

Model Form 3

MADRID AGREEMENT AND PROTOCOL
PROVISIONAL REFUSAL OF PROTECTION

Rule 17(1)

I.	Office making the notification: Egyptian trade mark office
II.	Number of the international registration: 1251407
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): Internet group d.o.o. Savski nasip 7 11070 Beograd Serbia
IV.	☐ Provisional refusal based on an <i>ex officio</i> examination ☐ Provisional refusal based on an opposition ¹ ☒ Provisional refusal based on both an <i>ex officio</i> examination and an opposition ¹
V.	☒ Provisional refusal for all the goods and/or services ☐ Provisional refusal for some of the goods and/or services: [followed by an indication of the goods and/or services which are affected or are not affected] ²
VI.	Grounds for refusal [(where applicable, see item VII)]: This brand is similar to the / to 324796-324797-504569-888438-504571

¹ The name and address of the opponent should also be provided.

² Where all the goods or services included in a given class are to be mentioned, the indication should read "all goods (or all services) in class X". In all cases, a clear indication should be given as to whether those goods and/or services are affected, or are NOT affected.

VII. Information relating to an earlier mark³ :

Date and file number

1 - 324796 (02.11.1966) Enregistrement international

TESLA

Name and address of the holder:

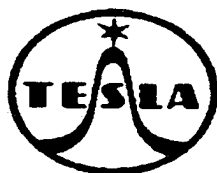
TESLA Holding a.s.
Podebradská 56/186, 180 66 Praha
9, Hloubetín Czech Republic

List of all products and services, the relevant product and services:

CI 07) Postes pneumatiques; soudeuses électriques et accessoires pour la soudure électrique.
CI 09) Appareils de T.S.F., postes émetteurs, équipements d'émission, appareils et équipements électro-acoustiques, amplificateurs électroniques de toutes sortes, équipements sonores pour salles de cinéma, tubes, valves et redresseurs, lampes à décharge, éléments photo-électriques, sources de radiation électriques de toutes sortes, appareils de mesures électriques, équipements de mesures, appareils et installations de télécommunication de toute sorte, y compris équipements à haute fréquence porteurs, redresseurs pour courant alternatif, accessoires pour la soudure électrique, électrodes, installations à ondes courtes et ultra-courtes, pièces détachées et accessoires pour tous les produits ci-dessus énumérés, pièces détachées pour appareils et installations électrotechniques à basse tension et haute fréquence.
cl 11) Tubes, lampes à décharge, tubes luminescents, accessoires pour la soudure électrique, pièces détachées et accessoires pour tous les produits ci-dessus énumérés.

Date and file number

2 - 324797 (02.11.1966) Enregistrement international



Name and address of the holder:

TESLA Holding a.s.
Podebradská 56/186, 180 66 Praha
9, Hloubetín Czech Republic

List of all products and services, the relevant product and services:

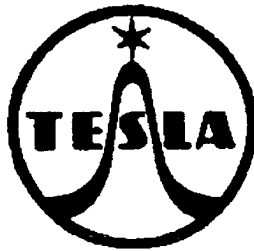
CI 07) Postes pneumatiques, soudeuses électriques et accessoires pour la soudure électrique.
CI 09) Appareils de T.S.F., postes émetteurs, équipements d'émission, appareils et équipements électro-acoustiques; amplificateurs électroniques de toutes sortes, équipements sonores pour salles de cinéma, tubes, valves et redresseurs, lampes à décharge, éléments photo-électriques, sources de radiation électriques de toutes sortes, appareils de mesures électriques, équipements de mesures; appareils et installations de télécommunication de toute sorte, y compris équipements à haute fréquence porteurs, redresseurs pour courant alternatif,

³ Where the grounds on which the provisional refusal is based relate to an earlier mark, as indicated under item VI. The indication required under this item may be given by annexing a printout from the register or database.

accessoires pour la soudure électrique, électrodes, installations à ondes courtes et ultra-courtes, pièces détachées et accessoires pour tous les produits ci-dessus énumérés, pièces détachées pour appareils et installations électrotechniques à base tension et haute fréquence.
CI 11) Tubes, lampes à décharge, tubes luminescents, accessoires pour la soudure électrique, pièces détachées et accessoires pour tous les produits ci-dessus énumérés..

