

**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: <b>PATENT OFFICE OF THE REPUBLIC OF LATVIA</b> <b>Citadeles iela 7/70</b> <b>LV 1010, Riga</b> <b>LATVIA</b>  Phone: +371 67099604 Fax: +371 67099650 e-mail: liga.rinka@lrpv.gov.lv
II.	Number of the international registration: <b>1352138</b>
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): <b>HYUNDAI MOTOR COMPANY</b> <b>12, Heolleung-ro, Seocho-gu Seoul 06797</b> <b>KR</b>
IV.	The grounds of refusal:  Provisional refusal based on an opposition: Opposition submitted by SOLARIS IP spółka z ograniczoną odpowiedzialność spółka komandytowa, holder of EUTM 009038696 / SOLARIS /. Information about earlier rights (if any) is enclosed.
V.	Reference to the corresponding essential provisions of the Law of the Republic of Latvia on Trademarks and Indications of Geographical Origin:  Opposition according to Sections 18 and 39 has been based on; Section LPZ/99 7.(1)2; LPZ/99 8.(1); LPZ/99 39.3(1)
VI.	Provisional refusal for all the goods and/or services
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 17.1; 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.</b>
VIII.	Date of the notification of provisional refusal: <b>09.10.2017</b>

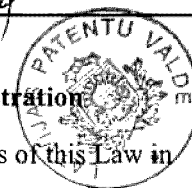
IX. Signature or official seal of the Office making the notification:



Līga Rinka

X. Corresponding essential provisions of the applicable 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 8. Well-known Trade Marks as Grounds for Refusal or Invalidation of Trade Mark Registration

(1) Notwithstanding the provisions of Section 7 of this Law, a trade mark registration may be refused or, if registered, the registration may be invalidated under the provisions of this Law, if the trade mark constitutes a reproduction, an imitation, a translation or a transliteration, liable to create confusion, of another trade mark, which, even though unregistered, was well-known in Latvia with respect to identical or similar goods or services, on the date of filing of application of the applied for (opposed) registration of trade mark (or the date of priority if priority has been granted).

(2) In addition to the provisions of Paragraph one of this Section, the registration of a trade mark may be refused or invalidated also if the goods or services regarding which trade mark registration has been applied for are not similar to the goods or services covered by a well-known trade mark in Latvia, provided that the use of the trade mark applied for (opposed) in relation to such goods or services may be perceived by consumers as an indication of a connection between such goods and services, and the owner of the well-known trade mark, and that such use may be detrimental to the interests of the owner of the well-known trade mark.

(3) In determining whether a trade mark is well-known, the knowledge of this trade mark in the relevant group of consumers, including such knowledge in Latvia that has been obtained as a result of the advertising of this mark or any other circumstances that have contributed to its fame shall be taken into account.

(4) In determining in which cases the provisions of Paragraphs one and two of this Section are to be applied to a sign regarding which registration has been applied for or to a registered trade mark, the provisions of Article 6-bis of the Paris Convention regarding a well-known trade mark shall be taken into account, including the provision which provides for the prohibition of the reproduction or the imitation of a well-known trade mark in an essential part of another trade mark; these provisions shall also apply, mutatis mutandis, to service marks.

(5) The provisions of Paragraphs one and two of this Section regarding refusal of registration during the expert-examination procedure shall not apply if the application for trade mark registration has been filed with the consent of the owner of the well-known trade mark.

### Section 39.<sup>1</sup> Activities of the Patent Office in Connection with the Registration Procedure of the Community Trade Mark

(1) The functions of the central industrial property office of a European Union Member State, prescribed by Council Regulation No 207/2009, shall be executed in Latvia by the Patent Office. Registration of the Community trade mark may be applied for through the intermediary of the Patent Office.

(2) The Patent Office shall perform the verification of the authenticity of the decision of the Office for Harmonisation in the Internal Market (trade marks and designs) provided for in Article 86(2) of Council Regulation No 207/2009 for the enforcement thereof in Latvia.

[14 October 2010]

### Section 39.<sup>2</sup> Legal Effect of the Community Trade Mark Registration in Latvia

(1) Exclusive rights to a trade mark in Latvia shall also be ensured by the Community trade mark registration. The scope of protection of the Community trade mark shall be determined by Council

Regulation No 207/2009.

