



Úrskurður Hugverkastofunnar nr. 1/2026 10. febrúar 2026

Þann 15. desember 2024 lagði Holly Louise Keyser inn umsókn um skráningu vörumerkisins American School Bus Cafe (orðmerki) nr. V0136892. Óskað var skráningar fyrir þjónustu í flokkum 30, 35 og 43. Hugverkastofan gerði athugasemd við vöru- og þjónustulista umsóknarinnar sem umsækjandi bætti úr og í kjölfarið var merkið var skráð og birt í Hugverkatíðindum þann 15. júní 2025 fyrir eftirtalda þjónustu:

Flokkur 30: *Coffee; coffee drinks; coffee drinks with milk; coffee, tea, cocoa and substitutes therefor; tea; tea drinks; chocolate; chocolate drinks; chocolate drinks with milk; coffee, roasted coffee; bagels.*

Flokkur 35: *Retail services with coffee; retail services with cat-themed products, namely cat tags, ornamental pins, stickers, collars, charms for collars, toys and playthings, and cat treats.*

Flokkur 43: *Cafeteria service.*

Með erindi, dags. 19. júlí 2025, bárust andmæli gegn skráningu merkisins frá Alex Slusar, f.h. Groovy Labs ehf. Hugverkastofan gerði athugasemd við framsetningu andmælanna þar sem þau uppfylltu ekki kröfur 22. gr. laga um vörumerki nr. 45/1997 (vml.). Andmælandi brást við því með lagfærðu erindi dags. 7. ágúst 2025. Andmælin byggja á ruglingshættu við merkið American School Bus Café (orðmerki), sbr. 1. tl. 14. gr. og vondri trú, sbr. 14. tl. 13. gr. vml.

Andmælin ásamt greiðslu gjalds bárust innan tilskilins frests og teljast lögmæt. Meðan á meðferð málsins stóð lögðu málsaðilar inn tvær greinargerðir hvor. Greinargerðir aðila eru á ensku.¹ Með erindi Hugverkastofunnar, dags. 30. október 2025, var aðilum tilkynnt að gagnaöflun væri lokið og úrskurðað yrði í málinu á grundvelli fyrirliggjandi gagna.²

Niðurstaða

Vond trú, sbr. 14. tl. 1. mgr. 13. gr. vml.

Andmælandi byggir m.a. á því að skráning merkisins fari gegn 14. tl. 1. mgr. 13. gr. vml. þar sem sótt hafi verið um skráningu þess í vondri trú. Andmælandi byggir á því að tímasetningin, þ.e. hvenær sótt var um merkið, beri það með sér. Út frá tímasetningunni sé ljóst að um sé að ræða tilraun af hálfu eiganda til að sækja um merki sem þegar var til og í eigu annars aðila, þ.e. í eigu andmælanda, gagnert til að hindra hann í að nota og/eða skrá merkið.

¹ Greinargerðir málsaðila skulu alla jafna vera á íslensku sbr. 4. mgr. 35. gr. vml. en á meðan málsmeðferð stóð láðist Hugverkastofunni að kalla eftir íslenskum þýðingum þeirra og er því um undantekningu að ræða.

² Greinargerðir málsaðila fylgja úrskurði við birtingu á www.hugverk.is. Sé um að ræða fylgiskjöl með greinargerðum er unnt að fá aðgang að þeim í samræmi við upplýsingalög nr. 140/2012.



Í málatilbúnaði andmælanda kemur nánar tiltekið fram að hann hafi opnað starfsemi sína, kaffihús í breyttum amerískum skólabíl, þann 20. júlí 2024 á Hellu undir vörumerkinu American School Bus Café. Hugmyndin hafi kviknað út frá sambærilegri eldri starfsemi eiganda í Vík, þekkt undir vörumerkinu Skool Beans Cafe. Það sé ekki tilviljun að eigandi hafi sótt um nákvæmlega sama vörumerki og hann notast við á umsóknardegi hinnar andmæltu skráningar, þann 15. desember 2024, þ.e. eftir að eiganda hafi verið kunnugt um starfsemi hans en áður en hann sjálfur hafði haft færi á að sækja um skráningu merkisins. Þá telur andmælandi að eigandi hafi aldrei haft í hyggju að notast við vörumerkið sem auðkenni fyrir sína starfsemi heldur hafi eigandi eingöngu sótt um merkið til að hindra hann í að nota og/eða skrá merkið líkt og komið hefur fram.

Í málatilbúnaði eiganda kemur fram að starfsemin sem rekin er undir auðkenninu Skool Beans Cafe í hans eigu hafi opnað í ágúst 2020. Fljótlega hafi starfsemin verið þekkt sem *the American school bus cafe*, þ.e. að starfseminni hafi og sé lýst með þeim hætti. Þá kemur fram að málsaðilar eigi sér sögu um samskipti þar sem andmælandi hafi leitað til eiganda árið 2023 til að fá upplýsingar, innblástur og ráð varðandi starfsemi Skool Beans Cafe. Þau samskipti hafi þróast í neikvæða átt eftir að komið hafi í ljós að andmælandi hafði opnað eins starfsemi, undir því heiti sem eigandi og aðrir á veraldarvefnum samkvæmt eiganda nota til að lýsa starfsemi Skool Beans, þ.e. American School Bus Café. Kveðst eigandi ekki hafa getað unað við það enda til þess fallið að valda ruglingi á markaði og eigandi hafi því kosið að andmælandi tæki upp annað vörumerki með skýrari aðgreiningu frá sinni starfsemi. Þannig segir m.a. í greinargerð eiganda dags. 27. október 2025: „If I get the Trademark I will request that they change the name of their business to a genuinely unique name in order to minimise confusion with customer searching for Skool Beans Cafe in Vik.“

Þá leggur eigandi m.a. fram skjákot af Instagram síðu Skool Beans, dags. 27. október 2023, sem dæmi um notkun sína á heitinu. Þar sést eigandi nota myllumerkið *#americanschoolbuscafe* undir færslu, þ.e. sem lýsing á starfsemi sinni. Byggir eigandi þannig á því að þar sem um sé að ræða nákvæma lýsingu á starfsemi Skool Beans, sem sé kaffihús í amerískum skólabíl, hafi eigandi ekki séð aðra kosti í stöðunni en að sækja um umrætt vörumerki með það að markmiði að vernda sína starfsemi. Neytendur sem og aðrir aðilar séu að ruglast á þessum tveimur fyrirtækjum með neikvæðum afleiðingum og eigandi vilji koma í veg fyrir það. Eigandi kveðst m.ö.o. ekki hafa haft í hyggju að nota umrædda skráningu sem eiginlegt vörumerki, þ.e. sem viðskiptalegt auðkenni sinnar starfsemi heldur hafi í raun verið um að ræða aðgerð til þess að vernda starfsemina sem rekin er undir vörumerkinu Skool Beans.

Í síðari greinargerð andmælanda, dags. 10. október 2025, fjallar andmælandi um að um þekkta hugmynd sé að ræða, þ.e. kaffihúsastarfsemi sem fari fram í breyttum skólabíl og fjallar hann um nokkur slík dæmi. Út frá þeirri umfjöllun má lesa á milli línanna röksemdir sem varða sérkenni merkisins sem um ræðir, þ.e. að sérkenni þess sé mögulega skert. Þannig segir t.d. „A simple online search reveals many similar cafés and businesses in the United States, the United Kingdom, South Korea, and elsewhere using identical “American school bus café” or “coffee bus” themes. This confirms that the concept is not original, distinctive, or exclusive to the Applicant.“ Eigandi tekur í sínum málatilbúnaði í sama streng með umfjöllun sinni um að hið andmælt merki sé fyrst og fremst lýsing á starfseminni sem rekin er undir vörumerkinu Skool Beans Cafe. Andmæli þessi byggja hins vegar ekki á sérkennaleysi merkisins, sbr. 2. tl. og 3. tl. 1. mgr. 13. gr. vml. og því hefur stofnunin ekki forsendur til að úrskurða í málinu á þeim grundvelli. Hins vegar telur stofnunin báða aðila í málinu hafa leitt líkur að því að sérkenni merkisins kunni að vera skert án þess að tilefni sé til að fjalla nánar um það í máli þessu.

Samkvæmt 14. tl. 1. mgr. 13. gr. vml. skal ekki skrá vörumerki sem sótt hefur verið um í vondri trú. Þar sem ákvæðið felur í sér algilda synjunarástæðu (e. absolute ground) er það ekki skilyrði fyrir beitingu ákvæðisins að sá sem andmælir á þeim grundvelli teljist eiga betri rétt til merkis þótt sú staðreynd geti vissulega haft áhrif á mat á því hvort vond trú teljist vera til staðar. Ákvæðið kom nýtt inn í vörumerkjalögin með breytingarlögum nr. 71/2020. Í athugasemdum í greinargerð með lögnum kemur fram að markmið þessarar viðbótar sé að Hugverkastofan geti beitt ákvæðinu ef fram koma upplýsingar, til dæmis á umsóknarstigi með ábendingu gegn umsókn, um að sótt hafi verið um merki í vondri trú. Þá kemur fram að ákvæðið eigi sér samsvörun í 2. mgr. 4. gr. áður nefndrar tilskipunar Evrópusambandsins og ráðsins nr.



