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ཐོ་རིག་རྒྱུ་དངོས་ཐེ་ཚན།

INTELLECTUAL PROPERTY DIVISION
MINISTRY OF ECONOMIC AFFAIRS
ROYAL GOVERNMENT OF BHUTAN, THIMPHU



**MADRID AGREEMENT AND PROTOCOL
PROVISIONAL REFUSAL OF PROTECTION
Rule 17(1)**

Date: August 10, 2016

1. Office making the notification:

Intellectual Property Division (IPD)
Ministry of Economic Affairs (MoEA)
Thimphu, Bhutan
Tel: 009752335233, Fax: 009752321145

2. Number and date of international registration:

BT/M/ 0001/1269362, 18/06/2015

3. Mark

SENSE,

4. Name of the holder (or other indication enabling the identity of the international registration to be confirmed):

"VINPROM PESHTERA" S.A. (whose legal address is 5 "Dunav" bul. BG-4000
Plovdiv, Bulgaria)

5. Type of refusal:

- ☐ Provisional refusal based on an ex officio examination
☒ Provisional refusal based on an opposition
☐ Provisional refusal based on both an ex officio examination and an opposition

6. Goods/services affected:

- ☒ 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]

7. Grounds for refusal:

- ☐ Lack of distinctiveness

- ☐ Conflict with another person's earlier mark
☐ Other grounds

8. Information relating to an earlier mark: Attached as Annexure I

9. Corresponding essential provisions of the applicable law [(see text under 13)]:

10. Information relating to subsequent procedure:

Where the holder receives this notification, the protection of the international registration is to be refused for goods/services mentioned in item 6; unless holder submits to the IPD through the representative whose address is available at www.ipbhutan.gov.bt. Written opinion (amendment) within two months from the issuing date of this document should be submitted to the IPD, MoEA, Thimphu, Bhutan.

The holder may request the extension of time to submit a written opinion (amendment) to IPD. The extension will be granted only once and for a period of 1 month. This request should be made within the given time limit.

If a request for Limitation (MM6) is presented to the International Bureau so as to get over the ground for refusal mentioned above, we wish that it could be informed by ipd@druknet.bt or clhazin@gmail.com

11. Date of the notification of provisional refusal:

August 10, 2016

12. The refusal is issued by

Karma Zangmo (Ms.)

Examiner

Trademark Registry

IPD, MoEA, BHUTAN

Tel: 009752335233, Fax: 009752321145

13. Corresponding essential provisions of the applicable law:

Extracts from the Industrial Property Act of Kingdom of Bhutan, 2001

Section 25 (3)

(i) incapable of distinguishing the goods or services of one enterprise from those of other enterprises;

(vi) identical or similar to an earlier mark already on the register

ANNEXURE I

Opposition filed by third party. Form 10, Notice of opposition is attached.

Fee Nu.500

Form-10

Industrial Property Regulations, 2001

Notice of opposition to application for registration of a mark

Rule 47 (1)

IN THE MATTER OF APPLICATION No. **1269362** in Class 33 dated June 18, 2015 for registration of the trade mark **SENSE** in the name of **VINPROM PESHTERA S.A** the address **5 "Dunav" bul. BG-4000 Plovdiv (BG)**

We, **SENSI VIGNE& VINI S.R.L**(a company organized and existing under the laws of Italy) having our principal office at Via Cerbaia,107,Frazione Cerbaia I-51035 Lamporecchia (PT), Italy hereby give notice of our intention to oppose registration of the trade mark **SENSE** under Application No. **1269362** dated June 18, 2015 in respect of Alcoholic beverages (except beers), including alcoholic energy drinks included in Class 33, which has been advertised before acceptance in the Trade Marks Journal No.69 dated May 10, 2016.

The grounds of opposition are as follows:

1. We, **SENSI VIGNE& VINI S.R.L**, have established our rights from the very beginning as one of the leading and best known companies in production of alcoholic beverages especially wines, to the highest quality in Italy and not just at the national level but also European level and worldwide. The terms 'we', 'us' and 'our' include and tend to include the Opponent, its affiliates, associates, licensees and subsidiary companies, if any.
2. We first began our business in 1890 when **Pietro Sensi** began taking the wine he made from his vines to the markets. Pietro's sons, Vittorio and Armido, continued their father's business and founded **FratelliSensi**. With their horse and cart the two brothers used to deliver their Chianti wine to the houses in the surrounding countryside and to the city of Florence as well. With the third generation, with Vittorio's sons Pietro and Giovanni, greater focus was placed on the wine making business and the **FratelliSensi** wines became famous throughout Tuscany. With the fourth generation, with Massimo, Marco and Roberta, who joined the company in 1987, the name **SENSI** was finally consecrated on the international markets further to developing their wine making, farming and technology. Thus

our trade mark **SENSI** corresponds with the name of the founding family of our company.

3. In 2004, our Company faced a difficult time when Marco died suddenly. The memory of Marco's valuable work, and the importance of the projects that were started together with him, immediately became a great drive for the family to continue working and growing, developing further and improving the quality of the **SENSI** wines. This spirit was immediately understood by all the international operators and helped them establish some very important partnerships.
4. Our Company's head office is situated in the new Lamporecchio winery, which spreads over 5000 square meters, where the **SENSI** wines are stored, made and bottled. Bottling seems the last phase in the wine making process, but in fact it is the start of a new and very delicate phase. For this we have installed a cutting edge technological plant to optimize and monitor each production phase, to ensure the final product has exquisitely clean sensorial features and long-lasting quality. Further, we and our trademarks have acquired great fame and notoriety at international and world level and have established ourselves as one of the leading and best known companies in this sector.

