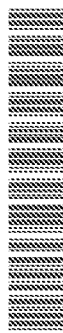


notified to the International Bureau of the World Intellectual Property Organization (WIPO)
under Article 5 of the Madrid Agreement/Madrid Protocol

I.	Office having declared refusal of protection: Deutsches Patent- und Markenamt D-80297 München (Federal Republic of Germany)	Telephone Teleprinter Extension no.	+49 (0)89 2195-0 +49 (0)89 2195-4000 +49 (0)89 2195-4611
II.	No. of the international registration in respect of which protection has been refused: 1 315 700 No. of basic national registration: 24 586		
III.	Name and address of the holder of the registration in respect of which protection has been refused: "GRAND CANDY" LLC, 31 Masis str., 0061 Yerevan, AM		
IV.	Provisional/final refusal (<i>see item VIII below</i>)		
V.	Grounds for refusal (earlier opposed trade marks and/or other grounds): – <i>see item X</i> –		
VI.	Applicable sections of the national law: – <i>see item X</i> –		
VII.	<input checked="" type="checkbox"/> Refusal for all products/services. <input type="checkbox"/> Refusal for all products/services excepting: <input type="checkbox"/> Refusal for products/services as follows: – <i>see item X</i> –		
VIII.	<p>Objection to and legal remedies concerning the decision to refuse protection (<i>please quote the international registration no./cl. 30 in all correspondence</i>):</p> <p>The holder of the trade mark may submit his objections to the present refusal to Deutsches Patent- und Markenamt (<i>address as indicated in item I above</i>) within four months from the date on which the notification of refusal was dispatched by WIPO, exclusively through the agency of a representative (<i>Patentanwalt</i> or <i>Rechtsanwalt</i>) who is a resident of the Federal Republic of Germany or a national of another member state of the European Union or a contracting state of the European Economic Area to whom the details of the refusal will be communicated.</p> <p>During the above time limit, the refusal of protection is provisional. In the absence of objections to the refusal within the time limit of four months, the latter will become final without further notification.</p> <p>Within an additional time limit of one month the holder may, however, file an objection (<i>Erinnerung</i>) together with the fee of EUR 150 for objection.</p> <p>In the absence of an objection refusal shall become final.</p> <p>The objection (<i>Erinnerung</i>) shall be addressed directly to Deutsches Patent- und Markenamt (<i>address as indicated in item I above</i>) through the agency of a representative (<i>Patentanwalt</i> or <i>Rechtsanwalt</i>) who is a resident of the Federal Republic of Germany or a national of another member state of the European Union or a contracting state of the European Economic Area.</p>		
IX.	Date of pronouncement of refusal: February 22, 2017		



0602516181

X. (Title and date of the applicable national law)

Extract from the Trade Mark Law version of 31 July 2009

Absolute Grounds for Refusal

8. - (1) Signs that are capable of being protected as a trade mark within the meaning of Section 3, but not capable of being represented graphically, shall not be registered.

(2) The following shall not be registered:

1. trade marks which are devoid of any distinctive character with respect to the goods or services;
2. trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of the goods or of the rendering of the services, or to designate other characteristics of the goods or services;
3. trade marks which consist exclusively of signs or indications which have become customary in the current language or in the bona-fide and established practices of the trade for designating goods or services;
4. trade marks which are of such a nature as to deceive the public, in particular, as to the nature, quality or geographical origin of the goods or services;
5. trade marks which are contrary to public policy or to accepted principles of morality;
6. trade marks which include armorial bearings, flags or other emblems of State, or armorial bearings of a locality, an association of communities or an association of other communal entities within the country;
7. trade marks which include official signs and hallmarks, indicating control and warranty, which, according to a notice published by the Federal Ministry of Justice in the Federal Law Gazette [*Bundesgesetzblatt*], cannot be validly registered as trade marks;
8. trade marks which include armorial bearings, flags or other signs, seals, or designations, of international intergovernmental organisations which, according to a notice published by the Federal Ministry of Justice in the Federal Law Gazette, cannot be validly registered as trade marks;
9. trade marks the use of which can obviously be prohibited pursuant to other provisions in the public interest; or
10. trade marks which have been filed in bad faith.

(3) Subsection (2), Nos. 1, 2 and 3, shall not apply if the trade mark has, before the date of the decision on registration and following the use which has been made of it, established itself in affected trade circles as the distinguishing sign for the goods or services for which it has been filed.

