



ESTONIAN PATENT OFFICE
TRADEMARK DEPARTMENT

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

NOTIFICATION OF *EX OFFICIO* PROVISIONAL REFUSAL

notified to the International Bureau of the World Intellectual Property Organization (WIPO)
according to Article 5 of the Madrid Protocol

I. Name and address of the office refusing protection: 1 (2)

The Estonian Patent Office
Trademark Department
Toompuiestee 7
15041 Tallinn
ESTONIA
Telephone: + 372 62 77 931
Telefax: + 372 62 77 912

II. Number of the international registration which is the subject of the provisional refusal:

862220

III. Other information concerning the international registration which is the subject of the provisional refusal:

Verbal elements of the mark: **KAN- THERM**

IV. The grounds for this provisional refusal are the following:

The trademark is similar with the following trademark, which is registered for similar kind of goods in class 11 (copy of the registration enclosed):

KAN, registered 23.03.1999, EUTM filing number 000672592. The name and the address of the owner of the mark are:

Owner: AB KANDRE

Address: P.O. Box 123

794 00 Orsa

Country: SE

The written consent from the owner of the above-mentioned trademark is required for protection in Estonia for goods indicated in item VI.

V. Provision of the Estonian Trademark Act applicable on the subject (enclosed):
Section 10 subsection 1(2) and subsection 2.

Section 11 subsection 1(6).

VI. The ground referred to in item IV affects **all goods in class 11**.

- VII. The owner of the registration may request a review of the provisional refusal. The request shall be received by Estonian Patent Office no later than within 4 months from the date of the provisional refusal.

The time limit expires **14/06/2018** (dd/mm/yyyy).

The request has to be filed through the authorized patent attorney of the Republic of Estonia (section 13 subsection 2 of the Estonian Trademark Act). List of patent attorneys is available at <http://www.epa.ee/>

Please note that if the owner of the registration fails to respond by the due date, the registration shall be deemed to be withdrawn for goods and services mentioned in item VI (section 38 subsection 2 of the Estonian Trademark Act). The owner may request that processing be resumed if the owner failed to perform the acts due to force majeure or some other impediment independent of the owner or the representative of the owner (section 47 subsection 3 of the Estonian Trademark Act).

Please note that if the mark is protected subsequent to reviewal of the provisional refusal an interested person may contest the owners right to a trade mark within two months as of the publication of the trade mark (section 41 subsection 2 of the Estonian Trademark Act).

- VIII. Date on which the provisional refusal was pronounced: 14/02/2018 (dd/mm/yyyy).

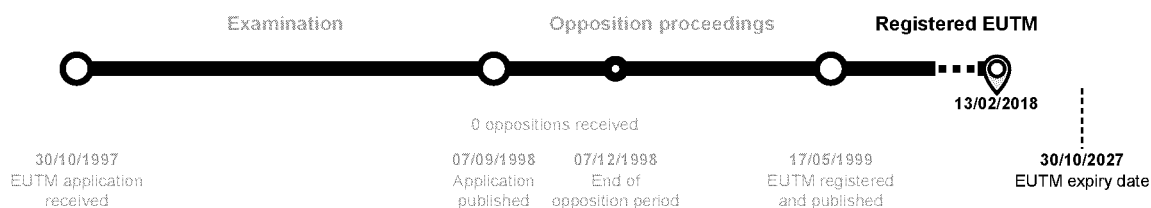
- IX. Signature of the Office:

Ekke-Kristian Erilaid
Senior Examiner

EUTM file information

KAN
000672592

Timeline



Trade mark information

Name	KAN	Filing date	30/10/1997
Filing number	000672592	Registration date	23/03/1999
Basis	EUTM	Expiry date	30/10/2027
Date of receipt	30/10/1997	Designation date	
Type	Word	Filing language	Swedish
Nature	Individual	Second language	English
Nice classes	11 (Nice Classification)	Application reference	V65394EU00/IF
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en) ▼

11 Sanitary apparatus and installations, in particular toilet seats.

Description

No data

Owners

AB KANDRE

ID	34197	Country	SE - Sweden	Correspondence address	Can be accessed and changed by authorised user via the User Area
Organisation	AB KANDRE	State/county	n/a	AB KANDRE	
Legal status	Legal entity	Town	Orsa	P.O. Box 123	

