

MADRID AGREEMENT AND PROTOCOL
PROVISIONAL REFUSAL OF PROTECTION

Rule 17(1)

I.	Office sending the statement:	Hungarian Intellectual Property Office 1438 Budapest, Pf.415 Fax. : (361) 474 - 5534
II.	Number of the international registration: 129 1862 Date of extension of the mark to Hungary: 2015.12.11	
III.	Name of the holder (or other information enabling the identity of the international registration to be confirmed): SANAYI VE TICARET ANONIM SIRKETI ABC DETERJAN	
IV.	Provisional refusal based on an ex officio examination <input checked="" type="checkbox"/> [X] Provisional refusal based on an opposition Provisional refusal based on an observation	
V.	<input checked="" type="checkbox"/> [X] Provisional refusal for all the goods and/or services Provisional refusal for some of the goods and/or services: (followed by an indication of the goods and/or services which are affected or are not affected)	
VI.	Grounds for refusal (where applicable, see item VIII): 4/1/b,4/1/c	
	Information relating to an earlier mark : (i) Filing date and number, and, if any, priority date: (ii) Registration date and number (if available): (iii) Name and address of the owner:	



(iv) List of all or relevant goods and/or services:

2011.05.04 009939984

009939984

VII.

The Procter & Gamble Company,
One Procter & Gamble Plaza Cincinnati, (US)

3

2008.12.03 007437874

007437874

The Procter & Gamble Company,
One Procter & Gamble Plaza Cincinnati, (US)

3

Corresponding essential provisions of the applicable law

VIII.

A sign shall not be granted trademark protection if because of its identity with, or similarity to, the earlier trademark and the identity or similarity of the goods or services there exists a likelihood of confusion on the part of the consumers. A sign shall not be granted trademark protection with respect to not similar goods or services if the sign with the later date of priority is identical with, or similar to, an earlier trademark having a reputation in the country where the use of the later sign would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trademark.

Information relating to subsequent procedure:

(i) Time limit for replying the present provisional refusal: 2017.01.02

(ii) Authority to which such reply shall be made:

Hungarian Intellectual Property Office

(iii) Indications concerning the appointment of a representative:

If the applicant is foreign person whose domicile or residence is outside the European Economic Area, he is obliged to appoint an agent entitled to act before the Hungarian Intellectual Property Office

Note: the official language of trademark procedures before the HIPO is Hungarian.

(iv) Procedure in the absence of a reply:

IX.

If the applicant fails to reply to a provisional refusal relating to absolute grounds of refusal, the

Office deems the application to be withdrawn in respect of the goods or services affected by the refusal.

WARNING: In case of an opposition, the expenses arisen in connection with the opposition can be

imposed on the losing party by the Hungarian Intellectual Property Office. The amount shall be found in the HIPO's decision.

Examiner: dr. Ladányi Katalin



X. Number of decision: A1291862/5
Date: 2016.09.21

Signature or official seal of the Office sending the statement:

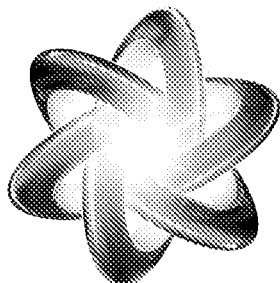
XI.


dr. Gabriella Kiss

Head of the International Trademark Section



Trade mark



(210)/(260) Application number	009939984
(270) Application language	en
(220) Application date	2011-05-04
Second language	fr
Application reference	TM-548160-FC
Trade mark office	EUIPO - EUIPO
(190) Registration office	EM
Receiving office number	E62679871
(151) Registration date	2011-09-14
Receiving office date	2011-05-04
(141) Expiry date	2021-05-04
(550) Trade mark type	Figurative
(551) Kind of mark	Individual
(511) Nice classification	3
(531)/(532) Vienna classification	10.01.03, 10.01.05, 10.01.11
Current trade mark status	Registered
Status date	2011-09-19
Opposition period start date	2011-06-07
Opposition period end date	2011-09-07
(521) Acquired distinctiveness	false
(510) List of goods and services	

EN	
(511) Nice class number	3
List of goods and services	Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; essential oils; cosmetics; hair care; dentifrices.
(511) Nice class number	3
List of goods and services	Λευκαντικά παρασκευάσματα και άλλες ουσίες για πλύσιμο· Παρασκευάσματα για καθαρισμό, στίλβωση, αφαίρεση λίπους και απόξεση· Σαπούνια· Αιθέρια έλαια· Καλλυντικά· Περιποίηση μαλλιών· Οδοντοσκευάσματα.

