

IPMC - Mediation Case E-MOTIX vs. EMOTEC

1. Mediation Parties

- **E-MOTIX GmbH:** CEO and Lawyer
- **EMOTEC S.A.:** CEO and Lawyer
- **Mediator:** EUIPO Mediation Centre

2. Background Context

E-MOTIX GmbH is a medium-sized German enterprise focused on the design, manufacture, and sale of electric scooters for urban consumers. The company operates across several EU countries and outsources manufacturing to a partner factory in Vietnam. It positions itself as a youthful, sustainable, tech-forward brand targeting eco-conscious city commuters.

In 2024, E-MOTIX applied to register the EU trade mark “E-MOTIX”, covering:

- **Class 9:** mobile apps, battery chargers, GPS modules, on-board software
- **Class 12:** electric scooters, bicycles, personal mobility devices

Shortly after publication in the EU Trade Marks Bulletin, a formal opposition was filed by **EMOTEC S.A.**, a large French corporation that supplies electronic drive systems, vehicle control units, and embedded software to car and truck manufacturers. EMOTEC’s business model is exclusively B2B, serving manufacturers across Europe.

EMOTEC’s EU trade mark “EMOTEC”, registered in 2021, covers:

- **Class 7:** electric motors and mechanical components for land vehicles
- **Class 9:** embedded control software, apparatus for performing automotive diagnostics
- **Class 12:** electronic drive systems, vehicle control units

EMOTEC claims that the “E-MOTIX” mark is visually and phonetically similar to its own and that there is a risk of confusion, especially given the technological and electrical nature of both companies’ products. E-MOTIX strongly disputes this, arguing that the marks differ substantially in look and sound, that they operate in non-overlapping markets, and that their products are distributed and marketed in very different ways.