(4) Subsection (2), Nos. 6, 7 and 8, shall also apply if the trade mark includes the imitation of a sign specified therein. Subsection (2), Nos. 6, 7 and 8, shall not apply where the applicant is authorised to include one of the signs specified therein in his trade mark even if it may be confused with another of the signs specified therein. Furthermore, subsection (2), No. 7, shall not apply where the goods or services for which the application for registration of the trade mark has been filed are neither identical with nor similar to those for which the sign or hallmark, indicating control or warranty, has been introduced. Furthermore, subsection (2), No. 8, shall not apply where the trade mark filed is not of such a nature as to falsely suggest to the public that a connection exists between the trade mark and the international intergovernmental organisation.

Filed or Registered Trade Marks as Relative Grounds for Refusal

9. - (1) Registration of a trade mark may be cancelled

1. if it is identical with an earlier filed or registered trade mark, and the goods or services for which the trade mark is registered are identical with the goods or services for which the earlier trade mark is filed or is registered;

2. if because of its identity with, or similarity to, the earlier filed or registered trade mark, and the identity or similarity of the goods or services covered by the trade marks, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the other trade marks; (...)

Opposition

42. - (1) Within a period of three months following the date of publication of the registration of the trade mark pursuant to Section 41, the proprietor of an earlier trade mark may give notice of opposition to registration of the trade mark.

(2) The opposition may only be based on the grounds that the trade mark may be cancelled due to

1. an earlier filed or earlier registered trade mark pursuant to Section 9 (1), No. 1 or 2;
2. an earlier well-known trade mark pursuant to Section 10 in conjunction with Section 9 (1), No. 1 or 2; or
3. its registration for an agent or representative of the proprietor of the trade mark pursuant to Section 11.

(3) (deleted)

Objection Due to Non-use;

Decision on the Opposition

43. - (1) If the proprietor of an earlier registered trade mark has given notice of opposition, he shall, if the other party contests the use of the trade mark, substantiate by prima facie evidence that, during the period of five years preceding the publication of the registration of the trade mark against which a notice of opposition has been given, the earlier registered trade mark has been put to use pursuant to Section 26, provided the earlier trade mark has at that date been registered for not less than five years. If the period of five years of non-use ends after the publication of the registration, the opponent shall, if the other party contests that use, substantiate by prima facie evidence that, during the period of five years preceding the decision on the opposition, the trade mark has been put to use pursuant to Section 26. In the decision, only those goods or services shall be considered of which use has been substantiated by prima facie evidence.

(2) If examination of the opposition reveals that the trade mark must be cancelled in respect of some or all of the goods or services for which it is registered, the registration shall be cancelled in full or in part. If the registration of the trade mark cannot be cancelled, the opposition shall be rejected.

(3) If the registered trade mark has to be cancelled because of one or several earlier trade marks, the proceedings with regard to further oppositions may be suspended until a decision on the registration of the trade mark has become final. (...)

Domestic Representative

96. - (1) Any person having neither a residence nor a seat nor an establishment in Germany may take part in proceedings before the Patent Office or the Patent Court, regulated by this Law, and may claim the rights conferred by the trade mark, only if he has appointed a patent attorney or an attorney-at-law in Germany as his representative, who shall be authorised to represent him in Patent Office and Patent Court proceedings and in civil litigation affecting the mark, and also file requests for the institution of criminal proceedings.

(2) Nationals of member states of the European Union or another contracting state of the Agreement on the European Economic Area may be appointed as representatives within the meaning of subsection 1 for rendering a service within the meaning of the Treaty Establishing the European Community, if they are authorised to pursue professional activities under any of the professional titles appearing in the respective applicable version of the annex to Section 1 of the Law on the Professional Activities of European Lawyers in Germany of 9 March 2000 [*Gesetz über die Tätigkeit europäischer Rechtsanwälte in Deutschland*] (BGBl I p. 182) or the

annex to Section 1 of the Law on the Qualifying Examination for Gaining Admission to the Profession of Patent Attorney of 6 July 1990 [*Gesetz über die Eignungsprüfung zur Zulassung zur Patentanwaltschaft*] (BGBl I p. 1349, 1351).