(730)/((731)/((732)/((733) Owner

Applicant identifier	110
Organization name	The Procter & Gamble Company
Legal form	corporation
(842) Applicant legal entity	Legal Entity
Applicant nationality code	US
Applicant incorporation country code	US
(812)/(842) Incorporation state	Ohio
Address country	US
Address country	US
Street	One Procter & Gamble Plaza
City	Cincinnati,
State	Ohio
Postcode	45202-3315

(740) Representative

Representative identifier	17218
Name	Deborah Brincat
Organization name	PROCTER & GAMBLE France SAS
Legal entity	Natural Person
Representative kind	Employee
Representative nationality code	FR

Representative incorporation country code FR

Address country FR

Address country FR

Street 163, quai Aulagnier

City Asnières Cédex

Postcode 92665

Phone 00 33-140885441

Fax 00 33-140887907

(750) Correspondence address

(350) Seniority

No entry for application number EM500000009939984

Exhibition priority

No entry for application number EM500000009939984

Priority

No entry for application number EM500000009939984

International registration transformation

No entry for application number EM500000009939984

Publication

Publication number	Publication section	Publication date	Publication page
2011/106	A.1	2011-06-07	0
2011/164	C.2.1	2011-08-31	0
2011/177	B.2	2011-09-19	0
2014/221	C.2.2	2014-11-24	0

Opposition

No entry for application number EM500000009939984

Recordals

Trade mark events	
(500) Event date	Event description
06 - 05 - 2011	T_EXA_FORM
05 - 06 - 2011	T_EXA_MOD_DOSSIER_MILESTONE
05 - 06 - 2011	T_EXA_REQ_TRANS
04 - 06 - 2011	T_EXA_VALID_BASIC_FEE
14 - 09 - 2011	T_EXA_MOD_DOSSIER_MILESTONE
14 - 09 - 2011	T_EXA_REGISTRATION

Trade mark events	
(530) Event date	Event description
20 - 09 - 2011	T_EXA_REG_CERT
04 - 05 - 2011	T_EXA_COM_SEARCH
07 - 06 - 2011	T_EXA_PUBL_A1
14 - 09 - 2011	T_EXA_REGRESSION
19 - 09 - 2011	T_EXA_PUBB2
04 - 05 - 2011	T_EXA_REQUEST_VIENNA_CLASS
06 - 05 - 2011	T_EXA_CLASSIFICATION
06 - 05 - 2011	T_EXA_ABS_GROUNDS
04 - 05 - 2011	T_EXA_PROV_FIL_DATE
04 - 05 - 2011	T_EXA_KEY_IN
04 - 06 - 2011	T_EXA_FEES_FIN_CHECK
19 - 09 - 2011	T_EXA_MOD_DOSSIER_MILESTONE
04 - 05 - 2011	T_EXA_MOD_DOSSIER_MILESTONE
07 - 06 - 2011	T_EXA_MOD_DOSSIER_MILESTONE

005867984

Kind of record	Representative - Change of name and professional address
Record identifier	005867984
Record reference	C.2.1
Publication date	2011-08-31
Record status	Published
Record status date	2011-08-31
Representative details	
Representative identifier	14572
Name	Danièle Le Carval
Organization name	PROCTER & GAMBLE France SAS
Legal entity	Natural Person

005867984

Representative kind	Employee
Representative nationality code	FR
Representative incorporation country code	FR
Address country	FR
Address country	FR
Street	163/165 quai Aulagnier
City	Asnières-sur-Seine
Postcode	92600
Phone	00 33-140885908
Fax	00 33-140882034

