

**ARRANGEMENT DE MADRID
CONCERNANT L'ENREGISTREMENT INTERNATIONAL DES MARQUES
REFUS DE PROTECTION PROVISOIRE**

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

I. Administration qui a prononcé le refus: **Office de la propriété industrielle de la République tchèque
Antonína Čermáka 2a, 160 00 Praha 6
République tchèque**

II. No de l'enregistrement international faisant l'objet du refus: **1290457**
No de l'enregistrement national de base: **R.148003**

III. Nom du titulaire de l'enregistrement international faisant l'objet du refus:
Iłona Olejniczak, PL-75-039 Biesiekierz, PL

IV. Motifs du refus:

**Sur opposition déposée par Red Bull GmbH, Am Brunnen 1, Fuschl am See, AT en sa qualité du titulaire des marques internationales antérieures similaires enregistrées dans la République tchèque sous les Nos 961854 avec la priorité à partir du 27/09/2007 et 867085 avec la priorité à partir du 02/06/2005 pour les produits identiques et similaires de la classe 32.
/article 7 alinéa 1 lettre a)/**

Sur opposition déposée par Red Bull GmbH, Am Brunnen 1, Fuschl am See, AT en sa qualité du titulaire des marques internationales antérieures similaires enregistrées dans la République tchèque sous les Nos 961854 avec la priorité à partir du 27/09/2007 et 867085 avec la priorité à partir du 02/06/2005.

**Les marques antérieures jouissent d'une renommée dans la République tchèque. L'usage non justifié de la marque demandée tirerait indûment profit du caractère distinctif ou de la renommée des marques antérieures ou il leur porterait préjudice.
/article 7 alinéa 1 lettre b)/**

Sur opposition déposée par Red Bull GmbH, Am Brunnen 1, Fuschl am See, AT en sa qualité du titulaire des marques internationales antérieures similaires enregistrées dans la République tchèque sous les Nos 961854 avec la priorité à partir du 27/09/2007 et 867085 avec la priorité à partir du 02/06/2005.

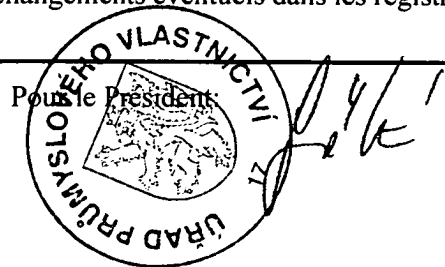
**Les marques antérieures jouissent d'une renommée sur le territoire de l'Union européenne. L'usage non justifié de la marque demandée tirerait indûment profit du caractère distinctif ou de la renommée des marques antérieures ou il leur porterait préjudice.
/article 7 alinéa 1 lettre e)/**

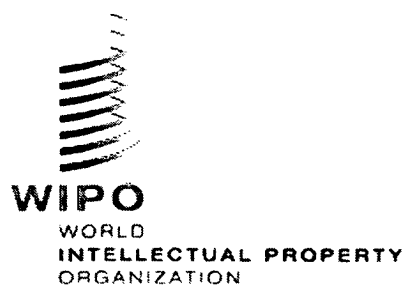
V. Articles de la loi nationale applicables en la matière (Loi No 441/2003 du Journal Officiel sur les marques) sont disponibles à l'adresse: <http://www.upv.cz>.

VI. ☒ Refus pour la totalité des produits.
☐ Refus pour les produits et/ou services suivants:

VII. Pendant six mois qui suivent la date du refus le titulaire pourra remplir les conditions de l'avis ou il a le droit de faire valoir ses objections contre cet avis en s'adressant à l'Office de la propriété industrielle de la République tchèque uniquement par l'intermédiaire d'un mandataire – membre des agences mentionnées en annexe. Faute des objections, une décision finale sera prononcée en considérant les changements éventuels dans les registres pertinents.