OUR MISSION

5. For us, a wine that bears our name must tell our story, a story of great sacrifice, enthusiasm and goals to achieve, but with the wisdom of taking just small steps at a time and showing great respect for human relations. Our mission is to communicate a production philosophy through our wines, based on the elegant and balanced sensations, clean flavor and consistent quality. Elegance that on a human level means awareness of our customers' needs, honesty, passion and efficiency to construct long-lasting relations with them.

OUR PRODUCTS

6. Our trade mark **SENSI** and variations thereof are famous and well-known internationally and distinguish our prestigious wines, the fruits of many decades of agronomic work and research, as well as long list of other products such as food, oils etc. Details of some of our products under the name and trade mark **SENSI** are as under:

NAME	DETAILS
<u>CLASSIC TUSCANY</u>	Our Classic wine represents the very traditional Tuscan winemaking style, through the most typical appellation of our region. Toscana Classica - Rossi <ul style="list-style-type: none">• Chianti DOCG Dalcampo• Chianti DOCG Straw Flask Dalcampo



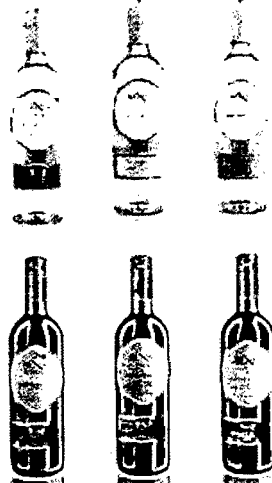



- Chianti DOCG Riserva Dalcampo
- Chianti Montalbano DOCG Risalto
- Chianti Classico DOCG Forziere
- Chianti Classico DOCG Riserva Forziere
- Chianti DOCG Biologico Campoluce
- Chianti Superiore DOCG Vegante
- Toscana IGT Sangiovese-Merlot Ninfato
- Rosso Italiano Canto Gourmet
- Toscana IGT Rosso Soro
- Toscana IGT Sangiovese Cupido
- Toscana IGT Sangiovese-Cabernet Testardo
- Brunello di Montalcino DOCG Boscoselvo
- Brunello di Montalcino DOCG Riserva Boscoselvo
- Toscana IGT Sangiovese-Shiraz Mantello
- Toscana IGT Sangiovese-Merlot Viaggio
- Morellino di Scansano DOCG Pretorio
- Bolgheri Rosso DOC Sabbiat
- Maremma Toscana Rosso DOC Sangiovese Mandriano
- Vino Nobile di Montepulciano DOCG Mossiere
- Rosso di Montalcino DOC Boscoselvo



Toscana Classica – Bianchi

- Bianco Italiano Canto Gourmet
- Toscana IGT Bianco Soro
- Maremma Toscana Bianco DOC Vermentino Mandriano
- Vernaccia di San Gimignano DOCG Collegiata
- Orvieto DOC Sensi

	
<p><u>SPARKILING WINES</u></p> 	<p>Our sparkling range of wines includes the worldwide successful DOCG Prosecco and the stylish and fashionable spumante "Dolcevita" symbol of the Italian lifestyle.</p> <p>Spumanti</p> <ul style="list-style-type: none"> • Sparkling Sweet White Wine DolcevitadeiSensi • Prosecco DOC Treviso Sensi
<p><u>COLLEZIONE</u></p> 	<p>Our Collezione is an elegant collection of wine that, thanks to a fresh and fruity taste, shows young and innovative Italian winemaking style. A sensorial voyage through every single grapes.</p> <p>Collezione – Bianchi</p> <ul style="list-style-type: none"> • Toscana IGT Trebbiano • Toscana IGT Chardonnay • Veneto IGT Pinot Grigio <p>Collezione – Rossi</p> <ul style="list-style-type: none"> • Chianti DOCG Chianti • Toscana IGT Sangiovese • Montepulciano d'Abruzzo DOC Montepulciano d'Abruzzo • Veneto IGT Pinot Noir
<p><u>SWEET WINES</u></p> 	<p>Our sweet wine range is represented by the classic dessert Vin Santo del Chianti DOC and by the sweet modern flavours of the "Primavera deiSensi" red and white.</p> <p>ViniDolci</p> <ul style="list-style-type: none"> • Rosso Italiano Primavera deiSensi • Bianco Italiano Primavera deiSensi • Vin Santo del Chianti DOC Sensi

7. Over a period of time, the trade marks **SENSI**, **SENSI**, **18 K SENSI** and variations thereof, have been used extensively as trademarks to identify our goods and services alone. The trademarks are registered/pending registration in many countries worldwide and are well-known and famous. In a consistent vein, we have, over a period of time, coined various trademarks consisting of the mark **SENSI** as the prominent part thereof in respect of our goods and services. Some of our **SENSI** formative trade mark are as under: **SENSI**, **18 K SENSI**,




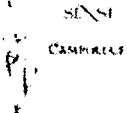

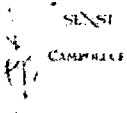


etc.