Date and file number

3- 504569 (01.04.1986)Enregistrement international



Name and address of the holder:

TESLA Holding a.s.

Podebradská 56/186, 180 66 Praha

9, Hloubetin Czech Republic

List of all products and services, the relevant product and services:

CI 07) 07 Machines, single-purpose machines and devices used in the production of electronic and electric apparatus, as well as parts thereof, particularly electronic machines for lithographic printing.

CI 09) Electrochemical current sources, lasers and laser measuring and telecommunication devices, passive components, particularly resistors, thermistors, potentiometers, capacitors, connectors and other connection devices, small transformers, coils and other inductors, telecommunication relays, switches, printed circuits, protection elements, active components, picture tubes, X-ray tubes and other tubes, particularly photomultiplier tubes, hyper-frequency tubes, diodes, transistors, thyristors, including diacs and triacs, other discrete semiconductor detectors, crystal units, devices and parts made of piezoelectric ceramic, ceramic for microwaves, camera tubes, transmitter tubes, cathode ray tubes, storage tubes, tubes for microwaves, micro-electronic circuits, particularly monolithic integrated circuits, hybrid integrated circuits, display circuits, integrated switching circuits, integrated storage circuits, microprocessors, optoelectronic devices, particularly photoelectric components, light transmitting devices, viewing devices, electroluminescent panels, elements and circuits for microwaves, magnetic and electromagnetic components, ferrite components, different electronic circuits, particularly filters, apparatus and devices for signal transmission by optical fibers, apparatus and devices for wire communication, particularly telephone apparatus, telephone exchanges, dispatching and conferencing devices, intercommunication devices, video telephones, devices for transmission techniques, devices for digital transmission of information, devices used for integrated telecommunication networks, remote signaling, monitoring and measuring devices, radio-communication and television apparatus and devices, particularly television and radio broadcast transmitters, converters, antennas and antenna networks, radio-electric relay station equipment, radio-electric stations, radio monitoring and communication devices, industrial television, terrestrial devices for telecommunication by satellites, radio broadcast and television signal reception and distribution devices, radio distribution and audio dissemination apparatus and devices, devices for radio broadcast and television studios, including public address system and audio signal recording devices, devices for equipping mobile television units, control consoles, devices for announcers and performers, mixing consoles, including their accessories, particularly squelch units, electronic consumer devices, television receivers and radio receivers, including combinations thereof with other apparatus, video recorders, dictating apparatus, record players and

gramophones, audio tape and cassette recorders, video cameras, tape and cassette recording equipment, phonoscopes, digital laserdisk reading equipment, recording carriers, particularly records, magnetic tapes, cassettes, magnetic disks, electronic amplifiers, accessories and spare parts for electronic consumer devices, particularly-electromagnetic and electroacoustic converters, microphones, replay units and amplifiers, radars and navigational instruments, industrial electronic equipment, particularly electric and electronic controlling, signaling and monitoring apparatus and devices for use in road, railway, naval and air transport, as well as in mine transport, including acoustic and optical signaling and displaying means, electronic and electric devices for protection against break-in and fire risks and similar devices for protection by means of alarms, apparatus for remote control, regulation and automation of industrial processes, including voice-controlled devices, sensors, pickups, actuators, remote control units, special electronic equipment for the textile industry, particularly fiber breakage sensors, remote control units for textile machines, electronic and electric apparatus, oscilloscopes and oscillographs, analyzing devices, particularly electron microscopes, electric and electronic apparatus and devices for recording, indicating, measuring, monitoring and testing, including non-electric quantity measuring apparatus, measuring apparatus for use in telecommunications, nuclear equipment, particularly particle accelerators, radioactive radiation monitoring, measuring and indicating apparatus, nuclear resonance spectrometers, meteorological apparatus, ultrasound devices, scientific and laboratory apparatus, scheduling pulse generators, particularly electronic metronomes, vacuum technology products, particularly electron multipliers, vacuum arc extinguishers, vacuum capacitors, vacuum apparatus and vacuum measuring apparatus, mass spectrometers, ultra-high vacuum devices, linear accelerators, microwave oscillators, coherent radiation generators, data input, transmission, processing and storage machines and devices, particularly computers, calculators, terminal units, display units, indicators, electric and electronic equipment for road vehicles, boats and airplanes, electronic devices for teaching and polytechnic education, including micro-computers, special materials for use in electrical engineering and electronics, particularly semiconductor materials, ferromagnetic substances, components, parts and accessories of all the aforesaid goods, electron tubes; television games. CI 11) Light sources, lamps, discharge lamps, fluorescent lamps, gas lamps, lighting fixtures, lighting devices; nuclear instruments.

