

**Notification de refus provisoire de protection fondée sur une opposition
conformément à l'article 5 du protocole de Madrid, à la règle 17, paragraphes 1
et 2, du règlement d'exécution commun à l'arrangement et au protocole de
Madrid, et à la règle 115 du REMUE**

Alicante, 17/10/2016

<i>N° de demande internationale:</i>	1251408
<i>Date de notification:</i>	26-05-2016
<i>Marque:</i>	TESLA
<i>Titulaire:</i>	Internet group d.o.o. Savski nasip 7 11070 Beograd
<i>Numéro d'opposition:</i>	B2744202

La protection de la marque susmentionnée est provisoirement refusée pour l'Union européenne.

Le refus provisoire est fondé sur le fait qu'une opposition a été déposée contre l'enregistrement international.

I. Les motifs de la présente opposition sont les suivants:

conflit avec une marque antérieure en raison de l'identité ou de la similitude des produits ou des services, ou de l'identité ou de la similitude des marques concernées, et risque de confusion (article 8, paragraphes 1 et 2, du RMUE);

II. Nom et adresse de l'opposante:

**MASCHINENFABRIK REINHAUSEN GMBH
Corporate Legal Services (LS)
Postfach 12 03 60
D-93025 Regensburg
ALEMANIA**

III. L'opposition est fondée sur une marque qui a fait l'objet d'une demande ou d'un enregistrement.

- type de marque: **MUE**
- date de dépôt, date d'enregistrement et, le cas échéant, date de priorité:

Date de dépôt: 18/11/2013

Date d'enregistrement: 18/03/2014

- numéro de dépôt et, si différent, numéro d'enregistrement:

Numéro de dépôt : 012318929

Numéro d'enregistrement : 012318929

- représentation de la marque: (voir annexe)
- liste des produits et services sur lesquels se fonde l'opposition: (voir annexe)

IV. Le refus provisoire concerne

uniquement les produits et services suivants couverts par la désignation de l'Union européenne:

Class 9 antennas; alarms (instruments); ammeters; breakers (circuit breakers); circuit closers; computers; software [recorded programs]; recorded computer programs; computer programs [downloadable software]; downloadable computer software applications; control panels [electricity]; electric converters; couplers [data processing equipment]; electric couplings; current rectifiers; data processing apparatus; detectors; diagnostic apparatus not for medical use; distribution boards [electricity]; distribution boxes [electricity]; distribution consoles [electricity]; inductors [electricity]; interfaces [for computers]; electric loss indicators; electric monitoring apparatus; monitors [computer programs]; apparatus and instruments for physics; refractometers; remote control apparatus; step-up transformers; switchboards; switchboxes [electricity]; switches; temperature indicators; terminals [electricity]; material testing instruments and machines; thermometers, not for medical use; thermostats; transmitters of electronic signals; transmitters [telecommunication]; transmitters [telecommunication]; transponders; voltage surge protectors; wire connectors [electricity]; electric wires.

V. L'EUIPO notifiera l'opposition à la titulaire de l'enregistrement international séparément, y compris toute preuve sur laquelle elle est fondée, conformément à la règle 18, paragraphe 1, du REMUE. L'EUIPO fixera des délais à la titulaire. Cette notification ouvrira une période de deux mois (prorogeable) – « cooling off », ainsi qu'une nouvelle période de deux mois pour permettre à l'opposante d'étayer son opposition. La notification fixera un délai de six mois – en principe – à la titulaire de l'enregistrement international pour qu'elle fasse part de ses observations.

Jesús MARTINEZ MARTINEZ

Annexes: acte d'opposition.

