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	1 341 247
III. Name of the holder of the international registration concerning the subject of Obschestvo's ogranichennoi otvetstvennostyu "NAUCHNO-PROIZVODSTVENNAYA FIRMA "MATERIA MEDICA HOLDING" Trety Samotechny pereulok, 9, RU-127473 Moscow (RU)	of refusal
IV. The grounds of refusal: Opposition submitted by Laverana GmbH & Co. Wennigsen, Germany (DE), holder of EUTM 004098679 /Lavera/ and EU	• • • • • • • • • • • • • • • • • • •
V. Reference to the corresponding essential provisions of the Law of t Marks and Indications of Geographical Origin (see materials attached): Section 18, 39 (5) and (6). Opposition is based on Section 7. (1)2.	he Republic of Latvia On Trade
VI. Refusal for all the goods and services.	
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 Int the Provisional Refusal, to submit a substantiated appeal to the Patent Or patent attorney (Law On Trade Marks and Indications of Geographica Industrial Property Institutions and Procedures, Section 58). After expira of Appeal shall take a decision to satisfy the opposition, fully or in part, reviewed, within three months from the date of notification of the Board action initiated before the Riga City Vidzeme Suburb Court.	ffice through a professional local al Origin, Section 17. ¹ ; Law on ation of the said period the Board or to dismiss it. The case can be
VIII. Date on which the refusal was pronounced 31.08.2017	
IX. Signature and seal of the office making the notification of refusal Chief expert L.Rinka	(Di cil Distanti

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]

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EUTM file information

Lavera 004098679

Timeline



Trade mark information

Name	Lavera	Filing date	29/10/2004
Filing number	004098679	Registration date	25/02/2008
Basis	EUTM	Expiry date	29/10/2024
ate of receipt	29/10/2004	Designation date	
Гуре	Word	Filing language	German
Nature	Individual	Second language	English
lice classes	3, 5, 10, 16, 21, 24, 25, 32, 42,	Application reference	GM43289
	44 (Nice Classification)	Trade mark status	Registered
Vienna Classification			
		Acquired distinctiveness	No

Goods and services

English (en)

- **3** Perfumery goods; essential oils; cosmetics, decorative cosmetics; face creams and lotions; skin-cleansing lotions and creams, hand and body lotions and creams; tinted moisturising creams, make-up, foundation, face powder and rouge; blemish stick, lipstick, lip pencils, eyeliner pens and mascara, eyeshadow; sun care preparations; foot-care preparations; foot creams and lotions; exfoliants; abrasive implements in the form of pumice stones; non-medicated powders and lotions for foot spas; body care products, shower gels, hair care products; shampoos and hair lotions, conditioning rinses (conditioners), combined shampoo and conditioner, hair sprays, styling mousse and gels; hair dyes; baby and infant care products; bath oils, shampoos, skin oils and creams; anti-wrinkle creams; massage oils; grooming products for men; shaving cream, after-shave balms; deodorants; products for oral hygiene (not for medical purposes); preparations for the mouth and for cleaning the mouth, breath-freshening and mouth-freshening preparations, mouth sprays, mouth rinses, dentifrices; toothpaste; antiperspirants.
- **5** Pharmaceutical products and health-care products; medicated lubricants; dietetic substances and sanitary preparations, dietetic substances adapted for medical use; nutritional supplements; vitamin preparations; disinfectants; royal jelly (for medical purposes); herbal tea; corn remedies; headache pencils; lactose; milking grease; except foodstuffs, dietetic substances and beverages especially for babies, infants and children, included in this class.
- **10** Massage apparatus, gloves for massage, massage articles; physical exercise apparatus, for medical purposes; spelt cushions (for medical purposes), cherry stone cushions (for medical purposes); feeding bottles; maternity belts.
- **16** Printed matter; stationery; photographs; adhesives for stationery or household purposes; paint brushes; instructional and teaching material (except apparatus); plastic materials for packaging; towels of paper, paper napkins.
- **21** Brushes, in particular eyebrow brushes; cosmetics brushes; toothbrushes; nail brushes; sponges, combs, hair combs; oils and foot spa containers.
- **24** Woven goods and textiles; towels, bath towels, bed and table covers; bath linen (except clothing); tissues of textile for removing make-up; Household textiles; washing mitts.

