

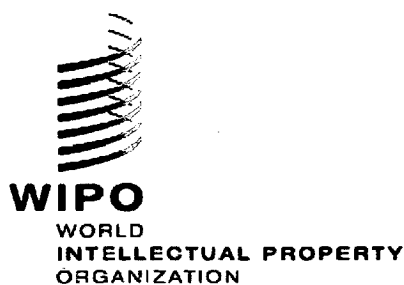


**ARRANGEMENT DE MADRID  
CONCERNANT L'ENREGISTREMENT INTERNATIONAL DES MARQUES  
ET PROTOCOLE RELATIF À CET ARRANGEMENT**

**REFUS PROVISOIRE**

notifiée au Bureau international de l'Organisation Mondiale de la Propriété Intellectuelle (OMPI)  
selon l'article 5 de l'Arrangement de Madrid et du Protocole de Madrid

<b>I. Office qui notifie le refus</b> <b>OFFICE DES BREVETS DE LA REPUBLIQUE DE LETTONIE</b> <b>Citadeles iela 7/70</b> <b>LV 1010, Rīga</b> <b>LETONIE</b>		Téléphone 371 67099605 Télécopie 371 67099650
<b>II. N° de l'enregistrement international faisant l'objet du refus</b>		<b>1 290 457</b>
<b>III. Nom du titulaire de l'enregistrement international faisant l'objet du refus</b> <b>Ilona Olejniczak</b> <b>Stare Bielice 142c-2</b> <b>PL-75-039 Biesiekierz (PL)</b>		
<b>IV. Motifs du refus</b> <b>Red Bull, /fig. / Red Bull GmbH, Am Brunnen 1 A-5330 Fuschl am See AUSTRIA</b> titulaire d'enregistrement international <b>WO 1 108 568, /RED BULL/</b> d'enregistrement international <b>WO 961 854</b> et d'enregistrement européen <b>MUE 0867085 /BULL/</b> s'oppose à l'enregistrement de la marque.		
<b>V. Dispositions de la loi nationale applicables en la matière (voir feuille supplémentaire)</b> <b>ARTICLE 18, 39 (5), (6) ; L'opposition est basée sur l'article 7(1)2 ; 8. (1), 8. (2) ; 39<sup>3</sup>(1)</b>		
<b>VI.</b> <input checked="" type="checkbox"/> <b>Refus pour la totalité des produits et services</b>  <input type="checkbox"/> Refus pour les produits suivants *		
<b>VII. Possibilités de réclamations et de recours</b> Le titulaire de la marque a le droit de présenter ses objections contre le présent refus <b>auprès de l'Office des brevets de Lettonie dans le délai de 3 mois</b> à compter de la date de la notification de Bureau International. Le recours doit être présenté <b>par l'intermédiaire d'un mandataire local</b> . (Loi sur les marques et les indications géographiques, Article 17. <sup>1</sup> ; Loi des institutions et procédures de propriété industrielle, Article 58). Après l'expiration du délai imparti, la Commission de recours prendra la décision sur l'acceptation de l'opposition ou de son rejet. L'affaire peut- être réexaminée auprès de Tribunal de Riga-ville (quartier Vidzeme) dans le délai de 3 mois compté de la notification de la décision de Commission de recours.		
<b>VIII. Date à laquelle le refus a été prononcé</b>		<b>28.07.2016</b>
<b>IX. Signature ou sceau officiel de l'Office qui notifie le refus</b>		
		<b>Dz. Medne</b> 



printed: 28.07.2016

## 1108568 - Red Bull

AL	AU	BA	BH	CN	EG	EM	HR	JP	KR	LI	MA	MC	MD	ME	MK	NO
RU	SY	TR	UA													

### 151 Date of the registration

05.05.2011

### 180 Expected expiration date of the registration/renewal

05.05.2021

### 270 Language of the application

English

### Current Status

### 732 Name and address of the holder of the registration

Red Bull GmbH  
Am Brunnen 1  
A-5330 Fuschl am See  
(AT)

