

**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: 1302999
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): LIMITED LIABILITY COMPANY "ANYKISS" vul. Rishelyevska, 5, Odeska obl. Odesa 65000 UA
IV.	The grounds of refusal: Provisional refusal based on an opposition: Opposition submitted by The Hershey Company, 100 Crystal A Drive, Hershey, PA 17033, US - United States, holder of EUTM 015511331 /KISSES, Fig./ and EUTM 011239506 /HERSHEY'S KISSES, Fig./ 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: 13.02.2018

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

Līga Rinka
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;

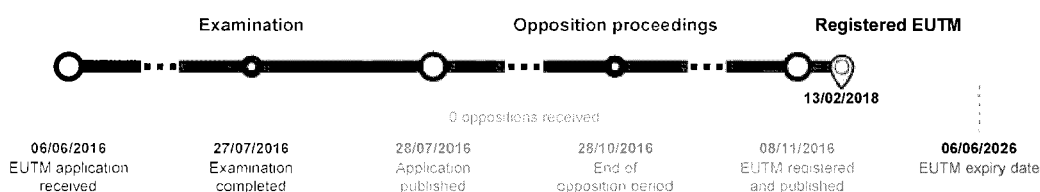
2) applications for the registration of trade marks referred to in the previous Clause, provided that they are registered.

[21 October 2004; 14 October 2010]

EUTM file information

KISSES
015511331

Timeline



Trade mark information

Name	KISSES	Filing date	06/06/2016
Filing number	015511331	Registration date	04/11/2016
Basis	EUTM	Expiry date	06/06/2026
Date of receipt	06/06/2016	Designation date	
Type	Figurative	Filing language	English
Nature	Individual	Second language	French
Nice classes	30 (Nice Classification)	Application reference	TM403550EM-TPA/JXM
Vienna Classification	27.05.01 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Graphic representation

KISSES

Goods and services

English (en)



30 Candy and confectionery, except bon-bons consisting of fruit gum in combination with foam sugar and/or liquorice and/or jelly; chocolate with or without inclusions such as nuts; chocolate confectionery and chocolate based products.

Description

No data

Owners

The Hershey Company

ID	237873	Country	US - United States	Correspondence address	
Organisation	The Hershey Company	State/county	PA	The Hershey Company 100 Crystal A Drive Hershey, PA 17033 ESTADOS UNIDOS (DE AMÉRICA)	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Hershey,		
State, district or t...	Delaware	Post code	17033		Can be accessed and changed by authorised user via the User Area
		Address	100 Crystal A Drive		Can be accessed and changed by authorised user via the User Area

Representatives

J A KEMP

ID	10662	Country	GB - United Kingdom	Correspondence address	
Organisation	n/a	State/county	n/a	J A KEMP 14 South Square Gray's Inn London WC1R 5JJ REINO UNIDO	00 44-2030778600
Legal status	Legal person	Town	London		00 44-2074301000
Type	Association	Post code	WC1R 5JJ		mail@jakemp.com
		Address	14 South Square Gray's Inn		

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	EUTM	015511331	Surveillance letter	24/04/2017	
	EUTM	015511331	Surveillance letter	10/03/2017	
	EUTM	015511331	Cover letter for registration certificate.	09/11/2016	
	EUTM	015511331	Certificate of Registration	08/11/2016	
	Recordal	011206292	T722M - Registration of recordal C.1.3 / B.2.2	18/07/2016	
	Recordal	011206292	Letter to the EUIPO	14/07/2016	
	Recordal	011206292	Cover page	14/07/2016	
	EUTM	015511331	Search report transmitted (Article 38(1) and (6))	11/07/2016	
	Recordal	011033274	C.1.3. Owner - change of name & address - entry on the register M - automatic template	08/06/2016	
	Recordal	011033274	Letter to the EUIPO	08/06/2016	

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IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
2016/140	28/07/2016	A.1	Applications published under article 40 EUTMR
2016/211	08/11/2016	B.1	Registrations with no amendments since the application was published

Showing 1 to 2 of 2 entries

Cancellation

No data

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			011033274	Proprietor	Change of name and address
			011206292	Proprietor	Change of name and address