Date and file number

4- 888438 (13.12.2005) Enregistrement international



Name and address of the holder:

DAB PUMPS S.P.A.

Via Marco Polo,

14 Mestrino (Padova) Italy

List of all products and services, the relevant product and services:

CI 07) Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.

CI 09) Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coinoperated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

Date and file number

5- 504571 (01.04.1986)Enregistrement international

TESLA

Name and address of the holder:

TESLA Holding a.s.

Podebradská 56/186, 180 66 Praha
9, Hloubetin Czech Republic

List of all products and services, the relevant product and services:

CI 07) 0Machines, single-purpose machines and devices used in the production of electronic and electric apparatus, as well as parts thereof, particularly electronic machines for lithographic printing.
CI 09) Electrochemical current sources, lasers and laser measuring and telecommunication devices, passive components, particularly resistors, thermistors, potentiometers, capacitors, connectors and other connection devices, small transformers, coils and other inductors, telecommunication relays, switches, printed circuits, protection elements, active components, picture tubes, X-ray tubes and other tubes, particularly photomultiplier tubes, hyper-frequency tubes, diodes, transistors, thyristors, including diacs and triacs, other discrete semiconductor detectors, crystal units, devices and parts made of piezoelectric ceramic, ceramic for microwaves, camera tubes, transmitter tubes, cathode ray tubes, storage tubes, tubes for microwaves, micro-electronic circuits, particularly monolithic integrated circuits, hybrid integrated circuits, display circuits, integrated switching circuits, integrated storage circuits, microprocessors, optoelectronic devices, particularly photoelectric components, light transmitting devices, viewing devices, electroluminescent panels, elements and circuits for microwaves, magnetic and electromagnetic components, ferrite components, different electronic circuits, particularly filters, apparatus and devices for signal transmission by optical fibers, apparatus and devices for wire communication, particularly telephone apparatus, telephone exchanges, dispatching and conferencing devices, intercommunication devices, video telephones, devices for transmission techniques, devices for digital transmission of information, devices used for integrated telecommunication networks, remote signaling, monitoring and measuring devices, radio-communication and television apparatus and devices, particularly television and radio broadcast transmitters, converters, antennas and antenna networks, radio-electric relay station equipment, radio-electric stations, radio monitoring and communication devices, industrial television, terrestrial devices for telecommunication by satellites, radio broadcast and television signal reception and distribution devices, radio distribution and audio dissemination apparatus and devices, devices for radio broadcast and television studios, including public address system and audio signal recording devices, devices for equipping mobile television units, control consoles, devices for announcers and performers, mixing consoles, including their accessories, particularly squelch units, electronic consumer devices, television receivers and radio receivers, including combinations thereof with other apparatus, video recorders, dictating apparatus, record players and gramophones, audio tape and cassette recorders, video cameras, tape and cassette recording equipment, phonoscopes, digital laserdisk reading equipment, recording carriers, particularly records, magnetic tapes, cassettes, magnetic disks, electronic amplifiers, accessories and spare parts for electronic consumer devices, particularly electromagnetic and electroacoustic converters, microphones, replay units and amplifiers, radars and navigational instruments, industrial electronic equipment, particularly electric and electronic controlling, signaling and monitoring apparatus and devices for use in road, railway, naval and air transport, as well as in mine transport, including acoustic and optical signaling and displaying means, electronic and electric devices for protection against break-in and fire risks and similar devices for protection by means of alarms, apparatus for remote control, regulation and automation of industrial processes, including voice-controlled devices, sensors, pickups, actuators, remote control units, special electronic equipment for the textile industry, particularly fiber breakage sensors, remote

