

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 79143625

MARK: SKRIK

79143625

CORRESPONDENT ADDRESS:

ADVOKATFIRMAET GRETTE DA
P.O. Box 1397 Vika
N-0114 OSLO
NORWAY

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APPLICANT: OSLO KOMMUNE MUNCHMUSEET

CORRESPONDENT'S REFERENCE/DOCKET NO :

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OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

INTERNATIONAL REGISTRATION NO. 1194596

STRICT DEADLINE TO RESPOND TO THIS NOTIFICATION: TO AVOID ABANDONMENT OF THE REQUEST FOR EXTENSION OF PROTECTION OF THE INTERNATIONAL REGISTRATION, THE USPTO MUST RECEIVE A COMPLETE RESPONSE TO THIS PROVISIONAL FULL REFUSAL NOTIFICATION **WITHIN 6 MONTHS** OF THE "DATE ON WHICH THE NOTIFICATION WAS SENT TO WIPO (MAILING DATE)" LOCATED ON THE WIPO COVER LETTER ACCOMPANYING THIS NOTIFICATION.

In addition to the Mailing Date appearing on the WIPO cover letter, a holder (hereafter "applicant") may confirm this Mailing Date using the USPTO's Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. To do so, enter the U.S. application serial number for this application and then select "Documents." The Mailing Date used to calculate the response deadline for this provisional full refusal is the "Create/Mail Date" of the "IB-1rst Refusal Note."

This is a **PROVISIONAL FULL REFUSAL** of the request for extension of protection of the mark in the above-referenced U.S. application. See 15 U.S.C. §1141h(c). See below in this notification (hereafter "Office action") for details regarding the provisional full refusal.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Summary of Issues

- Section 2(d) Refusal – Likelihood of Confusion
- Identification of Goods and Services
- Translation Required
- Entity Indefinite

Section 2(d) Refusal – Likelihood of Confusion

THIS PARTIAL REFUSAL IS LIMITED TO CLASS 9 AND 42 ONLY

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 4426826. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. See 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637

F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. See *In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

Applicant's applied-for mark is **SKIRK** for "Scientific, nautical, photographic, cinematographic and optical devices and instruments and devices and instruments for weighing, measuring, signaling, control, life saving and education; devices and instruments for conducting, distribution, transforming, accumulation, regulation or control of electricity; devices for recording, transferring and reproduction of sound and images; magnetic data carriers, gramophone discs; compact discs, DVDs and other digital recording media; mechanisms for coin operated devices; cash registers, calculators, data processing equipment, computers, computer software; fire extinguishers, including gramophone discs; compact discs, DVDs and other digital recording media; data processing equipment, computers, computer software; including magnets for decoration; covers for telephones, covers for smart phones, covers for e-readers, covers for iPads, covers for MP3 players; storage units for computers, portable flash memory devices; cases for glasses, cases for lenses, CD discs, computer software; including computer software, software, application, software application; computer software, software, application, software application for interactive and virtual picture projection; computer software, software, application, software application for use on audio guide" and "Scientific and technological services and research and development related thereto; design and development of computer programs; including design and development of computer software, software applications and application; design and development of computer software, software, software applications and applications for interactive and virtual picture projection; design and development of computer software, software, software applications and applications for use on audio guide" among other goods.

Registrant's mark is **SCREAM** for "Downloadable ring tones for mobile devices; sound alarms; downloadable sound files and alert tones for locating and recovering a user's missing, stolen, or lost mobile communication device; a feature of computer or mobile device software, namely, a sound-based alarm that also emits flashing lights from the display, provided via computer or mobile device software for locating and recovering a user's missing, stolen, or lost mobile communication device; software for remotely managing mobile communications devices."

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re Ist USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

Under the doctrine of foreign equivalents, a mark in a foreign language and a mark that is its English equivalent may be held to be confusingly similar. TMEP §1207.01(b)(vi); see, e.g., *In re Thomas*, 79 USPQ2d 1021, 1025 (TTAB 2006); *In re Hub Distrib., Inc.*, 218 USPQ 284 (TTAB 1983). Therefore, marks comprised of foreign words are translated into English to determine similarity in meaning and connotation with English word marks. See *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1377, 73 USPQ2d 1689, 1696 (Fed. Cir. 2005). Equivalence in meaning and connotation can be sufficient to find such marks confusingly similar. See *In re Thomas*, 79 USPQ2d at 1025.

The doctrine is applicable when it is likely that an ordinary American purchaser would "stop and translate" the foreign term into its English equivalent. *Palm Bay*, 396 F.3d at 1377, 73 USPQ2d at 1696; TMEP §1207.01(b)(vi)(A). The ordinary American purchaser refers to "all American purchasers, including those proficient in a non-English language who would ordinarily be expected to translate words into English." *In re Spirits Int'l, N.V.*, 563 F.3d 1347, 1352, 90 USPQ2d 1489, 1492 (Fed. Cir. 2009); see *In re Thomas*, 79 USPQ2d at 1024 (citing J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* §23:26 (4th ed. 2006), which states "[t]he test is whether, to those American buyers familiar with the foreign language, the word would denote its English equivalent.").

