ARRANGEMENT DE MADRID CONCERNANT L'ENREGISTREMENT INTERNATIONAL DES MARQUES ET PROTOCOLE RELATIF À CET ARRANGEMENT REFUS PROVISOIRE DE PROTECTION

notifié au Bureau international de l'Organisation Mondiale de la Propriété Intellectuelle (OMPI) conformément à la règle 17.1) du règlement d'exécution commun à

l'Arrangement et au Protocole de Madrid

I.	Office qui notifie le refus : Office National de la Propriété Intellectuelle (NOIP)
	384-386 Nguyen Trai, Hanoi, VIETNAM
II.	No de l'enregistrement international faisant l'objet du refus : 1138418
III.	Nom et adresse du titulaire de l'enregistrement international faisant l'objet du refus :
	PROFILATI S.P.A.
	Via Pietro Galliani 135 Loc. Fossatone I-40059 Medicina (BO)
IV.	Motifs du refus :
	La marque déposée ne peut pas être enregistrée comme marque parce qu'elle est similaire à la marque internationale antérieure. En outre, elle étant constituée de simple figure géométriques est dépourvue de tout caractère distinctif.
	"EKU"
	638450 27 Mai 2005
	EKU AG
	90, Wilerstrasse, CH-8370 SIRNACH
	Cl. 06,19,20
V.	Dispositions de la loi nationale applicables en la matière :
	Art. 74.2a, e de la Loi de la PI
VI.	Refus pour la totalité des produits et services
	Refus pour les produits et/ou services suivants :
VII.	Recours contre la décision de refus provisoire :
	 a) délai de recours: 3 mois à partir de l'envoi de ce refus par l'OMPI b) autorité à laquelle le recours sera adressé: Office National de la Propriété intellectuelle 384-386 Nguyen Trai, Hanoi, VIETNAM c) assistance d'un mandataire local obligatoire: un mandataire en propriété industrielle au Vietnam
VIII.	Date à laquelle le refus a été prononcé : 06 Octobre 2016 2015/40 NNL29
IX.	Signature ou sceau officiel de l'Office qui notifie le refus : Directeur Général
	Hauf
annan Labara - Sant Santan	Tran Viet Thanh

638450

Date of the registration

26 05 1995

180 Expected expiration date of the registration/renewal 26.05.2025

Language of the application 270 French

151

811

Current Status

Name and address of the holder of the registration 732

EKU AG 90, Wilerstrasse, CH-8370 SIRNACH Switzerland Contracting State of which the holder is a national

CH (Switzerland)

740 Name and address of the representative

GACHNANG AG Patentanwalte Badstrasse 5, Postfach 323 CH-8501 Frauenfeld Switzerland

6.10.2016

EKU

Translation of the mark or of words contained in the mark 566

éléments verbaux sans signification

511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(6)

06 Fittings of metal for furniture of wood, plastic materials and metal; doors and gates of all types (of metal)

Doors and gates of all kinds (not of metal).

Accessories for office furniture, namely drawers with hanging frames, drawers, cupboard runners, desk stands and desk frames, rotary trays; plastic trimmings for furniture made of wood, plastic materials and metal.

822 Basic registration

CH (Switzerland), 11.04.1991, 384 738

832 Designation(s) under the Madrid Protocol

DK (Denmark), EE (Estonia), FI (Finland), GB (United Kingdom), GR (Greece), IE (Ireland), KR (Republic of Korea), LT (Lithuania), NO (Norway), SE (Sweden), SG (Singapore), TR (Turkey), US (United States of America)

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

AT (Austria), BX (Benelux), BY (Belarus), CN (China), CZ (Czech Republic), DE (Germany), ES (Spain), FR (France), HR (Croatia), HU (Hungary), IT (Italy), KZ (Kazakhstan), LI (Liechtenstein), LV (Latvia), ME (Montenegro), PL (Poland), PT (Portugal), RO (Romania), RS (Serbia), RU (Russian Federation), SI (Slovenia), SK (Slovakia), UA (Ukraine), VN (Viet Nam)

527 Indications regarding use requirements

GB (United Kingdom), IE (Ireland), SG (Singapore), US (United States of America)

Registration

1995/7 LMI, 19.09.1995

Designation(s) under the Madrid Agreement

AT (Austria), BX (Benelux), DE (Germany), ES (Spain), FR (France), IT (Italy)

Limitation of the list of goods and services

FI (Finland), GB (United Kingdom), SE (Sweden)

List limited to

851

06. Fittings of metal for furniture of wood, plastic materials and metal; doors and gates of all types

20 Accessories for office furniture, namely drawers with hanging frames, drawers, cupboard runners, desk stands and desk frames, rotary trays; plastic trimmings for furniture made of wood. plastic materials and metal.