TRADE MARK REGISTRATIONS

8. In order to secure statutory rights in the said trade mark, we have obtained many registrations in various countries of the world which are relevant in establishing our rights as the proprietor of the said trademarks. The details of some of the worldwide registrations are mentioned below:

S. No.	Country	Registration No.	Registration Date	Trade Mark	Class
1.	Australia	1581103	July 10, 2013	18 K SENSI	33
2.	Singapore	1174331	July 10, 2013	18 K SENSI	33
3.	New Zealand	1012436	May 28, 2015	18 K SENSI	33
4.	International Registration (Australia, Curacao, Ireland, India, Japan, Republic of Korea, Mexico, New	1174331	July 10, 2013	18 K SENSI	33

	Zealand, Singapore, USA.)				
5.	Mexico	1629758	April 19, 2016	SENSI	33
6.	European Union	014533178	March 24, 2016	 SENSI	33
7.	Indonesia	IDM000488718	July 30, 2015	SENSI	33
8.	New Zealand	982491	December 03, 2013	SENSI	33
9.	Australia	1573587	March 13, 2013	SENSI	33
10.	U.S.	4676944	January 27, 2015	SENSI	33
11.	European Union	011631983	April 25, 2014	SENSI	29, 33, 35
12.	International Registration (Australia, Japan, Mexico, New Zealand, U.S.)	726307	December 02, 1999	SENSI	29, 33
13.	U.S.	2380123	August 22, 2000	SENSI	33
14.	International Registration(Japan)	1184756	September 10, 2013	VIAGGIO SENS	33
15.	Singapore	40201500867X	October 29, 2014	18 K SENS	33
16.	European Union	013409719	March 11, 2015	SPRITZIN' BY SENS	33
17.	European Union	012167409	February 18, 2014	18 K SENS	33
18.	International Registration(Australia, Japan)	1152320	January 03, 2013	PRIMAVERA DEI SENS	33
19.	International Registration(Japan)	1138832	October 22, 2012	MEMORIE DEI SENSIMEMORIE DEI	33

				SENSI	
20.	U.S.	4374139	July 30, 2013		33
21.	U.S.	4582150	August 12, 2014		33
22.	Australia	1515296	May 18, 2012		33
23.	International Registration(Australia, U.S., Japan, United Kingdom)	1127549	May 18, 2012		33
24.	International Registration(Japan)	1127751	May 18, 2012		33
25.	International Registration (Australia,United Kingdom,Japan, U.S.)	1127550	May 18, 2012		33
26.	European Union	01522054 4	June 27, 2016		33
27.	European Union	00437169 6	August 04, 2006		33
28.	U.S.	4824537	October 06, 2015	SENSIWIN E	33

The aforesaid registrations are renewed, valid and subsisting. By virtue of such registrations, we have exclusive statutory right to use the said trade marks in respect of the goods/services for which they are registered.

OUR VINEYARDS AND WINERY

9. Ever since 1890, our family cultivates its vineyards in its two farms with passion and enthusiasm: the Tenuta del Poggio and the Calappiano Farm, ancient hunting residence of the Medici family in 1500 A.D., composed of 100 hectares of vineyards and olive groves and whose principal production is Chianti, the chief wine in the 'Classic' line. Furthermore, our Company enlists the help of producers in the area of Siena, Montalcino, Bolgheri, Scansano and S. Gimignano for the production and bottling of classic Tuscan wines such as the Chianti Classico Gallo Nero, the Brunello di Montalcino, the Rosso di Montalcino, the Nobile di Montepulciano, the Bolgheri, the Morellino di Scansano and the Vernaccia di S. Gimignano. AziendeSensi's entire production is closely followed by the family oenologist, Lorenzo Landi, who aids in the development of all important new qualitative projects.

AWARDS

10. Our wines under the name and trade mark **SENSI** are constantly submitted to the opinion of the specialized press, because we believe that, besides the opinion of the faithful customers, we also need their judgement to be able to aim at ambitious quality levels. We have been bestowed with numerous awards for our reputation of excellence in our services under the name and trade mark **SENSI**. List of awards and accolades which have been bestowed upon our company in the past few years are mentioned below:

YEAR	AWARD
2015	IWC 2015 TRANCHE 2 Toscana Igt Sangiovese-Shiraz Mantello 2012 – Commended Chianti DocgBiologicoCampoluce 2013 – Commended' Brunello Di MontalcinoDocgBoscoselvo 2009 - Silver Medal Chianti ClassicoDocgRiservaForziere 2011 - Bronze Medal Toscana Igt Sangiovese-Cabernet Testardo 2012 - Bronze Medal Maremma Toscana Rosso Doc Sangiovese Mandriano 2013 - Bronze Medal Mundus Vini 2015 Brunello Di MontalcinoDocgBoscoselvo 2010 - Silver Medal Rosso Di Montalcino Doc Boscoselvo 2013 - Silver Medal Berliner Wine Trophy 2015