(2) If seniority (special type of priority) is granted to a Community trade mark in accordance with Article 34 or 35 of Council Regulation No 207/2009, based on the respective earlier trade mark, registered in Latvia or registered internationally and extended to Latvia, then the filing date and priority date of the trade mark registered in Latvia or the priority of the respective trade mark registered internationally (Section 39, Paragraph three) shall be applied to such Community trade mark, determining the priority thereof in Latvia. The seniority granted to the Community trade mark shall be retained if the registration of the respective trade mark of Latvia or the international registration of the trade mark, which is extended to Latvia is cancelled on the initiative of the owner of the trade mark (surrender of registration) or in connection with the expiry of the term of validity thereof (exclusion from the Register).

(3) Registration of a trade mark which has been the basis for the seniority of the Community trade mark, may be invalidated or revoked even following the expiry of the term of validity of this registration or if the registration is cancelled on the initiative of the owner of the trade mark, on condition that the respective grounds for invalidation of the registration of the trade mark or the revocation were present during the validity of the registration.

[14 October 2010]

Section 39.<sup>5</sup> 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 the referred to Community trade mark and such use may be detrimental to the interests of the owner of the Community trade mark. Such opposition and such claim may be submitted by the owner of the Community trade mark (or his or her successor in title) or his or her representative.

(2) In case of the illegal use of the Community Trade mark, the provisions of Sections 27 and 28 of this Law, the Civil Procedure Law and the provisions of other laws and regulations shall be applicable, unless otherwise laid down in Council Regulation No 207/2009.

(3) If, based on the rights arising from the registration of the Community trade mark, the registration of a later trade mark is contested, which is performed observing the procedures for registering trade marks laid down in this Law, or in accordance with the rules on the international registration and is extended to Latvia, or if the use of such later trade mark is contested, the provisions of Section 29 of this Law regarding the restrictions of rights as a result of acquiescence shall be observed. [14 October 2010]

Section 39.<sup>4</sup> Additional Provisions for the Use of the Community Trade Mark

(1) If, based on an earlier Community trade mark, an opposition is submitted against the registration of a trade mark (Section 18) and the owner of the contested trade mark uses the rights to request evidence of the use of the earlier trade mark (Section 19, Paragraph seven), the provisions of Article 15 of Council Regulation No 207/2009 shall be observed. (2) According to the provisions of Article 165 5) and Article 110(1) of Council Regulation No 207/2009, the owner of the earlier rights obtained in good faith in Latvia may prohibit the use of the Community trade mark which has been registered or submitted for registration prior to 1 May 2004. (3) If the Community trade mark is involved in a process of the legal protection of a commercial company or the process of insolvency in Latvia, in accordance with the provisions of Article 21 of Council Regulation No 207/2009, the necessary entries to be made by the Office for Harmonisation in the Internal Market (trade marks and designs) in the Community Trade Mark Register or, if the Community trade mark has not yet been registered, in the application materials, may be requested on the basis of a court decision. [14 October 2010]

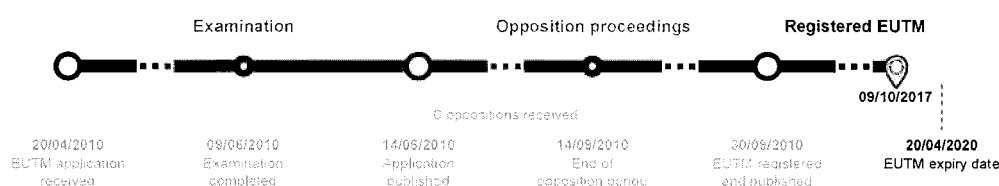


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## EUTM file information

**SOLARIS**  
009038696

## Timeline



## Trade mark information

Name	<b>SOLARIS</b>	Filing date	<b>20/04/2010</b>
Filing number	<b>009038696</b>	Registration date	<b>27/09/2010</b>
Basis	<b>EUTM</b>	Expiry date	<b>20/04/2020</b>
Date of receipt	<b>20/04/2010</b>	Designation date	
Type	<b>Word</b>	Filing language	<b>Polish</b>
Nature	<b>Individual</b>	Second language	<b>English</b>
Nice classes	<b>12, 37 ( Nice Classification )</b>	Application reference	<b>Pbx/445/10</b>
Vienna Classification		Trade mark status	<b>Registered</b>
		Acquired distinctiveness	<b>No</b>

## Goods and services

English (en) ☒

**12** Motor buses, motor coaches, vehicles for locomotion by land, spare parts for motor buses, motor coaches and vehicles for locomotion by land, not included in other classes.

