
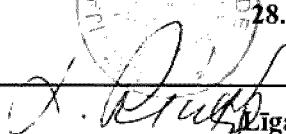


**MADRID AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF MARKS
AND PROTOCOL RELATING TO THAT AGREEMENT**

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: PATENT OFFICE OF THE REPUBLIC OF LATVIA Citadeles iela 7/70 LV 1010, Riga LATVIA Phone: +371 67099604 Fax: +371 67099650 e-mail: liga.rinka@lrpv.gov.lv
II.	Number of the international registration: 1361505
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): Darkov Ivan Vasylovych vul. Horovytsya, bud. 8, kv. 7 m. Kyiv 03110 UA
IV.	The grounds of refusal: Provisional refusal based on an opposition: Opposition submitted by Peter Kölln GmbH & Co. KGaA, Westerstraße 22-24, 25336 Elmshorn (DE), holder of international registration WO 1 051 224 /Biskin/ 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
VI.	Provisional refusal for all the goods and/or services
VII.	Possibilities to review or appeal 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.
VIII.	Date of the notification of provisional refusal:  28.12.2017
IX.	Signature or official seal of the Office making the notification:  Liga Rinka

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

[..]

(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]

	Madrid Monitor	International Trademark
1051224- Biskin		Printed: 2017-12-27 16:06

1051224- Biskin

Full details
Current Status
English

- 180 Expected expiration date of the registration/renewal**
10.06.2020
- 151 Date of the registration**
10.06.2010
- 270 Language of the application**
English
- 732 Name and address of the holder of the registration**
Peter Kölln GmbH & Co. KGaA
Westerstraße 22-24
25336 Elmshorn (DE)
- 812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment**
DE
- 740 Name and address of the representative**
FECHNER Rechtsanwälte PartmbB
Poststraße 37
20354 Hamburg (DE)
- 770 Name and address of the previous holder**
Peter Kölln KGaA
Westerstrasse 22-24
Elmshorn (DE)
- 540 Mark**
Biskin
- 541 Reproduction of the mark where the mark is represented in standard characters**
- 511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(9)**
- 29 Butter, margarine, cheese, milk and milk products, edible fats, edible oils, edible vegetable fat, edible vegetable oil, vegetable butter, beef fat, suet for food; meat, poultry and game; meat extracts.
- 41 Organising and conducting of events for cultural and educational purposes, in particular cooking and barbecue events as well as cooking and barbecue competitions.
- 822 Basic registration**
DE, 10.03.2010, 30 2010 005 605.3/29
- 300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin**
DE, 29.01.2010, 30 2010 005 605.3/29
- 832 Designation(s) under the Madrid Protocol**
EM

Transaction History

EXPAND none