Showing 1 to 2 of 2 entries

Oppositions

No data

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data



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EUTM file information

HERSHEY'S KISSES
011239506

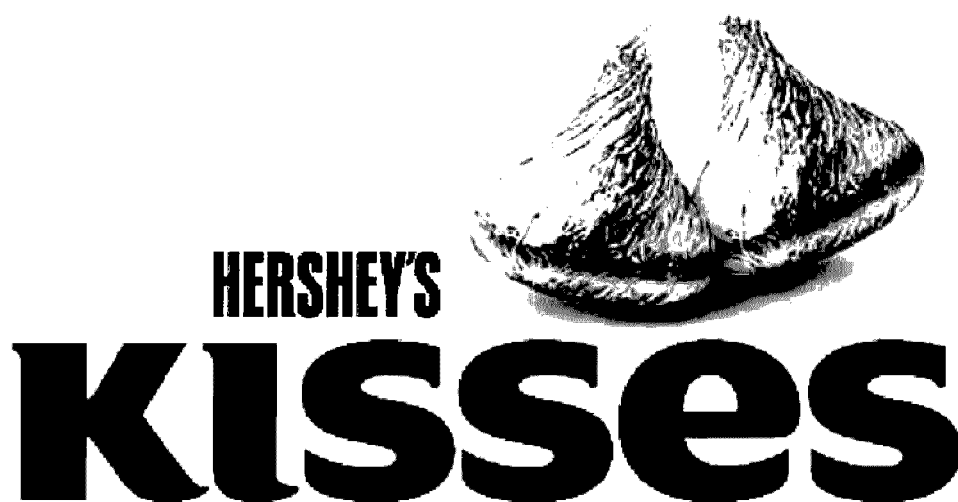
Timeline



Trade mark information

Name	HERSHEY'S KISSES	Filing date	04/10/2012
Filing number	011239506	Registration date	07/05/2013
Basis	EUTM	Expiry date	04/10/2022
Date of receipt	04/10/2012	Designation date	
Type	Figurative	Filing language	English
Nature	Individual	Second language	French
Nice classes	30 (Nice Classification)	Application reference	TM27357/TPA
Vienna Classification	08.01.23 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Graphic representation



Goods and services

English (en)



30 Coffee, tea, cocoa and artificial coffee; Rice; Tapioca and sago; Flour and preparations made from cereals; Bread, pastry and confectionery; Ices; Sugar, honey, treacle; Yeast, baking-powder; Salt; Mustard; Vinegar, sauces (condiments); Spices; Ice; Allspice; Almond confectionery; Almond paste; Aniseed; Aromatic preparations for food; Artificial coffee; Baking powder; Baking soda [bicarbonate of soda for cooking purposes]; Barley (Crushed -); Barley meal; Bean meal; Bee glue; Beer vinegar; Biscuits; Bread; Bread rolls; Breadcrumbs; Buns; Cake powder; Cakes; Candy; Capers; Caramels [candy]; Celery salt; Cereal-based snack food; Cereal preparations; Cheeseburgers [sandwiches]; Chewing gum; Chicory [coffee substitute]; Chips [cereal products]; Chocolate; Chocolate-based beverages; Chocolate beverages with milk; Chow-chow [condiment]; Chutneys [condiments]; Cinnamon [spice]; Cloves [spice]; Cocoa; Cocoa-based beverages; Cocoa beverages with milk; Cocoa products; Coffee; Coffee-based beverages; Coffee beverages with milk; Coffee flavorings [flavourings]; Coffee (Unroasted -); Condiments; Confectionery; Confectionery for decorating Christmas trees; Cookies; Cooking salt; Corn flakes; Corn meal; Corn, milled; Corn, roasted; Coulis (Fruit -) [sauces]; Couscous [semolina]; Crackers; Cream of tartar for cooking purposes; Cream of tartar for culinary purposes; Curry [spice]; Custard; Dressings for salad; Edible ices; Essences for foodstuffs, except etheric essences and essential oils; Farinaceous foods; Ferments for pastes; Flavorings, other than essential oils; Flavorings, other than essential oils, for cakes; Flavorings, other than essential oils, for beverages; Flour-milling products; Fondants [confectionery]; Frosting [icing] (Cake -); Frozen yogurt [confectionery ices]; Fruit jellies [confectionery]; Garden herbs, preserved [seasonings]; Ginger [spice]; Gingerbread; Glucose for culinary purposes; Gluten additives for culinary purposes; Gluten prepared as foodstuff; Golden syrup; Groats for human food; Gruel, with a milk base, for food; Halvah; Ham glaze; High-protein cereal bars; Hominy; Hominy grits; Honey; Husked barley; Husked oats; Ice cream; Ice cream (Binding agents for -); Ice for refreshment; Ice, natural or artificial; Iced tea; Infusions, not medicinal; Ketchup [sauce]; Leaven; Linseed for human consumption; Liquorice [confectionery]; Lozenges [confectionery]; Macaroni; Macaroons [pastry]; Malt biscuits; Malt extract for food; Malt for human consumption; Maltose; Marinades; Marzipan; Mayonnaise; Meal; Meat gravies; Meat pies; Meat tenderizers, for household purposes; Mint for confectionery; Molasses for food; Mousses (Chocolate -); Mousses (Dessert -) [confectionery]; Muesli; Mustard; Mustard meal; Noodle-based prepared meals; Noodles; Nutmegs; Oat-based food; Oat flakes; Oatmeal; Oats (Crushed -); Pancakes; Pasta; Pasties; Pastries; Pastry; Peanut confectionery; Pepper; Peppermint sweets; Peppers [seasonings]; Pesto [sauce]; Petit-beurre biscuits; Petits fours [cakes]; Pies; Pizzas; Popcorn; Potato flour for food; Powders for ice cream; Pralines; Puddings; Quiches; Ravioli; Relish [condiment]; Rice; Rice-based snack food; Rice cakes; Royal jelly; Rusks; Saffron [seasoning]; Sago; Salt for preserving foodstuffs; Sandwiches; Sauces [condiments]; Sausage binding materials; Sea water for cooking; Seasonings; Semolina; Sorbets [ices]; Soya bean paste [condiment]; Soya flour; Soya sauce; Spaghetti; Spices; Spring rolls; Star aniseed; Starch for food; Stick liquorice [confectionery]; Stiffening whipped cream (Preparations for -); Sugar; Sushi; Sweeteners (Natural -); Sweetmeats [candy]; Tabbouleh; Tacos; Tapioca; Tapioca flour for food; Tarts; Tea; Tea-based beverages; Thickening agents for cooking foodstuffs; Tomato sauce; Tortillas; Turmeric for food; Unleavened bread; Vanilla [flavoring] flavouring; Vanillin [vanilla substitute]; Vegetal preparations for use as coffee substitutes; Vermicelli [noodles]; Vinegar; Waffles; Weeds [condiment]; Wheat flour; Wheat germ for human consumption; Yeast.

