

PROVISIONAL REFUSAL OF PROTECTION - PRELIMINARNO ODBIJANJE ZAŠTITE

According to Rule 17 of the Common Regulations under the Madrid Agreement and Protocol / Sukladno Pravilu 17. Zajedničkog pravilnika
uz Madridski sporazum i Protokol

Our reference: UP/I-910-08/16-010/0050 559-04/2-16-005/HB	
I Office making the notification / Nacionalni ured koji je odbio zaštitu:	 State Intellectual Property Office of the Republic of Croatia / Državni zavod za intelektualno vlasništvo Republike Hrvatske Ulica grada Vukovara 78, 10000 Zagreb (Croatia), tel.: +385 1 6106-100, 6106-109, fax.: +385 1 6112-017
II Number of the international registration / Broj međunarodne registracije:	129 1862
III Name and the address of the holder / Ime i adresa nositelja:	ABC DETERJAN SANAYI VE TICARET ANONIM SIRKETI Rüzgarlibaçe Mahallesi, Cumhuriyet Caddesi, Gülsan Plaza No: 22 Kat: 4 Kavacik ISTANBUL (Turkey (TR))
IV Provisional refusal based on opposition/ Privremeno odbijanje na temelju prigovora	
V Grounds for refusal (see the text in column X) / Razlozi odbijanja (vidjeti tekst u rubrici X) :	
VI Corresponding essential provisions of the applicable law (see the text in column XI) / Odgovarajuće bitne odredbe nacionalnog zakona koji se primjenjuje (vidjeti tekst u rubrici XI) : Art. 6 para. 1 point 2	
VII Scope of the provisional refusal / Opseg privremenog odbijanja ☒ Provisional refusal for all the goods and/or services/ Odbijanje za sve proizvode i/ili usluge	
VIII Information relating to subsequent procedure / Obavijesti o daljnjem tijeku postupka: The holder of the international trademark registration may file her/his observations on the provisional refusal. She/he shall file her/his observations to the State Intellectual Property Office only by the intermediary of a representative established in the Republic of Croatia. A copy of the opposition shall be communicated to the representative after the filing of a power of attorney for representation. The time limit for filing the power of attorney shall be 4 months, counting from the date of the notification of refusal, or up to 23 January 2017, and the time limit for filing observations shall be 60 days counting from the day of receipt of a copy of the opposition by the representative. If the power of attorney is not filed up to the mentioned date, the requested registration of the trademark shall be refused within the limits of the requests referred to in the opposition. Nositelj međunarodne registracije žiga se može očitovati na privremeno odbijanje. Očitovanje treba podnijeti Državnom zavodu za intelektualno vlasništvo Republike Hrvatske isključivo uz posredovanje domaćeg zastupnika. Primjerak prigovora bit će dostavljen zastupniku nakon podnošenja punomoći o zastupanju. Rok za podnošenje punomoći je 4 mjeseca računajući od datuma obavijesti o odbijanju odnosno, do 23. siječnja 2017., a rok za očitovanje je 60 dana od dana primitka primjerka prigovora od strane zastupnika. Ako punomoć ne bude podnesena do navedenoga datuma, zatražena registracija će biti odbijena u granicama zahtjeva navedenih u prigovoru.	
IX	23/9/2016 Date of the notification of provisional refusal / Datum obavijesti o privremenom odbijanju Signature  / Potpis i službeni pečat

X

On 14 June 2016, the applicant The Procter & Gamble Company, One Procter & Gamble Plaza, 45202 Cincinnati, (OH, US), represented by authorized representative Odvjetničko društvo Korper & partneri, (Prilaz Gjura Deželića 16, HR-10000 Zagreb, Croatia), filed an opposition to the international trademark registration no. 129 1862 in the Republic of Croatia for all the goods/services, based on an earlier EUTM trademark registrations n°007437874 and n°009939984.

Trademark information : EUTM n°007437874 (ARIEL ACTILIFT)

Applicant: The Procter & Gamble Company

Address of the holder: One Procter & Gamble Plaza, 45202 Cincinnati, (OH, US)

Registration date: 21 07 2009

Goods/services: class(es) 3 (attachment list)

Trademark information : EUTM n°009939984

Applicant: The Procter & Gamble Company

Address of the holder: One Procter & Gamble Plaza, 45202 Cincinnati, (OH, US)

Registration date: 14 09 2011

Goods/services: class(es) 3 (attachment list)

The signs are in conflict for all the goods/services of the international registration n°129 1862.