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- 25 Clothing, t-shirts, headgear; bathrobes; bathing shoes and trunks, swimsuits; caps; shawls; stockings and socks.
- 32 Anti-aging drinks.
- **42** Biological research; cosmetic research.

44 Hygienic and beauty care; beauty-salon services; health consultancy; manicuring; operating of wellness facilities, consultancy in the field of hygenic, cosmetic and beauty care, in particular in the field of decorative cosmetics and antiageing; nutrition consultation.

Description

No entry

Owners

Laverana GmbH & Co. KG

ID 387938 Organisation Laverana GmbH & Co. Legal status

Town Legal entity

Country State/county Post code Address

DE - Germany Wennigsen 30974

Weingarten 4

Correspondence address

Laverana GmbH & Co. KG Am Weingarten 4 D-30974 Wennigsen **ALEMANIA**

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Representatives

RWZH RECHTSANWÄLTE

36788 Country Organisation n/a Legal status Legal person **Association**

State/county Post code Address

n/a München 80339 Barthstrasse

DE - Germany Correspondence address Barthstrasse 4

RWZH RECHTSANWÄLTE D-80339 München **ALEMANIA**

00 49-8924401220

00 49-8924401221

muenchen@rwzh.com

Correspondence

from	Procedure	Filing number	Subject	Date	Actions
	EUTM	004098679	Surveillance letter	05/05/2016	
	EUTM	004098679	Surveillance letter	29/10/2015	***************************************
	Inspection request	002549494	Issue copies/extracts+Notification Information (EUTM+RCD) outside EU	20/08/2015	
	Inspection request	002549494	D123-Legalizar documentos (NB: ES only)	19/08/2015	
	Inspection request	002549494	D113 : Certified copy of registration certificate	19/08/2015	
	Inspection request	002549494	Issues copies/extracts & Notification information (EUTM+RCD)	19/08/2015	
	Inspection request	002549494	Application form and attachment	27/07/2015	
	Recordal	008367446	L607 \: Notification of the total renewal of the EUTM	12/05/2014	

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From	Procedure	Filing number	Subject	Date	Actions
	Recordal	008367446	Application form and attachment	01/05/2014	
	Recordal	008367446	L601A \: Notification of the need to renew an EUTM registration	07/04/2014	

Showing 1 to 10 of 134 entries

IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

No entry

Publications

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Bulletin number	Date	Section	Description
2005/032	08/08/2005	A.1	Applications published under article 40 EUTMR
2007/042	13/08/2007	C.2.1	Representative - Change of name and professional address
2007/045	27/08/2007	C.2.1	Representative - Change of name and professional address
2007/053	24/09/2007	C.2.2	Representative - Appointment / Replacement of representative
2007/055	01/10/2007	C.2.2	Representative - Appointment / Replacement of representative
2008/013	31/03/2008	B.2	Registrations with amendments since the application was published
2009/043	09/11/2009	C.1.1	Proprietor - Total transfers
2010/004	11/01/2010	C.2.1	Representative - Change of name and professional address
2013/112	17/06/2013	C.2.1	Representative - Change of name and professional address
2014/088	14/05/2014	D.1	Renewals

Showing 1 to 10 of 10 entries

Cancellation

No entry

Recordals

	_				
Bulletin number	Date	Section	filing number	Title	Subtitle
2007/042	13/08/2007	C.2.1	001273344	Representative	Change of name and professional address
2007/045	27/08/2007	C.2.1	002282625	Representative	Change of name and professional address
2007/053	24/09/2007	C.2.2	002329335	Representative	Appointment / Replacement of representative
2007/055	01/10/2007	C.2.2	002401928	Representative	Appointment / Replacement of representative
2009/043	09/11/2009	C.1.1	004254192	Proprietor	Total transfers
2010/004	11/01/2010	C.2.1	004417765	Representative	Change of name and professional address