2015/2436 en varðandi túlkun hugtaksins *vond trú* er vísað til umfjöllunar um 10. gr. frumvarpsins. Þar er vísað til þess að Evrópudómstóllinn hafi fjallað um mat á vondri trú í máli nr. C-529/07 (Chocoladefabriken Lindt & Sprüngli AG) og máli nr. C-320/12 (Malaysia Dairy Industries Pte. Ltd.). Í dómunum kemur m.a. fram að heildarmat á atvikum þurfi að fara fram í hverju tilviki fyrir sig eins og þau voru á þeim tíma sem umsókn um skráningu merkisins var lögð inn. Enn fremur segir að það þurfi að skoða hver ætlun umsækjandans hafi verið með skráningu merkis, t.d. sú að hindra aðkomu annars aðila með einhverjum hætti að viðkomandi markaði. Ætlun umsækjanda er því huglægur þáttur sem meta þarf út frá atvikum öllum, þar á meðal hlutlægum staðreyndum hvers máls.³ Af umfjölluninni má ráða að það beri að gera strangar kröfur svo nægilega þyki sýnt fram á huglæga afstöðu umsækjanda sem haldið er fram að hafi sótt um skráningu í vondri trú. Sönnunarbyrðin um að umsækjandi hafi verið í vondri trú, eins og nánar segir í skýringum við ákvæðið í frumvarpi, hvílir á þeim sem andmælir slíkri skráningu. Teljist vond trú umsækjanda ekki sönnuð með óyggjandi hætti verða andmæli gegn skráningunni ekki tekin til greina á þeim grundvelli.⁴

Í máli þessu liggur fyrir að eigandi sækir um merkið American School Bus Cafe án þess að hafa í hyggju að nota það sem eiginlegt vörumerki enda kemur fram í málatilbúnaði eiganda að um lýsingu á starfsemi sé að ræða, eigandi notist við annað vörumerki til að auðkenna starfsemi sína. Eigandi kveðst hafa farið þessa leið að sækja um merkið með þann tilgang að vernda sína hagsmuni, þ.e. svo aðrir geti ekki öðlast einkarétt á eða nýtt sér merkið American School Bus Cafe í sinni starfsemi. Hugverkastofan hefur ekki forsendur til að efast um þann tilgang eiganda, að hann hafi verið til að vernda tiltekið vörumerki sem þegar var í notkun á markaði. Hins vegar er ljóst að tilgangur eiganda og huglægur ásetningur með skráningu var ekki sá sem vörumerkjalögin gerir ráð fyrir, þ.e. að vörumerki sé sérstakt auðkenni fyrir vöru eða þjónustu til að nota í atvinnustarfsemi.⁵ Raunar má lesa það úr málatilbúnaði beggja aðila, óháð vangaveltum um mögulegt skert sérkenni merkisins, að eigandi hafi á umsóknardegi verið meðvitaður um að umrætt vörumerki væri þegar í notkun annars aðila, þ.e. andmælanda, og var það einmitt þess vegna sem eigandi fer þá leið að vera fyrri til að sækja um skráningu vörumerkisins. Þá ber málatilbúnaður eiganda einnig með sér að ætlunin á umsóknardegi hafi verið að fá annan aðila á sama markaði, þ.e. andmælanda, til að finna sér annað vörumerki til að notast við. Ljóst er að slíkt samræmist ekki tilgangi vörumerkjalaga.⁶

Vond trú í skilningi vörumerkjalaga getur átt sér margar birtingarmyndir og er rétt að taka fram að unnt er að telja eiganda (þ.e. umsækjanda merkisins) hafa verið í vondri trú á umsóknardegi í skilningi ákvæðisins jafnvel þótt viðkomandi hafi á þeim tímapunkti sjálfur álitid framferði sitt/athöfn sína rétta.⁷ Af því leiðir að þrátt fyrir að eigandi kunni að hafa talið að sér væri stætt á því að sækja um skráningu hins andmæлта merkis hefur það í sjálfu sér ekki áhrif á það mat hvort hann hafi verið í vondri trú í skilningi ákvæðisins. Þrátt fyrir að eigandi hafi talið sig vera að vernda sína eigin starfsemi með umræddi umsókn þá gerir vörumerkjalöggjöfin ekki ráð fyrir að slík leið sé farin í þeim tilgangi. Þannig telur stofnunin að í máli þessu hafi verið sýnt fram á að eigandi hafi sótt um merkið án þess að ætla sér að taka það í notkun,

³ Mál nr. C-320/12, Malaysia Dairy Industries Pte. Ltd, 36. mgr.

⁴ Ofangreint er í samræmi við umfjöllun Hæstaréttar í dómi nr. 97/2016 frá 1. desember 2016 varðandi vörumerkið SUSHISAMBA.

⁵ Sjá t.d. skilgreiningu vörumerkjalaga á merkingu hugtaksins „vörumerki“, sbr. 1. tl. 2. mgr. 1. gr. vml.

⁶ Hér vísast m.a. til CP13 samræmingarverkefnis evrópsku hugverkastofunnar (EUIPO) varðandi umsóknir um skráningu merkja í vondri trú. Verkefnið er í innleiðingarferli hér á landi og líta má til skilgreininga sem þar koma fram. Þar segir eftirfarandi varðandi dæmi um skráningar sem ekki er sótt um í samræmi við tilgang skráningarkerfis vörumerkja (sem er einkum að gefa til kynna viðskiptalegan uppruna): *Bearing in mind the above, registrations that do not pursue a legitimate trade mark function – in particular the essential function of indicating origin – and are intended to: only increase the scope of protection of the applicant's other earlier right/s, without any honest commercial logic; and/or prevent third parties from registering or using identical/similar rights for identical/similar goods and/or services in the future (in relation to all or some of the identified goods and/or services), without any honest commercial logic; will be considered made in bad faith.*

Sjá bls. 25. http://www.tmdn.org/network/documents/10181/2556742/CP13_Common_Communication_en.pdf

⁷ Sjá ákvörðun áfrýjunarnefndar Hugverkastofu Evrópusambandsins í ógildingarmáli nr. R 916/2004-1 (Gerson), 53. mgr.



þ.e. notkun sem er í samræmi við tilgang skráningarkerfis vörumerkja, auk þess sem eigandi hafi vitað að merkið var þegar í notkun sem vörumerki annars aðila á sama markaði og ætlunin hafi verið að hafa áhrif á þá notkun/koma í veg fyrir þá notkun.⁸ Þegar af þeirri ástæðu og þegar litið er til atvika málsins í heild sinni, telur stofnunin kröfur 14. tl. 1. mgr. 13. gr. uppfylltar, þ.e. stofnunin telur sýnt fram á að eigandi hafi verið í vondri trú í skilningi vörumerkjalaga hvað varðar umrædda vörumerkjaumsókn á umsóknardegi.⁹

Þar sem stofnunin telur að sýnt hafi verið fram á að kröfur 14. tl. 1. mgr. 13. gr. vml. séu uppfylltar í málinu er ekki tilefni til að fjalla um andmælin á grundvelli mögulegrar ruglingshættu sbr. 1. tl. 14. gr. laganna.

Samantekt

Með vísan til alls framangreinds er það mat Hugverkastofunnar að sýnt hafi verið fram á að eigandi hafi á umsóknardegi þann 15. desember 2024 sótt um merkið án þess að hafa í hyggju að nota það sem eiginlegt vörumerki heldur fremur til að koma í veg fyrir notkun annars aðila á því og umsóknin því lögð inn í öðrum tilgangi en skráningarkerfi vörumerkja gerir ráð fyrir. Með vísan til framangreinds og heildaratvika málsins telur stofnunin að eigandi hafi á umsóknardegi verið í vondri trú með vísan til 14. tl. 1. mgr. 13. gr. vml. Andmæli gegn skráningu merkisins eru því tekin til greina.

Úrskurðarorð

Skráning merkisins American School Bus Cafe (orðmerki) nr. V0136892 er felld úr gildi.

f.h. Hugverkastofunnar

Sif Steingrímsdóttir
Lögfræðingur

Vakin er athygli á því að skv. 1. mgr. 63. gr. laga um vörumerki geta aðilar máls áfrýjað ákvörðun Hugverkastofunnar **innan tveggja mánaða frá dagsetningu úrskurðarins** til áfrýjunarnefndar hugverkaréttinda á sviði iðnaðar. Áfrýjunargjald samkvæmt gildandi reglugerð um gjöld fyrir einkaleyfi, vörumerki, hönnun o.fl. greiðist menningar-, nýsköpunar- og háskólaráðuneyti við áfrýjun. Vinnist mál hjá áfrýjunarnefnd er hluti áfrýjunargjalds endurgreitt.

⁸ Umrætt er að mati stofnunarinnar til marks um að ætlun umsækjanda hafi verið að öðlast einkarétt á vörumerki í öðrum tilgangi en skráningarkerfi vörumerkja gerir ráð fyrir. Sjá t.d. dóm Evrópudómstólsins í máli nr. T-273/19 (TARGET VENTURES), 35. mgr.

⁹ Sjá hér t.d. mál Evrópudómstólsins nr. C-529/07 (Chokoladfabriken Lindt & Sprüngli AG). Þar segir m.a. að þegar ásetningurinn sé að koma í veg fyrir að aðili komist að á markaði og vitað er að viðkomandi ætli sér ekki að nota merkið þá sé enn líklegra að um vonda trú sé að ræða. Sjá 43. og 44. mgr.

Opposition to Trademark Application V0136892 – “American SchoolBus Cafe”

Groovy Labs ehf. (kennitala 421224-1530), trading as **American SchoolBus Cafe**, hereby submits this formal opposition to trademark application V0136892 (for the mark “American SchoolBus Cafe”) filed by Holly Louise Keyser on behalf of Skool Beans ehf. The Opponent has continuously and exclusively used the name **American SchoolBus Cafe** for its cafe business in Hella, Iceland since July 2024, well before the Applicant’s filing. We respectfully request that the application be refused on the grounds detailed below.

Background and Opponent’s Prior Use of “American SchoolBus Cafe”

The American SchoolBus Cafe in Hella operates out of a refurbished vintage U.S. school bus. The cafe officially opened for business on **20 July 2024** and has been in public operation under the **American SchoolBus Cafe** name ever



since.

It quickly garnered media and public attention. For example, an August 5, 2024 feature on *mbl.is* announced the launch, showcasing the bright yellow school bus and even including photos of the cafe’s logo bearing the name *American SchoolBus Cafe*.

https://www.mbl.is/frettir/innlent/2024/08/05/meginatridid_er_ad_vera_med_gott_kaffi/

Similarly, the hospitality news site *Veitingageirinn.is* ran a story on August 6, 2024 introducing *American SchoolBus Cafe* as “nýtt kaffihús... á plani við hringveginn... í uppgerðum amerískum skólastrætó í vintage stíl”

<https://veitingageirinn.is/opna-kaffihus-i-gomlum-ameriskum-skolastraeto/>

Gott kaffi sé aðalatriðið

Nefnir George að upphaflega hafi þeir Alex ætlað sér að kaupa strætóbíl af ríkinu hér heima en það hafi reynt erfitt. Hafi þeir þá fundið þennan í Rúmeníu, sem er heimaland þeirra, keypt hann og flutt til landsins.

Segir George að aðalatriðið sé að vera með gott kaffi, en staðurinn muni þó einnig bjóða upp á bakkelsi og ýmiss konar veitingar. Matseðillin hafði aðeins verið hannaður degi fyrir komu blaðamannanna og enn var verið að þróa staðinn.

„Meginatriðið er að vera með gott kaffi og síðan vinnum við okkur út frá því. Til lengri tíma þá kannski breytist eitthvað og við bætum við en til að byrja með þá byrjum við smátt.“



Hönnun kaffihússins er virkilega skemmtileg en segja eigendurnir að enn eigi eftir að bæta einhverju við.
mbl.is/Eyþór

From day one, the Opponent has prominently used the **American SchoolBus Cafe** mark as its brand identity: the cafe's signage and even its equipment carry the name and logo (for instance, the coffee machine and grinder were custom-branded with the **American SchoolBus Cafe** logo).

An official website ([americanschoolbuscafe.is](https://www.americanschoolbuscafe.is)) and social media accounts on Instagram (https://www.instagram.com/americanschoolbus_cafe/) and Facebook (<https://www.facebook.com/profile.php?id=61564155177310>) further reflect continuous use of the name since mid-2024.