### 812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment

AT

### 842 Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized

Limited Liability Company, Austria

### 750 Address for correspondence

Am Brunnen 1  
A-5330 Fuschl am See  
(AT)

### 770 Name and address of the previous holder

Red Bull GmbH  
Trademark Department  
Am Brunnen 1  
Fuschl am See  
(AT)

### 540 Mark

# Red Bull



## 531 International Classification of the Figurative Elements of Marks (Vienna Classification) - VCL(6)

03.04.04; 03.04.23; 26.01.15; 27.05.17

## 511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(9)

25 Clothing, footwear, headgear, including T-shirts, blouses, sweaters, anoraks, wind resistant jackets, aprons, caps, hats, headbands, braces, belts (clothing), money-belts, sun visors; sportswear, footwear for sports, football boots and studs, ski boots; non-slipping devices for shoes; corsetry; babies' napkins of textile.

28 Games and playthings; playing cards, card games; practical jokes (novelties), confetti; gymnastic and sporting articles (included in this class); gymnastic and sports equipment, including winter sports equipment, including skis, snowboards, ice skates and snowshoes; tennis equipment; angling equipment; special purpose bags for sports equipment, including skis and surfboards, cricket bags, golf and tennis bags; ski bindings, ski poles, edges for skis, coverings for skis; snowboard bindings; balls for play, balls for games; dumb-bells, shot puts for field sports, discuses, javelins; tennis racquets, cricket bats, golf clubs and hockey sticks; roller skates, inline roller skates; tables for table tennis; decorations for Christmas trees; snow globes; electric or electronic games other than those adapted for use with television receivers only; scale model vehicles, toy vehicles, radio-controlled scale model vehicles, radio-controlled toy vehicles; coin-operated fruit machines and entertainment machines; fencing weapons; sports bows (archery); nets for ball games, tennis nets; fishing tackle, fishing hooks, landing nets for anglers; swimming webs (flippers); paragliders, hang-gliders; skateboards; surfboards, body boards, windsurfing boards; harnesses and masts for sailboards; elbow and knee pads.

32 Non-alcoholic beverages including refreshing drinks, energy drinks, whey beverages, isotonic, hypertonic and hypotonic drinks (for use and/or as required by athletes); beer, malt beer, wheat beer, porter, ale, stout and lager; non alcoholic malt beverages; mineral water and aerated waters; fruit drinks and fruit juices; syrups, essences and other preparations for making beverages as well as effervescent tablets and effervescent powders for drinks and non-alcoholic cocktails.

41 Education; providing of training; entertainment, including musical performances and radio and television entertainment; sporting and cultural activities, including the staging of sports competitions; night clubs and discotheque services; organization of trade fairs and exhibitions for cultural, sporting and educational purposes; rental of video tapes and cassettes, CD-ROMs and DVDs, film production; videotaping and microfilming; publication of electronic books and journals on-line, electronic desktop publishing, providing on-line electronic publications, game services provided on-line from a computer network; providing karaoke services; digital imaging services; music composition services; layout services, other than for advertising purposes.

43 Services for providing food and drink, including bar services, cafés, cafeterias, canteens, snack bars, restaurants, self-service restaurants; food and drink catering; temporary accommodation including hotels,

boarding houses, holiday camps, tourist homes, motels; temporary accommodation reservations; boarding for animals; rental of transportable buildings, bars and tents; rental of chairs, tables, table linen, glassware and bar equipment.