Date of document (dd/mm/yyyy)	Number of pages (including current page)
29/07/2016	2

Reference

Your reference	W028EU/KHB-Mkl
----------------	----------------

Opposition proceedings

Language of proceedings	EN (English)
-------------------------	--------------

Opponent(s)

Opponent number	1	Opponent EUIPO ID\	554136
Type of opponent	Legal entity		
Name of organization	MASCHINENFABRIK REINHAUSEN GMBH		
Nationality	Germany		
Street name & house No	Falkensteinstraße 8		
City/Town	Regensburg		
Postal code	93059		
Country	Germany		
Postal address			
Telephone number	00 49-94140904280		
Fax number	00 49-94140904015		
Email address	patents@reinhausen.com		

Representative(s)

Representative number	1	EUIPO Representative ID number\	66575
Representative type	Employee representative		
Economic connections	Representation is based on economic connections		
Nature of economic connections			
First name	Kai		
Surname	Hublé		
Name of employer	MASCHINENFABRIK REINHAUSEN GMBH		
Street name & house no	Falkensteinstraße 8		
City/Town	Regensburg		
Postal code	93059		
Country	Germany		
Postal address	Kai Hublé Falkensteinstraße 8 D-93059 Regensburg ALEMANIA		
Telephone number	00 49-94140904026		
Fax number	00 49-94140904015		
Email address	patents@reinhausen.com		

Challenged application

	Number	1251408
Trade mark origin	International registration	
Application date	22/01/2015	
Publication date	27/05/2016	
Application representation	TESLA	
Name of the applicant	Internet group d.o.o.	
First language	FR (French)	
Second language	EN (English) Selected	

List of goods & services - Against parts of the goods and services	
Class	Goods & services
9	antennas; alarms (instruments); ammeters; breakers (circuit breakers); circuit closers; computers; software [recorded programs]; recorded computer programs; computer programs [downloadable software]; downloadable computer software applications; control panels [electricity]; electric converters; couplers [data processing equipment]; electric couplings; current rectifiers; data processing apparatus; detectors; diagnostic apparatus not for medical use; distribution boards [electricity]; distribution boxes [electricity]; distribution consoles [electricity]; inductors [electricity]; interfaces [for computers]; electric loss indicators; electric monitoring apparatus; monitors [computer programs]; apparatus and instruments for physics; refractometers; remote control apparatus; step-up transformers; switchboards; switchboxes [electricity]; switches; temperature indicators; terminals [electricity]; material testing instruments and machines; thermometers, not for medical use; thermostats; transmitters of electronic signals; transmitters [telecommunication]; transmitters [telecommunication]; transponders; voltage surge protectors; wire connectors [electricity]; electric wires.

Basis of the opposition #1 - Trade mark	
Trade mark number	012318929
Trade mark origin	European Union trade mark
Trade mark name	TESSA
Application date	18/11/2013
Registration number	012318929
Registration date	18/03/2014
Publication date	09/12/2013
Type of the representation of the earlier right	Word
Word element(s) of the earlier right	TESSA
Reputation claimed	No

List of goods & services - Based on all goods and services	
Class	Goods & services
9	Electric apparatus and instruments for electrical engineering, namely for conducting, converting, storage, regulating and controlling; The aforesaid apparatus and instruments for activating, controlling, regulating, monitoring, testing and supervision of the operating state and operating ability of transformers, commutating apparatus, step switches on transformers and motorised activators for such step switches; Electric apparatus and instruments for weak-current engineering, namely for measuring, computing and control engineering; The aforesaid apparatus and instruments and computer programs for activating, controlling, regulating, monitoring, testing and supervision of the operating state and operating ability of transformers, commutating apparatus, step switches on transformers and motorised activators for such step switches; All the aforesaid goods expressly excluding goods in connection with locks, electronic locks, alarm installations and access control and in connection with apparatus for measuring geometric sizes and equipment for measuring geometric sizes.
37	Assembly, commissioning, maintenance and repair of electric apparatus and instruments for electrical engineering, and of electric apparatus and instruments for weak-current engineering.
42	Installation, commissioning, maintenance, servicing and repair of computer programs, other than in the field of services relating to locks, electronic locks, alarm systems and access control systems.

Entitlement	
Entitlement of opponent	Owner/Co-owner/Licencee

Grounds for the opposition	
Grounds #1	Article 8(1)(a) EUTMR - the EUTMA is identical to the earlier mark and covers identical goods and/or services.
Grounds #2	Article 8(1)(b) EUTMR - there exists a likelihood of confusion on the part of the public.

Payment of fees	
Pay by	Current account with the EUIPO
Opposition fee	320 EUR
Account No.	0000002296

Signature			
First name	Surname	Capacity of the signatory	Position
Kai	Hublé	The EUIPO professional representative	