The American SchoolBus Cafe operates from a vintage U.S. school bus in Hella, Iceland, making it a distinctive roadside attraction on Route 1.

This one-of-a-kind cafe has built up substantial goodwill in the short time since its launch. Tourists and locals alike have embraced it, and it maintains an active online presence

(including a Google Maps <https://g.co/kgs/opjowxh> listing with reviews and a growing social media following). Visitors have shared glowing feedback; for example, one traveler who visited in October 2024 described it as “very cool” with “great coffee,” noting the cozy interior seating inside the bus.



The concept has naturally drawn comparisons with the Applicant’s own bus cafe “*Skool Beans*” in Vík, but the public readily distinguishes the two. By late 2024, the name **American SchoolBus Cafe** was firmly recognized by the public as referring to the Opponent’s establishment (and **not** any business of the Applicant). Notably, the founders and operators of the Hella cafe – Alex Slusar have no affiliation with Skool Beans or the Applicant. In sum, the Opponent established **American SchoolBus Cafe** as a distinctive business in the market well before the contested application was filed, and the relevant consuming public recognizes it as such.

Grounds for Opposition

In accordance with the Icelandic Trademark Act (No. 45/1997, as amended), this opposition is based on **relative grounds (earlier rights)** and **bad faith**. In particular, registration of “American SchoolBus Cafe” by the Applicant should be refused because:

1. **Likelihood of Confusion with Opponent’s Prior Mark (Trademark Act Article 14):** The applied-for mark is identical to the Opponent’s earlier mark in use for identical services, violating the Opponent’s prior rights and likely causing public confusion.

2. **Bad Faith (Trademark Act Article 13(14)):** The application was filed in bad faith, as an attempt to misappropriate a name/brand already used and known in the market by the Opponent, without any bona fide claim of right by the Applicant.

Each ground is detailed below with supporting facts and legal provisions.

1. Relative Grounds – Likelihood of Confusion with Prior Use (Article 14)

Identity of Marks and Services: The opposed mark “**American SchoolBus Cafe**” is **exactly identical** (in wording, appearance, and commercial impression) to the mark the Opponent has used in Iceland since July 2024 for its cafe. Moreover, the services and goods at issue are identical: the Applicant seeks protection for coffee, cafe services and related goods in classes 30, 35, 43, which are the very same services that the Opponent has been offering under the **American SchoolBus Cafe** name (operation of a cafe serving coffee, espresso drinks, snacks, merchandise, etc.). This scenario – identical mark used on identical services in the same country – presents the strongest possible likelihood of confusion in the marketplace.

Consumers encountering “American SchoolBus Cafe” in connection with coffee or cafe services would naturally assume it refers to the established bus cafe in Hella (the Opponent’s business). They might believe, for example, that the Hella cafe has expanded, or that it is affiliated with the Applicant’s organization – when in fact there is no connection. Such public confusion is precisely what the Trademark Act’s **earlier rights** provision aims to prevent. Indeed, Article 14(1) of the Act provides that a trademark “*shall not be registered ... if the mark is likely to be confused with a trademark which has been in use here when the application was filed and is still in use here*”. Here, the Opponent’s unregistered mark **American SchoolBus Cafe** was in active use in Iceland well before the Applicant’s filing on 15 December 2024 and remains in use to this day – fulfilling the letter of Article 14(1). The two marks are identical, and the overlapping services mean any use by different parties would inevitably confuse consumers.

Opponent’s Prior Rights: Under Icelandic law, prior use of a mark in Iceland confers protectable priority against later applications. Article 14(1) bars registration of a mark that conflicts with an earlier mark already “*in use here when the application was filed and still in use here.*” The Opponent satisfies this criteria: as detailed, **American SchoolBus Cafe** was publicly launched in July 2024 and continuously used through the filing date (Dec 2024) and beyond. Importantly, the law does not require the earlier mark to be registered – continuous and ongoing use is sufficient to establish an earlier right.

By contrast, the Applicant **has no earlier rights whatsoever** in the term “American SchoolBus Cafe.” The Applicant’s business operates under the name “Skool Beans” and has **never** traded or marketed anything under the name now applied for. All known usage of “**American SchoolBus Cafe**” in Iceland originates from the Opponent’s Hella cafe, and **none** from the Applicant. Granting the Applicant a registration for this mark would thus unjustly put the Opponent’s established business at risk and effectively allow the Applicant to appropriate the Opponent’s branding. This outcome would directly contravene the purpose of Article 14’s relative grounds – which is to protect earlier users like the Opponent from exactly such conflicts.

In sum, **the Opponent’s prior use and goodwill in “American SchoolBus Cafe” make the Applicant’s mark unregistrable on relative grounds.** The two parties’ use of identical marks for identical services would undoubtedly cause confusion among the public and harm the

Opponent's established business. The Trademark Act's protection of earlier trade marks in use is designed to prevent this scenario. For these reasons, the application **must be refused under Article 14** due to likelihood of confusion with the Opponent's earlier mark and **business**.

2. Bad Faith – Application Made in Bad Faith (Article 13(14))

The Applicant's filing also violates the fundamental principle that trademarks filed in **bad faith** are not entitled to registration. Icelandic law explicitly prohibits registration of a mark applied for in bad faith – Article 13(14) of the Act (as amended in 2020) provides that "*Trademarks that have been applied for in bad faith shall not be registered*". Even apart from the statute, general trademark law principles recognize that attempting to register a mark with knowledge of another's prior use and without legitimate purpose is an act of bad faith. Here, the circumstances surrounding the Applicant's attempt to register "**American SchoolBus Cafe**" point unmistakably to bad faith:

- **Knowledge of Opponent's Prior Use:** As established above, the Opponent's **American SchoolBus Cafe** was not a secret – it opened in a public location, received significant media coverage, and developed an online presence months before the Applicant's December 2024 filing. The Applicant, Skool Beans ehf., operates in the very same industry niche (a school-bus-themed coffee shop) and in the same region of Iceland. In fact, Skool Beans had been running its bus cafe in Vík since around 2020, making the Applicant a well-known player in this unique market. It **defies credulity** that the Applicant was unaware of the Opponent's Hella bus cafe using the name **American SchoolBus Cafe**.
- Community discussions at the time explicitly contrasted the two cafes and confirmed they were unrelated businesses. It is beyond coincidence that the Applicant chose to file for the exact name **after** the Opponent's cafe had begun to attract attention. The **timing** is telling: the application was filed on 15 December 2024, likely just as the Opponent's new business was gaining traction but before the Opponent (a newcomer) could itself secure a registration. This sequence strongly suggests the Applicant moved opportunistically to lock down the name, knowing it was already in use by someone else. Such conduct – attempting to "*usurp the brand name from its true user*" and preempt the Opponent's own ability to register it – is emblematic of bad faith.
- **No Legitimate Use or Rights by Applicant:** The Applicant has **no bona fide commercial use** of or connection to "American SchoolBus Cafe" at all. There is **zero evidence** that Skool Beans (or Ms. Keyser) ever used this name in trade, or had any genuine plans to use it, prior to the Opponent's adoption. The Applicant's known business has always operated under a completely different name ("Skool Beans"), and the applied-for mark simply replicates the Opponent's branding. In other words, the Applicant is attempting to register **not** its own trademark, but the Opponent's. This leads to the conclusion that the **purpose** of the application was not to legitimately protect the Applicant's brand, but to interfere with the Opponent's established identity and/or gain leverage over the Opponent. Such a tactic of trying to monopolize a name that one knows is already synonymous with another's business is the essence of bad faith in trademark law. The Applicant has never claimed any "secondary meaning" in the term, nor could it – all goodwill in **American SchoolBus Cafe** belongs to the

Opponent. Thus, there is no plausible good-faith basis for the Applicant to seek this registration.

- **Improper Motive to Block or Exploit:** The surrounding context reinforces the bad-faith inference. The Opponent's cafe is a **direct "competitor"** only in the loose sense of offering a similar concept (a bus cafe) in the same region; it does not encroach on Skool Beans' local territory (Hella and Vík are hours apart), and in fact the two could have coexisted peacefully under distinct names. Instead of collaborating or simply coexisting, the Applicant chose a unilateral approach by claiming exclusive rights to the Opponent's name. One obvious motive would be to **block the Opponent** from expanding or formally registering its own brand name, or to force the Opponent into abandoning or licensing the name. This kind of tactical filing is exactly what the bad-faith prohibition is designed to prevent. It undermines the intent of trademark law, which is to protect genuine commercial goodwill – **not** to reward parties who opportunistically seek rights over a competitor's mark. As the Opponent noted in its communications, this filing appears to be an attempt to *appropriate our brand and unfairly displace us from the market*, a maneuver that subverts the trademark system's purpose.

Considering all the above factors – the Applicant's clear awareness of the Opponent's prior use, the identical nature of the mark and business, the Applicant's lack of any genuine claim or use, and the suspicious timing aimed at precluding the Opponent's rights – the only reasonable conclusion is that the application was made in bad faith. Pursuant to Article 13(14) of the Trademark Act, a mark applied for in bad faith **cannot be registered**. Therefore, independent of the relative grounds, the opposition should also be upheld on this bad-faith ground, and the application refused for this reason as well.

Conclusion and Request

For the foregoing reasons, the Opponent respectfully requests that trademark application V0136892 "American SchoolBus Cafe" be refused registration. The Applicant's mark is **unregistrable** both because it conflicts with the Opponent's earlier-used mark (Article 14 relative grounds) and because the application was made in bad faith (Article 13(14)). The Opponent has established prior rights and goodwill in the name **American SchoolBus Cafe**, and allowing the Applicant to monopolize that name would unjustly harm the Opponent and mislead the public. We urge the Icelandic Intellectual Property Office to uphold the protections for earlier trade mark users and for fair dealing, by rejecting this application in its entirety.

Thank you for your consideration of this opposition.

Alexandru Daniel Slusar

Groovy Labs ehf. (American SchoolBus Cafe)
Opponent



General Overview of Application for the trademark of the American School Bus Cafe. Application date December 2024.

Reference: 202507-8386

Skool Beans opened in 2020 on the 01st August. It quickly became known and spoken about as the America school Bus Cafe.

In late spring of 2024 I was told that an American school bus turned cafe (an unknown business name at that time) had contacted the local information centre in the small village that I am located in Vik asking if they can place their new business here. in the same village as me.

The village and surrounding areas have supported Skool Beans since the beginning and of course refused the request immediately based on the fact that it would have damaged the already existing business, Skool Beans.

Soon after that day, unknown to me what they were about to name their business, I purchased numerous domain names including americanschoolbuscafe.com theamericanschoolbuscafe.com to redirect to my website. I have also used the hashtag americanschoolbuscafe since the beginning.

I later discovered they had named their business the America school Bus Cafe.

