.

The Italian organization is the owner of the sign.

2- World wide use of the sign :

the use of the sign, made by the “Italian organization” since 1976, has been of world wide significance and specially in all Europe.

Reply to the request of the opponent to evidence the existence of ECBF, the Italian organization, “as it seems to have no“legal existence”.

The Italian organization, this no profit, not governmental organization is representing CB users in Europe since 1976 . It represented CB user at UIT, European Commission, European Parliament, Council of Europe and many others bodies.

In Europe: ECBF held Congresses and Councils everywhere in Europe, in Swiss, in Italy, in UK, in Belgium, in Spain, in France, in Greece, in Hungary, in Poland, in Sweden, in Finland, in Portugal, in S. Marino, in Luxembourg, in Germany, in Austria, in Vaticano State, etc.

World Wide: since 1978, as member of Word Citizen's Band Union (WCBU), ECBF held congresses in Santos (Brazil), in Lugano (Switzerland) , in Guatemala City (Guatemala)⁴⁸, in Las Vegas (USA),

45 <http://www.europeancbfederation.eu/ECBF/Registrationrequest5012695signed.JPG>

46 <http://www.europeancbfederation.eu/ECBF/Madrid1997.JPG>

47 <http://www.europeancbfederation.eu/ECBF/ConvocationBrusselscongress2006.JPG>

48 <http://www.europeancbfederation.eu/ECBF/Guatemala1981.pdf>

in London (UK), etc.

For example this is one document that make evidence of the presence of ECBF, the “Italian organization” in WCBU at UIT in Geneva in 1983. Exhibit ⁴⁹

The headquarter of “Italian organization” has been:

-since the foundation in 1976 in Italy, in Milan 20146 Via Giuseppe Frua n. 19, c/o the FIR-CB as it result

a- from “WCBU Santos agreement” dated 21 January 1978 pag.2. (See exhibit ⁵⁰)

b- from the request of the extension of the registration of the EUROPEAN CITIZEN'S BAND FEDERATION to some States that signed Madrid 1891 agreement (See exhibit ⁵¹)

- in Belgium, Mariakerke

- in S. Marino, S.Marino

- in UK, St.Dials, Gwent

- in France, Le Lac, Sigean, since May 1,1988,

- in France, Pau, since April 14, 2000 and

- in Italy, in Milan, via Lanzone 7, Milan, 20123, since April 28, 2006

As the opponent requested to give evidence of existence of the Italian (notice of opposition B1137712 (pag. 7 /67) , as it “seems to have no legal existence”, I provide some evidences of existence and of use of the sign in all Europe (also in France) and world wide.

EVIDENCE OF EXISTENCE OF ITALIAN ORGANIZATION AND EVIDENCE OF PREUSE OF THE MARK

March 15-16, 1975 - On Saturday and Sunday, March 15 and 16, 1975 (exhibit ⁵²) in the Merian hotel in Basilea (Switzerland) has been held the I European CB Congress. It is attached an article on Italian Corriere della Sera of Monday March 17th, 1975 (exhibit ⁵³), and photos of the Congress, where were present 110 delegates representing 6 European countries (exhibit ⁵⁴). It has been decided a petition to the European Parliament for the liberalization of Citizen Band supported by organization in several European countries like France, Germany, Italy, Holland, Switzerland and Sweden, and has been voted the Basel's agreement (exhibit⁵⁵).

The ECBF emblem proposed by me on November 13th, 1976 European CB meeting - On November 13, 1976 in Geneva it has been held a preparatory meeting of the II European CB Congress. The meeting has been convoked by the Italian federation, FIR-CB, to prepare the II European CB congress. It is attached the convocation (exhibit ⁵⁶), the agenda (exhibit ⁵⁷), and relevant part of the minute of the meeting (exhibit⁵⁸).