Due to the mentioned opposition, the protection in the Republic of Croatia shall not be provisionally granted to the international registration no. 129 1862 for all the goods/services.

Excerpt from the register enclosed

XI Corresponding essential provisions of the applicable law:

Relative grounds for refusal – Article 6 of the Trademarks Act (Official Gazette of the Republic of Croatia: 173/03, 76/07, 30/09 i 49/11)

(1) Upon an opposition as filed, a sign shall not be registered:

1. if it is identical with an earlier trademark registered for identical goods or services,
2. if because of its identity with, or similarity to, the earlier trademark and the identity or similarity of the goods or services, there is a likelihood of confusion on the part of the public, which includes the likelihood of its association with the earlier trademark.

(2) For the purposes of this Act, "earlier trademark" shall mean:

1. trademarks registered in the Republic of Croatia, enjoying priority right referred to in Articles 17, 18 and 19 of this Act,
2. trademarks registered under international treaties, having effect in the Republic of Croatia, and enjoying priority right referred to in Articles 17, 18 and 19 of this Act,
3. applications for the registration of trademarks referred to in item 1 of this paragraph, provided that the trademarks become registered,
4. trademarks which, on the date of application for the registration of a trademark, or, if priority is claimed, on the date of priority right claimed in the application, are well known in the Republic of Croatia, in the sense in which the words "well known" are used in Article 6bis of the Paris Convention.

(3) Upon opposition as filed by the holder of an earlier trademark, a sign shall not be registered if it is identical with, or similar to, an earlier trademark and the registration has been requested for goods or services which are not similar to those for which the earlier trademark is registered, where the earlier trademark has a reputation in the Republic of Croatia and where the use of the later trademark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the reputation of the earlier trademark;

(4) Upon opposition as filed, a sign shall not be registered if its use would infringe one of the following earlier rights:

1. a right to a personal name,
2. a right of personal portrayal,
3. a copyright,
4. industrial property rights.

(5) For the purposes of this Act, "earlier right" shall mean rights acquired on the date which is earlier than the date of application for the registration of a trademark, or, if priority right is claimed, as from the date of priority claimed in the application.

(6) On the basis of opposition as filed, a sign shall not be registered if its use would infringe the right of the person who, at the time of filing of an application for the registration of a trademark, had a firm, provided that such firm or the essential part thereof is identical with or similar to the sign in respect of which the application is filed and provided that identical or similar goods or services are the subject matter of the firm's activity, unless the applicant had the identical or similar firm at the time of filing the application for registration of a trademark.

(7) On the basis of opposition as filed, a sign shall not be registered if it is identical with, or similar to, an earlier trademark which was registered for identical or similar goods or services and conferred on them a right which has expired for failure to renew the registration of the trademark within a period of not more than two years as from the expiry of the trademark, unless the holder of the earlier trademark gave his consent for the registration of the later trademark or did not use his trademark.

Relativni razlozi za odbijanje – Članak 6. Zakona o žigu (Narodne novine Republike Hrvatske 173/03, 76/07, 30/09 i 49/11)

(1) Na temelju podnesenoga prigovora neće se registrirati ni znak:

1. ako je istovjetan s ranijim žigom registriranim za istovjetne proizvode ili usluge,
2. ako zbog njegove istovjetnosti ili sličnosti s ranijim žigom i istovjetnosti ili sličnosti proizvoda ili usluga postoji vjerojatnost dovođenja javnosti u zabludu, što uključuje vjerojatnost dovođenja u svezu s ranijim žigom.

(2) Za potrebe ovoga Zakona pod pojmom »raniji žig« razumijevaju se:

1. žigovi registrirani u Republici Hrvatskoj koji uživaju ranije pravo prvenstva iz članka 17., 18. i 19. ovoga Zakona,
2. žigovi registrirani na temelju međunarodnih sporazuma koji vrijede u Republici Hrvatskoj i koji uživaju ranije pravo prvenstva iz članka 17., 18. i 19. ovoga Zakona,
3. prijave za registraciju žigova iz točke 1. ovoga stavka, pod uvjetom da žigovi budu registrirani,
4. žigovi koji su na dan prijave za registraciju žiga ili, ako je zatraženo pravo prvenstva, na datum prava prvenstva zatraženog u prijavi, dobro poznati u Republici Hrvatskoj u smislu u kojemu se riječi »dobro poznat« rabe u članku 6.bis. Pariške konvencije.