They painted it the same colour, used the same layout when there were plenty to choose from, even painted the outdoor furniture the same as mine. Creating confusion throughout my customers, delivery drivers and guides throughout the guiding community.

Then they started to sell the same products that are very specific to Skool Beans. Cat pins, pride pins and even mentioning "Tell your cat I said Psst psst psst" on a sign inside of the bus.

Skool beans is famed for having a cat, being a cat cafe, selling pins and being an all year round pride cafe. Pins might not seem such a big deal but Skool Beans is known as the only place outside of Reykjavik that sell creative and funny pins and I felt it was a very obscure "go to" choice of items to sell when it could have been any number of things given the circumstances.

I then received an email from the former founder and current business partner of Alex from Groovy Labs. George Ududec.

He detailed how Alex has specifically named the bus to confuse and direct my customer traffic from Skool Beans to them.

Completely unnecessary, in bad faith and with an attempt to 'ride off my coat tails' as they say. Naming a name that I already owned the domains for. A hashtag that I had been using for years, an exact description of my business that's been referenced multiple times and deliberate attempts to replicate the exterior look and calling it a name that the co owner states was to take from Skool Beans is the reason why I applied for the trademark. Many months ago in 2024 but it was delayed due to a specific detail on my part.

I have no issue at all with someone else opening a business and I support all business ventures. I do have an issue with someone trying to take business from me. The American School Bus Cafe is now also using Skool Beans in a negative way on bad review replies. Claiming we are channeling negative reviews to there review accounts which is simply fictional and very confusing.

Trying to sell the same products as Skool Beans and making cat references in no other way than to antagonise a business owner that has never met them. We have never met each other. I do not speak of them in my business and when asked about them I simply say that we are in no way connected.

The American School Bus Cafe and continued to speak badly of us and we honestly don't know why. We are the innocent party in this strange attempt to disrupt our well established business.

REASONS for trademark request

Since 2020 Skool Beans has been referred to in multiple articles, website additions, social media posts as the American School Bus Cafe. It's an exact description of my business and has multiple references as the American School Bus Cafe.

To Prevent the following to happen to Skool Beans

Article 4

The proprietor of a trademark shall have exclusive rights to the use thereof in accordance with the provisions of this Act. This includes the proprietor's right to prohibit a third party, not having his consent, the use in the course of trade and in relation with goods and services any sign that is: 1. identical with the trademark and used for the same goods and services, 2. identical with or similar to the trademark and

used for the same or similar goods and services as those covered by the trademark rights, if there exists a likelihood of confusion, including the likelihood of association between the marks, or 3. identical with or similar to the trademark and is used, without a legitimate reason, for the same, similar or dissimilar goods and services, if the trademark is considered to be well known in Iceland and the use of the sign results in misuse of or is detrimental to the distinctive character or the reputation of the known mark.

To refrain from requesting removal of terminology used to describe Skool Beans Cafe. The original American School Bus Cafe in Iceland

Article 8

A later right to a registered trademark may enjoy protection parallel to the right of an earlier mark, even though there exists likelihood of confusion, if an application for registration was filed in good faith and the proprietor of the earlier trademark, despite knowledge of the later mark, has raised no opposition to its use in Iceland for a continuous five-year period from the date of registration

Application started in December of 2024 when it was apparent that patrons of Skool Beans were becoming confused

Article 9

A later right to a trademark may also enjoy protection parallel to the right of an earlier mark, even though there exists likelihood of confusion, if the proprietor of the earlier trademark has not, within a reasonable time, taken the necessary steps to prevent the use of the later mark.

AMERICAN SCHOOL BUS CAFE have, on multiple occasion referred to themselves as the "unique school bus cafe experience on the South of Iceland

Article 13

7. Trademarks that are likely to deceive the public, for example regarding the nature, condition or geographical origin of goods or services.

The co/former owner (Court case pending in this matter I have been told by the co owner, George) claimed and provided evidence to detail that Alex named the business the 'American School Bus Cafe' in an attempt to trick patrons of Skool Beans and gain customers intending on going to Skool Beans

14. Trademarks that have been applied for in bad faith. In order to determine whether a trademark has sufficiently distinctive characteristics, all circumstances must be considered, in particular how long and to what extent the mark has been in use before the date of filing. Irrespective of item 3 of Paragraph 1, it is permitted to register a collective mark and a guarantee and quality mark that indicates the geographical origin of goods or services. However, a mark of that kind does not confer upon its proprietor the right to prohibit a third party to use a geographical term or information for commercial purposes, as long as the use is consistent with good business practices.

REFERENCE QUOTE FOR EMAIL FROM GEORGE UDUDEC *"I said to Alex when talking about this business that I want the company to be named Spuma ehf, since it is the same name as the company I founded in Romania while doing business over there. And he decided for the bus name "American School Bus Cafe" and the reason behind this name, he told me is the fact that when people will come to Iceland and will look for an american school bus cafe, this is exactly what they will type, and our bus with this name will come up first, before yours. He wanted to use this name to give us more visibility and track more people. Also his initial plan was to have the name written in the same way you have it, white paint above black backside."*

Reason for applying for the America School Bus Cafe trademark is for the following reasons:

- References to Skool Beans since 2020 have been the American School Bus Cafe. This is within multiple publications, social media posts by Skool Beans and customers alike.
- Creating an exterior that replicates Skool Beans Cafe even by painting the outdoor furniture the same colour and same placement at Skool Beans Cafe
- Referring to themselves as the unique school bus cafe on the south coast of Iceland. Hella is not known or referred to as the south coast.
- The co/former owner George contacted me to explain that Alex named the cafe with a view to trick customers intending to visit Skool Beans.

Desired outcome

This is not an attempt to attack the American School Bus Cafe. This is simply to protect the business that I have built over the last 5+ years.

A peaceful business with a large following and many many media publications.

The American School Bus Cafe is new on the scene and since opening 1 year ago, I have had to endure endless, daily complaints about them from customers. Never once saying a bad word about them. Never once expressing my true feelings. Google reviews about them are coming to the Skool Beans google because customers are confused and thought they were coming to me. I have to contact google to get the review taken down and photos removed. Even an influencer that they paid to do a video for them tagged Skool Beans in it first and I had to contact them to explain that it wasn't us. This has been published onto Youtube and Instagram and before I noticed. I have no idea how many people this would have reached before it was changed but during that time it created confusion for viewers watching it.

Delivery drivers were confused at the start and for a few weeks my delivery drivers were angry and confused because the milk was going to them and not me.

Guides were also contacting me asking if I had moved.

I have no objection to a new business. I do object to a deliberate attack on my business and especially of late on their google review replies when their customers complain and make a direct comparison to mine and give them a bad review. They then mention Skool Beans in a negative way on their review replies. A customer's review is out of our control and we should not be used as a part of their reply.

If they are getting multiple complaints on their review sites claiming that they are replicating us, then that alone is cause for me to believe that I need to protect my business and description of my business.

A change of colour to the exterior of the bus and outdoor furniture to reduce confusion online and offline
Change of name to prevent confusion and to protect previous publications where American School Bus Cafe has been used as a reference to Skool. Beans.

If a significant colour change to the exterior is made along with the exterior furniture I will be satisfied.

Many thanks

See attached documentation. American School Bus Cafe was being used by Skool Beans long before they named their business this.

I've attached images to provide information that

12th July 2024 for domain registration (Please note the date of purchase and not the expiry date)

Email from co owner George Ududec 12th December 2024

One example of social a media hashtags dating back to 2023. I can send hundreds more if needed from earlier years.

Thank you in anticipation.

Holly Keyser

Skool Beans Cafe.

Gmail

Compose

Pause Inbox

- RSK and VAT
- shopify
- Simmin
- Staff
- Suppliers
- Tea and Coffee
- Thailand 2025 6
- Tiny TOes emails
- trademark
- union issues 1
- VikUnited
- Vouchers 4
- Website
- More

George Ududec <spumasv@gmail.com>
to me

Thu, Dec 12, 2024, 11:50 AM

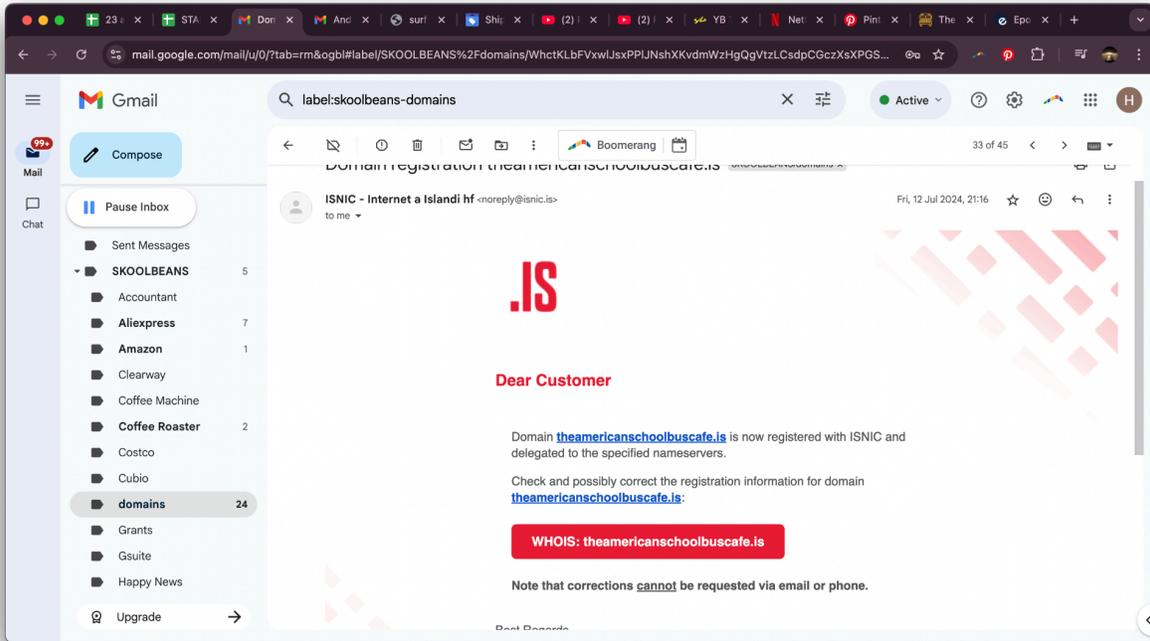
Hi Holly,

First and foremost, really sorry for everything I put you through this year. Was not my intention that any of this would happen. When I envisioned the bus project, I just wanted to serve basic coffee stuff and some pastries on the side. The only merchandise I had in mind was reselling the stuff from Open Arms NGO, and giving them all the profit/money from their products. I wanted with this project to give something back to the world and this is the cause I wanted to support. But we are where we are now and need to find a solution to all of this. When me and Alex did the ring road trip at the end of April 2023 and stopped at the campsite in Vik and saw and entered Skool Beans, that was the moment when it rang to me that an **american school bus** next to a camping place can be a good side business. Since in that year I was supposed to run Reykholt campsite on the Golden Circle, I thought that was gonna work out as it blends with the type of travelers who stay in campsites. The partnership with the guy I was supposed to run the campsite didn't work out, for more or less the same reason as with Alex (need for fame, local celebrity, and obviously more money), but the idea of the bus stuck with me and then I approached Alex if he wants to do this together. He helped me on the campsite project with the online part (creating the website, email addresses and this kind of stuff) and I thought we were gonna be good together, since he already had a steady job and I saw this as a side stuff for both of us. But obviously things went south big time.