Description

No data

Owners

The Hershey Company

ID	237873	Country	US - United States	Correspondence address	Can be accessed and changed by authorised user via the User Area
Organisation	The Hershey Company	State/county	PA	The Hershey Company 100 Crystal A Drive Hershey, PA 17033 ESTADOS UNIDOS (DE AMÉRICA)	
Legal status	Legal entity	Town	Hershey,		Can be accessed and changed by authorised user via the User Area
State, district or t...	Delaware	Post code	17033		
		Address	100 Crystal A Drive		Can be accessed and changed by authorised user via the User Area

Representatives

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ID	10662	Country	GB - United Kingdom	Correspondence address	00 44-2030778600
Organisation	n/a	State/county	n/a	J A KEMP 14 South Square Gray's Inn London WC1R 5JJ REINO UNIDO	00 44-2074301000
Legal status	Legal person	Town	London		mail@jakemp.com
Type	Association	Post code	WC1R 5JJ		
		Address	14 South Square Gray's Inn		

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Recordal	011174433	C.1.3. Owner - change of name & address - entry on the register M - automatic template	12/07/2016	
	Recordal	011174433	Application form and attachment	11/07/2016	
	Recordal	011174433	Letter to the EUIPO	11/07/2016	
	EUTM	011239506	Cover letter for registration certificate.	14/05/2013	
	EUTM	011239506	Certificate of Registration	13/05/2013	
	EUTM	011239506	General correspondence	12/02/2013	
	EUTM	011239506	Notification of acceptance for publication	29/01/2013	
	EUTM	011239506	Notification of acceptance for publication of an application for a European Union trade mark	29/01/2013	
	EUTM	011239506	Search report transmitted (Article 38(1) and (6))	06/11/2012	
	EUTM	011239506	Application form and attachment	04/10/2012	

Showing 1 to 10 of 11 entries

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
2013/019	28/01/2013	A.1	Applications published under article 40 EUTMR
2013/087	10/05/2013	B.1	Registrations with no amendments since the application was published
2016/129	13/07/2016	C.1.3	Proprietor - Change of name and address

Showing 1 to 3 of 3 entries

Cancellation

No data

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2016/129	13/07/2016	C.1.3	011174433	Proprietor	Change of name and address

Showing 1 to 1 of 1 entries

Oppositions

No data

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data