(3) Na temelju podnesenoga prigovora nositelja ranijega žiga neće se registrirati ni znak ako je istovjetan s ranijim žigom ili sličan ranijem žigu, a zatražena je registracija za proizvode ili usluge koji nisu slični onima za koje je registriran raniji žig kada raniji žig ima ugled u Republici Hrvatskoj i kada bi uporaba kasnijega žiga bez opravdanoga razloga nepošteno iskoristila razlikovni karakter ili ugled ranijega žiga ili im naštetila.

(4) Na temelju podnesenoga prigovora znak neće biti registriran ako bi njegova uporaba vrijeđala neko od sljedećih ranijih prava:

1. pravo na osobno ime,
2. pravo na osobnu sliku,
3. autorsko pravo,
4. prava industrijskoga vlasništva.

(5) Za potrebe ovoga Zakona pod pojmom »ranije pravo« razumijevaju se prava stečena na datum koji je raniji od datuma prijave za registraciju žiga ili, ako je zatraženo pravo prvenstva, od datuma prava prvenstva zatraženog u prijavi.

(6) Na temelju podnesenoga prigovora znak neće biti registriran ako bi njegova uporaba vrijeđala pravo osobe koja je u vrijeme podnošenja prijave za registraciju žiga imala tvrtku, pod uvjetom da je ta tvrtka ili bitni dio tvrtke istovjetan s prijavljenim znakom ili sličan prijavljenom znaku i pod uvjetom da su istovjetni ili slični proizvodi ili usluge predmet djelatnosti te tvrtke, osim ako je podnositelj prijave u trenutku prijave imao istovjetnu ili sličnu tvrtku.

(7) Na temelju podnesenoga prigovora znak neće biti registriran ako je istovjetan s ranijim žigom ili sličan ranijem žigu koji je bio registriran za istovjetne ili slične proizvode ili usluge, a iz kojega proizlazi pravo koje je isteklo zbog neproduženja registracije žiga u razdoblju od najviše dvije godine od datuma isteka vrijednosti žiga, osim ako je nositelj ranijega žiga dao svoju suglasnost za registraciju kasnijega žiga ili nije rabio svoj žig.

Expand all sections | Collapse all sections


☐ 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
(591) 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

Expand all sections | Collapse all sections

**Classification
version****Mark standard
character**☐ EN**(511) Nice class
number** 3**List of goods and
services** Washing and bleaching preparation for household purposes includin
g laundry-related use; detergents.[Translate](#)Service provided by [TMclass](#)**Note**☐ (730)/(731)/(732)/(733) Owner

Applicant identifier 110

Organization name The Procter & Gamble Company

Legal form corporation

**(842) Applicant legal
entity** Legal Entity

**(811) Applicant
nationality code** US

**Applicant incorporation
country code** US

(812)/(842)Incorporation state Ohio

Address country US

Street One Procter & Gamble Plaza

City Cincinnati,

State Ohio

Postcode 45202-3315

☐ (740) Representative

Representative identifier 17218

Name Deborah Brincat

Expand all sections | Collapse all sections



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
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

Expand all sections | Collapse all sections

**Trade mark events**

(580) Event date	Event description
2008-12-04T03:40:21	Application filed
2008-12-04T03:40:35	Application filed
2008-12-04T03:40:38	Filing date accorded
2008-12-05T09:09:53	Classification checked
2008-12-05T09:09:53	Formalities pending
2008-12-05T09:09:58	Formalities accepted
2008-12-05T09:10:03	Absolute grounds checked
2008-12-05T09:10:08	Application accepted
2009-02-14T08:33:40	Application accepted
2009-02-17T02:42:37	Application accepted
2009-02-17T10:14:29	Application accepted
2009-02-20T11:54:12	Application published
2009-06-03T07:20:10	T_EXA_REGRESSION
2009-07-27T12:54:15	T_EXA_PUBB1
2009-07-27T01:08:17	T_EXA_MOD_DOSSIER_MILESTONE
2009-06-04T09:37:04	T_EXA_MOD_DOSSIER_MILESTONE
2009-07-21T10:38:33	T_EXA_MOD_DOSSIER_MILESTONE
2009-07-21T12:50:49	T_EXA_REGISTRATION
2009-08-14T01:15:13	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