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Bulletin number	Date	Section	filing number	Title	Subtitle
2013/112	17/06/2013	C.2.1	007537411	Representative	Change of name and professional address
2014/088	14/05/2014	D.1	008367446	Renewal	Total Renewal

Showing 1 to 8 of 8 entries

Oppositions

filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
000928814	08/11/2005	Likelihood of confusion	Sanpellegrino, SpA	Modiano, Gabriella Diana, Alagem Modiano, Lara, Modiano, Vera, Modiano, Lily Renée, Modiano, Micaela Nadia, Gualano, Grazia Concetta, Galetti, Anna, Manara, Marcella, Verea, Silvio, Damonti, Andrea, Cremonesi, Simone	English	GM43289	Closed	32 Non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making non-alcoholic beverages; effervescent tablets and powders for drinks; isotonic beverages; waters (beverages).
000929606	08/11/2005	Identity of marks and G&S Likelihood of confusion	LA VERJA, S.A.	LEGISMARK	English	GM43289	Closed	Non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making non- alcoholic beverages; effervescent tablets and powders for drinks; isotonic beverages; waters (beverages).
000924474	26/10/2005	Likelihood of confusion	Scala Großhandel GmbH & Co. KG	KROHN RECHTSANWÄLTE	German	GM43289	Closed	10:Massagegeräte, Massagehandschuhe, Massageartikel; nichtelektrische Massagegeräte; Geräte zur Fußmassage; medizinische Geräte für Körperübungen; Dinkelkissen (für medizinische Zwecke), Kirschkernkissen (für medizinische Zwecke); Kondome; Saugflaschen; Schnuller; Umstandsgürtel.

Showing 1 to 3 of 3 entries

Appeals

No entry

Decisions

No entry

Renewals

Title	Filing number	Status	Status date
Renewal	008367446	Trade mark renewed	14/05/2014

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Showing 1 to 1 of 1 entries

Trade mark relations

No entry

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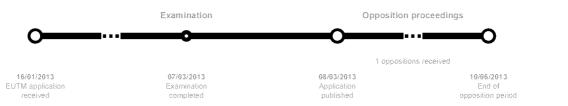


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EUTM file information

Lavera 011493426

Timeline



Trade mark information

Name	Lavera	Filing date	16/01/2013
Filing number	011493426	Registration date	
Basis	EUTM	Expiry date	
Date of receipt	16/01/2013	Designation date	
Туре	Word	Filing language	German
Nature	Individual	Second language	English
Nice classes	3, 5, 32, 44 (Nice	Application reference	EW35239NSJFamh
	Classification)	Trade mark status	Application opposed
Vienna Classification			
		Acquired distinctiveness	No

Goods and services

English (en)