(3) The place where the representative, appointed under subsection 1, has his business premises shall be deemed, within the meaning of Section 23 of the Code of Civil Procedure, to be the place where the assets are located. If there are no business premises, then the place where the representative has his domicile in Germany shall be relevant and, in the absence thereof, the place where the Patent Office has its seat.

(4) The termination of the appointment of a representative under subsection 1 shall be effective only after the termination of the appointment and the appointment of a new representative have been communicated to the Patent Office or the Patent Court.

Application of the Provisions of this Law; Language

107. (1) The provisions of this Law shall be applicable mutatis mutandis to the international registration of marks under the Madrid Agreement Concerning the International Registration of Marks (Madrid Agreement) which are effected through the intermediary of the Patent Office or the protection of which extends to the territory of the Federal Republic of Germany unless otherwise provided in this Chapter or in the Madrid Agreement.

(2) All requests and other communications in the procedure concerning international registrations and the list of goods and services shall be submitted in French.

Examination as to Absolute Grounds for Refusal

113. - (1) International registration of marks shall be examined as to absolute grounds for refusal under Section 37 in the same way as marks in respect of which an application for registration has been filed. Section 37(2) shall not apply.

(2) Rejection of the application (Section 37(1)) shall be replaced by refusal of protection.

Opposition

114. - (1) For the purpose of international registrations, publications of the registration (Section 41) shall be replaced by publication in the gazette published by the International Bureau of the World Intellectual Property Organization².

(2) The time limit for lodging opposition (Section 42(1)) against the grant of protection for international registrations shall start on the first day of the month following the month indicated on the issue of the gazette containing the publication of the international registration.

(3) Cancellation of the registration (Section 43(2)) shall be replaced by refusal of protection.

Extract from the Trade Mark Ordinance version of 11 May 2004


Section 46 Refusal of Protection

(1) Where protection is, in full or in part, refused to an international registration the protection of which has been extended to the territory of the Federal Republic of Germany under Article 3ter of the Madrid Agreement or under Article 3ter of the Protocol Relating to the Madrid Agreement, and where this refusal is communicated to the International Bureau of the World Intellectual Property Organization to be transmitted to the proprietor of the international registration, the time limit for appointing a representative in Germany shall, to avoid final refusal, be fixed to four months from the date on which notification of refusal was dispatched by the International Bureau of the World Intellectual Property Organization.

(2) Where the refusal of protection has become final because the proprietor of the international registration has failed to appoint a representative in Germany, an objection to or an appeal from the refusal shall be filed with the German Patent and Trade Mark Office within one further month after the time limit of four months under subsection (1). Instructions about the proprietor's right to appeal shall be attached to the refusal. Sec. 61(2) of the Trade Mark Law shall apply mutatis mutandis.

¹ Federal Law Gazette

² Gazette OMPI des marques internationales/WIPO Gazette of International Marks (published fortnightly) (Editor's note)

still X.	<p>Supplementary box grounds for refusal – <i>item V</i> –</p> <p style="text-align: center;">International Trade Mark 1 315 700</p> <p>The company (companies) mentioned below has (have) lodged opposition to the admission of the trade mark because of earlier national or international application or registration of its (their) trade mark(s) listed below (Sec. 119, 124, 114, 42 Trade Mark Law; Art. 5 Protocol Relating to the Madrid Agreement; Art. 6 quinquies B Paris Convention):</p> <p>Orkla Confectionery & Snacks Finland Ab, Godby (Finland):</p> <ol style="list-style-type: none"> 1. EM 008 684 961 PANDA 2. EM 008 285 942 (fig.) 3. EM 010 398 618 Panda (fig.) <p><u>Note:</u></p> <p>If no representative has been appointed within the provisional time limit of the first four months, this fact constitutes in itself a ground for refusal after the notification concerning the refusal of protection has become final (Sec. 119, 96 Trade Mark Law).</p>	
XII.	<p>Annexes (crossed off below)</p> <p><input checked="" type="checkbox"/> 1 reproduction of 3 opposed trade marks including a figurative element or a special graphic design</p> <p><input type="checkbox"/> List specifying the registration number as well as the relevant goods/services in respect of each opposed trade mark</p> <p><input type="checkbox"/> List of professional representatives</p> <p><input type="checkbox"/> List of goods/services</p>	<p>XI. Signature or official seal of the administration which pronounced the refusal</p> <div style="text-align: center;">  </div>