	Toscana Igt Sangiovese-Cabernet Testardo 2013 - Gold Medal Toscana Igt Sangiovese-Shiraz Mantello 2013 - Gold Medal Brunello Di Montalcino Docg Boscoselvo 2010 - Gold Medal
2014	Berliner Wine Trophy 2014 Chianti Classic Forziere 2011 - Gold Medal IGT Toscana Rosso Viaggio 2010 - Gold Medal Bolgheri Doc Sabbiato 2011 - Gold Medal Chianti Biologico 2012 - Gold Medal Expovina 2014 Chianti Docg Biologico Campoluce 2012 - Silber Diplom
2013	International Wine Challenge Vernaccia Di San Gimignano Docg "Collegiata" 2011 - Silver Medal Pinot Grigio Collezione 2011 - Silver Medal Bolgheri Doc "Sabbiato" 2011 - Bronze Medal Chianti Riserva Docg "Dal Campo" 2009 - Bronze Medal Prosecco Calappiano Sensi 2012 - Bronze Medal Sangiovese Collezione 2011 - Commended Shiraz Collezione 2011 - Commended Decanter World Wine Awards 2013 Chianti Biologico Docg "Campoluce" 2011 - Silver Medal Chianti Riserva Docg "Dal Campo" 2009 - Commended Shiraz Collezione 2011 - Commended Vernaccia "Collezione" 2011 - Commended Sangiovese Collezione - 2011 Commended Vernaccia Di San Gimignano Docg "Collegiata" 2011 - Silver Medal Annuario Dei Migliori Vin Italiani 2014 Mantello Toscana Igt Sangiovese-Shiraz 2011 Third Best Red Wine of Italy Berliner Wein Trophy 2013 Prosecco Calappiano 2012 - Silver Medal Annuario Dei Migliori Vin Italiani 2014 Mantello Toscana Igt Sangiovese-Shiraz 2011 Third Best Red Wine of Italy
2012	Berlin Wein Trophy 2012 Mantello Igt Toscana Sangiovese-Syrah 2009 - Silver Medal Bolgheri "Sabbiato" Doc 2008 - Silver Medal Vinciano Chianti Riserva Docg 2008 - Gold Medal

	<p>TestardoIgt Toscana Sangiovese-Cabernet 2009 - Gold Medal</p> <p>Decanter World Wine Awards 2012 Boscoselvo Brunello Di MontalcinoDocg 2007 - Bronze Medal Dalcampo Chianti RiservaDocg 2009 - Bronze Medal CollezioneVermentinoIgt 2011 - Bronze Medal Collezione Pinot GrigioIgt 2011 - Bronze Medal</p> <p>International Wine Challenge Boscoselvo Brunello Di MontalcinoDocg 2007 - Silver Medal Dalcampo Chianti RiservaDocg 2009 - Bronze Medal CollezioneVermentinoIgt 2011 - Commended Collezione Pinot Noir Igt 2011 - Commended Collezione Pinot Noir Igt 2011 - Commended Prosecco Villa Calappiano 2011 - Commended</p>
2011	<p>International Wine Challenge Pinot Noir Collezione 2009 - Silver Medal Sangiovese-SyranIgt Medici-Riccardi 2008 - Gold Medal MantelloIgt Toscana Sangiovese-Syran 2008 - Silver Medal</p> <p>ConcoursMondial De Bruxelles MantelloIgt Toscana Sangiovese-Syrah 2008 - Silver Medal Pinot GrigioCollezione 2010 - Silver Medal</p> <p>Mundus Vini 2011 Chianti RiservaVincianoDocg 2008 - Silver Medal MantelloIgt Toscana Sangiovese-Syrah 2009 - Gold Medal TestardoIgt Toscana Sangiovese-Cabernet 2009 - Gold Medal Bolgheri "Sabbato" Doc - Gold Medal Chianti Riserva "Dalcampo" Docg 2008 - Silver Medal LungarnoIgt Toscana 2009 - Gold Medal</p> <p>Decanter World Wine Awards Pinot GrigioCollezione 2010 - Silver Medal MantelloIgt Toscana Sangiovese-Syrah 2008 - Bronze Medal TestardoIgt Toscana Sangiovese-Cabernet 2008 - Bronze Medal Chianti ClassicoRiserva "Passonero" Docg 2008 - Bronze Medal</p> <p>Vitalies 2011 Mantello Sangiovese-Syrah Igt Toscana 2008 - Silver Medal LungarnoIgt Toscana 2008 - Silver Medal</p>

2010	Mundus Vini 2010 MantelloIgt Toscana Sangiovese-Syrah 2008 - Gold Medal LungarnoIgt Toscana 2008 - Silver Medal
2009	Mundus Vini 2009 Morellino Di ScansanoArcere 2008 - Silver Medal
2008	Korea Wine Challenge 2008 MantelloIgt Toscana 2005 TestardoIgt Toscana 2005 Boscoselvo Brunello Di MontalcinoDocg 2001 Passonero Chianti ClassicoDocg 2005 Vinalies International Vins Du Monde Boscoselvo Rosso Di Montalcino Doc 2006
2007	Mundus Vini 2007 Risalto Chianti MontalbanoDocg 2006 MantelloIgt Toscana 2004 TestardoIgt Toscana 2004 Passonero Chianti ClassicoDocg 2005 Chianti RiservaDocg 2003 Decanter World Wine Awards 2007 ArcereMorellino Di Scansano Doc 2006 GramoleIgt Toscana 2004 - 88/100 International Wine Challenge 2007 Chianti MontalbanoDocgRisalto 2006 Mediterranean International Wine & Spirit Challenge Terravino 2007
2006	Decanter World Wine Awards 2006 ArcereMorellino Di Scansano Doc 2004 Chianti RiservaDocg 2002 International Wine Challenge 2006 Chianti RiservaDocg 2002 ConcoursMondial De Bruxelles 2006 MantelloIgt Toscana 2001
2005	Decanter World Wine Awards 2005

	ArcereMorellino Di Scansano Doc 2006 MantelloIgt Toscana 2001
2004	International Wine Challenge 2004 Chianti RiservaDocg 2002 Chianti Docg 2002 Decanter World Wine Awards 2004 MantelloIgt Toscana 2000 Chianti RiservaDocg 2001
2002	International Wine Challenge 2002 CerbaioloIgt Toscana 1997
1999	Decanter World Wine Awards 1999 CerbaioloIgt Toscana 1999