I said to Alex when talking about this business that I want the company to be named Spuma ehf, since it is the same name as the company I founded in Romania while doing business over there. And he decided for the bus name "**American School Bus Cafe**" and the reason behind this name, he told me is the fact that when people will come to Iceland and will look for an **american school bus cafe**, this is exactly what they will type, and our bus with this name will come up first, before yours. He wanted to use this name to give us more visibility and track more people. Also his initial plan was to have the name written in the same way you have it, white paint above black backside. I didn't agree with that and I told him that I want to be different and then he said about the letters that we have now. I was not very fond of the **American School Bus Cafe** name, as it sounds bland and I would have preferred something more lively or with a message. But since I agreed for him to choose the name and didn't care so much about this, we stuck with this one. I always appreciated your help and wanted to be good together and listen to you and how can we both have this type of business without negatively impacting yours. I am really sorry it came down to this and I just wanna solve my situation and move on with life. I deeply regret how things turned out and I wish I didn't start all this. You will always have my support and help if needed in order to protect your business.

Peace & love,
George Ududec



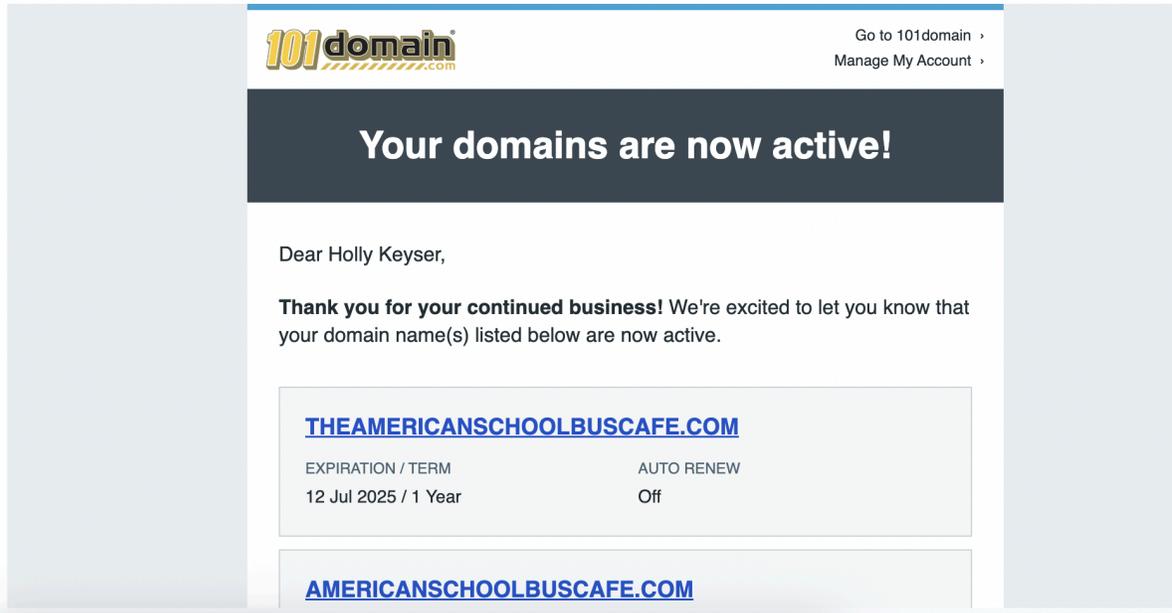


101domain.com: Your domains are now active! SKOOLBEANS/domains x



101domain.com <domainsupport@101domain.com>
to me ▾

Fri, 12 Jul 2024, 20:34 ☆ 😊



Opposition to Trademark Application V0136892

“AMERICAN SCHOOLBUS CAFE” Reponse #2

Opponent: Groovy Labs ehf. (kt. 421224-1530), trading as **American SchoolBus Cafe** (Hella)

Applicant: SkoolBeans ehf. (Vík), filed by Holly Louise Keyser (ref. 202507-8386)

1. Dismantling Claims with Facts and Reasoned Arguments

This section responds to SkoolBeans’ filing “*Trademark objection response.*” In that filing, **Holly Keyser** claims Skool Beans has long been known as “the American schoolbus Cafe,” and that my use of this name was done to confuse her customers. She also accuses me of copying her design, products, and style.

Here I will show, with facts, dates, and supporting evidence, why her statements are **false, misleading, or illogical:**

- **09 Sep 2023** and **14 Jan 2024** – I told SkoolBeans I would **not** open in Vík and I intended to use **American SchoolBus Cafe**; messages/emails screenshots attached below
- **21 Mar 2024** – I registered **americanschoolbuscafe.is** for our brand.
- **12 Jul 2024** – SkoolBeans bought **americanschoolbuscafe.com** and **theamericanschoolbuscafe.com** and **redirected both to skoolbeans.com** (their own site).
- **20 Jul 2024** – I **opened** to the public in Hella as **American SchoolBus Cafe** (signage, equipment, website, socials).
- **5–6 Aug 2024** – Icelandic media named our café **American SchoolBus Cafe** with logo photos.
- **Dec 2024** – SkoolBeans filed the trademark for “**American School Bus Cafe.**”

Claim 1: “SkoolBeans was known as ‘American Schoolbus Café’ since 2020.”

- **Facts:** Her business has always traded as **SkoolBeans**. She cannot point to signage, branding, websites, or press materials using “American SchoolBus Cafe” as her business name. At most, she used the phrase in hashtags like **#americanschoolbuscafe**, which are descriptive labels used worldwide by cafes using the same concept. By contrast, I launched under **American SchoolBus Cafe** in **July 2024**, with clear branding and national media coverage identifying us by that name in **August 2024**.
- This hashtag is not a brand. It is a descriptive label used worldwide for school bus cafés. Hashtags cannot be monopolised as trademarks.

- Since 2020, she had four years to register “**American Schoolbus Cafe**” if she genuinely intended to use it as her brand or business name. However, she did not do so until after I had already started our business. Instead, from the outset, she registered “**Skoolbeans**” as her trademark and brand, not “**American Schoolbus Cafe**” This further underscores her bad faith and suggests that her actions were deliberately aimed at harming us by later attempting to associate herself with our established brand. Nothing prevented her from registering any trademark during those four years, yet she chose to act only after we launched and adopted this name, clearly demonstrating her improper motives from the start.

- **Legal base:**

Article 3 – Trademark rights arise either by registration or by **use in Iceland**; Skool Beans never used “American School Bus Café” as a trade mark;

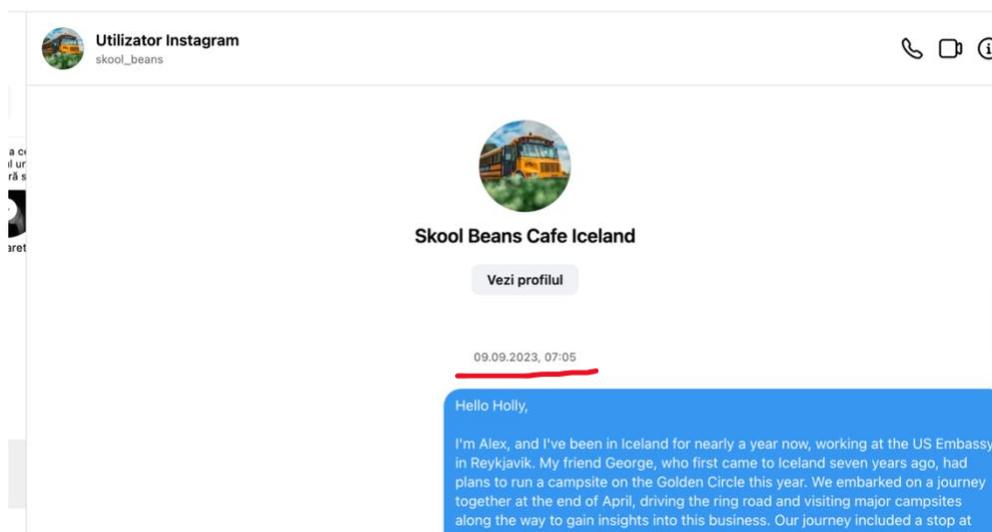
Article 14(1) – Registration must be refused if the mark is **likely to be confused** with a mark **already in use in Iceland**; I began use in July 2024 and am the earlier user.

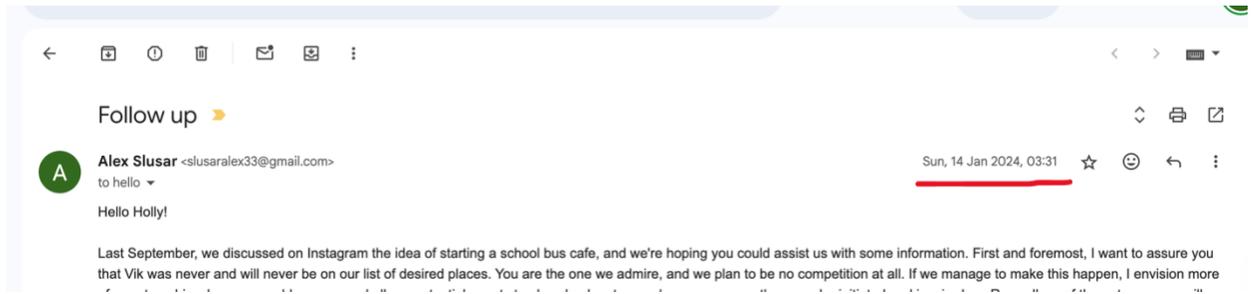
Article 13(14) – The Applicant’s later purchase of .com domains (after my .is registration) and redirecting them to skoolbeans.com shows **bad faith**.

Claim 2: “An unknown bus tried to open in Vík; the village refused.”

She claims that an “unknown bus” asked to place in Vík and was refused by locals to protect Skool Beans

- **Facts:** From the very beginning, before anything even started, I sent her multiple emails and we were in regular communication. I assured her that I would never open a café in Vík and that I genuinely care about protecting her brand and identity. To prove this, here’s an email dated **January 14, 2024**, as well as a message I sent on **September 9, 2023**. Any claim that she was unaware of the American Schoolbus Café is completely false. I never applied in Vík, so there was nothing to refuse.





- **Legal base:**

Articles 22–22 b – Hugverkastofa assesses oppositions **only on legal grounds and evidence** relevant to trademark rights.

