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Trade Marks and Designs

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Registered letter anticipated by fax

in 5 (five) pages with annex 1 (1 page) and annex 2 ( 2 pages), total 8 pages.

Milan, January 18, 2008

**Re: Integration<sup>1</sup> of our reply at the opposition n. B 1137712  
at our trade mark registration request n. 005196274.**

**New elements show that the effort of the appellant to confuse the Italian organization with the French organization is related to cover the liability to the attempt to “transfer illegally” on February 24, 2006 immaterial properties of our Italian organization (the name and the emblem) to the French organization and to succeed in the “illegal transfer” just using OAMI.**

Sirs,

the documents, that we received with your notification dated November 15 2007, confirm the content of our former reply dated June 15, 2007.

The applicant is again , presenting modified and misleading documents (see example in note 1), trying to confuse the OAMI officers about two different organizations:

- our Italian organization, founded in 1976, with English name, but also French, German, Spanish and Italian name,
- and the appellant French organization, founded in 1989, with similar French name, an empty box, that I founded and also I represented with no controversy till October 1, 2006.

This effort of the applicant to confuse the two organizations is particularly relevant as on February 24, 2006 ( see after ) the applicant “illegally transferred” or “tried to illegally transfer” (it will

<sup>1</sup> It is possible to download this document from:

<http://www.europeancbfederation.eu/ECBF/ReplytooppositionB1137712integration2008.pdf>

depends from OAMI decisions ), the name and the emblem of Italian organization to the French organisation, acting as “falsus procurator” of the French organization and after taking control of this organization with violation of its statute.

Our organization that requested the trade mark registration n. 005196274, representing world wide ECBF since 1976, is the only legitimate owner of the trade mark according the arguments and documents presented to you in our reply dated June 15, 2006 to the opposition n B1137712 and in this integration to our reply and for this reasons we ask to reject the opposition B1137712 and approve our request to register the trade mark n. 005196274

Since our reply dated June 15, 2006, new facts and new documents cleared to us what happened.

With this integration we submit to your attention these new documents and facts.

These new documents and facts will be in some way part of a new claim (“Esposito-denuncia” to “Procura della Repubblica” of Milan to integrate the claim, presented on January 16, 2006 , registered under the n. 526608203 to persecute any possible criminal offence if any.

**The “attempt of to illegally transfer” or the “ illegally transfer” of immaterial properties, as the name and the emblem, from of Italian organization to the French organization happened substantially with the following FOUR coordinated steps :**

**Step 1 – July 26, 2002 - To prepare the empty box, i.e. the French organization, to receive the jewellery owned by Italian organization.**

**How?**

**With a false use of my identity to make possible the homonymy between the two organizations.**

The “action” to prepare the French organization, an empty box, to “receive” the jewellery of Italian organization consists in an official declaration made in my name, but not signed or made by me, on the basis of which (see pag 35/67 of the opponent) :

*“Administrator of the Pyrenees-Atlantiques region acknowledges receipt from Mr Enrico Campagnoli .... of a declaration dated 26<sup>th</sup> July 2002 setting out the constitution of an association called:*

*the E.C.B.F. EUROPEAN CITIZEN'S BAND FEDERATION .....,  
Pau, 30<sup>th</sup> July 2002 “*

**The evidence.**

I discovered the existence of this declaration just when I received the opposition **B 1137712**, as it was attached at pag 35/67. I asked to the Prefecture of Pau to send me copy of “my” declaration.

I attach a copy of this “my” declaration dated 26 July 2002 ( re 10456) . **Annex 1<sup>2</sup>**

It has been made in my name, but it is not signed by me, as it is easy to see in annex 1.

**This final action concluded the modifications of a name of the French organization, started probably in 2002 with illegitimate communications at Prefecture of Pau, that at the moment with do no yet properly. These actions changed in 2002 the name of French organization from Federation Europeenne de la CB, existing since 1989, as it results in the constitution and the original statute of French organization, that are attached our June 15, 2007 reply<sup>3</sup>, to European Citizen's Band Federation.**

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2 <http://www.europeancbfederation.eu/ECBF/annesso2integrazioneerisposta274.pdf>

3 Copy of original statute of the federation european de la CB is attached to our june 15, 2007 reply. It is possible in any case to download from:

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

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

**Step 2 – February 24, 2006 -To “transfer” the jewellery of the Italian organization to the French organization, the empty box.**

**How?**

To “transfer” secretly the jewellery on the basis of homonymy created on July 26, 2002, the “honorary president” of appellant organization, Albert Bertrana, acting as “*falsus procurator*” of the French organization of which I was in that moment “dominus”, charged an agent to register at OAMI as soon as possible in name of the French organization the figurative trade mark n. 005012695 with together the name and the emblem of Italian organization, playing with omonymy.