CERTIFICATIONS

11. The quality of our company production process is certified according to the most strict standards of efficiency, quality and security. Our system of production is certified by the major institutes such as:

- BRC Food Certificate Grade «A»
- IFS Food Certificate «Higher Level»
- ISO 9001:2008
- ISO 22000:2005
- ISO 14064
- Organic Certification

Other evaluations:

- Security Audit «99 Cents»
- Social Audit «Green Level»

NEWS ARTICLES

12. The great fame and notoriety of the name and trade mark **SENSI** and products is also seen from the fact that they are published in the most important and best known newspapers, magazines and publications worldwide. We and our products have been featured in print and electronic versions of newspapers and details of some of them are mentioned below:-

DATE	NEWS ARTICLE
June 04, 2016	<p>LOOKING AT A BETTER WORLD</p> <p>Looking at a better world we seek for new ways of more responsible and social living by paying much attention to the gifts mother Nature has given us: these are our new priorities and we like sharing them with you.</p>
October 28, 2015	<p>A RECORD-HOLDING CHIANTI DALCAMPO</p> <p>Chianti Dalcampo scored 91 points at the Annuariodeimiglioriviniitaliani 2016, a top record in the Chianti category. As a matter of fact, expert wine judge Luca Maroni rated our flagship wine as "... Chianti, the one with the highest Quali-Quantitative Index (QQ, the ratio of pleasantness of a given wine to number of bottles produced) available on the market." This endows us with a great state of recognition which makes us authentic Chianti specialists.</p>
October 28, 2015	<p>THE TOP PLACE IS HELD BY MANTELLO 2013 RECEIVING A SCORE OF 97 POINTS</p> <p>Mantello, also known as the famous IGT Sensi, with its reputation as one of the best Italian red wines of all times, received a score of 97 points from wine judge Luca Maroni. Mantello has been experiencing a positive trend which has seen several improvements year after year thus allowing this Super Tuscan to reach its winning position and ambitious state of recognition, not the least characterized by the following comment which makes us all feel very proud: "...The consistency, smoothness, purity, and integrity of flavor due to the absence of oxidation processes taking place during the production of this wine fully describe its nature and the enological derivation techniques used to produce it. We fully acknowledge this utterly persuasive mulberry wine."</p>
June 23, 2015	<p>GREAT APPRECIATION OF NINFATO IN THE NETHERLANDS</p> <p>Ninfato 2014 is facing a real high appreciation in the Dutch market and after a tasting panel arranged by the prestigious magazine PersWijn, it has been reviewed as "Spices and prunes, chocolate, warm and intense, slightly</p>

	low on fruit, powerful in a subtle way, currants".
April 17, 2015	<p>A HUGE INTERNATIONAL COMMENT</p> <p>We are pleased to inform our followers that Wine Spectator has reviewed "Prosecco Brut Pure Gold 18K 2013" scoring it with a good 86/100 (very good). A prestigious international comment that really makes us proud and shows that a path of commitment and continuous quality research leads to important goals. Once again we were able to bring wines Sensi at the highest levels.</p>
March 30, 2015	<p>VEGAN CERTIFIED QUALITY FOR OUR NEW CHIANTI SUPERIORE "VEGANTE"</p> <p>Vinitaly 2015 showed an outstanding success of the Vegante, our new Chianti Superiore Docg which captured the interest of a large public more and more exigent and captured by the sustainability of the environment. Vegante is a wine produced following the vegan philosophy, avoiding the use of products coming from animals during the process of viticulture, vinification and stabilization as certified by the Qualita' Vegana association mark. This new Chianti is an unfiltered product and it is packed by zero impact dry goods only. We are glad to make a further step towards the environment respect and the social equity, all aspects that remark our idea of taking care of the coming generations.</p>
December 17, 2014	<p>MADE IN TUSCANY AWARDED IN SWITZERLAND- WHEN GREEN SHINES LIKE SILVER</p> <p>We are happy to announce that Campoluce Chianti DOCG Biologico 2012 won the prestigious Silber Diploma Expovina 2014, awarded from the unique wine fair which takes place every year on the traditional swiss boat on the banks of the Zurich lake. A precious silver medal which, once again, highlights the consistent quality of Sensi wines.</p>
September 19, 2014	<p>WINES OF ABSOLUTE EXCELLENCE- HIGH SCORE WINES IN PREVIEW</p>

		<p>Six wines over 90 scores. This renowned evaluation of Luca Maroni for Sensi's wines. Together with Mantello at the top with 96 scores, there is the confirmation not only for Chianti wines Campoluce and Dalcampo, the supertuscan Testardo and the Bolgheri Sabbiato but also for the new wine no sulphites added Ninfato which enters on the annual report of the best Italian wines 2015 with 90 scores. As Luca Maroni writes our wines prove to be "wines of absolute excellence".</p>
April 06, 2014		<p>NINFATO: OUR FIRST WINE WITH NO ADDED SULPHITES</p> <p>Previewed at Vinitaly 2014, Ninfato is a Sangiovese wine obtained from a natural winemaking process, avoiding the use of added sulphites. Ninfato has been received with great enthusiasm by our partners who have already pre-ordered it. Our wine will soon be available in markets worldwide.</p>
February 09, 2014		<p>MADE WITH ORGANIC GRAPES- GOLD MEDALS AT THE BERLINER WEIN TROPHY 2014</p> <p>The one that has just ended is another Berliner Wein Trophy full of satisfaction for Sensi, winner of four gold medals. "Sabbiato" Bolgheri DOC 2011 "Campoluce" Chianti DOCG Biologico 2012, "Forziere" Chianti Classico DOCG 2011 and "Viaggio" Toscana IGT 2010 were given the most prestigious award confirming, once again, the excellent quality of the Sensi's wines.</p>
December 04, 2013		<p>MANTELLO- THE THIRD BEST ITALIAN WINE- MANTELLO IS THE THIRD BETTER RED WINE OF ITALY!</p> <p>The famous expert Luca Maroni has judged Mantello, our prestigious IGT, as the third Italian best red wine. Mantello has been awarded 96 points on the Annuario dei migliori vini d'Italia. This is another important recognition which further confirms the quality of our wines.</p>