580 Date of recording (date of notification from which the time limit to notify the refusal starts)

25.05.2000 Date of subse

uent designation (Rule 24(6) of the Common Regulations) 03.02.2000

The refusal period has expired and no notification of provisional refusal has been reco

(application of Rule 5 preserved)

DK (Denmark)

The refusal period has expired and no notification of provisional refusal has been reco (application of Rule 5 preserved)

The refusal period has expired and no notification of provisional refusal has been record

(application of Rule 5 preserved) GB (United Kingdom)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

PT (Portugal)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

SE (Sweden)

Subsequent designation

450 Publication number and date 2006/4 Gaz. 02.03 2006

831 Designation(s) under the Madrid Agreement

BY (Belarus), CN (China), CZ (Czech Republic), HR (Croatia), HU (Hungary), KZ (Kazakhstan), LI (Liechtenstein), LV (Latvia), PL (Poland), RO (Romania), RU (Russian Federation), SI (Slovenia), SK (Slovakia), UA (Ukraine), VN (Viet Nam), YU (Serbia and Montenegro)

832 Designation(s) under the Madrid Protoc

EE (Estonia), GR (Greece), IE (Ireland), KR (Republic of Korea), LT (Lithuania), NO (Norway) SG (Singapore), TR (Turkey)

527 Indications regarding use requirements

IE (Ireland), SG (Singapore)

Limitation of the list of goods and services

EE (Estonia), GR (Greece), IE (Ireland), KR (Republic of Korea), SG (Singapore)

The subsequent designation concerns only classes 6 and 20

Date of recording (date of notification from which the time limit to notify the refusal starts) 580

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Date of subsequent designation (Rule 24(6) of the Common Regulations) 27.05.2005

Date of recording (date of notification from which the time limit to notify the refusal starts) 31.07.1995

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

AT (Austria)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

BX (Benelux)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

DE (Germany)

The refusal period has expired and no notification of provisional refusal has been recorded

FR (France)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

IT (Italy)

861 Total provisional refusal of protection

ES (Spain)

450 Publication number and date

1996/3 Gaz 09 07 1996

Date of notification 580

07 05 1996

Date of receipt by the International Bureau

Statement indicating that protection of the mark is protected for some 897 of the goods and services requested

ES (Spain)

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1997/11 Gaz 17 07 1997

Refusé pour tous les produits de la classe 20 et admis pour ceux des classes 6 et 19

Date of notification

26 06 1997

Date of receipt by the International Bureau

05.06 1997

832

Subsequent designation

450 2000/10 Gaz 22.06.2000

831

Designation(s) under the Madrid Agreement PT (Portugal)

Designation(s) under the Madrid Protocol

DK (Denmark), F1 (Finland), GB (United Kingdom), SE (Sweden)

527 Indications regarding use requirements

GB (United Kingdom)

The refusal period has expired and no notification of provisional refusal has been recorded

BY (Belarus)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

EE (Estonia)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

GR (Greece)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

HR (Croatia) The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

KZ (Kazakhstan) The refusal period has expired and no notification of provisional refusal has been rec-

(application of Rule 5 preserved)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved) RU (Russian Federation)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

SI (Slovenia) The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved) SK (Slovakia)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

YU (Serbia and Montenegro)

Designated contracting party(ies) for which the second installment has been paid (Rule 40(3))

Publication number and date

832

2006/4 Gaz, 02.03.2006

831 Designation(s) under the Madrid Agreement PT (Portugal)

Designation(s) under the Madrid Protocol

Partial provisional refusal of protection 862

SG (Singapore)

450 Publication number and date

2006/12 Gaz. 27.04.2006

Partial provisional refusal of protection 862

As from November 14, 2005, provisional refusals indicate only whether they are total or partial,

without listing the goods and services, or the classes, affected or not affected.