009009799

Kind of record	Representative - Replacement of representative
Record identifier	009009799
Record reference	C.2.2
Publication date	2014-11-24
Record status	Published
Record status date	2014-11-24
Original proprietor details	
Applicant identifier	110
Organization name	The Procter & Gamble Company
Legal form	corporation
(842) Applicant legal entity	Legal Entity
Applicant nationality code	US
Applicant incorporation country code	US
(812)/(842) Incorporation state	Ohio
Address country	US
Address country	US

009009799

Street	One Procter & Gamble Plaza
City	Cincinnati,
State	Ohio
Postcode	45202-3315

Claimant details

Applicant identifier	110
Organization name	The Procter & Gamble Company
Legal form	corporation
(842) Applicant legal entity	Legal Entity
Applicant nationality code	US
Applicant incorporation country code	US
(812)/(842) Incorporation state	Ohio
Address country	US
Address country	US
Street	One Procter & Gamble Plaza
City	Cincinnati,
State	Ohio
Postcode	45202-3315

Representative details

Representative identifier	17218
Name	Deborah Brincat
Organization name	PROCTER & GAMBLE France SAS
Legal entity	Natural Person
Representative kind	Employee
Representative nationality code	FR
Representative incorporation country code	FR

009009799

Address country	FR
Address country	FR
Street	163, quai Aulagnier
City	Asnières Cédex
Postcode	92665
Phone	00 33-140885441
Fax	00 33-140887907

Cancellation

No entry for application number EM500000009939984

Appeals

No entry for application number EM500000009939984

Renewals

No entry for application number EM500000009939984

Trade mark

ARIEL ACTILIFT

(210)/(260) Application number	007437874
(270) Application language	en
(220) Application date	2008-12-03
Second language	fr
Application reference	FC08OH510599
Trade mark office	EUIPO - EUIPO
(190) Registration office	EM
Receiving office number	E62413082
(151) Registration date	2009-07-21
Receiving office date	2008-12-03
(141) Expiry date	2018-12-03
(550) Trade mark type	Figurative
(551) Kind of mark	Individual
Claimed colour(s)	Red, green, blue and white.
(511) Nice classification	3
(531)/(532) Vienna classification	01.13.01, 27.05.12
Current trade mark status	Registered
Status date	2009-07-27
Opposition period start date	2009-02-20
Opposition period end date	2009-05-20
(521) Acquired distinctiveness	false

(510) List of goods and services

EN	
(511) Nice class number	3
List of goods and services	Washing and bleaching preparation for household purposes including laundry-related use; detergents.
(511) Nice class number	3
List of goods and services	Παρασκευάσματα για πλύσιμο και λεύκανση για οικιακές χρήσεις, όπου περιλαμβάνεται το πλύσιμο ρούχων απορρυπαντικά.

(730)/(731)/(732)/(733) Owner

Applicant identifier	110
Organization name	The Procter & Gamble Company
Legal form	corporation
(842) Applicant legal entity	Legal Entity
Applicant nationality code	US
Applicant incorporation country code	US
(812)/(842) Incorporation state	Ohio
Address country	US
Address country	US
Street	One Procter & Gamble Plaza
City	Cincinnati,
State	Ohio
Postcode	45202-3315

(740) Representative

Representative identifier	17218
Name	Deborah Brincat
Organization name	PROCTER & GAMBLE France SAS
Legal entity	Natural Person
Representative kind	Employee
Representative nationality code	FR
Representative incorporation country code	FR

Address country FR

Address country FR

Street 163, quai Aulagnier

City Asnières Cédex

Postcode 92665

Phone 00 33-140885441

Fax 00 33-140887907

(750) Correspondence address

(350) Seniority

No entry for application number EM500000007437874

Exhibition priority

No entry for application number EM500000007437874

Priority

No entry for application number EM500000007437874

International registration transformation

No entry for application number EM500000007437874

Publication

Publication number	Publication section	Publication date	Publication page
2009/007	A.1	2009-02-20	0
2009/028	B.1	2009-07-27	0
2010/084	C.2.2	2010-05-10	0

