



## **OEM BULLETIN**

### **HUSQVARNA**

The Independent Union of the European Lubricant Industry (UEIL) is the umbrella association of the Independent European Lubricants Industry, representing their members and, in particular, the interests of SMEs and independent lubricant companies. To date, the UEIL represents more than 400 lubricant companies, who manufacture and distribute lubricant products (and coolants) under their own various trademarks throughout the European Union. With members in more than 20 European Countries and a unique collective experience of lubricants and the lubricants market, UEIL is the sole representative body for independent manufacturers of lubricants in Europe and has been recognised as such by the European Commission. It is UEIL's policy to favour free and fair competition within the scope of prevailing EU and national laws.

In March 2012 a member of UEIL was contacted by Husqvarna because their packaging and technical data sheet stated that their product could be used in Husqvarna equipment. This was claimed by the member because their additive supplier had previously confirmed so in the formulation's technical information.

The argument used by the OEM was that "we believe that this gives the impression that Husqvarna endorses the use of your two stroke oil in our products. I can find no documentation that we have tested your oil in our products or given you permission to use our brand and therefore ask that you remove our name from all packaging and literature with immediate effect".

Although the member explained the background to the making of such a claim, the matter escalated in May 2012 with OEM's Solicitors writing regarding Trade Mark Infringement and Passing Off and the member therefore requested that UEIL take up the matter on their behalf.

In September 2012 a delegation from UEIL met with DG Competition during which the case of Husqvarna was discussed and it was confirmed that the position of UEIL and its member was correct.

In March 2013 the member wrote to the OEM to advise that they had "issued a new technical data sheet, a copy of which is enclosed for your information" which now stated that the product could be used where Husqvarna 346/372 was required; since then there has been no further contact with the OEM.

Brussels, July 2013