Generally, the doctrine is applied when the English translation is a literal and exact translation of the foreign wording. See *In re Thomas*, 79 USPQ2d at 1021 (holding MARCHE NOIR for jewelry likely to be confused with the cited mark BLACK MARKET MINERALS for retail jewelry and mineral store services where evidence showed that MARCHE NOIR is the exact French equivalent of the English idiom "Black Market," and the addition of MINERALS did not serve to distinguish the marks); *In re Ithaca Indus., Inc.*, 230 USPQ 702 (TTAB 1986) (holding applicant's mark LUPPO for men's and boys' underwear likely to be confused with the cited registration for WOLF and design for various clothing items, where LUPPO is the Italian equivalent of the English word "wolf"); *In re Hub Distrib., Inc.*, 218 USPQ at 284 (holding the Spanish wording EL SOL for clothing likely to be confused with its English language equivalent SUN for footwear where it was determined that EL SOL was the "direct foreign language equivalent" of the term SUN).

Based on the foregoing, the applicant's applied-for and registrant's marks are sufficiently similar to find a likelihood of confusion.

With respect to applicant's and registrant's goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See, e.g., Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-70, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012); *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990).

Absent restrictions in an application and/or registration, the identified goods and/or services are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Additionally, unrestricted and broad identifications are presumed to encompass all goods and/or services of the type described. *See In re Jump Designs, LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006) (citing *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981)); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

In this case, the identification set forth in the application and registration has no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods and/or services travel in all normal channels of trade, and are available to the same class of purchasers. Further, the application use(s) broad wording to describe the goods and/or services and this wording is presumed to encompass all goods and/or services of the type described, including those in registrant's more narrow identification.

Based on the analysis above, applicant's and registrant's goods and/or services are related.

Because applicant's and registrant's marks are similar and the goods and/or services are related, there is a likelihood of confusion and applicant's applied-for mark must be refused under Section 2(d) of the Lanham Act.

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

Applicant must respond to the requirements set forth below.

Identification of Goods and Services

The identification of goods and/or services includes the heading of one or more international classes. The purpose of class headings is to indicate the subject matter and general scope of each international class of goods and/or services. *See* TMEP §1401.02(a). While such broad designations may be acceptable under the trademark laws and practice of other countries, the USPTO considers these headings too broad to identify goods and/or services in a U.S. application. *See In re Societe Generale des Eaux Minerales de Vittel S.A.*, 1 USPQ2d 1296, 1297-99 (TTAB 1986), *rev'd on other grounds*, 824 F.2d 957, 3 USPQ2d 1450 (Fed. Cir. 1987); TMEP §§1401.08, 1402.01(c), 1402.07(a).

The identification of goods and/or services includes a duplicate entry of the wording "compact discs, DVDs and other digital recording media"; "jewellery"; "printed matter"; "materials for bookbinding"; "writing materials and stationery"; "articles for the use of artists"; "painters' brushes"; "instructions and educational materials"; "plastic packaging"; "posters"; "pencils"; "walking sticks"; "whips"; "harness and saddle goods"; "suitcases"; "travel bag"; "umbrellas"; "glassware"; "porcelain and ceramics"; "table cloths". Applicant may either (1) modify one of these two identical descriptions of goods and/or services such that it will no longer be duplicative, or (2) delete one entry. *See* TMEP §707.02. However, if applicant modifies the goods and/or services, applicant may do so only to clarify or limit them; adding to or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

Further, the wording "iPads" and "post-it" and "Rubik's cubes" in the identification of goods is a registered mark not owned by applicant. *See* enclosed copy of U.S. Registration No(s). 3389082, 3776575, 1198694, 1046353, and 1242974. An applicant may not use a registered mark owned by another party in the identification. A registered mark indicates origin in one party and cannot be used to define goods or services that originate in a party other than the registrant. TMEP §1402.09; *see Camloc Fastener Corp. v. Grant*, 119 USPQ 264, 264 n.1 (TTAB 1958). Therefore, applicant must amend the identification of goods to delete the wording "iPads" and "post-it" and "Rubik's cubes" and substitute the common commercial or generic name of the goods.

Finally, the identification of goods and/or services contains parentheses. Generally, parentheses and brackets should *not* be used in identifications. Parenthetical information is permitted in identifications only if it serves to explain or translate the matter immediately preceding the parenthetical phrase in such a way that it does not affect the clarity of the identification, e.g., "obi (Japanese sash)." TMEP §1402.12. Therefore, applicant must remove the parentheses from the identification of goods and/or services and incorporate the parenthetical information into the description.

Applicant may adopt the following identification of goods, if accurate. In the suggestion below, all recommended modifications to the identification are identified in bold with specific examples of suggested wording in italics with duplicative wording deleted: *See* TMEP §1402.01.