**37** Vehicle repair, vehicle maintenance.

## Description

No data

## Owners

## SOLARIS IP spółka z ograniczoną odpowiedzialnością spółka komandytowa

ID	<b>762297</b>	Country	<b>PL - Poland</b>	Correspondence address	
Organisation	<b>SOLARIS IP spółka z ograniczoną odpowiedzialnością</b>	State/county	<b>n/a</b>	SOLARIS IP spółka z ograniczoną odpowiedzialnością spółka komandytowa	Can be accessed and changed by authorised user via the User Area
		Town	<b>Owińska</b>		
		Post code	<b>62-005</b>		

Legal status	<b>spółka komandytowa</b> <b>Legal entity</b>	Address	<b>ul. Obornicka 46, Bolechowo Osiedle</b>	ul. Obornicka 46, Bolechowo Osiedle 62-005 Owińska POLONIA	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

### KANCELARIA PATENTOWA PATENTBOX ROMUALD SUSZCZEWICZ

ID	<b>27983</b>	Country	<b>PL - Poland</b>	Correspondence address	
Organisation	<b>n/a</b>	State/county	<b>n/a</b>	KANCELARIA PATENTOWA PATENTBOX ROMUALD SUSZCZEWICZ	00 48-618529911
Legal status	<b>Legal person</b>	Town	<b>Poznań</b>	ul. Piekary 6/17	00 48-618517387
Type	<b>Association</b>	Post code	<b>61-823</b>	61-823 Poznań	
		Address	<b>ul. Piekary 6/17</b>	POLONIA	kancelaria@patentbox.pl

## Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Recordal	012803022	Right in Rem Creation - Communication to non applicant (C.5.1)	29/05/2017	
	Recordal	012803022	Rights in Rem Creation - Notification of entry (C.5.1.)	29/05/2017	
	Recordal	012803022	Application form and attachment	22/05/2017	
	EUTM	009038696	Surveillance letter	23/02/2017	
	Recordal	011273532	T722M - Registration of recordal C.1.3 / B.2.2	10/08/2016	
	Recordal	011273532	Letter to the EUIPO	05/08/2016	
	Recordal	010957366	Transfers - entry on the register.	24/05/2016	
	Recordal	010957366	Transfers - deficiency/rejection.	23/05/2016	
	Recordal	010957366	Letter to the EUIPO	23/05/2016	
	Recordal	010957366	Application form and attachment	19/05/2016	

Showing 1 to 10 of 30 entries

## IR transformation

No data

## Seniority

No data

## Exhibition priority

No data

## Priority

No data

## Publications

Bulletin number	Date	Section	Description
2010/107	14/06/2010	A.1	Applications published under article 40 EUTMR
2010/184	30/09/2010	B.1	Registrations with no amendments since the application was published
2010/209	08/11/2010	C.2.1	Representative - Change of name and professional address
2012/081	30/04/2012	C.2.1	Representative - Change of name and professional address
2016/018	28/01/2016	C.1.1	Proprietor - Total transfers
2016/096	26/05/2016	C.1.1	Proprietor - Total transfers
2016/148	09/08/2016	C.1.3	Proprietor - Change of name and address
2017/101	31/05/2017	C.5.1	Creation of rights in rem

Showing 1 to 8 of 8 entries

## Cancellation

No data

## Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2010/209	08/11/2010	C.2.1	005174969	Representative	Change of name and professional address
2012/081	30/04/2012	C.2.1	006447596	Representative	Change of name and professional address
2016/018	28/01/2016	C.1.1	010501156	Proprietor	Total transfers
2016/096	26/05/2016	C.1.1	010957366	Proprietor	Total transfers
2016/148	09/08/2016	C.1.3	011273532	Proprietor	Change of name and address
2017/101	31/05/2017	C.5.1	012803022	Rights <i>in rem</i>	Creation of rights in rem

Showing 1 to 6 of 6 entries

## Oppositions

No data

## Appeals

No data

## Decisions

No data

## Renewals

No data

## Trade mark relations

No data