At page 5 of the minute of this meeting it is possible to read that “*Mr. Campagnoli proposed that “the European symbol (emblem) be chosen by the Congress and suggested, in the measure or if legally possible to adopt a flag similar to the European one with in the middle CB written in large letters and the stars will be replaced with small graphics symbolizing G. P. antennas.”*

49 <http://www.europeancbfederation.eu/ECBF/WCBU1983.pdf>

50 <http://www.europeancbfederation.eu/ECBF/Santosagreement1978.pdf>

51 <http://www.europeancbfederation.eu/ECBF/Richiestadiestensioneuropea.JPG>

52 <http://www.europeancbfederation.eu/ECBFIBaselCongress1975.JPG>

53 <http://www.europeancbfederation.eu/ECBF/CorrieredellaSera1975.JPG>

54 <http://www.europeancbfederation.eu/ECBF/PhotoECBFBaselcongress1975.JPG>

55 <http://www.europeancbfederation.eu/ECBF/Baselagreement.JPG>

56 <http://www.europeancbfederation.eu/ECBF/ConvocationCBmeetingGeneva1976.JPG>

57 <http://www.europeancbfederation.eu/ECBF/AgendaCBmeetingGeneva1976.JPG>

58 <http://www.europeancbfederation.eu/ECBF/MinuteGenevameeting1976.pdf>

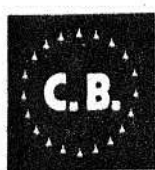
A copy of the old headed paper of ECBF where under the emblem is possible to read “proposed emblem” is attached. (exhibit⁵⁹)

The emblem has been approved at Geneva ECBF II Congress and the ECBF emblem is on the flag that has been used in Lugano ECBF III Congress.

Still this flag is in the ECBF headquarter in Milan via Lanzzone n. 7, c/o the FIR-CB headquarter, as is possible to see in the photo (exhibit⁶⁰).

**October 13, 1978 , presented the request of registration of
EUROPEAN CITIZEN BAND FEDERATION
the trade mark in Italy in four languages and emblem.**

On October 13, 1978, I presented the request of the registration of this ECBF trade mark to the” Ministero Industria e Commercio e Artigianato” in Italy: request, emblems, payments are attached⁶¹:



EUROPEAN CITIZEN BAND FEDERATION (ECBF)
FEDERATION EUROPEENNE DE LA CITIZEN BAND (FECB)
EUROPEISCOEN FEDERATION DES CITIZEN BAND (EFCB)
FEDERAZIONE EUROPEA DELLA CITIZEN BAND (FECB)

I share and always shared its pre-use rights with ECBF Italian organization and its Council elected by its Warsaw XII Congress on October 21 , 2006.

In the files of “Italian organization” it has been found also my request of extension of Italian registration n. 20780 deposited on 13/10/1978, to some States that signed the agreement of Madrid of 1891, that I think has not been completed for economical reason.

Many thousand of stickers with this emblem and other with the stars have been diffused everywhere⁶² and other similar with the stars⁶³. Printed and diffused from ECBF Italian headquarter in many thousands of copies, these ECBF stickers circulated not only in all Europe, but also world wide in the World Citizen Band Union of which ECBF is member (exhibit⁶⁴) in Santos (Brazil) WCBU Congress (1977), in Guatemala WCBU Congress (1981), in Las Vegas Congress in (1981), in London Congress (1983) (exhibit⁶⁵), etc:



59 <http://www.europeancbfederation.eu/ECBF/Proposedemblem.JPG>

60 <http://www.europeancbfederation.eu/ECBF/Fotosedeconbandiera.JPG>

61 <http://www.europeancbfederation.eu/ECBF/RegistrationECBFemblem20780-78.pdf>

62 <http://www.europeancbfederation.eu/ECBF/Emblemsticker.JPG>

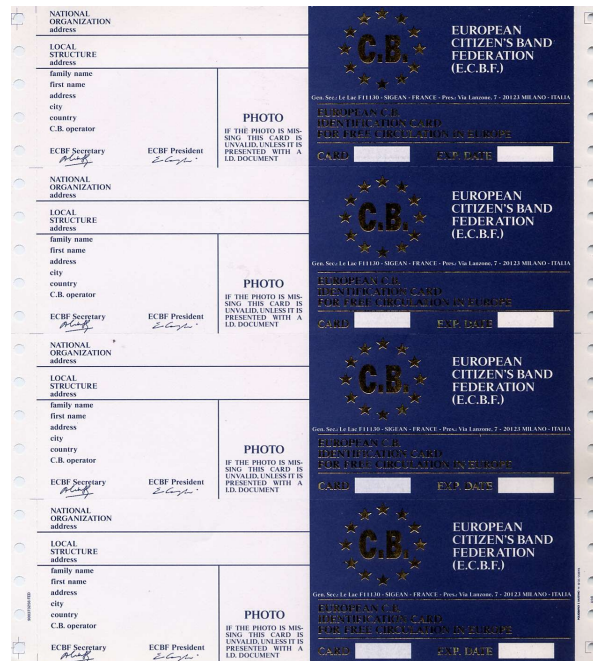
63 <http://www.europeancbfederation.eu/ECBF/Sticker.jpg>