Class 9: "Scientific, nautical, photographic, cinematographic and optical devices and instruments and devices and instruments for weighing, measuring, signaling, control, life saving and education, namely, {indicate common commercial name of class 9 goods,

e.g., *computers, digital cameras, etc.* }; devices and instruments for conducting, distribution, transforming, accumulation, regulation or control of electricity, namely, {indicate common commercial name of class 9 goods, e.g., *electric cables, electric batteries, etc.* }; devices for recording, transferring and reproduction of sound and images; **blank magnetic data carriers, blank gramophone discs; blank compact discs, blank DVDs and other blank digital recording media in the nature of {indicate recording media, e.g., *blank audio tapes, blank video tapes, etc.* }**; mechanisms for coin operated devices; cash registers, calculators, data processing equipment, computers, **computer software for {indicate function of software, e.g., *word processing, anti-virus, etc.* }**; fire extinguishers, **blank gramophone discs**; data processing equipment, computers; **computer software for {indicate function of software, e.g., *word processing, anti-virus, etc.* }**; **magnets for decoration; covers for telephones not made of paper, covers for smart phones, covers for electronic book readers, protective covers for tablet computers, protective covers for MP3 players; blank tapes for storage of computer data, portable blank flash memory cards; cases for eye glasses, cases for contact lenses, cases for CD discs, cases for computer software CDs; computer software for {indicate function of software, e.g., *word processing, anti-virus, etc.* }**; **computer software application for interactive and virtual picture projection; computer software application for use on audio guide for {indicate function of software, e.g., *providing technical instructions to users, providing audio through headphones, etc.* }**”;

Class 14: “Precious metals and their alloys; **goods coated with precious metals and their alloys, namely, {indicate class 14 goods, e.g., *jewelry cases, rings, etc.* }**; jewellery goods, gemstones; watches and chronometric instruments; **key rings of precious metals; jewellery, rings, cufflinks, bracelets, earrings, necklaces, brooches, brooch pins, tie pins; watches; amulets**”;

Class 16: “**Paper, cardboard and goods made from these materials, namely, {indicate class 16 goods, e.g., *art paper, bond paper, etc.* }**; **printed matter in the nature of {indicate class 16 goods, e.g., *art paper, bond paper, etc.* }**; materials for bookbinding; photographs, **writing materials in the nature of {indicate class 16 writing materials, e.g., *pens, pencils, etc.* }** and stationery; adhesives for stationery and domestic use; **articles for the use of artists in the nature of {indicate class 16 artist goods, e.g., *artist brushes, artist pens, etc.* }**; painters' brushes; typewriters and **office supplies in the nature of {indicate office supplies, e.g., *binders, office glues, etc.* }**; **instructions and educational materials in the nature of {indicate nature of publication, e.g., *articles, newsletters, etc.* }** in the field of {indicate field, e.g., *math, science, etc.* }; **plastic bags and film for packaging; printing types, printing blocks; paper, cardboard and goods made from these materials in the nature of {indicate class 16 paper/cardboard goods, e.g., *paper billboards, cardboard boxes, etc.* }**, pencil cases; photographs; posters; notebooks; sketch books; quotation books; travel books; postcards; **graphic art reproductions; bookmarks; adhesive note paper; calendars; reproduction paper; graphic art reproductions in the nature of paintings, photographs, prints, graphic arts, graphic prints, oil prints; oil art prints; pencils, erasers, eraser pencils, pens, fountain pens, ballpoint pens, touch ink pens; drawing pins; almanacs; photo albums; pictures, paper place mats, paper table napkins, paper tablecloths; brochures; envelopes; calling cards; document covers, passport covers, paper report covers; rulers for drawing, rulers; holders for passports**”;

Class 18: “**Leather; imitation leather; goods made from leather and imitation leather in the nature of {indicate class 18 goods, e.g., *purses, wallets, etc.* }**, **skins and hides**; suitcases and travel bags; umbrellas and parasols; walking sticks, whips, **harnesses and saddlery**, suitcases and travel bags; umbrellas and parasols; **leather bags**, document cases, briefcases, document cases for travel, travel cases; wheeled bags; beach bags; rucksacks, school bags; cases for keys; **reusable shopping bags; cosmetic bags sold empty**; luggage tags; covers for umbrellas; wallets; **credit card holders**; calling card holders, **cotton string bags for shopping**”;

Class 21: “**Domestic and kitchen implements and containers, namely, {indicate class 21 goods, e.g., *kitchen containers, chopping boards for kitchen use, etc.* }**; combs and **cleaning sponges, cleaning brushes for household use**; materials for brush binding; **objects for cleaning purposes, namely, {indicate class 21 goods, e.g., *cleaning cloths, cleaning pads, etc.* }**; steel wool; **rough cast glass or semi-manufactured glass objects not for building purposes; beverage glassware, porcelain mugs and ceramic figurines; mugs, cups, bottles sold empty, jugs, espresso cups, coffee cups, tea cups, child's cups, child's drinking glasses, drinking bottles sold empty, saucers, vases, plates, dishes; boxes of metal and boxes of glass for the storage of soap, household products in the nature of {indicate class 21 household products, e.g., *colanders for household use, household kitchen tongs, etc.* }**; lunchboxes; **chamois leather for cleaning, cleaning cloth**”;

Class 24: “**Textiles and textile articles, namely, {indicate class 24 goods, e.g., *textile fabrics for the manufacture of clothing, textile tablecloths, etc.* }**; bedspreads; **table cloths of textile; cushion covers; bed linen; plaid fabric for textile use; bathroom textiles in the nature of {indicate class 24 goods, e.g., *towels, wall hangings of textile, etc.* }**; **place mats of textile, fabric table runners, textile table napkins; handkerchiefs**”;

Class 25: “**Clothing in the nature of {indicate class 25 clothing items, e.g., *shirts pants, etc.* }**, footwear, **headgear in the nature of {indicate class 25 headgear, e.g., *hats, caps, etc.* }**; t-shirts for adults and children, shirts for adults and children, shawls, scarfs, babies' jumpsuits; aprons; suits; hats, caps; socks; sarongs”;