**821 Basic application**

AT, 09.11.2010, AM6073/2010

**821 Basic application**

AT, 09.11.2010, AM6073/2010

**882 Basic registration**

AT, 05.05.2011, 262 181

**882 Basic registration**

AT, 05.05.2011, 262 181

**300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin**

AT, 09.11.2010, AM6073/2010

**350 Seniority**

AT, 12.12.1989, 129363

AT, 07.09.1993, 150540

AT, 15.02.1994, 153560

AT, 04.07.1996, 167555

AT, 21.02.2002, 203714

AT, 25.07.2007, 241659

AT, 09.11.2010, 262181

BG, 27.12.1993, 612320

BG, 19.07.1994, 621434

BG, 21.05.2002, 791989

BX, 27.12.1993, 612320

BX, 19.07.1994, 621434

BX, 02.01.1997, 667085

BX, 21.05.2002, 791989

CY, 04.08.1995, 43245

CZ, 27.12.1993, 612320

CZ, 19.07.1994, 621434

CZ, 21.05.2002, 791989

DE, 21.01.1993, 2039553

DE, 27.12.1993, 612320

DE, 19.07.1994, 621434

DE, 14.02.1995, 39506656

DE, 21.05.2002, 791989

DK, 04.08.1995, VR 199600696

DK, 21.05.2002, 791989

EE, 11.08.1995, 22882

EE, 21.05.2002, 791989

ES, 27.12.1993, 612320  
ES, 19.07.1994, 621434  
ES, 21.05.2002, 791989  
FI, 08.08.1995, 218739  
FI, 21.05.2002, 791989  
FR, 27.12.1993, 612320  
FR, 19.07.1994, 621434  
FR, 21.05.2002, 791989  
GB, 21.05.2002, 791989  
GB, 25.07.2006, 2428116  
GB, 12.07.2010, 2552688  
GR, 04.08.1995, 125623  
GR, 21.05.2002, 791989  
HR, 27.12.1993, 612320  
HR, 19.07.1994, 621434  
HR, 21.05.2002, 791989  
HU, 19.07.1994, 621434  
HU, 21.05.2002, 791989  
IE, 08.08.1995, 168974  
IE, 21.05.2002, 791989  
IT, 27.12.1993, 612320  
IT, 19.07.1994, 621434  
IT, 02.01.1997, 667085  
IT, 21.05.2002, 791989  
LT, 07.08.1995, 29040  
LT, 21.05.2002, 791989  
LV, 10.08.1995, 642009  
LV, 21.05.2002, 791989  
MT, 16.08.1995, 24664  
MT, 28.05.2010, 49824  
MT, 28.05.2010, 49827  
MT, 28.05.2010, 49831  
MT, 28.05.2010, 49840  
MT, 28.05.2010, 49842  
PL, 27.12.1993, 612320  
PL, 19.07.1994, 621434  
PL, 21.05.2002, 791989  
PT, 27.12.1993, 612320  
PT, 19.07.1994, 621434  
PT, 21.05.2002, 791989  
RO, 27.12.1993, 612320  
RO, 19.07.1994, 621434  
RO, 21.05.2002, 791989  
SE, 21.05.2002, 791989  
SI, 27.12.1993, 612320

