

**MADRID AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF MARKS
AND PROTOCOL RELATING TO THAT AGREEMENT
PROVISIONAL REFUSAL OF PROTECTION**

Notified to the World Intellectual Property Organisation (WIPO)
according to Article 5 of the Madrid Agreement and Madrid Protocol

I. Office making the notification of refusal PATENT OFFICE OF THE REPUBLIC OF LATVIA 7/70, Citadeles iela LV 1010, Rīga LATVIA	Phone 371 67099604 Fax 371 67099650
II. Number of the international registration which is the subject of refusal 1 301 296	
III. Name of the holder of the international registration concerning the subject of refusal KRKA, tovarna zdravil, d.d., Novo mesto Šmarješka cesta 6 SI-8000 Novo mesto (SI)	
IV. The grounds of refusal: Opposition submitted by NOVARTIS AG, CH-4002 Basel, CH, Holder of national registration M 67 242 /COXITOR/, date of registration 20.03.2014.	
V. Reference to the corresponding essential provisions of the Law of the Republic of Latvia On Trade Marks and Indications of Geographical Origin (see materials attached): Section 18, 39 (5) and (6). Opposition is based on Section 7(1)2.	
VI. <input checked="" type="checkbox"/> Refusal for all the goods and services. <input type="checkbox"/> Refusal for the following goods and services:	
VII. Possibilities to review or appeal The holder is entitled, within three months from the date on which the International Bureau has notified of the Provisional Refusal, to submit a substantiated appeal to the Patent Office through a professional local patent attorney (Law On Trade Marks and Indications of Geographical Origin, Section 17. ¹ ; Law on Industrial Property Institutions and Procedures, Section 58). After expiration of the said period the Board of Appeal shall take a decision to satisfy the opposition, fully or in-part, or to dismiss it. The case can be reviewed, within three months from the date of notification of the Board of Appeal's decision, by a civil action initiated before the Riga City Vidzeme Suburb Court.	
VIII. Date on which the refusal was pronounced 16.11.2016	
IX. Signature and seal of the office making the notification of refusal Head of International trademark Division Līga Rinka	

L. Rinka



Preču zīmes dati

(111) Reģ. Nr. M 67 242

(151) Reģ. dat. 20.03.2014

(210) Pieteik. M-13-1113

(220) Pieteik. dat. 01.10.2013

(181) Spēkā esamības paredzamais termiņš 01.10.2023

COXITOR

(730) Īpašnieks NOVARTIS AG; , CH-4002 Basel, CH

(740) Pārstāvis Vladimirs ANOHINS, Patentu aģentūra "TRIA ROBIT"; Vīlandes iela 5, Rīga, LV-1010, LV

(511) 5 farmaceitiskie preparāti cilvēka vajadzībām, proti, sāpes remdinoši līdzekļi, pretiekaisuma un pretdrudža (antipirētiski) līdzekļi

Statuss: zīme reģistrēta

11.11.2016
Jaobis

Section 18. Opposition to the Registration of a Trade Mark

(1) Within three months from the date of the publication of a trade mark, interested persons may file with the Patent Office an application for opposition to the registration of a trade mark. The filing of the application for opposition, the progress and examination of it shall be executed/carried out according to the provisions of the Law on Industrial Property Institutions and Procedures.

[21 October 2004][19 November 2015]

Section 39. Validity of an International Registration in Latvia

[..]

(4) The Patent Office shall examine internationally registered trade marks to ascertain their compliance with the requirements of Sections 6 and 8 of this Law. In the case of registration of a collective mark it shall also be ascertained whether the by-laws on the use of the collective mark have been included in the registration, in compliance with the provisions of Section 35, Paragraph four of this Law.

(5) An application for opposition to the entry into effect of an international registration of a trade mark in Latvia, as provided for in Section 18 of this Law, shall be filed within four months from the date of publication of a notice of trade mark registration with respect to Latvia (territorial extension to Latvia) in the official gazette of international registration of trade marks.

(6) If, as a result of an examination, it is determined that an international trade mark does not comply with the requirements of Paragraph four of this Section, or if an opposition has been filed to such registration, the Patent Office shall, within the terms and in accordance with the procedures laid down in the rules on the international registration of trade marks, notify the International Bureau of the refusal of the particular international registration (provisional refusal). Within three months from the date on which the International Bureau has notified of the refusal, the owner of the international registration is entitled to submit a notice of appeal (a reply to the application for opposition) as provided for in Section 17.¹ of this Law.

Section 7. Earlier Trade Marks as Grounds for Invalidation of Trade Mark Registration

(1) A trade mark registration may be declared invalid in accordance with the provisions of this Law in the following cases:

1) it is identical to an earlier trade mark, and the goods or services in respect of which the trade mark was registered are identical to the goods or services in respect of which the earlier trade mark was registered;

2) in connection with its identity or similarity to, an earlier trade mark belonging to another person and the identity or similarity of the respective goods or services, there exists a likelihood of confusion of the trade marks or a likelihood of association between the trade marks on behalf of the relevant consumers.

(2) Earlier trade marks within the meaning of Paragraph one of this Section are:

1) trade marks valid in Latvia, which have been registered under national or international registration procedures, or as European Community trade marks (hereinafter – Community trade mark) in accordance with Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (codified version) (Text with EEA relevance) (hereinafter – Council Regulation No 207/2009) if the date of application for registration thereof is earlier than the date of application for registration of the contested trade mark, also taking into account the priority accorded to those trade marks;

2) applications for the registration of trade marks referred to in the previous Clause, provided that they are registered.

[21 October 2004; 14 October 2010]

Section 39.³ Additional Provisions for the Protection of the Community Trade Mark

(1) An opposition to the registration of a trade mark (Section 18) and the claim for invalidation of the registration of a trade mark (Section 31) apart from the earlier rights provided for in Sections 7, 8 and 9 of this Law may also be justified with an earlier identical or similar Community trade mark, which has a good reputation in the European Community and which is registered for goods or services which are not similar to those goods and services, which have a trade mark registered later (contested), but on condition that the use of the later trade mark without due cause takes unfair advantage of, or is detrimental to the distinctive character or the reputation of the Community trade mark or that such use of the later trade mark may be seen by consumers as a sign of connection between these goods and services and the owner of