Class 28: “**Games and toys, namely, {indicate class 28 goods, e.g., *backgammon games, arcade games, etc.* }**; **gym and sports articles, namely, {indicate class 28 goods, e.g., *discuses for sport, hurdles, etc.* }**; Christmas tree decorations; **cuddly stuffed toys, jigsaw puzzles, board games, puzzles, balloons; toy building blocks, inflatable toy figures**”;

Class 32: “Beer, soda pop, carbonated water and **other non-alcoholic drinks in the nature of {indicate class 32 goods, e.g., energy drinks, cola drinks, etc.}**; fruit drinks and fruit juices; **lemon squash and other preparations for the production of sports and fruit-based drinks**”;

Class 33: “**Alcoholic drinks except beers**”;

Class 42: “**Scientific and technological services and research and development related thereto, namely, {indicate class 42 services, e.g., information technology consulting, computer software consulting, etc.}**; design and development of computer programs; **design and development of computer software and software applications; design and development of computer software and software applications for interactive and virtual picture projection; design and development of computer software and software applications for use on audio tour guide**”.

An applicant may amend an identification of goods and/or services only to clarify or limit the goods and/or services; adding to or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §1904.02(c)(iv). In an application filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau). 37 C.F.R. §2.85(f); TMEP §§1402.07(a), 1904.02(c). If an applicant amends the identification to a class other than that assigned by the International Bureau, the amendment will not be accepted because it will exceed the scope and those goods and/or services will no longer have a basis for registration under U.S. law. TMEP §§1402.01(c), 1904.02(c).

In addition, in a Section 66(a) application, an applicant may not change the classification of goods and/or services from that assigned by the International Bureau in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1402.01(c). Further, in a multiple-class Section 66(a) application, an applicant may not transfer goods and/or services from one existing international class to another. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1402.01(c).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO’s online searchable *U.S. Acceptable Identification of Goods and Services Manual* at <http://tess2.uspto.gov/netathtml/tidm.html>. *See* TMEP §1402.04.

Translation Required

Applicant must submit an English translation of the mark. 37 C.F.R. §2.32(a)(9); TMEP §809.

The following translation statement is suggested:

The English translation of the word “SKRIK” in the mark is “SCREAM”.

TMEP §809.03.

Entity Indefinite

The application identifies applicant as an “Organizational unit under the municipality of Oslo,” which is not acceptable as an entity designation in the U.S. because there is no clear U.S. equivalent entity and the entity designation does not appear in Appendix D of the *Trademark Manual of Examining Procedure*. *See* TMEP §803.03(i). Applicant must indicate the U.S. equivalent of its entity type or provide a description of the nature of the foreign entity. *See id.*

Assistance

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant’s rights. *See* TMEP §§705.02, 709.06.

WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL: Any response to this provisional refusal must be personally signed by an individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant (e.g., a corporate officer or general partner). 37 C.F.R. §§2.62(b), 2.193(e)(2)(ii); TMEP §712.01. If applicant hires a qualified U.S. attorney to respond on his or her behalf, then the attorney must sign the response. 37 C.F.R. §§2.193(e)(2)(i), 11.18(a); TMEP §§611.03(b), 712.01. Qualified U.S. attorneys include those in good standing with a bar of the highest court of any U.S. state, the District of Columbia, Puerto Rico, and other federal territories and possessions of the United States. *See* 37 C.F.R. §§2.17(a), 2.62(b), 11.1, 11.14(a); TMEP §§602, 712.01. Additionally, for all responses, the proper signatory must personally sign the document or personally enter his or her electronic signature on the electronic filing. *See* 37 C.F.R. §2.193(a); TMEP §§611.01(b), 611.02. The name of the signatory must also be printed or typed immediately below or adjacent to the

signature, or identified elsewhere in the filing. 37 C.F.R. §2.193(d); TMEP §611.01(b).

In general, foreign attorneys are not permitted to represent applicants before the USPTO (e.g., file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal). See 37 C.F.R. §11.14(c), (e); TMEP §§602.03-.03(b), 608.01.

DESIGNATION OF DOMESTIC REPRESENTATIVE: The USPTO encourages applicants who do not reside in the United States to designate a domestic representative upon whom any notice or process may be served. TMEP §610; see 15 U.S.C. §§1051(e), 1141h(d); 37 C.F.R. §2.24(a)(1)-(2). Such designations may be filed online at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

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All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

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76497338

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Serial Number

76497338

Status

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Word Mark

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Standard Character Mark

No

Registration Number

3776575

Date Registered

2010/04/20

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

APPLE INC. CORPORATION CALIFORNIA 1 INFINITE LOOP CUPERTINO CALIFORNIA
95014

Goods/Services

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HAND-HELD COMPUTING DEVICE FOR WIRELESS NETWORKING IN A RETAIL
ENVIRONMENT. First Use: 2002/01/08. First Use In Commerce:
2002/01/13.