Body and skin care and beauty preparations (not for medical purposes); milks, tonics, lotions, creams, emulsions, gels for the face and body; non-medicated cleansing preparations for the face and body; skin astringents not for medical purposes; body mist; non-medicated foot baths, depilatory creams; pumice stones for personal use; soaps; bubble bath; shower creams and gels; skin exfoliating products; make-up removing preparations for the face; talcum powder; shampoos; hair lotions, oils, conditioners and repair preparations; hair dyes; hair spray, gel and mousse; hair brighteners; hair mascaras; shaving creams and gels; after-shave gels and lotions; perfumery; deodorants for personal use; essential oils; bath beads; bath oils and salts; cosmetics; masks; foundation cream; blush, bronzing powder; make up powder; facial shimmer preparations; mascara; eyeliners; cosmetic eye and lip pencils; eye shadows; lip balms; lip gloss; lipsticks; makeup removing preparations; nail polish; nail forms; false nails; nail polish remover; cuticle creams; preparations for strengthening nails; non-medicated concealer sticks; body glitter; sun-tanning lotions and creams for the face and body; fake tan lotions and creams for the face and body; sunscreen creams; after sun lotions and creams for the face and body; Perfumes, eaux de toilette; bath and shower gels and salts not for medical purposes; toilet soaps; cosmetics, in particular creams, milks, lotions, gels and powders for the face, body and hands; sun-tanning milks, gels and oils and after-sun preparations (cosmetics); make-up preparations; shampoos; gels, mousses, balms and preparations in aerosol form for hairdressing and haircare; hair lacquers; hair-colouring and hair-decolorizing preparations; preparations for waving and setting hair, cosmetics, decorative cosmetics; face creams and lotions; skin-cleansing lotions and creams, hand and body lotions and creams; tinted moisturising creams, make-up, foundation, face powder and rouge; blemish stick, lip pencils, eyeliner pens and mascara, eyeshadow; sun care preparations; foot-care preparations; foot creams and lotions; exfoliants; abrasive implements in the form of pumice stones; non-medicated powders and lotions for foot spas; body care products, shower gels, hair care products; shampoos and hair lotions, conditioning rinses (conditioners), combined shampoo and conditioner, hair sprays, styling mousse and gels; hair dyes; baby and infant care products; bath oils, shampoos, skin oils and creams; anti-wrinkle creams; massage oils; grooming products for men; shaving cream, after-shave balms products for oral hygiene (not for medical purposes), preparations for the mouth and for cleaning the mouth, breath-freshening and mouth-freshening preparations, mouth sprays, mouth rinses, dentifrices; toothpaste; antiperspirants.

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Pharmaceutical products and health-care products; medicated lubricants; dietetic substances and sanitary preparations, dietetic substances adapted for medical use; vitamin preparations; disinfectants; royal jelly (for medical purposes); herbal tea for medical or therapeutic purposes; corn remedies; headache pencils; lactose; milking grease; except foodstuffs, dietetic substances and beverages especially for babies, infants and children, included in this class, nutritional supplements that may contain proteins, glucides, lipids, peptides and/or fibres, or micronutrients such as vitamins and/or minerals and/or amino acids and/or fatty acids and/or plants, and/or vegetable extracts and/or purified molecules extracted from vegetables, for beauty and skin, body, face, hair or nail care, in the form of capsules, tablets, ampules, yeast, powders, bars, creams or drinks, for medical and/or cosmetics and/or food purposes; nutritional additives made from meat, fish, poultry and game, meat extracts, fruit and canned vegetables, dried and cooked, jellies, jams, compotes, eggs, milk and milk products, edible oils and fats, for beauty and skin, body, face, hair or nail care in the form of capsules, tablets, vials, yeast, powders, bars, creams or beverages, for medical and/or cosmetics and/or food purposes; nutritional supplements that may contain coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry and confectionary, ices, honey, treacle, yeast, baking powder, salt, mustard, vinegar, sauces (condiments), spices, ice, for beauty and skin, body, face, hair or nail care, in the form of capsules, tablets, ampules, yeast, powders, bars, creams or drinks, for medical and/or cosmetics and/or food purposes; nutritional additives made from agricultural, horticultural, forestry and seed products (not included in other classes), fresh fruit and vegetables, seeds, plants and natural flowers, for beauty and skin, body, face, hair or nail care in the form of capsules, tablets, vials, yeast, powders, bars, creams or beverages, for medical and/or cosmetics and/or food purposes; nutritional additives for beauty and skin, body, face, hair or nail care in the form of vials for drinking or beverages, for medical and/or cosmetics and/or food purposes; cosmetics in all galenical forms, not adapted for medical use.

32 Anti-aging beverages, not for pharmaceutical purposes.

44 Medical services; medical clinics; health and beauty care services, hygienic services; aromatherapy services; massage; manicuring; beauty salons, hairdressing salons; hygienic and beauty care; health consultancy; manicuring; operating of wellness equipment, namely operating beauty salons and medical healing and thermal spas, consultancy in the field of hygienic and beauty care, in particular in the field of decorative cosmetics and anti-ageing; nutrition consultation.