control units for textile machines, electronic and electric apparatus, oscilloscopes and oscillographs, analyzing devices, particularly electron microscopes, electric and electronic apparatus and devices for recording, indicating, measuring, monitoring and testing, including non-electric quantity measuring apparatus, measuring apparatus for use in telecommunications, nuclear equipment, particularly particle accelerators, radioactive radiation monitoring, measuring and indicating apparatus, nuclear resonance spectrometers, meteorological apparatus, ultrasound devices, scientific and laboratory apparatus, scheduling pulse generators, particularly electronic metronomes, vacuum technology products, particularly electron multipliers, vacuum arc extinguishers, vacuum capacitors, vacuum apparatus and vacuum measuring apparatus, mass spectrometers, ultra-high vacuum devices, linear accelerators, microwave oscillators, coherent radiation generators, data input, transmission, processing and storage machines and devices, particularly computers, calculators, terminal units, display units, indicators, electric and electronic equipment for road vehicles, boats and airplanes, electronic devices for teaching and polytechnic education, including micro-computers, special materials for use in electrical engineering and electronics, particularly semiconductor materials, ferromagnetic substances, components, parts and accessories of all the aforesaid goods, electron tubes; television games. CI 11) Light sources, lamps, discharge lamps, fluorescent lamps, gas lamps, lighting fixtures, lighting devices; nuclear instruments.

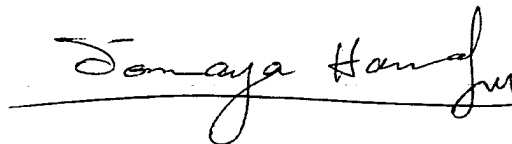
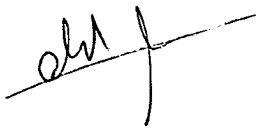
VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:

IX. Information relating to subsequent procedure:

- i) Deadline for filing a request for review or appeal:
30 days of the communication of such a decision. 60 days Given the distance
- ii) Authority to which the request for reconsideration or appeal of
must be filed: Egyptian trade mark office
4 Nasr Road, Makram Ebied St, Nasr city
Cairo – Egypt
Post Office Box : 104 El Andalos - Nasr Cite

X. Date of the notification of provisional refusal: 21 / 3 / 2017

XI. Signature or official seal of the Office making the notification:



XII. Corresponding essential provisions of the applicable law:

Ministère de Commerce et de l'Industrie
Organisme de l'enregistrement commercial
Administration des marques commerciales



Notification

De l'opposition contre l'enregistrement d'une marque commerciale

N° 1251407

N° de la demande de l'enregistrement : 1251407

Nom du demandeur de l'enregistrement : Internet group D.O.O.

Date et N° du journal des marques commerciales où est publié l'acceptation de la
marque : N° 15/ 2016

Nom de celui qui conteste l'enregistrement de la marque : Tesla Holding SA

Société fondée et établit en vertu des lois de : République Tchèque

But de la fondation : Industrie et Commerce

Centre principal : Bodiber Adeska 56/186, 18066, Braha 9 – Halopitin –
République Tchèque

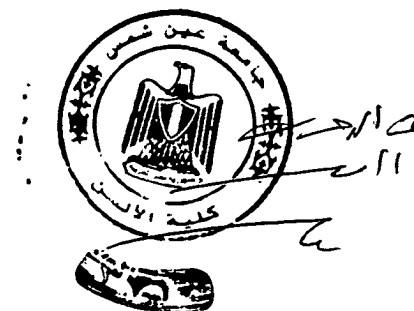
Mme/ Samar El Labbad

BP 150 Smart Village 12577 le Caire

M/ le directeur de l'administration des marques commerciales au Caire

Moi / soussigné / Samar El Labbad

Domiciliée à BP 150 Smart Village 12577 le Caire



Sujet

- La société demanderesse dont je suis mandataire est considérée parmi les sociétés les plus célèbres dans le domaine de l'éducation, les radios, les lampes électriques, les émetteurs TV, les équipements militaires et les télévisions.