Filing Date

2003/03/07

Examining Attorney

FIRST, VIVIAN MICZNIK

Attorney of Record

Thomas R. La Perle

DESIGN MARK

Serial Number

79023888

Status

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3389082

Date Registered

2008/02/26

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Priority Date

2006/02/28

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

Print: Mar 14, 2014

79023888

2006/03/20

Examining Attorney
WOOD, CAROLINE

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73072879

TYPED DRAWING

Serial Number

73072879

Status

REGISTERED AND RENEWED

Word Mark

POST-IT

Standard Character Mark

No

Registration Number

1046353

Date Registered

1976/08/17

Type of Mark

TRADEMARK

Register

PRINCIPAL

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(1) TYPED DRAWING

Owner

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MINNESOTA 55144

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SHEET MATERIAL HAVING ADHESIVE COATING ON BOTH SIDES THEREOF FOR
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OTHER MESSAGES IN PLACE. First Use: 1974/09/25. First Use In
Commerce: 1974/09/25.

Filing Date

1975/12/29

Examining Attorney

UNKNOWN

Print: Mar 14, 2014

73300787

TYPED DRAWING

Serial Number

73300787

Status

REGISTERED AND RENEWED

Word Mark

POST-IT

Standard Character Mark

No

Registration Number

1198694

Date Registered

1982/06/22

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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Owner

Minnesota Mining and Manufacturing Company CORPORATION DELAWARE 3M
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Class Status -- ACTIVE. IC 016. US 037. G & S: Stationery Notes
Containing Adhesive on One Side for Attachment to Surfaces. First
Use: 1974/09/25. First Use In Commerce: 1974/09/25.

Prior Registration(s)

1046353;1046383

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

1981/03/12

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UNKNOWN

Attorney of Record

Sarah A. Lockner

Print: Mar 14, 2014

73261351

TYPED DRAWING

Serial Number

73261351

Status

REGISTERED AND RENEWED

Word Mark

RUBIK'S CUBE

Standard Character Mark

No

Registration Number

1242974

Date Registered

1983/06/21

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

RUBIK'S BRAND LTD. CORPORATION UNITED KINGDOM 7 LAMBTON PLACE LONDON
UNITED KINGDOM

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The Scream

From Wikipedia, the free encyclopedia

For other uses, see The Scream (disambiguation).

The Scream (Norwegian: *Skrik*) is the popular name given to each of four versions of a composition, created as both paintings and pastels, by the Expressionist artist Edvard Munch between 1893 and 1910. ***Der Schrei der Natur*** (*The Scream of Nature*) is the title Munch gave to these works, all of which show a figure with an agonized expression against a landscape with a tumultuous orange sky. Arthur Lubow has described *The Scream* as "an icon of modern art, a *Mona Lisa* for our time."^[1]

Edvard Munch created the four versions in various media. The National Gallery, Oslo, holds one of two painted versions (1893, shown at right). The Munch Museum holds the other painted version (1910, see gallery) and a pastel version from 1893. These three versions have not traveled for years.^[2]

The fourth version (pastel, 1895) was sold for \$119,922,600 at Sotheby's Impressionist and Modern Art auction on 2 May 2012 to financier Leon Black,^{[3][4]} the second highest nominal price paid for a painting at auction.^[5] The painting was on display in the Museum of Modern Art in New York from October 2012 to April 2013.

Also in 1895, Munch created a lithograph stone of the image. Of the lithograph prints produced by Munch, several examples survive.^[6] Only approximately four dozen prints were made before the original stone was resurfaced by the printer in Munch's absence.^[7]

The Scream has been the target of several high-profile art thefts. In 1994, the version in the National Gallery was stolen. It was recovered several months later. In 2004, both *The Scream* and *Madonna* were stolen from the Munch Museum, and were both recovered two years later.

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- 2 Thefts
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Sources of inspiration [edit]

The original German title given to the work by Munch is *Der Schrei der Natur* ("The Scream of Nature"). The Norwegian word *skrik* usually is translated as *scream*, but is cognate with the English *shriek*. Occasionally, the painting also has been called *The Cry*.

In his diary in an entry headed, *Nice 22 January 1892*, Munch described his inspiration for the image:

One evening I was walking along a path, the city was on one side and the fjord below. I felt tired and ill. I stopped and looked out over the fjord—the sun was setting, and the clouds turning blood red. I sensed a scream passing through nature; it seemed to me that I heard the scream. I painted this picture, painted the clouds as actual blood. The color shrieked. This became The Scream.^[8]

This memory was later rendered by Munch as a poem, which he hand-painted onto the frame of the 1895 pastel version of the work:

I was walking along the road with two friends – the sun was setting – suddenly the sky turned blood red – I paused, feeling exhausted, and leaned on the fence – there was blood and tongues of fire above the blue-black fjord and the city – my friends walked on, and I stood there trembling with anxiety – and I sensed an infinite scream passing through nature.^[9]

Among theories advanced to account for the reddish sky in the background is the artist's memory of the effects of the powerful volcanic eruption of Krakatoa, which deeply tinted sunset skies red in

The Scream

Norwegian: *Skrik*, German: *Der Schrei der Natur*



Artist Edvard Munch
Year 1893
Type Oil, tempera, and pastel on cardboard
Dimensions 91 cm × 73.5 cm (36 in × 28.9 in)
Location National Gallery, Oslo, Norway