SI, 19.07.1994, 621434

SI, 21.05.2002, 791989

SK, 27.12.1993, 612320

SK, 19.07.1994, 621434

SK, 21.05.2002, 791989

**832 Designation(s) under the Madrid Protocol**

AU - BH - EM - KR - NO - SY - TR

**834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies**

AL - BA - CN - EG - HR - LI - MA - MC - MD - ME - MK - RU - UA

<b>Registration : 2014/21 Gaz, 05.06.2014, AL, CN, KR, NO, RU, SY, UA</b>
<b>Partial assignment : 2012/20 Gaz, 07.06.2012</b>
<b>Subsequent designation : 2012/21 Gaz, 14.06.2012, JP</b>
<b>Partial assignment : 2012/32 Gaz, 30.08.2012</b>
<b>Partial provisional refusal of protection : 2012/39 Gaz, 18.10.2012, NO</b>
<b>Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1) : 2012/50 Gaz, 03.01.2013, UA</b>
<b>Statement of grant of protection made under Rule 18ter(1) : 2013/4 Gaz, 14.02.2013, RU</b>
<b>Statement of grant of protection following a provisional refusal under Rule 18ter(2)(i) : 2013/8 Gaz, 14.03.2013, NO</b>
<b>Subsequent designation : 2013/13 Gaz, 18.04.2013, AU, BA, BH, EG, EM, HR, LI, MA, MC, MD, ME, MK, TR</b>
<b>Statement of grant of protection made under Rule 18ter(1) : 2013/15 Gaz, 02.05.2013, SY</b>
<b>Statement of grant of protection made under Rule 18ter(1) : 2013/11 Gaz, 04.04.2013, UA</b>
<b>Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1) : 2013/16 Gaz, 09.05.2013, EM</b>
<b>Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1) : 2013/26 Gaz, 18.07.2013, AU</b>
<b>Statement of grant of protection made under Rule 18ter(1) : 2013/37 Gaz, 03.10.2013, AU</b>
<b>Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1) : 2013/44 Gaz, 21.11.2013, TR</b>
<b>Statement of grant of protection made under Rule 18ter(1) : 2013/43 Gaz, 14.11.2013, MC</b>
<b>Statement of grant of protection made under Rule 18ter(1) : 2014/8 Gaz, 06.03.2014, EM</b>
<b>Statement of grant of protection made under Rule 18ter(1) : 2014/10 Gaz, 20.03.2014, MD</b>
<b>Statement of grant of protection made under Rule 18ter(1) : 2014/15 Gaz, 24.04.2014, HR</b>
<b>Statement of grant of protection made under Rule 18ter(1) : 2014/16 Gaz, 01.05.2014, LI</b>
<b>Statement of grant of protection made under Rule 18ter(1) : 2014/17 Gaz, 08.05.2014, ME</b>

<b>Statement of grant of protection made under Rule 18ter(1) : 2014/18 Gaz, 15.05.2014, MA</b>
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<b>Statement of grant of protection made under Rule 18ter(1) : 2014/18 Gaz, 15.05.2014, BA</b>
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<b>Statement of grant of protection made under Rule 18ter(1) : 2014/19 Gaz, 22.05.2014, TR</b>
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<b>Seniority Claimed Subsequent to the International Registration : 2014/22 Gaz, 12.06.2014, EM</b>
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printed: 28.07.2016

**961854 - RED BULL**

AL	AU	BA	BG	BH	BX	CH	CN	CY	CZ	DE	DK	EE	EG	ES	FI	FR
GB	GR	HR	HU	IE	IT	LI	LT	LV	MA	MC	MD	ME	MK	PL	PT	RO
RU	SE	SG	SI	SK	SY	TR	UA									

**151 Date of the registration**

19.03.2008

**180 Expected expiration date of the registration/renewal**

19.03.2018

**270 Language of the application**

English

**Current Status****732 Name and address of the holder of the registration**

Red Bull GmbH  
Am Brunnen 1  
A-5330 Fuschl am See  
(AT)

**812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment**

AT

**842 Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized**

Limited Liability Company, Austria

**750 Address for correspondence**

Am Brunnen 1  
A-5330 Fuschl am See  
(AT)

**770 Name and address of the previous holder**

Red Bull GmbH  
Trademark Department  
Am Brunnen 1  
Fuschl am See  
(AT)



**540 Mark**

RED BULL

**541 Reproduction of the mark where the mark is represented in standard characters****511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(9)**