Opposition

No entry for application number EM500000007437874

Recordals

Trade mark events	
(540) Event date	Event description
04 - 12 - 2008	Application filed
04 - 12 - 2008	Application filed
04 - 12 - 2008	Filing date accorded
05 - 12 - 2008	Classification checked
05 - 12 - 2008	Formalities pending
05 - 12 - 2008	Formalities accepted
05 - 12 - 2008	Absolute grounds checked

Trade mark events	
(520) Event date	Event description
05 - 12 - 2008	Application accepted
14 - 02 - 2009	Application accepted
17 - 02 - 2009	Application accepted
17 - 02 - 2009	Application accepted
20 - 02 - 2009	Application published
03 - 06 - 2009	T_EXA_REGRESSION
27 - 07 - 2009	T_EXA_PUBB1
27 - 07 - 2009	T_EXA_MOD_DOSSIER_MILESTONE
04 - 06 - 2009	T_EXA_MOD_DOSSIER_MILESTONE
21 - 07 - 2009	T_EXA_MOD_DOSSIER_MILESTONE
21 - 07 - 2009	T_EXA_REGISTRATION
14 - 08 - 2009	T_EXA_REG_CERT

004754647

Kind of record	Representative - Replacement of representative
Record identifier	004754647
Record reference	C.2.2
Publication date	2010-05-10
Record status	Published
Record status date	2010-05-11
Original proprietor details	
Applicant identifier	110
Organization name	The Procter & Gamble Company
Legal form	corporation
(842) Applicant legal entity	Legal Entity
Applicant nationality code	US
Applicant incorporation country code	US

004754647

(812)/(842) Incorporation state	Ohio
Address country	US
Address country	US
Street	One Procter & Gamble Plaza
City	Cincinnati,
State	Ohio
Postcode	45202-3315
Claimant details	
Applicant identifier	110
Organization name	The Procter & Gamble Company
Legal form	corporation
(842) Applicant legal entity	Legal Entity
Applicant nationality code	US
Applicant incorporation country code	US
(812)/(842) Incorporation state	Ohio
Address country	US
Address country	US
Street	One Procter & Gamble Plaza
City	Cincinnati,
State	Ohio
Postcode	45202-3315
Representative details	
Representative identifier	17218
Name	Deborah Brincat
Organization name	PROCTER & GAMBLE France SAS
Legal entity	Natural Person
Representative kind	Employee

004754647

Representative nationality code	FR
Representative incorporation country code	FR
Address country	FR
Address country	FR
Street	163, quai Aulagnier
City	Asnières Cédex
Postcode	92665
Phone	00 33-140885441
Fax	00 33-140887907

Cancellation

No entry for application number EM500000007437874

Appeals

No entry for application number EM500000007437874

Renewals

No entry for application number EM500000007437874

-Act XI of 1997 on the Protection of Trademarks and Geographical Indications (extract)

Article 1(1) Trademark protection shall be granted for any signs capable of being represented graphically provided that these are capable of distinguishing goods or services from those of other undertakings.

(2) Signs which may be granted trademark protection are in particular:

- (a) words, combination of words, including personal names and slogans,
- (b) letters, numerals,
- (c) figures, pictures,
- (d) two- or three-dimensional forms, including the shape of goods or of their packaging,
- (e) colors, combination of colors, light signals, holograms,
- (f) sound signals, and
- (g) combination of signs under (a) to (f).

Article 2 (1) A sign may not be granted trademark protection if it does not meet the requirements of Article 1.

(2) A sign shall be excluded from trademark protection if:

(a) it is devoid of any distinctive character, in particular if it consists exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service, or other characteristics of the goods or services, or which have become customary in the current language or in the practices of trade;

(b) it consists exclusively of a shape which results from the nature of the goods themselves or which is necessary to obtain a technical result or which gives substantial value to the goods.