Claim 3: “Skoolbeans owned the domains first.”

She claims that she registered the domain names **americanschoolbuscafe.com** and **theamericanschoolbuscafe.com** before we started our business

- **Facts:** ICANN records show she registered **americanschoolbuscafe.com** and **theamericanschoolbuscafe.com** on **12 Jul 2024**, long after I had already registered **americanschoolbuscafe.is** on **21 Mar 2024**. She pointed both .com domains to **skoolbeans.com** - her established brand that she has always used. This further demonstrates that she acted in bad faith from the start and attempted to harm my brand by any means possible. It clearly exposes her dishonest intentions.

Domain Information
Name: THEAMERICANSCHOOLBUSCAFE.COM
Registry Domain ID: 2898737353_DOMAIN_COM-VRSN
Domain Status:
[clientTransferProhibited](#)
Nameservers:
GALILEA.NS.CLOUDFLARE.COM
TROY.NS.CLOUDFLARE.COM
Dates
Registry Expiration: 2026-07-12 20:27:37 UTC
Updated: 2025-05-14 00:09:01 UTC
Created: 2024-07-12 20:27:37 UTC

Domain Information
Name: americanschoolbuscafe.is
Internationalized Domain Name: americanschoolbuscafe.is
Registry Domain ID: americanschoolbuscafe.is-240287
Domain Status:
active
Nameservers:
forwarding00.isnic.is
forwarding01.isnic.is
Dates
Updated: 2025-03-17 17:11:33 UTC
Created: 2024-03-21 23:55:01 UTC

Domain Information
Name: AMERICANSCHOOLBUSCAFE.COM
Registry Domain ID: 2898737352_DOMAIN_COM-VRSN
Domain Status:
[clientTransferProhibited](#)
Nameservers:
GALILEA.NS.CLOUDFLARE.COM
TROY.NS.CLOUDFLARE.COM
Dates
Registry Expiration: 2026-07-12 20:27:37 UTC
Updated: 2025-05-14 00:09:01 UTC
Created: 2024-07-12 20:27:37 UTC

- **Legal base:**

Article 3 – Domain registration alone does **not** create a trademark right.

Article 13(14) – The Applicant’s later purchase of *.com* domains (after my *.is* registration) and redirecting them to skoolbeans.com shows **bad faith**.

Claim 4: “George’s email proves Alex named the bus to confuse customers.”

She relies on an email from **George Ududec**, dated Dec 2024.

Facts: George was an **early collaborator**, but he never owned the bus or brand. He was removed after committing **fraudulent financial transactions**. I reported him to the authorities, and we are now in a **legal dispute**. Since leaving, George has repeatedly tried to **damage me** with false statements. His email is **biased hearsay**, not backed by evidence.

Opposition cases depend on real **brand use and law**, not disputed personal emails. Hugverk should treat George’s statements as unreliable.

- **Legal base:**

Articles 22–22 b – Decisions rely on **objective, verifiable evidence**; private or disputed emails are not determinative.

Article 13(14) – The **bad faith** issue concerns the Applicant’s filing behaviour, not unverified personal statements.

Claim 5: “Our signage, colours, products (pins, pride items, cats) are copies.”

She claims that I copied her signage — specifically, the lettering on the bus.

- **Facts:** My signage is **different** (3D illuminated letters, not white on black).





She claims that I painted my bus and terrace the same color as hers.

- **Facts:** I can't even begin to describe how ridiculous this argument is. All American school buses are the same yellow; it's a standardized color known as *National School Bus Yellow*. This shade was chosen because it's the most visible to the human eye, helping improve safety in traffic. Every bus comes from the factory painted this color; I didn't choose it. As for the terrace, it's only natural to match it with the bus for a more cohesive look. She doesn't own a color, and this claim is simply absurd. You can read more about it here: https://en.wikipedia.org/wiki/School_bus_yellow
- **Legal base:**

Article 15 – Registration of a **word mark** does not cover non-registrable elements like colour, décor, or layout.

Article 6 – Everyone may use **descriptive or common indications** (e.g., the standard yellow colour of school buses).

She claims that I sell the same pins, pride items, and cat-themed products as she does.

- **Facts:** She claims that I sell the same pins, pride items, and cat-themed products as she does. The pins I offer are common, relatable metal pins, the kind you can find in many shops and cafés around Reykjavík. I don't sell pride items or cat motifs. These types of products are widely available and not owned by anyone. Our pins are sourced from China, just like those sold in countless cafés around the world. There's nothing original or unique that Skoolbeans has created in this regard.

- **Legal base:**

Article 6(2) – Common product types or descriptive themes cannot be monopolised; use must be in line with honest business practice.

2. The Concept and Other SchoolBus Based Businesses Around the World

I would like to note that the Applicant is attempting to monopolise a **business concept** that has existed for decades, presenting it as something she uniquely created. In reality, operating a café or small business from a converted school bus is a well-established idea used by numerous entrepreneurs worldwide long before Skool Beans began in 2020. In fact, there was already a well-known Icelandic project from **1992** involving a coffee shop inside an American school bus, clear proof that this concept has been present in Iceland for over thirty years.

A simple online search reveals many similar cafés and businesses in the United States, the United Kingdom, South Korea, and elsewhere using identical “American school bus café” or “coffee bus” themes. This confirms that the concept is **not original, distinctive, or exclusive** to the Applicant.

While this point may not constitute a formal **legal ground** under the Trademark Act, it provides valuable context for assessing her behaviour. It shows that the Applicant is attempting to **claim ownership of a generic and long existing idea**, turning it around to suggest that she invented it and that I am copying her. This pattern supports the overall conclusion that her trademark filing and related accusations were made **in bad faith**, aimed at restricting legitimate competition rather than protecting any genuine intellectual property.

1. Mountain Mall – Landmannalaugavegur, Iceland

- <https://www.facebook.com/mountainmall/>

Mountain Mall is a small café and convenience shop located in Landmannalaugar, operating from a few converted American school buses. It has been running since 1992 and provides basic refreshments, snacks, and useful items for travelers visiting the Highlands area.



2. Mirjam Jongerius's School Bus Café in Nijmegen, Netherlands

- <https://www.instagram.com/mirjam.jongerius/>

Mirjam Jongerius's School Bus Café, known as , is a converted American school bus in Nijmegen, Netherlands, serving coffee, sandwiches, and light meals. Opened in 2024, it operates as a small pop-up café in the Hees neighborhood.



3. Bus Stop Brews

- <https://busstopbrews.com/>

Bus Stop Brews in Alexandria, Louisiana, is a mobile coffee shop operating from a converted American school bus.



4. Tin Roof Coffee – Kentucky, United States

- <https://www.facebook.com/yourtinroofcoffee>

Tin Roof Coffee in Kentucky, is a mobile café operating from a converted American school bus. It launched in 2019 and offers a variety of specialty flavors like butterbeer and double chocolate cookies & cream



5. The Coffee Bus – Denver, Colorado

- <https://www.facebook.com/thecoffeebus/>

The Coffee Bus is a mobile café operating out of a retrofitted American school bus in Denver, Colorado, serving espresso-based drinks, pastries, and refreshments.



6. Taproot Coffee – Hickory, North Carolina

- <https://www.facebook.com/taprootmobile/>

Taproot Coffee's School Bus Café in Hickory, North Carolina, is a converted American school bus serving as a mobile coffee shop and pickup location. Founded in 2016 by Malachi Morris, it reflects the brand's focus on community and quality coffee.



7. KCHS School Bus Cafe - Knox County, Missouri

- <https://www.facebook.com/kchsbuscafe/>

The KCHS School Bus Café in Knox County, Missouri, is a student-run coffee shop operating from a converted school bus. Started in 2020 as a high school project, it serves coffee, specialty drinks, and breakfast items to students, staff, and the local community.



8. 무녀2구마을버스 - Gunsan Seonyudo, South Korea

- https://www.instagram.com/munyeo2gu_village_bus/

무녀2구마을버스 (Munyeo 2-gu Village Bus) in Gunsan, near Seonyudo, South Korea, is a café operating from converted yellow buses. Open daily from 9:00 to 19:30, it serves coffee, lattes, and handmade burgers, offering indoor seating with seaside views and a popular bus-themed photo spot.



9. The Old School BBQ Bus - Oldham, United Kingdom

- <https://www.facebook.com/Theoldschoolbbqbus/>

The Old School BBQ Bus in Oldham, United Kingdom, is a restaurant built around a converted 1982 Bluebird American school bus. Established in 2016, it began as a mobile BBQ kitchen and later moved to a permanent site on Alford Street, offering smoked meats, a bar, and live music events.



10. Guicha The Bus – United Kingdom

- <https://www.facebook.com/guichathebus/>

Originally built in 1982, the American bus was repurposed as a “chicken bus” in Guatemala before being converted into a café and brought to the UK



“AMERICAN SCHOOLBUS CAFE”