- 25 Clothing, footwear, headgear, including T-shirts, blouses, sweaters, anoraks, windbreakers, aprons, caps, hats, headbands, braces, belts (clothing), money-belts, sun visors; sportswear, footwear for sports, football boots and studs, ski boots; non-slipping devices for shoes; corsetry; babies' napkins of textile.
- 28 Games and playthings; playing cards, card games; practical jokes (novelties), confetti; gymnastic and sporting articles (included in this class); gymnastic and sports equipment, including winter sports equipment, including skis, snowboards, ice skates and snowshoes; tennis equipment; angling equipment; special purpose bags for sports equipment, including skis and surfboards, cricket bags, golf and tennis bags; ski bindings, ski poles, edges for skis, coverings for skis; snowboard bindings; balls; dumb-bells, shot puts, discuses, javelins; tennis racquets, cricket bats, golf clubs and hockey sticks; roller skates, inline roller skates; tables for table tennis; decorations for Christmas trees; snow globes; electric or electronic games other than those adapted for use with television receivers only; scale model vehicles, toy vehicles, radio-controlled scale model vehicles, radio-controlled toy vehicles; coin-operated fruit machines and entertainment machines; fencing weapons; sports bows (archery); nets for ball games, tennis nets; fishing tackle, fishing hooks, landing nets for anglers; swimming webs (flippers); paragliders, hang-gliders; skateboards; surfboards, body boards, windsurfing boards; harnesses and masts for sailboards; elbow and knee pads.
- 32 Non alcoholic beverages including refreshing drinks, energy drinks, whey beverages, isotonic, hypertonic and hypotonic drinks (for use and/or as required by athletes); beer, malt beer, wheat beer, porter, ale, stout and lager; non alcoholic malt beverages; mineral water and aerated waters; fruit drinks and fruit juices; syrups, essences and other preparations for making beverages as well as effervescent (sherbet) tablets and effervescent powders for drinks and non-alcoholic cocktails.
- 41 Education; providing of training; entertainment, including musical performances and radio and television entertainment; sporting and cultural activities, including the staging of sports competitions; night clubs and discotheque services; organization of trade fairs and exhibitions for cultural, sporting and educational purposes; rental of video tapes and cassettes, video tape film production; videotaping and microfilming; publication of electronic books and journals on-line, electronic desktop publishing, providing on-line electronic publications, game services provided on-line; providing karaoke services; digital imaging services; music composition services; layout services, other than for advertising purposes.
- 43 Services for providing food and drink, operation of bars, cafes, cafeterias, canteens, snack bars, restaurants, self-service restaurants; food and drink catering; temporary accommodation including hotels, boarding houses, holiday camps, tourist homes, motels; temporary accommodation reservations; boarding for animals rental of transportable buildings, bars and tents; rental of chairs, tables, table linen, glassware and bar equipment.

**882 Basic registration**

AT, 15.01.2008, 242873

**300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin**

AT, 27.09.2007, AM6723/2007

**832 Designation(s) under the Madrid Protocol**

AU - BH - DK - EE - FI - GB - GR - IE - LT - SE - SY - TR

**834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies**

AL - BA - BG - BX - CH - CY - CZ - DE - EG - ES - FR - HR - HU - IT - LI - LV - MA - MC - MD - ME - MK - PL - PT - RO - RU - SI - SK - UA

**527 Indications regarding use requirements**

GB - IE

<b>Registration : 2008/20 Gaz, 19.06.2008, AL, AU, BA, BG, BH, BX, CH, CN, CY, CZ, DE, DK, EE, EG, ES, FI, FR, GB, GR, HR, HU, IE, IT, LI, LT, LV, MA, MC, MD, ME, MK, PL, PT, RO, RU, SE, SG, SI, SK, SY, TR, UA</b>
<b>Total provisional refusal of protection : 2008/27 Gaz, 07.08.2008, SG</b>
<b>Partial assignment : 2008/50 Gaz, 15.01.2009</b>
<b>Grant of protection subject to opposition : 2008/36 Gaz, 09.10.2008, IE</b>
<b>Grant of protection : 2008/38 Gaz, 23.10.2008, BX</b>
<b>Grant of protection : 2008/51 Gaz, 22.01.2009, AU</b>
<b>Grant of protection subject to opposition : 2008/51 Gaz, 22.01.2009, TR</b>
<b>Grant of protection : 2008/51 Gaz, 22.01.2009, GB</b>
<b>Grant of protection subject to opposition : 2009/1 Gaz, 05.02.2009, HU</b>
<b>Total provisional refusal of protection : 2009/1 Gaz, 05.02.2009, ES</b>
<b>Grant of protection : 2009/2 Gaz, 05.02.2009, IE</b>
<b>Grant of protection : 2009/20 Gaz, 04.06.2009, SY</b>
<b>Statement indicating that the mark is protected for all the goods and services requested : 2009/21 Gaz, 11.06.2009, ES</b>
<b>Partial provisional refusal of protection : 2009/24 Gaz, 02.07.2009, CH</b>
<b>Statement indicating that protection of the mark is protected for some of the goods and services requested : 2013/15 Gaz, 02.05.2013, CH</b>
<b>Opposition possible after the 18 months time limit : 2009/38 Gaz, 08.10.2009, SE</b>
<b>Total provisional refusal of protection : 2009/38 Gaz, 08.10.2009, SE</b>
<b>Statement of grant of protection made under Rule 18ter(1) : 2009/40 Gaz, 22.10.2009, TR</b>
<b>Opposition possible after the 18 months time limit : 2010/5 Gaz, 25.02.2010, SE</b>
<b>Statement of grant of protection following a provisional refusal under Rule 18ter(2)(i) : 2010/20 Gaz, 10.06.2010, SE</b>