Expand all sections | Collapse all sections



004754647

(842) Applicant legal entity Legal Entity

(811) Applicant nationality code US

Applicant incorporation country code US

(812)/(842)Incorporation state Ohio

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

(811) Applicant nationality code US

Applicant incorporation country code US

(812)/(842)Incorporation state Ohio

Address country US

Street One Procter & Gamble Plaza

City Cincinnati,

State Ohio

Postcode 45202-3315

Representative details

Representative identifier 17218

Expand all sections | Collapse all sections

☐ 004754647

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

☐ **Cancellation**

No entry for application number EM500000007437874

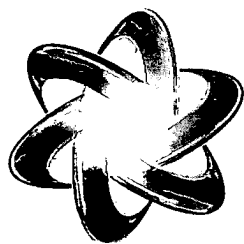
☐ **Appeals**

No entry for application number EM500000007437874

☐ **Renewals**

No entry for application number EM500000007437874

Expand all sections | Collapse all sections


☐ 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



Expand all sections | Collapse all sections

**Classification version****Mark standard character**☐ 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.

[Translate](#)Service provided by [TMclass](#)**Note**☐ (730)/(731)/(732)/(733) Owner ▲ ?

Applicant identifier 110

Organization name The Procter & Gamble Company

Legal form corporation

(842) Applicant legal entity Legal Entity

(811) Applicant nationality code US

Applicant incorporation country code US

(812)/(842)Incorporation state Ohio

Address country US

Street One Procter & Gamble Plaza

City Cincinnati,

State Ohio

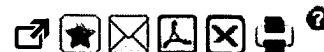
Postcode 45202-3315

☐ (740) Representative ▲ ?

Representative identifier 17218

Name Deborah Brincat

Expand all sections | Collapse all sections



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
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


Expand all sections | Collapse all sections



No entry for application number EM500000009939984

Records



Trade mark events

(580) Event date	Event description
2011-05-06T04:42:15	T_EXA_FORM
2011-06-05T12:45:31	T_EXA_MOD_DOSSIER_MILESTONE
2011-06-05T12:45:30	T_EXA_REQ_TRANS
2011-06-04T07:35:20	T_EXA_VALID_BASIC_FEE
2011-09-14T09:26:35	T_EXA_MOD_DOSSIER_MILESTONE
2011-09-14T09:28:57	T_EXA_REGISTRATION
2011-09-20T09:50:39	T_EXA_REG_CERT
2011-05-04T03:15:40	T_EXA_COM_SEARCH
2011-06-07T05:03:09	T_EXA_PUBL_A1
2011-09-14T09:20:50	T_EXA_REGRESSION
2011-09-19T04:54:05	T_EXA_PUBB2
2011-05-04T03:15:29	T_EXA_REQUEST_VIENNA_CLASS
2011-05-06T04:41:48	T_EXA_CLASSIFICATION
2011-05-06T11:14:44	T_EXA_ABS_GROUNDS
2011-05-04T02:20:54	T_EXA_PROV_FIL_DATE
2011-05-04T02:20:49	T_EXA_KEY_IN
2011-06-04T07:35:27	T_EXA_FEES_FIN_CHECK
2011-09-19T04:54:07	T_EXA_MOD_DOSSIER_MILESTONE
2011-05-04T02:20:50	T_EXA_MOD_DOSSIER_MILESTONE
2011-06-07T05:03:45	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

Expand all sections | Collapse all sections


☐ 005867984

Representative identifier	14572
Name	Danièle Le Carval
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
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
(811) Applicant nationality code	US

Expand all sections | Collapse all sections



009009799

**Applicant
incorporation
country code** US

**(812)/(842)Incorporation
state** Ohio

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

**(811) Applicant
nationality code** US

**Applicant
incorporation
country code** US

**(812)/(842)Incorporation
state** Ohio

Address country US

Street One Procter & Gamble Plaza

City Cincinnati,

State Ohio

Postcode 45202-3315

Representative details

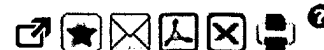
**Representative
identifier** 17218

Name Deborah Brincat

Organization name PROCTER & GAMBLE France SAS

Legal entity Natural Person

Expand all sections | Collapse all sections



☐ 009009799

Representative kind	Employee
Representative nationality code	FR
Representative incorporation country code	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