Mais elle fût surprise par la publication de la marque N° 1251407 qui ressemble en tant que forme et son à la marque de la société demanderesse ce qui peut mener à une sorte de confusion chez le public des consommateurs et porter atteinte aux intérêts de la société et aussi ce fait s'oppose avec l'objectif juridique établissant une protection juridique sur les marques commerciales comme étant parmi l'un des droits de la propriété intellectuelle.

Ainsi, la décision de l'acceptation de la marque objet de l'opposition No 1251407 représente une violation aux dispositions de la loi et des principes juridiques pour les raisons suivantes :

Causes de l'opposition

1er l'existence des enregistrements en Egypte de la marque de la société dont je suis mandataire :

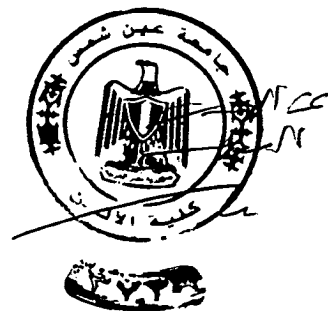
La société demanderesse est propriétaire des marques enregistrées en Egypte N° 324796, 504571 et 504569.

2em la similitude dans la forme générale et le son phonétique :

La comparaison entre la marque objet de l'opposition N° 1251407 et la marque de la société demanderesse révèle la ressemblance évidente entre les deux marques en tant que forme générale et son phonétique comme il est décrit ci-dessous :

Marque de la société demanderesse enregistrée en Egypte N° 504571 :

TESLA



international et en Egypte et que l'usage de la marque pour des produits non similaires que mener à l'idée de l'existence d'un lien entre le propriétaire de la marque connue et ces produits et que cet usage pourrait nuire à ce dernier »

4em : l'enregistrement et l'usage préalable de la marque de ma société ainsi que sa renommée :

La société que je représente jouit de l'enregistrement, l'usage préalable et la grande renommée dans plusieurs pays du monde car elle a enregistré sa marque internationale N° 324796 le 2/11/1966 et enregistré la marque N° 504571 et 504569 le 1/10/1986 ; elle mérite donc la protection pour la priorité d'enregistrement et d'usage en vertu des règlements de la loi alors que l'enregistrement de la marque contestée constitue une violation des articles de loi N°82/2002 selon le jugement du tribunal administratif stipulant que :

« la marque commerciale sujet d'inscription et de demande de protection doit être nouvelle qui n'a jamais été inscrite ou utilisée par un tiers pour distinguer ses produits ou ses services ; le demandeur de l'inscription doit déterminer le genre des produits ou articles ou services qu'il désire inscrire selon le statut de la marque commerciale prévu dans la loi de la protection des droits de la propriété intellectuelle »

5 : Ressemblance des produits entre la marque de la société demanderesse et la marque objet de l'opposition N°1251407:

la marque objet de l'opposition N° 1251407 est enregistrée sur les classes N°7, 9, 11 alors que la société demanderesse possède les marques enregistrées en Egypte N° 324796, 504571 et 504569 sur les produits des classes N°1,28,15,14,17,9 ; ce qui pourrait mener à une confusion chez les consommateurs et porter atteinte à la société demanderesse à cause de l'enregistrement de la marque objet de l'opposition sur les mêmes produits.



6- La marque de la société dont je suis mandataire TESLA constitue une partie de son nom commercial :

La marque de la société dont je suis mandataire TESLA est en réalité dérivée de son nom commercial (Tesla holding A.S) ainsi il jouit de la protection juridique selon l'article 8 de la convention de Paris pour la protection de la propriété industrielle à laquelle l'Egypte a adhéré par le décret présidentiel No 1580/ 1974 publié dans le journal officiel du 20/3/1975 qui stipule que :

Tous les pays de l'Union garantissent la protection du nom commercial sans obligation de son dépôt ou son enregistrement qu'il soit une partie d'une marque industrielle ou commerciale ou pas.

Ainsi,

1^{er} En tant que Forme

On demande l'acceptation de l'opposition en tant que forme pour sa soumission dans les dates limites

Ci-joint les documents du mandat

2^{em} En tant que Fond

Le refus de l'enregistrement de la marque N°1251407 pour les raisons susmentionnées

Samar El Labbad

Rédigé le 8/2016