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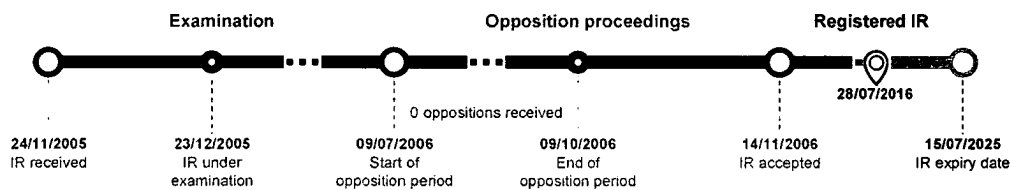


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## EUTM file information

**BULL**  
**0867085**

### Timeline



### Trade mark information

Name	<b>BULL</b>	Filing date	
Filing number	<b>0867085</b>	Registration date	<b>15/07/2005</b>
Basis	<b>IR ( Search on WIPO database )</b>	Expiry date	<b>15/07/2025</b>
Date of receipt	<b>24/11/2005</b>	Designation date	<b>15/07/2005</b>
Type	<b>Word</b>	Filing language	<b>English</b>
Nature	<b>Individual</b>	Second language	<b>German</b>
Nice classes	<b>32 ( Nice Classification )</b>	Application reference	
Vienna Classification		Trade mark status	<b>IR accepted</b>
		Acquired distinctiveness	<b>No</b>

### Goods and services

English (en)

**32** Non alcoholic beverages including refreshing drinks, energy drinks, whey beverages and isotonic (hyper and hypotonic) drinks (for use and/or as required by athletes); non alcoholic malt beverages; mineral water and aerated waters; fruit drinks and fruit juices; syrups, essences and other preparations for making beverages as well as effervescent (sherbet) tablets and powders for drinks and non-alcoholic cocktails.

### Description

No entry

### Owners

#### Red Bull GmbH

ID	<b>n/a</b>	Country	<b>AT - Austria</b>	Can be accessed and changed by authorised user via the User Area
Organisation	<b>n/a</b>	State/country	<b>n/a</b>	
Legal status	<b>Limited Liability Company</b>	Town	<b>n/a</b>	
		Post code	<b>n/a</b>	

Address

**Am Brunnen  
1 A-5330  
Fuschl am  
See**

Can be accessed and  
changed by authorised user  
via the User Area

Can be accessed and  
changed by authorised user  
via the User Area

## Representatives

### HOGAN LOVELLS

ID	<b>10014</b>	Country	<b>ES - Spain</b>	Correspondence address	965138300
Organisation	<b>n/a</b>	State/country	<b>n/a</b>	HOGAN LOVELLS	
Legal status	<b>Legal person</b>	Town	<b>Alicante</b>	Avenida Maisonnave 22	965138303
Type	<b>Association</b>	Post code	<b>03003</b>	E-03003 Alicante	
		Address	<b>Avenida Maisonnave 22</b>	ESPAÑA	alicante@hoganlovells.com

## Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		IR	0867085	Surveillance Letter	13/05/2016	
		IR	0867085	Prolong	06/08/2015	
		IR	0867085	Surveillance Letter	01/08/2014	
		IR	0867085	New name	26/06/2014	
		IR	0867085	Processed	10/04/2014	
		IR	0867085	Processed	27/03/2014	
		IR	0867085	TRANSN	26/03/2014	
		IR	0867085	Letter to the EUIPO	19/03/2014	
		IR	0867085	TRANSN	12/03/2014	
		IR	0867085	Letter to the EUIPO	04/03/2014	
Showing 1 to 10 of 32 entries						

