
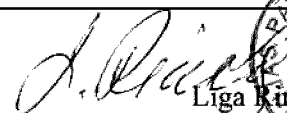


**MADRID AGREEMENT CONCERNING  
THE INTERNATIONAL REGISTRATION OF MARKS  
AND PROTOCOL RELATING TO THAT AGREEMENT  
PROVISIONAL REFUSAL OF PROTECTION**

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

<b>I. Office making the notification of refusal</b> <b>PATENT OFFICE OF THE REPUBLIC OF LATVIA</b> <b>7/70, Citadeles iela</b> <b>LV 1010, Rīga</b> <b>LATVIA</b>	Phone 371 67099604 Fax 371 67099650
<b>II. Number of the international registration which is the subject of refusal</b> <b>1 312 321</b>	
<b>III. Name of the holder of the international registration concerning the subject of refusal</b> <b>Tobacco International Enterprises Limited</b> <b>Dalton House,</b> <b>60 Windsor Avenue</b> <b>London SW19 2RR (GB)</b>	
<b>IV. The grounds of refusal: Opposition submitted by Under Control Commercial Brokerage L.L.C., Al Sheikh AAI Batty Al Maktom Deira, Dubai, AE – United Arab Emirates, holder of EUTM registration 012935052 /BMJ Oscar, Fig./.</b>	
<b>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):</b> <b>Section 18, 39 (5) and (6). Opposition is based on Section 7. (1) 2.</b>	
<b>VI.</b> <input checked="" type="checkbox"/> <b>Refusal for all the goods and services.</b>  <input type="checkbox"/> Refusal for the following goods and services:	
<b>VII. Possibilities to review or appeal</b> 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. <sup>1</sup> ; 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.	
<b>VIII. Date on which the refusal was pronounced</b> <b>07.02.2017</b>	
<b>IX. Signature and seal of the office making the notification of refusal</b> Chief examiner in International trademark matters	



## **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.<sup>1</sup> 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]*

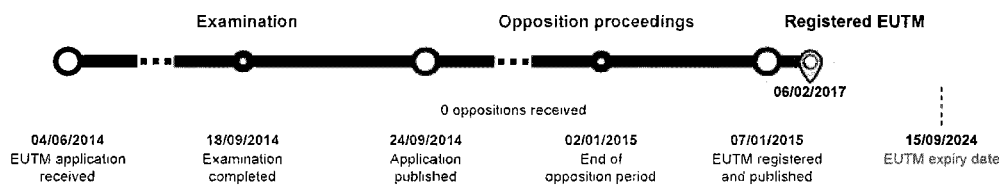


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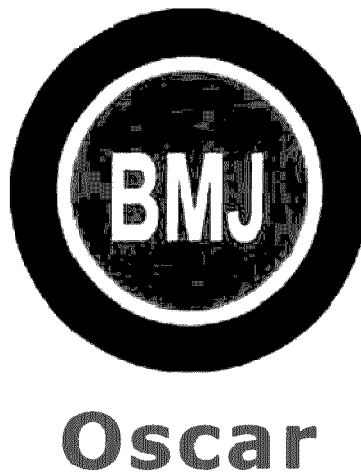
## EUTM file information

**BMJ OSCAR**  
**012935052**

### Timeline



### Graphic representation



### Trade mark information

Name	<b>BMJ OSCAR</b>	Filing date	<b>15/09/2014</b>
Filing number	<b>012935052</b>	Registration date	<b>02/01/2015</b>
Basis	<b>EUTM</b>	Expiry date	<b>15/09/2024</b>
Date of receipt	<b>04/06/2014</b>	Designation date	
Type	<b>Figurative</b>	Filing language	<b>Spanish</b>
Nature	<b>Individual</b>	Second language	<b>English</b>
Nice classes	<b>34 ( Nice Classification )</b>	Application reference	<b>A14-2901</b>
Vienna Classification	<b>26.01.04, 26.01.18, 27.99.02, 27.99.10, 27.99.13 ( Vienna Classification )</b>	Trade mark status	<b>Registered</b>
		Acquired distinctiveness	<b>No</b>

### Goods and services

English (en) ☒**34** Tobacco, smokers' articles, matches.

## Description

English (en) ☒

Description

Colour Blue; white; black.

## Owners

## Under Control Commercial Brokerage L.L.C

ID	<b>489817</b>	Country	<b>AE - United Arab Emirates</b>	Correspondence address	
Organisation	<b>Under Control Commercial Brokerage L.L.C</b>	State/country	<b>n/a</b>	Under Control Commercial Brokerage L.L.C	Can be accessed and changed by authorised user via the User Area
		Town	<b>Dubai</b>	Al Sheikh AAl Batty Al Maktom Deira Dubai	
Legal status	<b>Legal entity</b>	Post code	<b>n/a</b>	EMIRATOS ÁRABES UNIDOS	Can be accessed and changed by authorised user via the User Area
		Address	<b>Al Sheikh AAl Batty Al Maktom Deira</b>		Can be accessed and changed by authorised user via the User Area

## Representatives

## P &amp; T INTELLECTUAL PROPERTY, S.L.

ID	<b>21803</b>	Country	<b>ES - Spain</b>	Correspondence address	
Organisation	<b>n/a</b>	State/country	<b>n/a</b>	P & T INTELLECTUAL PROPERTY, S.L.	932384692
Legal status	<b>Legal person</b>	Town	<b>Barcelona</b>	Sant Elies 21, 3º 1ª	934150784
Type	<b>Association</b>	Post code	<b>08006</b>	E-08006 Barcelona ESPAÑA	
		Address	<b>Sant Elies 21, 3º 1ª</b>		pt-bcn@pt-bcn.com

## Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		EUTM	012935052	Cover letter for registration certificate.	08/01/2015	
		EUTM	012935052	Certificate of Registration	07/01/2015	
		EUTM	012935052	Notification that a filing date has been accorded (Rule 9)	18/09/2014	
		EUTM	012935052	Letter to the EUIPO	15/09/2014	
		EUTM	012935052	Basic requirements deficiency notification	14/07/2014	
		EUTM	012935052	Search report transmitted (Article 38(1) and (6))	23/06/2014	
		EUTM	012935052	Figurative	04/06/2014	
		EUTM	012935052	Application form and attachment	04/06/2014	

Showing 1 to 8 of 8 entries

**IR transformation**

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No entry

**Seniority**

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No entry

**Exhibition priority**

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No entry

**Priority**

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No entry

**Publications**

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Bulletin number	Date	Section	Description
2014/179	24/09/2014	A.1	Applications published under article 40 EUTMR
2015/003	07/01/2015	B.1	Registrations with no amendments since the application was published
Showing 1 to 2 of 2 entries			

**Cancellation**

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No entry

**Recordals**

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No entry

**Oppositions**

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No entry

**Appeals**

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No entry

**Decisions**

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No entry

**Renewals**

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No entry

**Trade mark relations**

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No entry