SENSI'S TRANSBORDER REPUTATION

13. Our company's trademarks **SENSI** and variations thereof are well-known, famous and recognized in several countries of the world. Furthermore, a large number of foreigners visit other countries of the world where we have business presence and our goods with the prior trademarks **SENSI** and variations thereof are available and visit Bhutan every year and such persons bring to Bhutan the reputation and their familiarity with us and our various trademarks. Similarly, a large number of Bhutan nationals and residents ordinarily travel abroad every year to numerous countries including Italy where we have business presence and our wines are sold, advertised and available. On their return to Bhutan, they bring with them the reputation and goodwill attached to our company and our well-known trademarks.
14. We are the honest and bonafide proprietor of the trade mark **SENSI** which is a part of the company name **SENSI VIGNE & VINI S.R.L** and adopted from our founder's family name. By virtue of long and continuous use since 1890 and worldwide registrations for the mark **SENSI** and variations thereof the said mark has become synonymous with our name viz., **SENSI VIGNE & VINI S.R.L.** and is therefore eligible for protection under Article 8 of the Paris convention which provides '*A trade name shall be protected in all the countries of the Union without the obligation of filing or registration, whether or not it forms part of a trade mark*'.
15. People around the world are familiar/acquainted with the highly distinctive trade mark **SENSI** and variations thereof owned by us and thus we **SENSI VIGNE & VINI S.R.L** has acquired a very valuable reputation, goodwill and fame in respect of the said trademark in the world market due to its association with the services. The trade mark **SENSI** has been conceived, designed, developed and adopted by us and hence the exclusive proprietorship of the said trade mark vests with us. Due to our extensive use of trademarks **SENSI** and variations thereof, the trade mark **SENSI** would only be associated with us and our services.
16. Our name and trademarks which contain the word **SENSI** are well known in several jurisdictions due to the substantial amount of publicity, promotion and extensive use. Awareness of our name, trademarks, products and services has spread throughout the world. Our name and trademarks which contain the dominant element **SENSI** are considered global luxury brands for wines. Further, we have also participated and will continue to participate in prestigious international trade fairs for wines. More than a million US Dollars is spent each year for promoting our trade marks in numerous countries around the world by means of national and trans-national advertising.
17. That we are the prior adopter and bonafide user of the trade mark **SENSI** and variations thereof and by virtue of long use of the mark **SENSI** a vested right has been created in our favour and the said trade mark has become distinctive in respect of our goods and services only and the distinctiveness of the trade mark has gone to such an extent that if anybody uses the similar, identical or deceptively similar word or device as trade mark in respect of products falling in class 33, people will at once think that such branded goods emanated from us. The trademark **SENSI** especially in

respect of goods under class 33 is exclusively associated with us and our goods. The said mark also serves to indicate a connection in the course of trade between us and our goods/services rendered under it.

18. The reputation of a trade mark in today's world is not limited either by geographical or political boundaries. With the ease of communications, people and reputations travel around the world crossing such boundaries, as if they did not even exist. With the advent of satellite television and the Internet, the world is fast becoming a global village. The reputation of a trade mark flashes quickly throughout the world through the aforesaid medium of advance information technology and our trademarks have acquired trans-border reputation. We have active website www.sensivini.com in addition to other country specific websites on the Internet, which are accessed by persons in Bhutan and globally. Further, we are also present on various social networking websites such as Facebook and LinkedIn.
19. We are the bonafide adopter, user and proprietor of the prior trademarks **SENSI** and variations thereof in various classes. We use the trade mark **SENSI**, which is always associated and recognized with us and our goods and services alone. We make every effort to protect our trade mark rights internationally. Protection of **SENSI** and other well-known family of **SENSI** prefixed/suffixed trademarks extends beyond registration activities to enforcement actions, which range from opposing trade mark applications for the same or similar marks, sending cease and desist notices to infringers of our trademarks and the commencement of legal action, in a court of law, if necessary. We have always rightfully considered **SENSI** and family of **SENSI** prefixed/suffixed trade marks to be our trademarks and have not hesitated to take legal action against other parties for passing off and infringement thereof. There are several decisions coming from national jurisdictions, wherein our family of **SENSI** trademarks has been protected and marks similar thereto have been refused registration. List of successful opposition proceedings by us in other jurisdictions to prevent registration of similar / identical marks applied for by third party is as under:

S. No.	Country	Applicant	Trade Marks	Proceedings
1.	Austria	VINPROM PESHTERA S.A.	SENSE	Opposition Proceeding
2.	France	VINPROM PESHTERA S.A.	SENSE	Opposition Proceeding
3.	Spain	VINPROM PESHTERA S.A.	SENSE	Opposition Proceeding
4.	Croatia	VINPROM PESHTERA S.A.	SENSE	Opposition Proceeding
5.	Romania	VINPROM PESHTERA S.A.	SENSE	Opposition Proceeding