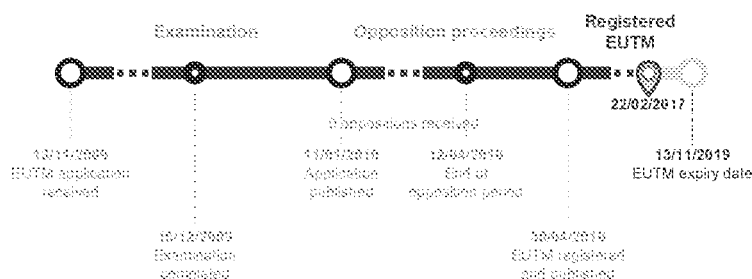


Protect your intellectual property in the European Union

EUTM file information

PANDA
008684961

Timeline



Trade mark information

Name	PANDA	Filing date	13/11/2009
Filing number	008684961	Registration date	29/04/2010
Basis	EUTM	Expiry date	13/11/2019
Date of receipt	13/11/2009	Designation date	
Type	Word	Filing language	Finnish
Nature	Individual	Second language	English
Nice classes	30 (Nice Classification)	Application reference	BV202285
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en) ☒

30 Non-medicated confectionary, liquorice and chocolate.

Description

No entry

Owners

Orkla Confectionery & Snacks Finland Ab

ID	259364	Country	FI - Finland	Correspondence address	Can be accessed and changed by authorised user via the User Area
Organisation	Orkla Confectionery	State/country	n/a	Orkla Confectionery & Snacks Finland Ab	
		Town	GODBY	Sundsvägen 420	

Legal status	& Snacks Finland Ab Legal entity	Post code	22410	FI-22410 GODBY FINLANDIA	Can be accessed and changed by authorised user via the User Area
		Address	Sundsvägen 420		Can be accessed and changed by authorised user via the User Area

Representatives

BERGGREN OY

ID	10880	Country	FI - Finland	Correspondence address	00 358-102272000
Organisation	n/a	State/country	n/a	BERGGREN OY	
Legal status	Legal person	Town	Helsinki	Eteläinen Rautatiekatu 10 A	00 358-96933944
Type	Association	Post code	00100	FI-00100 Helsinki FINLANDIA	
		Address	Eteläinen Rautatiekatu 10 A		email@berggren.fi

Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		EUTM	008684961	Surveillance letter	05/01/2017	
	Recordal	011786236	C.2.1. - Representative - change of name & address - entry on the register - automatic template		04/11/2016	
	Recordal	011786236	Letter to the EUIPO		19/10/2016	
	EUTM	008684961	Surveillance letter		10/08/2016	
	EUTM	008684961	Surveillance letter		11/04/2016	
	EUTM	008684961	Surveillance letter		08/02/2016	
	EUTM	008684961	Surveillance letter		08/01/2016	
	Recordal	009782270	T72RY		27/08/2015	
	Recordal	009782270	Letter to the EUIPO		10/08/2015	
	Recordal	008300058	Transfers - entry on the register.		21/03/2014	

Showing 1 to 10 of 21 entries

IR transformation

No entry

Seniority

Filing number	Registration number	Country	Priority date	Filing date	Registration date	International code	Status
	232848	Sweden		28/09/1982		EU	ACCEPTED

Showing 1 to 1 of 1 entries

Exhibition priority

No entry

Priority

No entry

Publications

Bulletin number	Date	Section	Description
2010/004	11/01/2010	A.1	Applications published under article 40 EUTMR
2010/078	30/04/2010	B.1	Registrations with no amendments since the application was published
2012/077	24/04/2012	C.8.1	Claims of seniority
2014/056	25/03/2014	C.1.1	Proprietor - Total transfers
2015/150	12/08/2015	C.2.1	Representative - Change of name and professional address
2016/200	21/10/2016	C.2.1	Representative - Change of name and professional address

Showing 1 to 6 of 6 entries

Cancellation

No entry

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2012/077	24/04/2012	C.8.1	006430865	Seniority	Claims of seniority
2014/056	25/03/2014	C.1.1	008300058	Proprietor	Total transfers
2015/150	12/08/2015	C.2.1	009782270	Representative	Change of name and professional address
2016/200	21/10/2016	C.2.1	011786236	Representative	Change of name and professional address