Applicant Response #2

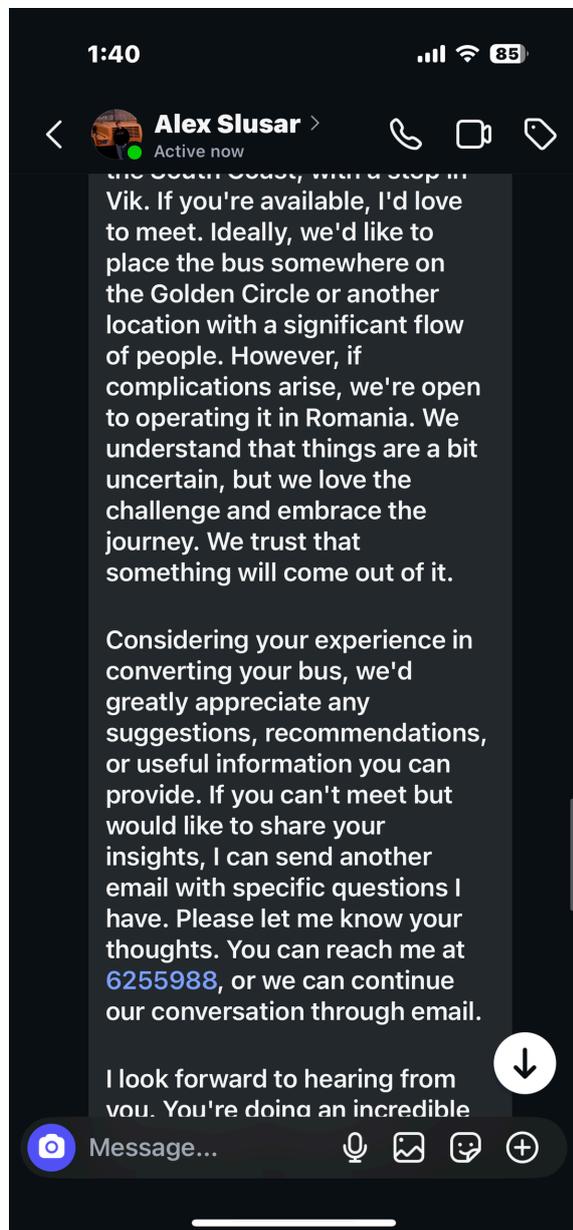
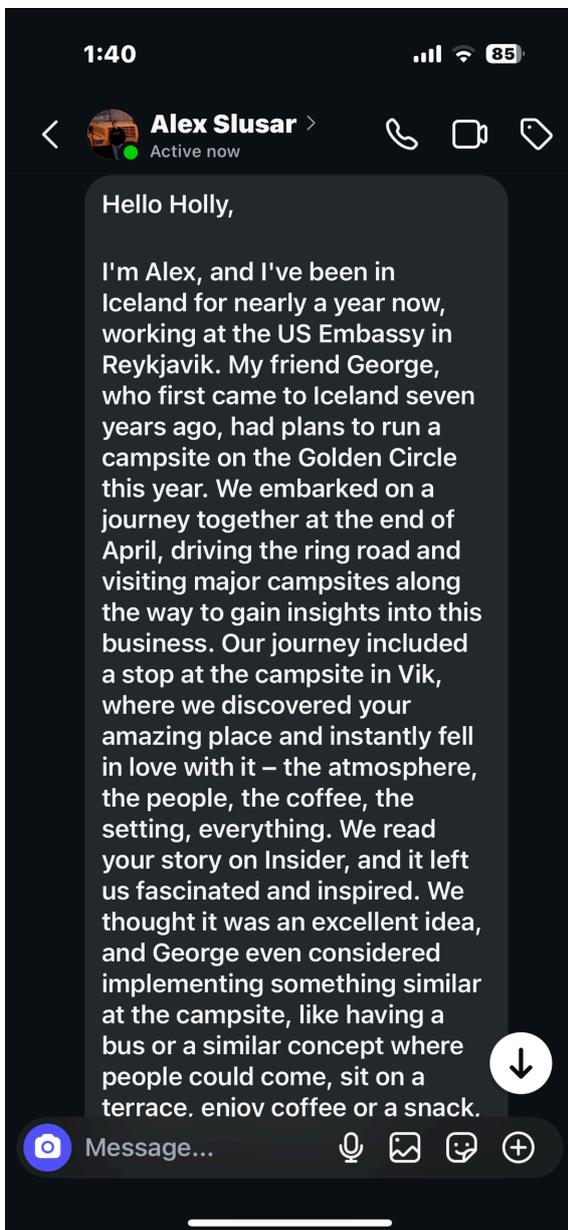
Case file reference V0136892

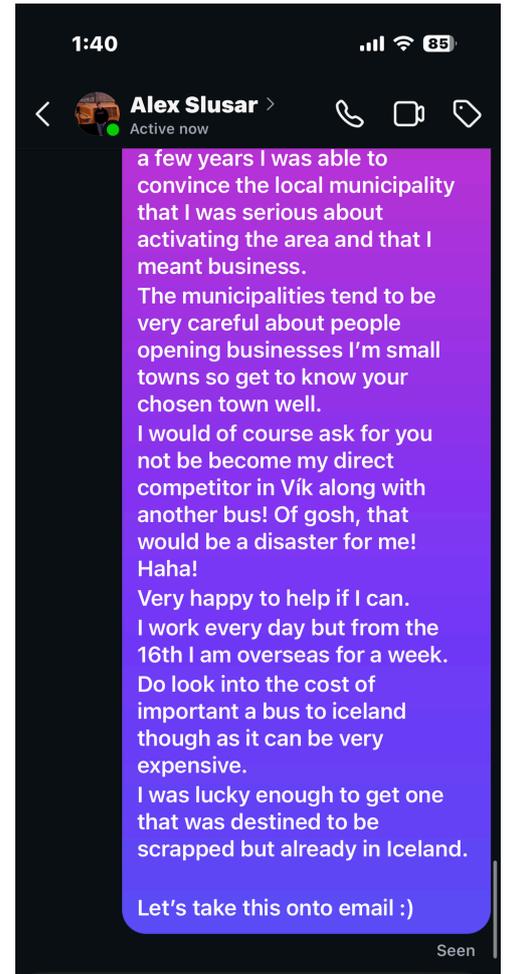
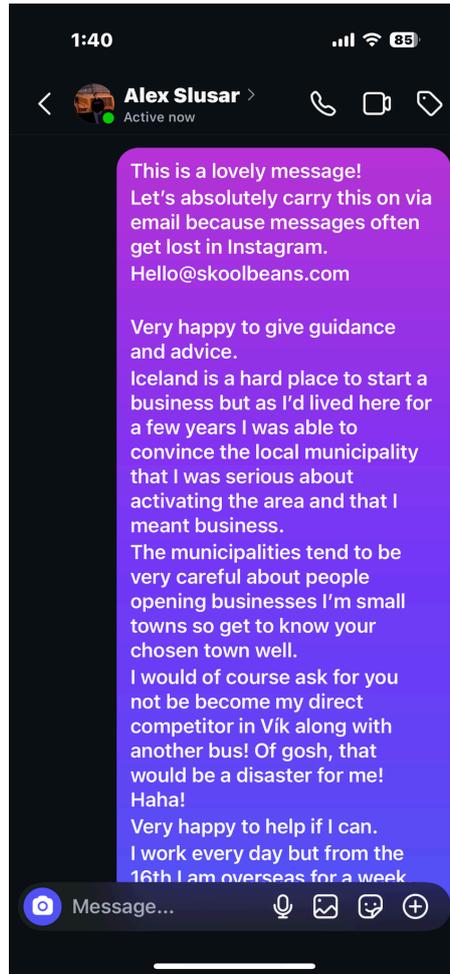
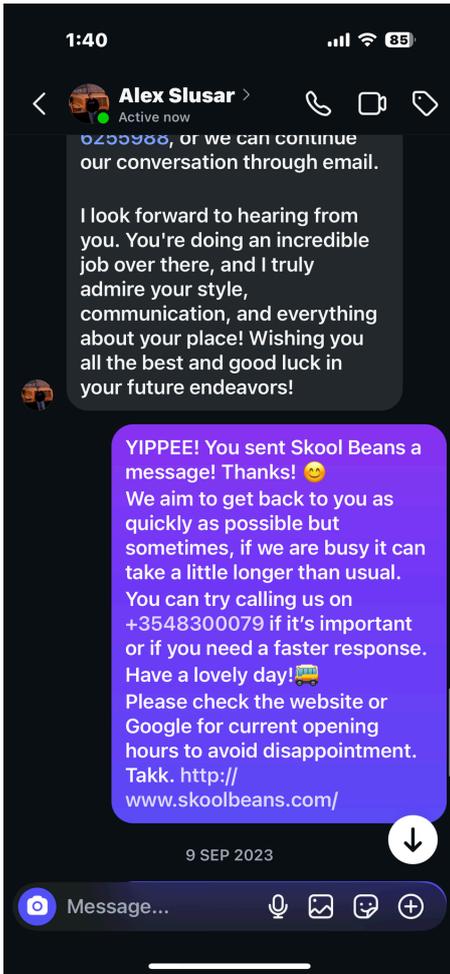
Applicant: Skool Beans ehf ref 202507-8386

Having reviewed the oppositions second response I would like to clarify many points and then take it back to the point of the application. It appears that the opposition has taken to “mud throwing” so in order to finalise some points once and for all you may find this first part slightly off topic and it more going to relate to a case against public defamation and imitation.

In 2023 Alex did indeed reach out to me with the following:

FULL message attached





As you can see. This message was full of reassurance, compliments and inspiration from what Skool Beans has become.

Nothing more was said or done until I received the following email

Email in FULL

Alex Slusar <slusaralex33@gmail.com>

Sun, Jan 14, 2024, 1:32 AM

Hello Holly!

Last September, we discussed on Instagram the idea of starting a school bus cafe, and we're hoping you could assist us with some information. First and foremost, I want to assure you that Vik was never and will never be on our list of desired places. You are the one we admire, and we plan to be no competition at all. If we manage to make this happen, I envision more of a partnership where we could recommend all our potential guests to also check out your place, as you are the one who initiated and inspired us. Regardless of the outcome, we will always see ourselves as second best to you in everything we do. You've set the bar very high, and while we aim to do well, I honestly don't think we can come close to your standards.

As I mentioned in the previous message, the Golden Circle is our primary focus. If that doesn't work out, we may consider the Myvatn area or somewhere along the South Coast. Whatever our decision, you will be among the first to know, and we value your input. We genuinely offer you a veto opportunity in this regard. We understand there are various places where we could set up, and our decision will depend on the responses we receive from local municipalities.

We're fully aware that this is a challenging endeavor, involving permits, approvals, and other requirements. So, I'd like to ask about the minimum requirements for obtaining a permit to operate a coffee bus. This information will help us plan the bus conversion. What are the mandatory elements, and what can be optional? Based on your experience, how would you recommend we approach this? Your insights will be valuable, even if we decide to do this in Romania. Additionally, how did you manage electric connections, fresh & waste water, and heating? Does the fireplace serve both ambiance and heating purposes?

If you were to start this journey anew, what would you do differently, and why? We're eager to learn from your experience.

As we get closer to deciding where to set up, we may have more questions, but for now, this should give us a general understanding of how this process works. We can't express enough gratitude for your willingness to assist us. We've also inquired about importing the bus, and while it's not cheap, we believe it will be worth it. We both love Iceland and its business environment, and we're hopeful that things will work out. We plan to convert the bus in Romania to save costs and have it mostly ready for operation in Iceland.

Thank you once again for your kindness and support. We'll see where this exciting journey leads us

On Mon, 15 Jan 2024 at 09:24, Holly Keyser <hello@skoolbeans.com> wrote:

Email in FULL

Hiya Alex!

Oh my goodness, I'm so pleased you emailed!!!

I put your email on a 'to do' list a while ago during the season and was unable to find the original when I finally got the time!

I'm so sorry to have taken so long to reply!

Okay, I really appreciate that you are considering Skool Beans in your process and not wishing to be a competition. This means a lot as with any small business owner it's really hard for the first few years and even harder to create something original in this day and age. I really do appreciate the reassurance. Truly.

When I applied for all of my permits there was nothing like Skool Beans along the south coast so everything was new for everyone involved and it was very much a "seems about right" process!

Essentially, the steps were as follows:

Apply to the municipality involved first.

Upon receiving a provisional business permit on the condition health and safety sign off on it then start the build.

Towards the end of the build completion (2 months or so) contact health and safety to get them to come and do sign offs. (they took around 2 months to respond hence contacting them early)

MAST contains all of the information regarding regulations and it all varies depending on your products, facility and location amenities.