Objection under Section 25(3) (i)

20. The impugned Application No. 1269362 in Class 33 for the trade mark SENSE has been filed by the Applicant on June 18, 2015 in respect of "*Alcoholic Beverages (except Beers), including alcoholic energy drinks*". The impugned trade mark SENSE is devoid of any distinctive character and not capable of distinguishing the goods of the Applicant as it is phonetically, visually, conceptually, deceptively and confusingly identical to our corporate name, trading style and prior adopted and well-known trade mark SENSI and variations thereof. Mere replacement of letter E from our prior adopted and well-known trade mark SENSI is not capable of distinguishing the Applicant's goods. Hence, alleged use of the impugned trade mark SENSE in respect of identical goods relating to alcoholic beverages, is bound to cause confusion and deception in the minds of the public and the trade as the impugned trade mark appears to be affiliated, connected and associated to us and our prior adopted and well-known trade mark SENSE and variations thereof. Thus, registration of the said mark will be in contravention of Section 25 (3) (i) of the Act. We have bonafidely adopted the trade mark from our founder's family name and forms prominent part of our company name thus our mark is liable to be protected under Article 8 of the Paris Convention on Industrial Property.

Objection under Section 25 (3) (v)

21. The overall impression of the Applicant's impugned trade mark SENSE, is such that it can easily be mistaken and confused with our prior adopted and well-known trademark SENSI and variations thereof. The last alphabet "E" of the impugned mark SENSE is often pronounced as "I" and thus there is a complete phonetic identity between the marks SENSE and SENSI. The alphabet "E" is not an element that can differentiate the impugned mark SENSE as compared to our prior adopted and well-known mark SENSI especially in respect of identical goods relating to alcoholic beverages in class 33. It is pertinent to mention that the Applicant has no bonafide reason for adoption of a phonetically, visually deceptively similar mark other than to trade upon the goodwill and reputation accrued to us and our prior adopted well-known mark SENSI and variations thereof. Section 25 (3) (v) of the Act provides that a trade mark, which is identical with or similar to, or constitutes a translation of, a mark or trade mark which is well known in Bhutan for identical or similar goods or services of another enterprise, or if it is well known and registered in Bhutan for foods or services which are not identical or similar to those in respect of which registration is applied for, provided, in the latter case, that use of the mark in relation to those goods or services would indicate a connection between those goods or

services and the owner of well-known mark and that the interests of the owner of the well-known mark are likely to be damaged by such use, it cannot be registered. Hence registration of the Applicant's trade mark **SENSE** is prohibited under Section 25 (3) (v). Our trade mark **SENSI** and variations thereof qualifies to be well-known as contemplated under Section 25 (3) (v) of the Act and **Article 6bis** of the Paris Convention.

Objection under Section 25 (3) (vi)

22. The impugned trade mark **SENSE** of the Applicant is of such a nature as to deceive the public and the trade and confuse the public, customers/subscribers and trade regarding the brands. There is no plausible reason for the Applicant to adopt a phonetically, visually, conceptually, deceptively and confusingly identical trade mark **SENSE**, other than to create confusion and deception and to project itself to be associated with our prior adopted and well-known mark **SENSI** and variations thereof, when it has no association whatsoever with us.
23. The Adoption and alleged use of the trade mark **SENSE** in respect of identical goods relating to alcoholic beverages in class 33 by the Applicant, without our authorization and permission, is likely to give it unfair advantage and cause damage to us by way of loss of reputation, goodwill and dilution of our well-known and famous trademarks. Thus, malafide adoption of a phonetically, visually, conceptually, deceptively and confusingly identical trade mark shows the intention of the Applicant to mislead the general public, customers/subscriber and trade into believing that the said mark is brand extension of our prior adopted and well-known and world famous trade mark **SENSI** and variations thereof. Further, it is pertinent to mention that our trade mark **SENSI** and variations thereof, by way of long, continuous and extensive use, has acquired substantial reputation worldwide and is so popular and well-known that any use of **SENSE** in respect of identical goods in class 33 will create an impression that the said mark is a brand extension of our existing business. Hence, the chances of confusion are high due to similarity/identity between the impugned mark and our prior adopted and well-known mark **SENSI** and variations thereof. Therefore, the Applicant would be disentitled to protection in a court of law. Section 25 (vi) of the Act provides that a trade mark which is identical with a mark belonging to a different proprietor and already on register, or with an earlier filing or priority date, in respect of same goods or services or closely related goods or services, or if it so nearly resembles such a mark as to be likely to deceive or cause confusion cannot be validly registered. Hence, registration of the Applicant's trade mark **SENSE** in class 33 is prohibited under Section 25 (3) (vi) of the Act.