Showing 1 to 4 of 4 entries

Oppositions

No entry

Appeals

No entry

Decisions

No entry

Renewals

No entry

Trade mark relations

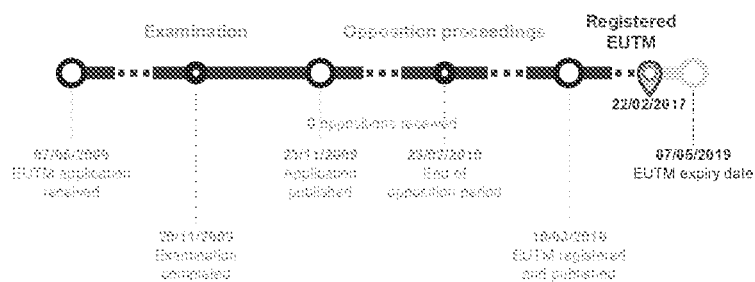
No entry

EUTM file information

(Trade mark without text)

008285942

Timeline



Graphic representation



Trade mark information

Name	(Trade mark without text)	Filing date	07/05/2009
Filing number	008285942	Registration date	08/03/2010
Basis	EUTM	Expiry date	07/05/2019
Date of receipt	07/05/2009	Designation date	
Type	Figurative	Filing language	Finnish
Nature	Individual	Second language	English

Nice classes	5, 30, 35, 41 (Nice Classification)	Application reference	BV200845
Vienna Classification	03.01.15 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)



5 Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

30 Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

35 Advertising; business management; business administration; office functions.

41 Education; providing of training; entertainment; sporting and cultural activities.

Description

No entry

Owners

Orkla Confectionery & Snacks Finland Ab

ID	259364	Country	FI - Finland	Correspondence address	
Organisation	Orkla Confectionery & Snacks Finland Ab	State/country	n/a	Orkla Confectionery & Snacks Finland Ab Sundsvägen 420 FI-22410 GODBY FINLANDIA	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	GODBY		
		Post code	22410		
		Address	Sundsvägen 420		Can be accessed and changed by authorised user via the User Area
					Can be accessed and changed by authorised user via the User Area

Representatives

BERGGREN OY

ID	10880	Country	FI - Finland	Correspondence address	
Organisation	n/a	State/country	n/a	BERGGREN OY Eteläinen Rautatiekatu 10 A FI-00100 Helsinki FINLANDIA	00 358-102272000
Legal status	Legal person	Town	Helsinki		
Type	Association	Post code	00100		00 358-96933944
		Address	Eteläinen Rautatiekatu 10 A		email@berggren.fi

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Recordal	011786236	C.2.1. - Representative - change of name & address - entry on the register - automatic template	04/11/2016	

	From	Procedure	Filing number	Subject	Date	Actions
		Recordal	011786236	Letter to the EUIPO	19/10/2016	
		EUTM	008285942	Surveillance letter	21/12/2015	
		Recordal	009782270	T72RY	27/08/2015	
		Recordal	009782270	Letter to the EUIPO	10/08/2015	
		Recordal	008300058	Transfers - entry on the register.	21/03/2014	
		Recordal	008300058	Application form and attachment	14/03/2014	
		EUTM	008285942	Cover letter for registration certificate.	18/03/2010	
		EUTM	008285942	Certificate of Registration	17/03/2010	
		EUTM	008285942	Notification of acceptance for publication	25/11/2009	
Showing 1 to 10 of 13 entries						

IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

No entry

Publications

Publication number	Date	Section	Description
2009/045	23/11/2009	A.1	Applications published under article 40 EUTMR
2010/046	10/03/2010	B.1	Registrations with no amendments since the application was published
2014/056	25/03/2014	C.1.1	Proprietor - Total transfers
2015/150	12/08/2015	C.2.1	Representative - Change of name and professional address
2016/200	21/10/2016	C.2.1	Representative - Change of name and professional address
Showing 1 to 5 of 5 entries			

Cancellation

No entry

Recordals

Publication number	Date	Section	Filing number	Class	Subclass
2014/056	25/03/2014	C.1.1	008300058	Proprietor	Total transfers
2015/150	12/08/2015	C.2.1	009782270	Representative	Change of name and professional address
2016/200	21/10/2016	C.2.1	011786236	Representative	Change of name and professional address
Showing 1 to 3 of 3 entries					