Edvard Munch, 1921

- Íslenska
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- עברית
- Latviešu
- Літвівіч
- Magyar
- മലയാളം
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parts of the Western hemisphere for months during 1883 and 1884, about a decade before Munch painted *The Scream*.^[10] This explanation has been disputed by scholars, who note that Munch was an expressive painter and was not primarily interested in literal renderings of what he had seen. Alternatively, it has been suggested that the proximity of both a slaughterhouse and a lunatic asylum to the site depicted in the painting may have offered some inspiration.^[11] The scene was identified as being the view from a road overlooking Oslo, the Oslofjord and Hovedøya, from the hill of Ekeberg. At the time of painting the work, Munch's manic depressive sister Laura Catherine was a patient at the asylum at the foot of Ekeberg ^[*citation needed*]

In 1978, the Munch scholar Robert Rosenblum suggested that the strange, sexless creature in the foreground of the painting was inspired by a Peruvian mummy, which Munch could have seen at the 1889 Exposition Universelle in Paris. This mummy, which was buried in a fetal position with its hands alongside its face, also struck the imagination of Munch's friend Paul Gauguin: it stood as a model for the central figure in his painting, *Human misery (Grape harvest at Arles)* and for the old woman at the left in his painting, *Where Do We Come From? What Are We? Where Are We Going?* More recently, an Italian anthropologist speculated that Munch might have seen a mummy in Florence's Museum of Natural History, which bears an even more striking resemblance to the painting.^[12]

The imagery of *The Scream* has been compared to that which an individual suffering from *depersonalization disorder* experiences, a feeling of distortion of the environment and one's self,^[13] and also facial pain.^[14]

Thefts [*edit*]

The Scream has been the target of a number of thefts and theft attempts. Some damage has been suffered in these thefts.

On 12 February 1994, the same day as the opening of the 1994 Winter Olympics in Lillehammer, two men broke into the National Gallery, Oslo, and stole its version of *The Scream*, leaving a note reading "Thanks for the poor security".^{[15][16]} The painting had been moved down to a second-story gallery^[17] as part of the Olympic festivities.^[18] After the gallery refused to pay a ransom demand of US\$1 million in March 1994, Norwegian police set up a sting operation with assistance from the British police (SO10) and the Getty Museum and the painting was recovered undamaged on 7 May 1994.^[17] In January 1996, four men were convicted in connection with the theft, including Pål Fnger, who had been convicted of stealing Munch's *Vampire* in 1988.^[19] They were released on appeal on legal grounds: the British agents involved in the sting operation had entered Norway under false identities.^[20]

The 1910 tempera on board version of *The Scream* was stolen on 22 August 2004, during daylight hours, when masked gunmen entered the Munch Museum in Oslo and stole it and Munch's *Madonna*.^[21] A bystander photographed the robbers as they escaped to their car with the artwork. On 8 April 2005, Norwegian police arrested a suspect in connection with the theft, but the paintings remained missing and it was rumored that they had been burned by the thieves to destroy evidence.^{[22][23]} On 1 June 2005, with four suspects already in custody in connection with the crime, the city government of Oslo offered a reward of 2 million Norwegian krone (roughly US\$313,500 or €231,200) for information that could help locate the paintings.^[24] Although the paintings remained missing, six men went on trial in early 2006, variously charged with either helping to plan or participating in the robbery. Three of the men were convicted and sentenced to between four and eight years in prison in May 2006, and two of the convicted, Bjørn Hoen and Petter Tharaldsen, were also ordered to pay compensation of 750 million kroner (roughly US\$117.6 million or €86.7 million) to the City of Oslo.^[25] The Munch Museum was closed for ten months for a security overhaul.^[26]

On 31 August 2006, Norwegian police announced that a police operation had recovered both *The Scream* and *Madonna*, but did not reveal detailed circumstances of the recovery. The paintings were said to be in a better-than-expected condition. "We are 100 percent certain they are the originals," police chief Iver Stensrud told a news conference. "The damage was much less than feared."^{[27][28]} Munch Museum director Ingebjørg Ydstie confirmed the condition of the paintings, saying it was much better than expected and that the damage could be repaired.^[29] *The Scream* had moisture damage on the lower left corner, while *Madonna* suffered several tears on the right side of the painting as well as two holes in Madonna's arm.^[30] Before repairs and restoration began, the paintings were put on public display by the Munch Museum beginning 27 September 2006. During the five-day exhibition, 5,500 people viewed the damaged paintings. The conserved works went back on display on 23 May 2008, when the exhibition "Scream and Madonna — Revisited" at the Munch Museum in Oslo displayed the paintings together.^[31] Some damage to *The Scream* may prove impossible to repair, but the overall integrity of the work has not been compromised.^{[32][33]}

Record sale at auction [*edit*]

The 1895 pastel-on-board version of the painting, owned by Norwegian businessman Petter Olsen, sold at Sotheby's for a record US\$120 million at auction on 2 May 2012.^[34] The bidding started at \$40 million and lasted for over 12 minutes when Leon Black by phone gave the final offer of US\$119,922,500, including the buyer's premium.^[35] Sotheby's said the painting was the most colorful and vibrant of the four versions painted by Munch and the only version whose frame was hand-painted by the artist to include his poem, detailing the work's inspiration.^[32] After the sale, Sotheby's auctioneer Tobias Meyer said the painting was "worth every penny", adding: "It is one of the great icons of art in the world and whoever bought it should be congratulated."^[36]

The previous record for the most expensive work of art sold at auction had been held by Picasso's *Nude, Green Leaves and Bust*, which went for US\$106.5 million at Christie's two years prior on 4 May 2010.^[36] When accounting for inflation, the highest price paid for art at an auction is still held by Van Gogh's *Portrait of Dr. Gache*, which sold for \$82.5 million in 1990, or about \$149 million 2012 dollars.^[37] There have been reports that *The Card Players*, by Cézanne, sold privately for \$250m in 2011,^{[38][39]} which can not be verified for the establishment of a record price.