## IR transformation

No entry

## Seniority

Filing number	Registration number	Country	Priority date	Filing date	Registration date	International code	Status
	158703	Austria		23/03/1995		UE	ACCEPTED
	172195	Austria		30/07/1997		UE	ACCEPTED
	206313	Austria		23/08/2002		UE	ACCEPTED
	180315	Austria		09/09/1998		UE	ACCEPTED
	790141	Benelux		14/10/2002		Madrid	ACCEPTED
	790141	Bulgaria		14/10/2002		Madrid	ACCEPTED

Filing number	Registration number	Country	Priority date	Filing date	Registration date	International code	Status
	790141	Czech Republic		14/10/2002		Madrid	ACCEPTED
	790141	Denmark		14/10/2002		Madrid	ACCEPTED
	790141	Estonia		14/10/2002		Madrid	ACCEPTED
	790141	Finland		14/10/2002		Madrid	ACCEPTED
Showing 1 to 10 of 39 entries							

## Exhibition priority

No entry

## Priority

Country	Filing number	Date	Status
Austria	AM 3632/2005	02/06/2005	Accepted
Showing 1 to 1 of 1 entries			

## Publications

Bulletin number	Date	Section	Description
2006/002	09/01/2006	M.1	IR_M_1
2006/047	20/11/2006	M.3.1	IR_M_3_1
Showing 1 to 2 of 2 entries			

## Cancellation

No entry

## Recordals

No entry

## Oppositions

No entry

## Appeals

No entry

## Decisions

No entry

## Renewals

No entry

## Trade mark relations

No entry

### **Section 18. Opposition to the Registration of a Trade Mark**

(1) Within three months from the date of the publication of a trade mark, interested persons may, upon payment of the applicable fee, submit an opposition to the registration of a trade mark. The opposition shall be filed with the Board of Appeals in writing, substantiated by appropriate arguments and references to provisions of law. After expiration of the abovementioned term, the opponent does not have the right to change (expand) the initial legal basis of the opposition, but may, up until the decision of the Board of Appeals is taken, submit additional documents and materials, that confirm (detail) the facts on which the opposition is based.

(2) Any person may file an opposition, if the registered trade mark does not comply with the provisions of Section 3 of this Law, or if the registration would be invalidated in accordance with the provisions of Section 6, or if the provisions of Section 9, Paragraph three, Clause 1 are applicable.

(3) An opposition based on the provisions of Section 7 or 8 of this Law, or Section 9, Paragraph one, Paragraph two, Paragraph three, Clause 2, 3 or 4, or Paragraph four may be filed by persons who are the owners of earlier trade marks, well-known trade marks, or have other earlier rights (also their successors in title) or their representatives, as specified in the applicable provisions.

(4) An opposition based on the provisions of Section 8 or Section 9, Paragraph one, Paragraph two, Paragraph three, Clause 2, 3 or 4, of this Law in addition to the persons referred to in Paragraph three of this Section, may also be filed by professional associations and associations of manufacturers, traders and providers of services, whose articles of association provide for the protection of the economic interests of their associates (members), as well as by organisations and authorities, whose purpose, under their articles of association, is the protection of the rights of consumers.

(5) The Board of Appeals shall inform the owner of the opposed trade mark of the opposition and set a term of three months for the submission of a reply.

(6) If an opposition has not been filed within the term laid down in law, the registration of the trade mark may be contested only in court.

### **Section 39. Validity of an International Registration in Latvia**

(5) Opposition to the entry into effect of an international registration of a trade mark in Latvia, as provided for in Section 18 of this Law, shall be filed within four months from the date of publication of a notice of trade mark registration with respect to Latvia (territorial extension to Latvia) in the official gazette of international registration of trade marks.

(6) If, as a result of an examination, it is determined that an international trade mark does not comply with the requirements of Paragraph four of this Section, or if an opposition has been filed to such registration, the Patent Office shall, within the terms and in accordance with the procedures laid down in the rules on the international registration of trade marks, notify the International Bureau of the refusal of the particular international registration (initial refusal). Within three months from the date of receipt of such a refusal, the owner of the international registration is entitled to submit an appeal (a reply to the opposition) as provided for in Section 17.1, Paragraph one of this Law.