(3) A sign shall not be excluded from trademark protection in accordance with paragraph (2)(a) if, either before or after the date of priority, it has acquired a distinctive character.

Article 3 (1) A sign may not be granted trademark protection if:

- (a) it is contrary to public policy or to accepted principles of morality;
- (b) it is liable to deceive consumers as to the nature, quality, geographical origin or other characteristics of the goods or services;
- (c) its registration was applied for in bad faith.

(2) A sign shall be excluded from trademark protection if:

(a) it consists exclusively of State emblems or other emblems of an authority or international organization as defined in the Paris Convention for the Protection of Industrial Property;

(b) it relates to medals, badges, armorial bearings, not covered by subparagraph (a) above, or to official signs and hallmarks indicating control and warranty which are of public interest;

(c) it consists of symbols having a close relation to religious or other beliefs.

(3) Trademark protection shall be granted with the consent of the competent authority to signs of which the emblems defined under paragraph 2 (a) and (b) form only an element.

(4) A sign may not be granted trademark protection if it consists of or contains a geographical indication registered pursuant to this Act or to European Community law. This provision shall apply to goods which do not originate in a geographical area corresponding to the geographical indication or in connection with which the geographical indication cannot be used for any other reason on the basis of the provisions of this Act or of European Community law.

Article 4 (1) A sign may not be granted trademark protection:

(a) with respect to identical goods or services, if the sign with the later date of priority is identical with an earlier trademark;

(b) if because of its identity with or similarity to the earlier trademark and the identity or similarity of the goods or services there exists a likelihood of confusion on the part of the consumers;

(c) with respect to dissimilar goods or services if the sign with the later date of priority is identical with or similar to an earlier trademark having a reputation in the country where the use without due cause of the later sign would take unfair advantage of or be detrimental to the distinctive character or the repute of the earlier trademark.

(2) "Earlier trademark" means a trademark whose registration was applied for with an earlier date of priority or – for the purposes of paragraph (1)(a) and (b) – a sign which has become well-known at an earlier date in the country under the Paris Convention for the Protection of Industrial Property even if that sign is not registered. "Earlier trademark" shall also mean – depending on the registration of the sign – an earlier trademark application.

(3) A sign may not be refused trademark protection if it conflicts with an earlier trademark, which has not been used by the holder in accordance with the provisions of Article 18.

(4) For the purposes of this Act, the likelihood of confusion includes the likelihood of association with the earlier trademark.

Article (5) A sign may not be granted trademark protection:

(a) if it would infringe earlier personal rights of others, in particular a right in a name or of personal portrayal;

(b) if it would conflict with an earlier copyright or industrial property right of others, including conflict with the name of a protected plant variety.

(2) A sign shall not be granted trademark protection

(a) if it has been used effectively in the country without registration where the use of the sign without the consent of the prior user would be contrary to law; and

(b) if, with respect to identical or similar goods or services, it is identical with or similar to a trademark whose protection has lapsed by reason of expiration and less than two years have elapsed since the lapse, unless the earlier trademark had not been used in conformity with the provisions of Article 18.

(3) In determining whether a right, use or expiration is deemed as earlier within the meaning of paragraphs (1) and (2), the priority of the application for registration shall be taken into account.

Article (6) A sign shall be excluded from trademark protection if the representative or agent applies for registration in his own name without the holder's authorization, unless the representative or agent justifies his action.

Article 7(1) A sign may not be refused trademark protection in accordance with Articles 4 and 5 if the holder of the earlier right consents to the registration of the later sign.

(2) A declaration of consent shall be valid if drawn up as a public instrument or a private document providing sufficient evidence.

(3) A declaration of consent may be contested under those provisions of the Civil Code that concern actions for avoidance of a contract by reason of mistake, deception or threat; the declaration may not be withdrawn and may not be replaced by the decision of a Court.

Article 8(1) Trademark protection shall be granted for a sign if

(a) it satisfies the requirements of Article 1 and is not excluded from trademark protection under the terms of Articles 2 to 7 and

(b) the relevant application complies with the requirements laid down by this Act.