For example, I have a staff toilet at the golf club which is private and not for customers. A staff toilet is a requirement for food trucks and it cannot be for customers.

From memory, you then go back to the municipality who will discuss with you location options and finalise details.

To get your own business EHF Kennitala you'll need an icelander to be on the board. This gives them no entitlement to the business until you die or go crazy! CHOOSE WISELY!

Apply for a VAT number as you'll need this once you've earned 2 million per year. Sounds like a lot but if you intend on the Golden Circle then you'll be there within a week!

With regards to location, don't rule out Hofn. This is an up and coming guiding area and in turn tourism has started to pick up. This means living costs are still fairly low and will likely go up when things catch on. Cruise ships also stop there and the glaciers are stunning and infrastructure good. If I didn't own my house I would for sure explore that area as an option as they are actively trying to build it up as a destination area.

Okay.... I'm ready for more questions!!!!

Hit me with them! (And I won't lose your email this time!!!)

Kindest Regards

Now we get to June 2024

I hadn't heard anything from the opposition but I had received information from Harpa Elin, the head of Katla Centre here in Vik. She stated that she had received a call enquiring about a potential location within this municipality to open a school bus cafe.

They were obviously rejected immediately because this municipality supports the independent businesses here and would never allow a direct comparable business to risk damaging already existing businesses.

July 12th 2024

1 hour from Vik, I drove passed a yellow school bus with no signage on but clearly set up inside as a cafe.

I went in and spoke to George who showed me around, told me to my face that the idea for the cafe came from Skool Beans. Explained that it would be called the American School Bus Cafe "because his business partner thought it would be a smart way to attract custom because it's what people search for to find Skool Beans." This was verbatim. This was before I had formally introduced myself to him as the owner of Skool Beans Cafe. To which point he dropped to his knees and thanked me to inspiring their new business. A strange and confronting response I felt.

Obviously shocked and also shocked at the general layout, the use of artificial grass inside of the bus, the proposed name and that it was one hour from Vik caused me to feel very edgy about this. Alex went from promises to keep me involved and to never wishing to compete and to only support Skool Beans, to doing what seemed like the opposite and even attempting to come to Vik.

Jul 14, 2024, 1:59 PM

Hi Alex,

I popped into your bus on Friday and spoke to your partner. He is a super nice guy.

As I explained to him the exterior style of the bus and the name does scare me.

People will naturally think that you are me because I'm quite hidden.

All I would ask is that you protect what I have spent years and everything I have creating. My home, my employees and my reputation have taken years to build together and finally this year it was going smoothly.

My menu is sacred to me so I beg of you, please don't try and replicate what I have created in that respect. It's been so hard to build and so costly.

Secondly, if I can respectfully ask that you don't consider roasting your own beans. This was my dream that I fulfilled and it is the one thing that sets me apart from any bigger cafe along the south coast. Please please don't take that away from me. It would be my biggest heartbreak having the same bus doing the one thing that makes me different.

I ask you this with kindness and with my heart. Truly.

You guys have created a wonderful space but being yellow and with the name that people search to find me it will have an enormous impact on me and honestly, I'm a little shaken by it all and the response from others coming to me asking if I've franchised.

I truly, from my full heart wish you the best and I'm here to help as I said to your partner, but please please please, protect what I have created too. It's my entire world and all I have to pay my bills for me and my family.

The interior looks really lovely and it's obvious it's been created with love. The location is 10/10 for you guys.

As I mentioned to (omg, I'm so bad with names but I'm sure it was Jo), let's make this a friendly relationship and not a toxic competition. Let's send people each way and speak fondly of each other.

I won't replicate your ideas and Jo said he wouldn't do the same.

I wish you all the best and a massive congratulations on your build and opening day.

Good luck and don't forget to sleep, eat and stay hydrated!!!

Kindest regards

Holly

NO REPLY FROM ALEX

The name, as George stated, The American School Bus Cafe was chosen to trick customers into thinking they were going to Skool Beans.

Naturally preventative measures were put in place to ensure that my customers were going to find me. I purchased domains to connect to Skool Beans as I have many that connect to Skool Beans. It's a basic SEO strategy and utilised by almost all successful businesses.

No signage was in place at the opponents cafe at this time and the outside have no signs and no outdoor seating.

The similarities are relevant.

RETAIL

Of all the millions of items that could be sold in the bus they chose the items that feature regularly on my social media:

Selling the same style and type of enamel pins

Selling small stickers

Book exchange shelf in the same location within the bus.

ASTHETICS

The use of artificial grass within the bus - This is present in Skool Beans

A round mirror with text on. - We have had one since opening day

Colour of the bus

Overall concept

CAT THEME

Skool Beans is known for my 3 legged cat. He is orange.

A sign saying "tell you cat I said psst psp psp."

An orange cat on the shelves that they refer to in a TikTok video as "their cat"

Cat pins have been featured on their social media stories and customers have come to us wearing them and informing us that they purchased them from the opponents bus.

NAME

The deliberate use of the name that has been used to describe Skool Beans cafe on various publications, social media and search engines.

I have never, and would never attempted to monopolise the business concept as the opponent pointed out, it's a long standing concept.

Which begs the question, why to they claim, so loudly on their billboard sign that they are a UNIQUE Experience.

Definition of which is "being the only one of its kind; unlike anything else."

As they also pointed out, the Mountain Mall (good friends and business ally of Skool Beans) is also in Iceland. Making them even less Unique than they so loudly claim to be.

Now lets go to the point of “bad faith” which is a term that the opponent continues to use as an arguement

It was bought to my attention that on several occasion the opponent has mention Skool Beans in a negative way on public platforms. Something I would never and have never done. I have owned Skool Beans peacefully for over 5 years.

Created a solid reputation and won multiple awards. Including Best Cafe in Iceland by European Coffee Trip and Lux Life. along with the annual Trip Advisor award for every year I have been open. So my look, feel, concept and descriptive name are very important to the business.

Please find the defamatory response that the opponent replies to negative reviews about The American School Bus Cafe. This is just a small selection of many attempts to damage my business in Bad Faith.

I messaged the opponents Facebook page requesting that they stop using our name in such a way. No response.

Edited 3 months ago

EDIT below (after seeing Owner's reply).

Original: Complete copy-cats! 0 creativity and originality... Come up with your ... [More](#)

 **The American SchoolBus Cafe (owner)**
3 months ago

Hey!

Just wanted to clear something up, this whole idea is called a food skoolie and it's been around since the 90s. There are actually a bunch of similar projects around the world and even two other school buses turned food spots here in Iceland. So no, it's definitely not something one person invented.

It sucks to see people being told otherwise and then encouraged to leave bad reviews for places doing their own thing. We're not connected to Skoolbeans and honestly, we don't want to be. What we're doing is totally different and we're proud of it.

If you're ever curious, just Google "food skoolie" and you'll see we're not trying to copy anyone. We're just doing our own version with our own twist. So yeah, maybe give us a shot before judging based on someone else's words.

6 reviews · 5 photos

★★★★★ a month ago

This bus is a copy of the bus coffee shop that's been near Vik for years (Skool Beans). Really lame stealing an idea this way and pretending it's "unique" 😏
The original bus picture attached.



 **The American SchoolBus Cafe (owner)**
a month ago

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Just wanted to clear something up, this whole idea is called a food skoolie and it's been around since the 90s. There are actually a bunch of similar projects around the world and even two other school buses turned food spots here in Iceland. So no, it's definitely not something one person invented.

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★★★★★ a month ago

Takeaway

Nothing unique and certainly not Number 1 coffee place in Iceland. Stolen concept from the truly unique Skool Beans in Vik.
The menu is pretty basic, the staff is quite indifferent. ... [More](#)

 **The American SchoolBus Cafe (owner)**
a month ago

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If you're ever curious, just Google "food skoolie" and you'll see we're not trying to copy anyone. We're just doing our own version with our own twist. So yeah, maybe give us a shot before judging based on someone else's words.

 **TangeloDismal2569** · 4mo ago

Is this copying Skool Beans in Vik or is it the same people who own both?

 4   Reply  Award  Share ...

 **NoLemon5426** · 4mo ago


It's a copycat but allegedly has breakfast. It's in Hella so I'll never go there on principle 😏

 5   Reply  Award  Share ...

 **mangofear** · 4mo ago

Naah. It looks way better than Skool Beans. The bus is actually vintage, the coffee tastes better and the interior design is amazing. Inside it's full of fun pop culture stuff, not just empty space. Skool Beans kinda feels bland in comparison. Skoolbeans are not even the first schoolbus cafe in Iceland because there are at least two more, like that Mountain Mall schoolbus, one up in the highlands. It's not like they invented hot water or something, there are a bunch of schoolbuses cafes in Europe

Lets get back to the point in question.

The American School Bus Cafe is a descriptive term used to find Skool Beans. It's never been my intention to use this as a business name, but instead to protect what I have created which **was** a truly unique experience in **Iceland**.

The Mountain Mall are seasonal "survival buses" for hikers of the highlands. They are not categorised as cafes and as such have a different set of rule. Regardless... They are dark green and are called something truly unique and are essential to the area when the hikers need shelter, essentials and a place to rest their legs. They have minimal marketing and as such, they are discovered rather than seen as a destination and sought after.

Skool Beans has long been described at the American School Bus cafe in Vik. It's a hashtag that is used to connect my social media to outside accounts and has been from day one.

Multiple efforts have been made to publicly interfere with Skool Beans and we can only assume what is being said to people who go into their cafe. In fact we know, because customers tell us. It's not supportive or kind in any way.

The co owner of The American School Bus Cafe stated in an email that Alex named the bus to fool customers into thinking it was Skool Beans and this is not hearsay, it's a statement written by the direct witness.

We have no need to know about the legal dispute between the two of them. Not do I want to know. It's not relevant.

Alex has continued to show that he intends to damage my business on public platforms, he had replicated my look regardless of his opinion. He even saved me the hard work of documenting there are many many colours and looks and layouts he could have chosen.

The Trademark of The American Skool Bus Cafe is to protect my business from further damage. To protect what I have created. To preserve Skool Beans and to prevent further confusion for customers searching for Skool Beans. It is not bad faith in any way.

Would I rename my business this? Of course not. Will I ask them to change their name, Of course!

They are a business in it's infancy with now two legal dispute against them. They have minimal marketing and a small following. The changing of their name would not accumulate to a high cost to them at all. They signage is cheap and replaceable. Sticker, super cheap to replace and a new instagram name, free.

With all of the collective information regarding the opponents terrible faith An application for the American SchoolBus Cafe was created in December 2024. They have had a long time to object and they had a long time to apply for it themselves.

If I get the Trademark I will request that they change the name of their business to a genuinely unique name in order to minimise confusion with customer searching for Skool Beans Cafe in Vik.

Being unique in Iceland is a privilege. An honour and something that Skool Beans is proud to be. Saying your unique is merely an opinion.