VIII. Date à laquelle le refus a été prononcé: **28/07/2016**
Référence de l'Office No: **244585**





printed: 27.07.2016

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

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

Total provisional refusal of protection : 2008/27 Gaz, 07.08.2008, SG

Partial assignment : 2008/50 Gaz, 15.01.2009

Grant of protection subject to opposition : 2008/36 Gaz, 09.10.2008, IE

Grant of protection : 2008/38 Gaz, 23.10.2008, BX

Grant of protection : 2008/51 Gaz, 22.01.2009, AU

Grant of protection subject to opposition : 2008/51 Gaz, 22.01.2009, TR

Grant of protection : 2008/51 Gaz, 22.01.2009, GB

Grant of protection subject to opposition : 2009/1 Gaz, 05.02.2009, HU

Total provisional refusal of protection : 2009/1 Gaz, 05.02.2009, ES

Grant of protection : 2009/2 Gaz, 05.02.2009, IE

Grant of protection : 2009/20 Gaz, 04.06.2009, SY

Statement indicating that the mark is protected for all the goods and services requested : 2009/21 Gaz, 11.06.2009, ES

Partial provisional refusal of protection : 2009/24 Gaz, 02.07.2009, CH

Statement indicating that protection of the mark is protected for some of the goods and services requested : 2013/15 Gaz, 02.05.2013, CH

Opposition possible after the 18 months time limit : 2009/38 Gaz, 08.10.2009, SE

Total provisional refusal of protection : 2009/38 Gaz, 08.10.2009, SE

Statement of grant of protection made under Rule 18ter(1) : 2009/40 Gaz, 22.10.2009, TR

Opposition possible after the 18 months time limit : 2010/5 Gaz, 25.02.2010, SE

Statement of grant of protection following a provisional refusal under Rule 18ter(2)(i) : 2010/20 Gaz, 10.06.2010, SE



printed: 27.07.2016

867085 - BULL

AG	AL	AM	AN	AU	AZ	BA	BG	BT	BY	CH	CN	CU	DZ	EG	EM	GE
HR	IR	IS	JP	KE	KG	KP	KR	KZ	LI	LR	LS	MA	MC	MD	MK	MN
MZ	NA	NO	RO	RU	SD	SG	SL	SM	SY	SZ	TJ	TM	TR	UA	UZ	VN
YU	ZM															

151 Date of the registration

15.07.2005

180 Expected expiration date of the registration/renewal

15.07.2025

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

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Red Bull GmbH
Trademark Department
Am Brunnen 1
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540 Mark

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(8)

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); 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 powder: for drinks and non-alcoholic cocktails.

882 Basic registration

AT, 15.07.2005, 225983

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

AT, 02.06.2005, AM 3632/2005

350 Seniority

AT, 23.03.1995, 158703

AT, 30.07.1997, 172195

AT, 23.08.2002, 206313

AT, 09.09.1998, 180315

BG, 14.10.2002, 790141

BG, 12.04.1999, 714749

BX, 14.10.2002, 790141

CZ, 14.10.2002, 790141

CZ, 12.04.1999, 714749

DE, 14.10.2002, 790141

DK, 14.10.2002, 790141

EE, 14.10.2002, 790141

EE, 16.03.2001, 714749

ES, 14.10.2002, 790141

FI, 14.10.2002, 790141

FR, 14.10.2002, 790141

GB, 14.10.2002, 790141

GR, 14.10.2002, 790141

HR, 714749

HR, 790141

HU, 14.10.2002, 790141

HU, 12.04.1999, 714749

IE, 14.10.2002, 790141

IT, 14.10.2002, 790141

LT, 14.10.2002, 790141

LT, 16.03.2001, 714749
 LV, 14.10.2002, 790141
 LV, 12.04.1999, 714749
 MT, 21.03.2001, 33796
 PL, 12.04.1999, 714749
 PT, 14.10.2002, 790141
 RO, 14.10.2002, 790141
 RO, 12.04.1999, 714749
 SE, 14.10.2002, 790141
 SI, 14.10.2002, 790141
 SI, 12.04.1999, 714749
 SK, 14.10.2002, 790141
 SK, 12.04.1999, 714749