23.03.2006

Date of receipt by the International Bureau

09.03.2006

Grant of protection subject to opposition

IE (Ireland)

450 Publication number and date

2006/14 Gaz. 11.05.2006 Opposition end date

04.07.2006

Opposition possible after the 18 months time limit

SG (Singapore)

2006/32 Gaz. 14.09.2006

Opposition end date

12 09 2006

Grant of protection

IE (Ireland)

Publication number and date

2006/32 Gaz, 14.09.2006

Grant of protection subject to opposition

HU (Hungary)

Publication number and date 450

2006/35 Gaz, 05.10.2006 Opposition end date

28.11.2006

Partial provisional refusal of protection 862

TR (Turkey)

450 Publication number and date

2006/39 Gaz, 02.11.2006

Partial provisional refusal of protection

As from November 14, 2005, provisional refusals indicate only whether they are total or partial,

without listing the goods and services, or the classes, affected or not affected

580 Date of notification

27.09.2006

Date of receipt by the International Bureau

20 09 2006

862 Partial provisional refusal of protection

CN (China)

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Publication number and date

2006/43 Gaz. 30.11.2006

862 Partial provisional refusal of protection

This partial provisional refusal is not subject to review or appeal before this Office. It is deemed to include a declaration of confirmation of partial provisional refusal under Rule 17(5)(a)(iii). All

the goods or services affected are therefore indicated Delete from list:

20. All the goods except "plastic trimmings for furniture made of wood, plastic materials and metal"

Refusal for all goods in classes 6 and 19

580 Date of notification

09 11.2006

Date of receipt by the International Bureau

20.10.2006

Grant of protection subject to opposition

NO (Norway)

2006/46 Gaz 21 12 2006

Opposition end date

30 12 2006

Total provisional refusal of protection 861

KR (Republic of Korea)

Publication number and date

2006/47 Gaz. 28 12 2006

Date of notification 580

27 11 2006

Date of receipt by the International Bureau

20.11.2006

Partial provisional refusal of protection 862

PL (Poland)

450 Publication number and date

2006/49 Gaz, 11.01.2007

Partial provisional refusal of protection 862

As from November 14, 2005, provisional refusals indicate only whether they are total or partial

without listing the goods and services, or the classes, affected or not affected

580 Date of notification

05.12.2006

Date of receipt by the International Bureau

27.11.2006

Partial provisional refusal of protection 862

UA (Ukraine)

Publication number and date 450 2006/49 Gaz, 11.01.2007

Partial provisional refusal of protection 862

As from November 14, 2005, provisional refusals indicate only whether they are total or partial

without listing the goods and services, or the classes, affected or not affected.

Date of notification 580

06.12.2006

Date of receipt by the International Bureau

Partial provisional refusal of protection 862

450 Publication number and date

2007/2 Gaz, 15.02.2007

Partial provisional refusal of protection 862 As from November 14, 2005, provisional refusals indicate only whether they are total or partial.

without listing the goods and services, or the classes, affected or not affected

580 Date of notification

12.01.2007

Date of receipt by the International Bureau

29.12.2006

Partial provisional refusal of protection 862

CZ (Czech Republic) Publication number and date

2007/4 Gaz. 01.03.2007

Partial provisional refusal of protection

As from November 14, 2005, provisional refusals indicate only whether they are total or partial without listing the goods and services, or the classes, affected or not affected.

Date of notification 580

26.01.2007

Date of receipt by the International Bureau

17.01.2007

Grant of protection 868

NO (Norway)

2007/8 Gaz. 29.03.2007

895 Statement indicating that the mark is protected for all the goods and services requested

SG (Singapore) 450 Publication number and date 2007/7 Gaz. 22 03.2007 Date of notification

16 02 2007

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Date of receipt by the International Bureau

08.02.2007

Statement indicating that protection of the mark is protected for some 897 of the goods and services requested

KR (Republic of Korea)

Publication number and date

2008/23 Gaz. 10 07 2008

List limited to:

06 Metal fittings for furniture, doors and gates of all types (of metal)

20 Accessories for office furniture, namely drawers with hanging frames, drawers, cupboard runners, desk stands and desk frames, rotary trays; non-metallic fittings for furniture