**The evidence.**

The prove consists in the communication presented by appellant himself in appendix 5, pag 31 and 32 of 64 of his request (n. ICD3861) to invalidate our OAMI logo n.00643309-0001.

This email (ANNEX 2) <sup>4</sup> has been sent secretly from Mr. Albert Bertrana, as vice-ECBF President, to an agent of Anguilar&Revengia office on February 24, 2006.

The document attached at pag 31 of 64 of ICD3841 is in Italian as the language of the proceeding of ICD3861 is Italian. The figurative emblem, they tried to register at n. 005012695 is in pag 32 of 64 in annex 2.

To use this email in this proceeding, the following is the English translation of the email in annex 2:

*“from Albert Bertrana ([bertrana.albert@wanadoo.fr](mailto:bertrana.albert@wanadoo.fr))  
sent: friday, February 24, 2006, 11,29  
to [s.mainar@aguilar-revenga.com](mailto:s.mainar@aguilar-revenga.com)*

*Re:ECBF trade mark*

*Attention to Susanna Mainar*

*I attach the name of federation and the emblem as they use together (in jpg and in word ) since 1988 for the registration as community trade mark as soon as possible.*

*The headquarter of federation is in French and it is registered as no-profit association in the Register of Strasburg on 1989, vol. 18, number 719.*

*I am the vicepresident senior and I am often in Barcellona for any aspect connected with this registration. This is my address for my mail:*

*Albert Bertrana*

*C/. Horta 5*

*17722 Darnius (Girona)”*

The document itself proves that, with this order to the agent, Mr. Albert Bertrana, giving his personal address, as “falsus procurator” of the French organization, of which I was in that moment “dominus”, practically ordered to an unaware agent, using the omonymy between the two organizations created with step 1, to “transfer” to the French organization, to the empty box, the **jewellery of Italian organization**, i.e. **its name and its emblem**.

The evidence is also in the fact that the French organization has been constituted and registered in **Strasburg only on 1989, not in 1988, as it result in vol. 18, number 719 of the register and it has been registered under the French name of “Federation Europeenne de la CB”, not “European Citizen's Band Federation, and never had an emblem.**

This facts can be also proved by copies of the originals of the 1989 constitution assembly and statute of the French organization, registered in Strasburg, that are attached to our June 15, 2006 reply.

**Step 3 - August 6, 2006 – To act few months after, violating the statute of the French organization itself, to control and to become “dominus” of the French organization , where he**

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<sup>4</sup> [Http://www.europeanclubfederation.eu/ECBF/annesso1integrazioneerispota274.pdf](http://www.europeanclubfederation.eu/ECBF/annesso1integrazioneerispota274.pdf)

## **“transferred” the “jewellery” of Italian organization.**

After the “transfer” to the French organization of the “jewellery” of Italian organization, Mr Bertrana acted to control the French organization, to change his status in this organization, from “falsus procurator” to “dominus”, to give validity, in some legal interpretation, to the order given on February 24, 2006 to the agent and so to succeed in the “transfer”.

He assumed the control of French organization with a violation of the Statute of French organization.

Mr Albert Bertrana, without any power according the French organization Statute, but claiming to be vice president in charge and to have the support of the majority of the member of the Council of the French organization, convoked the Congress of French organization, the first meeting of every kind of its history, in Paris on October 1, 2006, that he called XII ECBF Congress to confuse the two organization and succeeded in the control of the French Organization.<sup>5</sup>

Just please remember that the XII ECBF Congress of Italian organization was just been convoked, few month before, by the Athens ECBF Council, since April 28, 2006, in Warsaw on October 21, 2006. The ECBF Congress unanimously elected a new Council, that elected me as President and decided , among others decision, to protect its properties.