832 Designation(s) under the Madrid Protocol
 EM

834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies
 BG - HR - RU

Registration : 2005/45 Gaz, 15.12.2005, AG, AL, AM, AN, AU, AZ, BA, BG, BT, BY, CH, CN, CU, DZ, EG, EM, GE, HR, IR, IS, JP, KE, KG, KP, KR, KZ, LI, LR, LS, MA, MC, MD, MK, MN, MZ, NA, NO, RO, RU, SD, SG, SL, SM, SY, SZ, TJ, TM, TR, UA, UZ, VN, YU, ZM
Partial provisional refusal of protection : 2006/5 Gaz, 09.03.2006, IR
Partial assignment : 2006/17 Gaz, 01.06.2006
Total provisional refusal of protection : 2006/7 Gaz, 23.03.2006, AU
Grant of protection subject to opposition : 2006/9 Gaz, 06.04.2006, EM
Limitation : 2006/35 Gaz, 05.10.2006, IR
Total provisional refusal of protection : 2006/12 Gaz, 27.04.2006, SG
Grant of protection subject to opposition : 2006/32 Gaz, 14.09.2006, TR
Total provisional refusal of protection : 2006/35 Gaz, 05.10.2006, NO
Grant of protection : 2006/44 Gaz, 07.12.2006, SY
Grant of protection : 2006/46 Gaz, 21.12.2006, EM
Total provisional refusal of protection : 2006/48 Gaz, 04.01.2007, VN
Grant of protection : 2006/49 Gaz, 11.01.2007, AM
Grant of protection subject to opposition : 2006/48 Gaz, 04.01.2007, GE
Partial provisional refusal of protection : 2006/48 Gaz, 04.01.2007, KZ
Total provisional refusal of protection : 2006/49 Gaz, 11.01.2007, EG
Partial provisional refusal of protection : 2006/51 Gaz, 25.01.2007, RU

Statement indicating that protection of the mark is protected for some of the goods and services requested : 2008/2 Gaz, 14.02.2008, AU
Grant of protection : 2007/16 Gaz, 24.05.2007, GE
Statement indicating that the mark is protected for all the goods and services requested : 2007/20 Gaz, 21.06.2007, NO
Continuation of effect : 2007/33 Gaz, 20.09.2007, ME
Seniority Claimed Subsequent to the International Registration : 2010/25 Gaz, 15.07.2010, EM
Grant of protection : 2007/38 Gaz, 25.10.2007, TR
Statement indicating that the mark is protected for all the goods and services requested : 2008/4 Gaz, 28.02.2008, EG
Statement indicating that the mark is protected for all the goods and services requested : 2008/16 Gaz, 22.05.2008, RU
Statement indicating the goods and services for which protection of the mark is granted under Rule 18ter(2)(ii) : 2013/16 Gaz, 09.05.2013, KZ
Partial assignment : 2012/18 Gaz, 24.05.2012
Seniority Claimed Subsequent to the International Registration : 2014/11 Gaz, 27.03.2014, EM
Final refusal of seniority claim : 2014/13 Gaz, 10.04.2014, EM
Seniority Claimed Subsequent to the International Registration : 2014/13 Gaz, 10.04.2014, EM
Renewal : 2015/30 Gaz, 06.08.2015
Designated contracting party(ies) which has not been the subject of a renewal (Rule 31(4)(b)) : AG, AL, AM, AU, AZ, BA, BQ, BY, CH, CU, CW, DZ, EG, GE, IR, IS, KE, KG, KZ, LI, LR, LS, MA, MC, MD, ME, MK, MZ, NA, NO, RO, RS, SD, SL, SM, SX, SY, SZ, TJ, TM, TR, UA, UZ, VN, ZM

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LA REPRESENTATION DES ETRANGERS

DEVANT L'OFFICE DE LA PROPRIETE INDUSTRIELLE

Des personnes n'ayant pas leur siège ou domicile permanent sur le territoire de la République tchèque sont obligées d'être représentées au cours d'une procédure sur les marques par un avocat ou bien par un ingénieur de brevets et de marques (article 46 alinéa 2 et 3 de la loi 441/2003 du Journal officiel).

Les avocats sont enregistrés au registre tenu par:

Le Barreau tchèque	tel.: +420 221 729 011
(Česká advokátní komora)	fax: +420 224 932 989
Národní třída 16	e-mail: sekr@cak.cz
110 00 Praha 1	http://www.cak.cz
République tchèque	http://www.advokatni-komora.cz

Les ingénieurs de brevets et de marques sont enregistrés au registre tenu par:

Chambre des ingénieurs de brevets et de marques	tel.: +420 541 248 246
(Komora patentových zástupců)	fax: +420 541 219 469
Gorkého 12	e-mail: kpz@patentovizastupci.cz
602 00 Brno	chamber@czechpatentattorneys.info
République tchèque	http://www.patzastupci.cz