Date of notification

19.06.2008 Date of receipt by the International Bureau

21 05 2007

Statement indicating that protection of the mark is protected for some of the goods and services requested

PL (Poland)

Publication number and date 2007/34 Gaz. 27 09 2007

Accepted for all the goods in classes 19 and 20

Date of receipt by the International Bureau

Date of notification 06 09:2007

> 25.07.2007 Continuation of effect

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2007/38 Gaz, 25.10.2007 833 Interested Contracting Party(ies)

ME (Montenegro)

Date of recording 580 17.09.2007

Statement indicating that protection of the mark is protected for some 897 of the goods and services requested

UA (Ukraine)

Publication number and date 450

2007/44 Gaz. 06 12 2007

Accepted for all the goods in classes 19 and 20

Date of notification

15 11 2007

Date of receipt by the International Bureau

15.10.2007

897 Statement indicating that protection of the mark is protected for some of the goods and services requested

TR (Turkey)

450 Publication number and date

2008/4 Gaz, 28.02.2008

Accepted for all the goods in classes 19 and 20.

580 Date of notification

07.02.2008

Date of receipt by the International Bureau

19.12.2007

897 Statement indicating that protection of the mark is protected for some of the goods and services requested

RO (Romania)

450 Publication number and date

2008/10 Gaz. 10.04.2008

Accepted for all the goods in classes 19 and 20.

580 Date of notification

20.03.2008

Date of receipt by the International Bureau

12.02.2008

Statement indicating that protection of the mark is protected for some of the goods and services requested

CZ (Czech Republic)

450 Publication number and da

2008/36 Gaz, 09.10.2008

List limited to:

06 Doors

Accepted for all goods in classes 19 and 20

580 Date of notification

18.09.2008

Date of receipt by the International Bureau

10.04.2008

Subsequent designation

450 Publication number and date 2012/11 Gaz, 05.04.2012

832 Designation(s) under the Madrid Protocol

US (United States of America)

7 Indications regarding use requirements

US (United States of America)

851 Limitation of the list of goods and services
US (United States of America)

LV (Latvia), ME (Montenegro), PL (Poland), PT (Portugal), RO (Romania), RS (Serbia), RU (Russian Federation), SI (Slovenia), SK (Slovakia), UA (Ukraine), VN (Viet Nam)

527 Indications regarding use requirements

GB (United Kingdom), IE (Ireland), SG (Singapore), US (United States of America)

The subsequent designation concerns only classes 6 and 20

80 Date of recording (date of notification from which the time limit to notify the refusal starts) 29.03.2012

Date of subsequent designation (Rule 24(6) of the Common Regulations)

Total provisional refusal of protection

US (United States of America)

450 Publication number and date

2012/15 Gaz, 03.05.2012

Date of notification

891

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26.04.2012

Date of receipt by the International Bureau

12.04.2012

Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1)

US (United States of America)

Publication number and date

2012/40 Gaz. 25 10 2012

Statement indicating the goods and services for which protection of the mark is granted under Rule 18ter(2)(ii)

US (United States of America)

Publication number and date

2013/13 Gaz. 18 04.2013

List limited to:

06 Fittings of metal for furniture of wood, plastic materials and metal; metal doors and metal gates of all types.

20 Accessories for office furniture, namely, drawers with hanging frames, drawers, furniture parts, namely, cupboard runners, desk stands and desk frames, rolary trays, plastic trim for furniture made of wood, plastic materials and metal.

580 Date of notification

11.04.2013

Date of receipt by the International Bureau

16.03 2013

Renewal

450 Publication number and date

2015/22 Gaz. 11.06.2015

832 Designation(s) under the Madrid Protocol

DK (Denmark), EE (Estonia), FI (Finland), GB (United Kingdom), GR (Greece), IE (Ireland), KR (Republic of Korea), LT (Lithuania), NO (Norway), SE (Sweden), SG (Singapore), TR (Turkey), US (United States of America)

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

AT (Austria), BX (Benelux), BY (Belarus), CN (China), CZ (Czech Republic), DE (Germany), ES (Spain), FR (France), HR (Croatia), HU (Hungary), IT (Italy), KZ (Kazakhstan), LI (Liechtenstein)