### **Step 4 – 2006-2007 – Thanks to economical commercial support to the French organization :**

**a- to act aggressively at OAMI to try “complete” and “legalize” the “illigal transfer” of immaterial properties of the Italian organization to the French organization, trying to obtain the trade mark registration n. 005012695, acting now as “dominus” of the French organization.<sup>6</sup>**

The “validity” or the “not validity” of a request of mark registration made by a “falsus procurator” that after became “dominus”, is not a so relevant item when this “falsus procurator”, transferred illegally a third party property, a property of Italian organization, to the French organization.

**b- to act aggressively at OAMI, playing on the oonymy of the two organizations, using important legal firms, to make opposition to our trade mark registration requests and to invalidate our OAMI logo, trying to hide the “illigal transfer” of the properties from the Italian organization to the French organization.**

This is just a summary .

To our following OAMI trade mark registration requests and our OAMI logo, the following oppositions and invalidation requests have been presented in so many hundred of pages, that compelled us, a no profit users organization with poor economical resources to reply with the necessaries documents and so many costly pages, also if not prepared, for economical reason, by so important legal firms:

-our trade mark request n. 005196274 opposition n. B1137712 ( Germain&Maureau- Paris)  
with our reply on date June 15, 2007 of 161 pages<sup>7</sup>  
and with this integration.

-our trade mark request n. 005082748 - opposition n B1119389 (Germain&Maureau- Paris )  
with or reply on date June 26, 2007 of 166 pages<sup>8</sup>  
- opposition n B1102112 (Aguilar&Revenga - Barcellona)  
with our reply on date June 6, 2007 of pag 14<sup>9</sup>

5 Unless till a legal action will be made in France on the basis also of new documents.

6- The OAMI request of trade mark registration n. 005012695, made following step 2 step, has been avoid in December 2006 and now it seems is still under examination at OAMI. As “dominus” of the French organization before October 1, 2006, I requested promptly to avoid that request.

7 <http://www.europeancbfederation.eu/ECBF/ReplyoppositionB1137712f.pdf>

8 <http://www.europeancbfederation.eu/ECBF/ReplyoppositionB1119389.pdf>

9 <http://www.europeancbfederation.eu/ECBF/ReplyoppositionB1102112.pdf>

-our logo registration n. 00643309-0001 request of invalidation n ICD3861 (Germain&Maureau-Paris)

with or reply, in Italian, language of the proceeding, on date October 26, 2007, of 221 pages<sup>10</sup>

All the oppositions and also the logo invalidation request are based on modified or misleading documents.

## **Conclusion**

**1- For these reasons we request that the opposition n. B1137712 to our request of trade mark registration n. 005196274 is rejected .**

**2-We also request that the French organization, that presented the opposition, bears all the fees incurred by us, the Italian organization, as well all the costs according to 81(1) CMTR .**

**3- Request of joint and several liability for the members of the Council of the French organization. After sentence of Tribunal of Koln in Germany on June 28, 2007, we ask the joint and several liability for all the members of the Council of French organization, that presented the opposition.**

This Court Case in front of Tribunal of Koln was due to a legal action just made by the French organization, against our German member association, DFA, to forbid our national Germany association, to use of OAMI logo of Italian organization.

The Judge Kehl condemned the French organization to pay the Court Case costs.

**The French organization never payed.**

**The French organization president and legal representative does not have money.**

**To avoid something like that could happen at the end of this proceeding at OAMI we request till now to OAMI to charge of joint and several liability for the members of the Council of the French organization for the fees and the costs eventually charged to French organization ( see point 2 of the Conclusion).**

Yours sincerely

dott. ing Enrico Campagnoli

ECBF President

### Note 1

For example, as proved in our former reply, the copy of the statute of the French organization in French language ( pag.13/67 – pag19/67) is not the copy of the statute filed at Tribunal of Illkirch of the French organization.

Again the misleading statute presented is in head paper with the emblem ( see only in the French version pag 13/67) and with the name “European Citizen's Band Federation” ( see in the French version pag 13/67, and in English version of the same page, where appears as a translation, without to be a translation), the addresses of the headquarters of Italian organizations (not the headquarter of French organization, see art.3 of Statute pag 13/67), could induce to confuse the two organizations with different statutes, headquarters, etc.

The phrase“European Telecommunications Standard Institute (E.T.S.I.) member” in the head paper of pag 13/67, is close to be ridicule and one time again proves that opponent presented modified documents: how can be an association member of ETSI at the moment of its constitution?

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<sup>10</sup> <http://www.europeancbfederation.eu/ECBF/IT/RispostadomandainullitàICD3861.pdf>