In popular culture [*edit*]

In the late twentieth century, *The Scream* was imitated, parodied, and outright copies have been made following its copyright expiration, which led to it acquiring an iconic status in popular culture. It was used on the cover of some editions of Arthur Janov's book *The Primal Scream*.^[40] In 1983–1984, pop artist Andy Warhol made a series of silk prints copying works by Munch, including *The Scream*. His stated intention was to desecralize the painting by



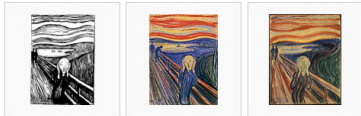
Two men breaking into the National Gallery, Oslo, to steal the gallery's 1893 tempera on cardboard version of *The Scream*, February 1994



Thieves taking paintings from the Munch Museum in Oslo on 22 August 2004

series of three panels about the "first" *Scream*. In 1998, the Norwegian artist Per Krogher made a series of three printmaking plates depicting the painting by making it into a mass-reproducible object. Munch had already begun that process, however, by making a lithograph of the work for reproduction. *Erró's* ironic and irreverent treatment of Munch's masterpiece in his acrylic paintings *The Second Scream* (1967) and *Ding Dong* (1979) is considered a characteristic of post-modern art.^[41] Cartoonist Gary Larson included a "tribute" to *The Scream* (entitled *The Whine*) in his *Wiener Dog Art* painting and cartoon compilation, in which the central figure is replaced by a howling dachshund. *The Scream* has been used in advertising, in cartoons, such as *The Simpsons*, films, and on television. The principal alien antagonists depicted in the 2011 BBC series of *Doctor Who*, named "The Silence", have an appearance partially based on *The Scream*.^[42] The Ghostface mask worn by the primary antagonists of the *Scream* series of horror movies is based on the painting, and was created by Fun World employee, Brigitte Sleiertin, as a Halloween costume, prior to being discovered by Marianne Maddalena and Wes Craven for the film.^[43] In 2013, The Scream was one of four paintings that the Norwegian postal service chose for a series of stamps marking the 150th anniversary of Edvard Munch's birth.^[44] A patient resource group for *trigeminal neuralgia* (which has been described as the most painful condition in existence) have also adopted the image as a symbol of the condition.^[45]

Gallery [edit]



- Munch translated *The Scream* into a lithograph in 1895.
- This version, executed in 1895 in pastel on cardboard, was sold for more than US\$120 million in 2012.
- This version, executed in 1910 in tempera on cardboard, was stolen from the Munch Museum in 2004, and recovered in 2007.

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External links [edit]

- Munch Museum, Oslo, Norway
- Gallery Munch – Løten, Norway
- Edvard Munch – Biography & Paintings
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- Munch and The Scream – Discussion in the In Our Time series on the BBC.

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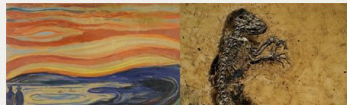
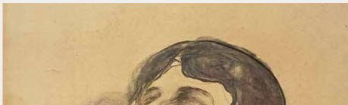
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og
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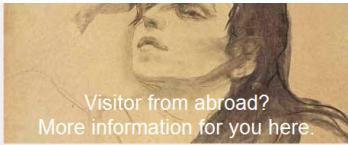


The Munch Museum is closed from
March 3rd to April 4th due to



Mini-utstilling 4-21 april





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0578 OSLO

Postadresse:
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Munch-museet
Pb 2823 Tøyen
0608 Oslo

Telefon: 23 49 35 00
Telefax: 23 49 35 01

Organisasjonsnummer:
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Gjennom Naturen

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Skrik, tempera og olje på ugrunderet papp, 1910 lda. Foto: Per Aas, Naturhistorisk museum, Oslo

Gjennom naturen 26. april – 4. januar 2015

Museets største satsing i 2014 er *Gjennom naturen*. Det sammensatte prosjektet rommer blant annet en stor utstilling på Munch-museet og i Botanisk hage. Det er første gang Munch-museet samarbeider med Naturhistorisk museum, Oslo.

utstilling på Munch-museet og i Botanisk hage. Det er første gang Munch-museet samarbeider med Naturhistorisk museum på Tøyen, som i år feirer sitt 200-års jubileum. Vi er veldig glade og takknemlige for interessen og ressursene de har lagt inn i utviklingen av prosjektet. Dette gjelder ikke minst muligheten til å låne gjenstander fra deres samlinger til utstillingen på Munch-museet. Sammen lager vi dessuten en "Munch-sti" i Botanisk hage. Deres levende samlinger blir dermed også en del av prosjektet.

Utgangspunktet for det hele er ønsket om å utforske Munchs kunst i et naturhistorisk perspektiv. Det er vanligvis kunsthistorie og andre humanistiske disipliner som danner rammen for museets arbeid med Munchs kunst. I dette tilfellet ser vi hans verk i forhold til vitenskaper som geologi, paleontologi, kosmologi, zoologi og botanikk. Konkret bringer vi inn fossiler, mineraler, utstoppede dyr eller dyr på glass, samt vitenskapelige bøker, illustrasjoner og plansjer.