Post code **794 00**
Address **P.O. Box 123**

S-794 00 Orsa
SUECIA

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

ZACCO SWEDEN AB

ID	26169	Country	SE - Sweden	Correspondence address	
Organisation	n/a	State/county	n/a	ZACCO SWEDEN AB	00 46-859887200
Legal status	Legal person	Town	Stockholm	P.O. Box 5581	
Type	Association	Post code	114 85	SE-114 85 Stockholm	00 46-859887300
		Address	Valhallavägen 117		info.sweden@zacco.com

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Recordal	012569433	L607A	30/10/2017	
	Recordal	012569433	Application form and attachment	05/06/2017	
	Recordal	012569433	L601A \: Notification of the need to renew an EUTM registration	03/04/2017	
	EUTM	000672592	Surveillance letter	27/05/2016	
	EUTM	000672592	Surveillance letter	19/12/2014	
	EUTM	000672592	Surveillance letter	01/09/2014	
	Recordal	006869922	T724M - Registration of recordal C.2.1 / B.9.1	18/10/2012	
	Recordal	006869922	Letter to the EUIPO	15/10/2012	
	Recordal	006869922	Letter to the EUIPO	15/10/2012	
	Recordal	004625755	T725M - Registration of recordal C.2.2 / B.9.2	15/03/2010	

Showing 1 to 10 of 55 entries

IR transformation

No data

Seniority

Filing number	Registration number	Country	Priority date	Filing date	Registration date	International code	Status
	151440	Austria		15/12/1993		EU	ACCEPTED
	2080959	Germany		16/12/1993		EU	ACCEPTED
	VR 1994 01477	Denmark		15/12/1993		EU	ACCEPTED
	M1795428	Spain		21/12/1993		EU	ACCEPTED
	136358	Finland		14/12/1993		EU	ACCEPTED

Extract from the Estonian Trademark Act

§ 10. Relative circumstances which preclude legal protection

- (1) Legal protection shall not be granted to the following trade marks:
 - 2) trade marks which are identical or similar to an earlier trade mark which has been granted legal protection with regard to identical goods or services or goods or services of a similar kind designated by the trade mark, if there exists a likelihood of confusion on the part of the consumers, which includes association of the trade mark with the earlier trade mark;
- (2) Circumstances specified in clauses (1) 2)–6) of this section which preclude legal protection are not taken into account if the proprietor of the earlier trade mark or another earlier right consents to the grant of legal protection in writing.

§ 11. Earlier trade mark and other earlier rights

- (1) An “earlier trade mark” means the following:

6) a Community trade mark registered on the basis of the Community Trade Mark Regulation if the filing date of the application, date of priority or the seniority date granted on the basis of the Estonian registration is earlier;

§ 13. Representative for performing acts related to legal protection of trade marks

- (2) A person with no residence, seat or commercial or industrial enterprise operating in Estonia shall authorise a patent attorney as the person’s representative to perform procedures related to trade marks at the Patent Office and at the Board of Appeal, except the filing of an application.

§ 41. Adjudication of appeals and revocation applications

- (2) An interested person may contest an applicant’s right to a trade mark at the Industrial Property Board of Appeal if circumstances specified in subsection 9 (1) or § 10 of this Act which preclude legal protection exist. The term for filing a revocation application is two months from the publication of the notice of the decision to register a trade mark.

§ 38. Examination of trade marks

- (2) If an examination reveals circumstances which preclude the legal protection of a trade mark, the Patent Office shall notify the applicant thereof and set a term of at least two months for the elimination of the said circumstances or provision of explanations. If the applicant fails to respond by the due date, the application is deemed to be withdrawn.

§ 47. Withdrawal of applications, termination and resumption of processing

- (3) An applicant may request that processing be resumed if the Patent Office terminated processing having deemed the application to be withdrawn pursuant to §§ 37, 38 or 46 of this Act and the applicant failed to perform the acts due to *force majeure* or some other impediment beyond the control of the applicant or a representative of the applicant.