Description

No entry

Owners

Laverana GmbH & Co. KG

ID 387938

Organisation Laverana GmbH & Co. KG

Legal status Legal entity

Country
State/county
Town

Post code
Address

DE - Germany n/a Wennigsen 30974

Am Weingarten 4 Correspondence address

Laverana GmbH & Co. KG Am Weingarten 4 D-30974 Wennigsen ALEMANIA Can be accessed and changed by authorised user via the User Area

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Representatives

GRÜNECKER PATENT- UND RECHTSANWÄLTE PARTG MBB

ID10111CountryOrganisationn/aState/coLegal statusLegal personTownTypeAssociationPost coc

State/county
Town
Post code
Address

DE - Germany n/a München

80802 Leopoldstr. 4 Correspondence address

Grünecker Patent- und Rechtsanwälte PartG mbB Leopoldstr. 4 D-80802 München ALEMANIA 00 49-89212350

00 49-89220287

info@grunecker.de

Correspondence

	From	Procedure	Filling number	Subject	Date	Actions
enninonninon /				Notification to the opponent of time limit extension accorded to the applicant.	11/08/2017	

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From	Procedure	Filing number	Subject	Date	Actions
	Opposition	002187980	Time limit extension - to the applicant	11/08/2017	
	Opposition	002187980	Letter to the EUIPO	03/08/2017	
	Opposition	002187980	Notification to the opposing party confirming that his [observations and] proof of use [have] [has] been forwarded to the applicant (Article 43 (1) of the Regulation and Rule 22 (3) of the Implementing Regulation)	02/06/2017	
	Opposition	002187980	Communication to the applicant of the opposing party's proof of use	01/06/2017	
	Opposition	002187980	Letter to the EUIPO	19/05/2017	
	Opposition	002187980	Application form and attachment	17/05/2017	
	Opposition	002187980	Notification to the opposing party confirming that his [observations and] proof of use [have] [has] been forwarded to the applicant (Article 43 (1) of the Regulation and Rule 22 (3) of the Implementing Regulation)	16/05/2017	
	Opposition	002187980	Communication to the applicant of the opposing party's proof of use	16/05/2017	
	Opposition	002187980	Empty letter	16/05/2017	

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IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

No entry

Publications

Bulletin number	Date	Section	Description
2013/048	08/03/2013	A.1	Applications published under article 40 EUTMR
2013/112	17/06/2013	C.2.1	Representative - Change of name and professional address

Showing 1 to 2 of 2 entries

Cancellation

No entry

Recordals

	_					
Bulletin number	tin number Date Sect		Filling number	Title	Subtitle	
			012599489	Representative	Appointment / Replacement of representative	
2013/112	17/06/2013	C.2.1	007537411	Representative	Change of name and professional address	

Showing 1 to 2 of 2 entries

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Oppositions

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
002187980	30/05/2013	Likelihood of confusion	LAVENA PLC		English	54/13	Open	Class 3 Body and skin care and beauty preparations (not for medical purposes); milks, tonics, lotions, creams, emulsions, gels for the face and body; non-medicated cleansing preparations for the face and body; skin astringents not for medical purposes; body mist; non-medicated foot baths, depilatory creams; pumice stones for personal use; soaps; bubble bath; shower creams and gels; skin exfoliating products; make-up removing preparations for the face; talcum powder; shampoos; hair lotions, oils, conditioners and repair preparations; hair dyes; hair spray, gel and mousse; hair brighteners; hair mascaras; shaving creams and gels; after-shave gels and lotions; perfumery; deodorants for personal use; essential oils; bath beads; bath oils and salts; cosmetics; masks; foundation cream; blush; bronzing powder; make up powder; facial shimmer preparations; mascara; eyeliners; cosmetic eye and lip pencils; eye shadows; lip balms; lip gloss; lipsticks; makeup removing preparations; nail polish; nail forms; false nails; nail polish; nail forms; for the face, body; sunscreen creams; after sun lotions and creams for the face and body; sunscreen creams, milks, lotions, gels and oils and after-sun preparations; preparations; preparations; foot-care products; shampoos and hair lotio

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Appeals		
No entry		
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No entry