Oppositions

No entry

Appeals

No entry

Decisions

No entry

Renewals

No entry

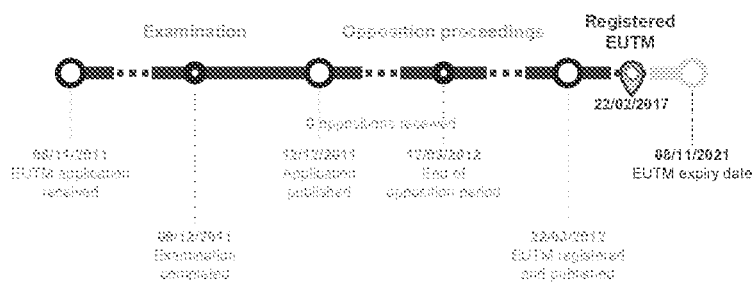
Trade mark relations

No entry

EUTM file information

PANDA
010398618

Timeline



Graphic representation



Trade mark information

Name	PANDA	Filing date	08/11/2011
Filing number	010398618	Registration date	20/03/2012
Basis	EUTM	Expiry date	08/11/2021
Date of receipt	08/11/2011	Designation date	

Type	Figurative	Filing language	Finnish
Nature	Individual	Second language	English
Nice classes	30 (Nice Classification)	Application reference	BV207568
Vienna Classification	26.13.25 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en) ☒

30 Non-medicated confectionary, liquorice and chocolate.

Description

No entry

Owners

Orkla Confectionery & Snacks Finland Ab

ID	259364	Country	FI - Finland	Correspondence address	
Organisation	Orkla Confectionery & Snacks Finland Ab	State/country	n/a	Orkla Confectionery & Snacks Finland Ab Sundsvägen 420 FI-22410 GODBY FINLANDIA	Can be accessed and changed by authorised user via the User Area
		Town	GODBY		
		Post code	22410		
Legal status	Legal entity	Address	Sundsvägen 420		Can be accessed and changed by authorised user via the User Area
					Can be accessed and changed by authorised user via the User Area

Representatives

BERGGREN OY

ID	10880	Country	FI - Finland	Correspondence address	
Organisation	n/a	State/country	n/a	BERGGREN OY Eteläinen Rautatiekatu 10 A FI-00100 Helsinki FINLANDIA	00 358-102272000
Legal status	Legal person	Town	Helsinki		00 358-96933944
Type	Association	Post code	00100		
		Address	Eteläinen Rautatiekatu 10 A		email@berggren.fi

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
EUTM		010398618	Surveillance letter	05/01/2017	
Recordal		011786236	C.2.1. - Representative - change of name & address - entry on the register - automatic template	04/11/2016	
Recordal		011786236	Letter to the EUIPO	19/10/2016	

	From	Procedure	Filing number	Subject	Date	Actions
		EUTM	010398618	Surveillance letter	10/08/2016	
		EUTM	010398618	Surveillance letter	11/04/2016	
		EUTM	010398618	Surveillance letter	08/02/2016	
		EUTM	010398618	Surveillance letter	08/01/2016	
		Recordal	009782270	T72RY	27/08/2015	
		Recordal	009782270	Letter to the EUIPO	10/08/2015	
		Recordal	008300058	Transfers - entry on the register.	21/03/2014	
Showing 1 to 10 of 18 entries						

IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

No entry

Publications

Bulletin number	Date	Section	Description
2011/234	12/12/2011	A.1	Applications published under article 40 EUTMR
2012/057	22/03/2012	B.1	Registrations with no amendments since the application was published
2014/056	25/03/2014	C.1.1	Proprietor - Total transfers
2015/150	12/08/2015	C.2.1	Representative - Change of name and professional address
2016/200	21/10/2016	C.2.1	Representative - Change of name and professional address
Showing 1 to 5 of 5 entries			

Cancellation

No entry

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2014/056	25/03/2014	C.1.1	008300058	Proprietor	Total transfers
2015/150	12/08/2015	C.2.1	009782270	Representative	Change of name and professional address
2016/200	21/10/2016	C.2.1	011786236	Representative	Change of name and professional address
Showing 1 to 3 of 3 entries					

Oppositions

No entry

Appeals

No entry

Decisions

No entry

Renewals

No entry

Trade mark relations

No entry