64 <http://www.europeancbfederation.eu/ECBF/WCBU1983.pdf>

65 <http://www.europeancbfederation.eu/ECBF/wcbulondon83.JPG>

Individual membership cards

Thousands and thousands of these individual membership cards (exhibit ⁶⁶) of the European Citizen's Band Federation have been issued everywhere, printed by the computer located in Italy and diffused from Italy using these preprinted continuous sheets.(exhibit ⁶⁷)



Registration of the ECBF emblem with the stars in 1993 by the FIR-CB

However I can not omit that on 1993 registration of ECBF emblem with the stars has been made in Italy by FIR-CB⁶⁸ and it has been used by FIR-CB everywhere on individual membership cards .

The FIR-CB of which I was and I am president and legal representative shares and always shared its pre-use rights with ECBF Italian organization and its Council elected by its Warsaw XII Congress on October 21 , 2006.

Proposal to the International Telecommunication Union, European Parliament, political and religious authorities

Italian organization had contacts with all relevant international bodies and entities: UIT, European Commission, European Parliament, Council of Europe, the Pope, etc, etc .

It is attached the proposal to UIT conference (September 23, 1979), presented through the Minister of Telecommunication of S. Marino.(exhibit ⁶⁹).

....

To avoid a too large documentation, I will omit many documents, also to do not increase more the large fees paid to prepare this reply and to have recollected the attachments.

However it is request more documentation, I will provide to recollect them.

It is possible to se more recent activities of Italian organization on its website

66 <http://www.europeancbfederation.eu/ECBFcard92.pdf>

67 <http://www.europeancbfederation.eu/ECBF/TessereECBF.JPG>

68 <http://www.europeancbfederation.eu/ECBF/Registrazionemarchio1993.pdf>

69 <http://www.europeancbfederation.eu/ECBF/UIT.pdf>

www.europeancbfederation.eu

For example:

-European Commission meeting on March 10, 2006

The constitutional document of European Civil Protection Volunteers Association Committee (ECPVAC - www.ecpvac.org) as been signed as Italian organization at the first European Commission Civil Protection Volunteers meeting in Neuhausen in Germany on March 10, 2006.⁷⁰

-Letter from Council of Europe on August 3, 2006

The letter⁷¹ sent to Italian Organization from Council of Europe dated August 3, 2006

3- The early right and the scope of protection of the earlier right.

The French organization is not the holder of an earlier right in the use of the name EUROPEAN CITIZEN'S BAND FEDERATION or European Citizen's Band Federation, because these name have been used many year in advance by the Italian organization world wide.

The association with this name, the Italian organization, according the premises and the upstanding point 2), was using this trade mark for “radio apparatus; telecommunication; digital communication; by radio and via internet; vehicle towing; providing of training; guard service; security consultancy; rescue operations”, as it is possible prove in any moment, since 1976.

-The Italian organization enjoy also the registration of the OAMI logo n. 000643309-0001 registered on 27/12/2006 as for the attached certificate⁷² and letter⁷³ and logo⁷⁴

70 <http://www.europeancbfederation.eu/pnecpcv2.html>

71 <http://www.europeancbfederation.eu/ECBF/Consigliod'Europa.JPG>

72 <http://www.europeancbfederation.eu/ECBF/UAMI02.jpg>

73 <http://www.europeancbfederation.eu/ECBF/UAMI01.jpg>

74 <http://www.europeancbfederation.eu/ECBF/UAMI03.jpg>



It has been requested and obtained as association named European Citizen's Band Federation , via Lanzone 7, 20123 Milano.

CONCLUSION

It is therefore request to reject the opposition presented and that the Opponent bears the fees incurred by Applicant, as well all costs according to 81 CTMR.

As person, as FIR-CB President, and as ECBF President
dott. ing. Enrico Campagnoli