### **Section 7. Earlier Trade Marks as Grounds for Invalidation of Trade Mark Registration**

(1) A trade mark registration may be declared invalid in accordance with the provisions of this Law in the following cases:

1) it is identical to an earlier trade mark, and the goods or services in respect of which the trade mark was registered are identical to the goods or services in respect of which the earlier trade mark was registered;

2) in connection with its identity or similarity to, an earlier trade mark belonging to another person and the identity or similarity of the respective goods or services, there exists a likelihood of confusion of the trade marks or a likelihood of association between the trade marks on behalf of the relevant consumers.

## **Section 8. Well-known Trade Marks as Grounds for Refusal or Invalidity of Trade Mark Registration**

(1) Notwithstanding the provisions of Section 7 of this Law, a trade mark registration may be refused or, if registered, the registration may be invalidated under the provisions of this Law, if the trade mark constitutes a reproduction, an imitation, a translation or a transliteration, liable to create confusion, of another trade mark, which, even though unregistered, was wellknown in Latvia with respect to identical or similar goods or services, on the date of filing of application of the applied for (opposed) registration of trade mark (or the date of priority if priority has been granted).

(2) In addition to the provisions of Paragraph one of this Section, the registration of a trade mark may be refused or invalidated also if the goods or services regarding which trade mark registration has been applied for are not similar to the goods or services covered by a wellknown trade mark in Latvia, provided that the use of the trade mark applied for (opposed) in relation to such goods or services may be perceived by consumers as an indication of a connection between such goods and services, and the owner of the well-known trade mark, and that such use may be detrimental to the interests of the owner of the well-known trade mark.

(3) In determining whether a trade mark is well-known, the knowledge of this trade mark in the relevant group of consumers, including such knowledge in Latvia that has been obtained as a result of the advertising of this mark or any other circumstances that have contributed to its fame shall be taken into account.

(4) In determining in which cases the provisions of Paragraphs one and two of this Section are to be applied to a sign regarding which registration has been applied for or to a registered trade mark, the provisions of Article 6-bis of the Paris Convention regarding a well-known trade mark shall be taken into account, including the provision which provides for the prohibition of the reproduction or the imitation of a well-known trade mark in an essential part of another trade mark; these provisions shall also apply, mutatis mutandis, to service marks.

(5) The provisions of Paragraphs one and two of this Section regarding refusal of registration during the expert-examination procedure shall not apply if the application for trade mark registration has been filed with the consent of the owner of the well-known trade mark.

## **Section 39.3 Additional Provisions for the Protection of the Community Trade Mark**

(1) An opposition to the registration of a trade mark (Section 18) and the claim for invalidation of the registration of a trade mark (Section 31) apart from the earlier rights provided for in Sections 7, 8 and 9 of this Law may also be justified with an earlier identical or similar Community trade mark, which has a good reputation in the European Community and which is registered for goods or services which are not similar to those goods and services, which have a trade mark registered later (contested), but on condition that the use of the later trade mark without due cause takes unfair advantage of, or is detrimental to the distinctive character or the reputation of the Community trade mark or that such use of the later trade mark may be seen by consumers as a sign of connection between these goods and services and the owner of the referred to Community trade mark and such use may be detrimental to the interests of the owner of the Community trade mark. Such opposition and such claim may be submitted by the owner of the Community trade mark (or his or her successor in title) or his or her representative.

(2) In case of the illegal use of the Community Trade mark, the provisions of Sections 27 and 28 of this Law, the Civil Procedure Law and the provisions of other laws and regulations shall be applicable, unless otherwise laid down in Council Regulation No 207/2009.

(3) If, based on the rights arising from the registration of the Community trade mark, the registration of a later trade mark is contested, which is performed observing the procedures for registering trade marks laid down in this Law, or in accordance with the rules on the international registration and is extended to Latvia, or if the use of such later trade mark is contested, the provisions of Section 29 of this Law regarding the restrictions of rights as a result of acquiescence shall be observed.