Periode: 26. april – 4. januar 2015

Sted: Munch-museet og Naturhistorisk museum med Botanisk hage

Kurator: Jon-Ove Steihaug og en arbeidsgruppe bestående av Ute Kuhlemann Falck, Mie Mustad, Petra Pettersen, Sivert Thue, Lars Toft-Eriksen, Lasse Jacobsen og Gerd Woll.

MUNCH
museet

Hva er det?
Edvard Munch
Aktiviteter
Medlemsklubb



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Organisasjonsnummer:
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booking@munchmuseet.no

Åpningstider:

Åpent alle dager 11 - 17
Tirsdager: Stengt

Enkeltbillett

Voksen kr. 95,-
Honor, student kr. 50,-
Gruppe (min. 10 pers.) kr.
50,-

Hovedsamarbeidspartnere:

 **Idemitsu**
Tokyo Marine Supply



BERGENSENSTIFTELSEN

©Munch-museet

NASJONALMUSEET

Utstillinger og aktiviteter Samlinger og forskning Om Nasjonalmuseet

Samlinger og forskning

Kunst

Edvard Munch i
Nasjonalmuseet

Det syke barn

Selvportrett

Hans Jæger

Natt i St. Cloud

Rue Lafayette

Melankoli

Inger i svart og fiolett

Skrik

Måneskinn, 1893

Døden i sykeværelset

Aske

Madonna

Pubertet

Selvportrett med
sigarett

Måneskinn, 1895

Ung kvinne som vasker
seg

Måneskinn, 1896

Løsrivelse II

Skrik, 1893

Tempera og fettstift på papp, 91 x 73,5 cm
NG.M.00939

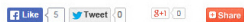


© Nasjonalmuseet / Munch-museet / Munch-Ellingsen-gruppen / BONO
2010.
Foto: Jacques Lathion / Nasjonalmuseet

Skrik er det best kjente og mest reproduerte av alle Munchs motiver. Med sine ekspressive farger, bølgende linjer og slående helhetsvirkning har bildet en universell appell.

Det sterkt forenklete landskapet i bildet er gjenkjennelig, og

To mennesker (De ensomme)	De store menneske landskapet er et gjengjenging, og viser Kristianiafjorden sett fra Ekeberg, med bred utsikt over fjorden, byen og åsene bak den. I bakgrunnen til venstre, ved enden av veien med rekkverket som skjærer diagonalt innover i bildet, vandrer to menn. De tolkes gjerne som to venner Munch omtaler i sine notater knyttet til bildet. Men figuren i forgrunnen er den som først tiltrekker seg oppmerksomheten. Munnen formes i et taust skrik som forsterkes av bølgebevegelsene i det omkringliggende landskapet. Figuren er flertydig og det er vanskelig å si om det er en mann eller en kvinne, ung eller gammel – eller om det i det hele tatt er et levende menneske.
Møte i verdensrommet	
Vinter	
Livets dans	
Pikene på broen	
Kyss IV	
Vampyr II	
Eventyrskogen	
Brosjen. Eva Mudocci	
Mannen i kåldåkeren	Som i mange av Munchs bilder antas det at kunstneren også her har tatt utgangspunkt i egne følelser og opplevelser. I Munchs dagboknotater finnes flere referanser til bakgrunnen for hans framstilling av eksistensiell angst, blant annet i en kortfattet versjon som lyder: «Jeg gikk langs veien med to venner – Saa gikk solen ned – Himmelen blev pludselig blod og jeg følte det store skrig i naturen – ».
Badende mann	
Selvportrett i spanskesyken	
Nettpresentasjoner	
Absolutt installasjon	Skrik ble første gang stilt ut på Munchs separatutstilling i Berlin i 1893. Bildet står sentralt i serien med malerier som kalles «Livsfrisen», og det har vært gjenstand for mange inngående analyser og tolkningsforslag. Maleriet finnes også i en senere versjon, som det nå antas kan være malt i 1910, tilhørende Munch-museet. I tillegg finnes motivet i tegninger, pasteller og grafiske arbeider.
	Nasjonalmuseets bilde var en gave fra Olaf Schou i 1910.
	MY



Print: Mar 17, 2014

85578971

DESIGN MARK

Serial Number

85578971

Status

REGISTERED

Word Mark

SCREAM

Standard Character Mark

Yes

Registration Number

4426826

Date Registered

2013/10/29

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Lookout, Inc. CORPORATION CALIFORNIA One Front Street, Suite 2700 San Francisco CALIFORNIA 94111

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Downloadable ring tones for mobile devices; sound alarms; downloadable sound files and alert tones for locating and recovering a user's missing, stolen, or lost mobile communication device; a feature of computer or mobile device software, namely, a sound-based alarm that also emits flashing lights from the display, provided via computer or mobile device software for locating and recovering a user's missing, stolen, or lost mobile communication device; software for remotely managing mobile communications devices. First Use: 2008/03/30. First Use In Commerce: 2008/03/30.

Filing Date

2012/03/23

Amended Register Date

2013/07/30

Print: Mar 17, 2014

85578971

Examining Attorney
HUSSAIN, TASNEEM

Attorney of Record
Michael E. Dergosits

SCREAM