PARIS CONVENTION

24. Further, Bhutan being a signatory to Paris Convention, the Courts have protected well-known and famous trade marks in Bhutan and our trademarks **SENSI** and variations thereof qualify to be well-known as contemplated under the Article 6bis of the Paris Convention and the trade name **SENSI** is also liable to be protected under Article 8 of Paris Convention. Registration and use/ intended use of the trade mark **SENSE** by the Applicant will be prevented as our mark by virtue of its use since 1890 qualify to be well-known under Article 6bis and the trade mark **SENSI** has been bonafidely adopted from our founder's family name and forms prominent part of our trade name and is liable to be protected in all countries of the union without the obligation of filing or registration under Article 8 of Paris Convention.
25. The impugned trade mark **SENSE**, is an imitation of our well-known and prior adopted trade mark **SENSI** and variations thereof, which are liable to be protected by the learned Registrar. The adoption and alleged use of the impugned trade mark **SENSE** in respect of identical goods relating to alcoholic beverages in class 33 is bound to give the Applicant unfair advantage and cause damage to our established goodwill and reputation. Adoption of the impugned trade mark **SENSE** is malafide and in bad faith as is evident from the fact that the applicant has merely replaced letter I with letter E to form impugned mark **SENSE** with the sole intention to project itself to be connected, affiliated and associated with us and our well established prior adopted trade mark **SENSI** and variations thereof, and registration of the impugned trade mark is prohibited. The consumer and public may associate Applicant's trade mark as a brand extension of our mark **SENSI**.

Objection under Section 26

26. We are the bonafide adopter, honest user and proprietor of the trade mark **SENSI** and variations thereof. The impugned mark **SENSE** is not registerable as the Applicant is not the bonafide proprietor of the impugned mark under Section 26 of the Act. The impugned trade mark **SENSE** is identical to our well established brand/ prior adopted trade mark **SENSI** and variations thereof. Thus, adoption and alleged use of the impugned trade mark **SENSE** by the Applicant is bound to cause confusion in the minds of general public and trade that the Applicant is associated with us or is using and/or authorized by us to use the same to provide additional services to our customers when it is not so. Thus, adoption and alleged use of the impugned trade mark **SENSE**, adversely affects our rights and reputation in our aforesaid prior adopted and well-known and trade mark **SENSI** and variations thereof, and cause harassment to us. Therefore, the Applicant is not entitled to maintain the impugned application for the trade mark **SENSE** and registration of the same is liable to be refused by the learned Registrar. The Applicant is not the bonafide proprietor of the trade mark for which it seeks registration and registration of the same is neither in public interest nor in the interest of purity of the Register. There is no absolute right to registration and the

Registrar may please exercise his discretion under Section 27 to refuse to grant the application for registration of the impugned mark in the interest of the general public. Therefore, the Applicant is not entitled to maintain the said application for the trade mark **SENSE** in respect of identical goods relating to alcoholic beverages in class 33 as stated in the impugned application or to obtain registration under the discretion of the Registrar of Trade Marks under Section 27 or otherwise and registration of the same is liable to be refused by the learned Registrar.

Objection under Section 33

27. Registration of the impugned mark **SENSE** in the name of the Applicant would be in violation of the Act in as much as it is likely to mislead the public as regard to the trade source from which the goods/services pertaining to the impugned mark emanate and the likelihood of association as contemplated under Section 33 of the Act. It is, thus, to be recognized that public interest is of paramount importance and that no confusion or deception should arise among the public and customers/subscribers as to the origin of the goods and services. In case of a trade mark, which is in extensive use and has acquired a reputation of its own and an association with its proprietor, its use by someone else, would give rise to a doubt as to the origin of the goods. The Applicant being in the same industry is well aware of our prior adopted and well-known trade mark **SENSI** and variations thereof, which is in continuous and extensive use since 1890. Hence, registration and alleged use of the mark by the Applicant in respect of services in class 33 will dilute and tarnish the established reputation and goodwill in our aforementioned trademarks, trade name and trading style.

28. The registration of the impugned trade mark **SENSE** in class 33 in the name of the Applicant will be contrary to Sections 25, 26 and 33 of the Act and is liable to be refused by the Learned Registrar.

29. In view of the facts and circumstances, the grounds and or reasons set out in the foregoing paragraphs and to maintain the purity of the Register and in the interest of the general public, it is submitted that this is a fit and proper case for the exercise of the Registrar's discretion under Section 27 of the Act in our favour by refusing the registration of the Applicant's impugned mark **SENSE** in Class 33 under application No. 1269362.

30. We crave leave to modify, amend, add or alter any of the foregoing grounds.

31. Therefore, we pray that:

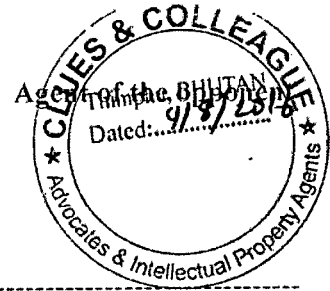
- a) this notice of opposition be allowed;
- b) the application no. 1269362 in Class 33 be refused; and
- c) the cost of these proceedings be awarded to us.

All communications in relation to the proceedings may be sent to the following address in Bhutan (C): -

Prakash Rasaily
M/s Clues & Colleague
Post Box 503,
Flat No.1, Lhaki Shopping Center,
Phendey Lam, Thimphu 11001, Bhutan

Dated this 9th Day of August, 2016

To
The Registrar of Industrial Property Registry,
Ministry of Economic Affairs,
Thimphu, Bhutan



-
- a) State the full name and address of opposition. An address for service in Bhutan should be given if the opponent has no place of business in Bhutan.
 - b) State fully the grounds of opposition. If the registration is opposed on the ground that the mark resembles marks already on the register, the numbers of those marks and of the journals in which they have been advertised are to be set out.
 - c) To be stated only by an opponent who has given the address of his principal place of business or of residence in Bhutan, but who desires to give for the purpose of these proceedings a different address in Bhutan for communication.
 - d) Signature of opponent or of his agent.