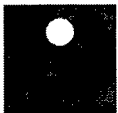
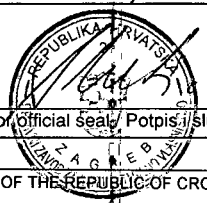


PROVISIONAL REFUSAL OF PROTECTION - PRELIMINARNO ODBIJANJE ZAŠTITE

According to Rule 17 of the Common Regulations under the Madrid Agreement and Protocol / Sukladno Pravilu 17. Zajedničkog pravilnika
uz Madridski sporazum i Protokol

Our reference: UP/I-910-08/17-010/0086 559-04/3-18-006/GDŽ	
I Office making the notification / Nacionalni ured koji je odbio zaštitu:  State Intellectual Property Office of the Republic of Croatia / Državni zavod za intelektualno vlasništvo Republike Hrvatske Ulica grada Vukovara 78, 10000 Zagreb (Croatia), tel.: +385 1 6106-100, 6106-109, fax.: +385 1 6112-017	
II	Number of the international registration / Broj međunarodne registracije: 130 2999
III	Name and the address of the holder / Ime i adresa nositelja: LIMITED LIABILITY COMPANY "ANYKISS" vul. Rishelyevska, 5, Odeska obl. Odesa 65000 (Ukraine (UA))
IV Provisional refusal based on opposition/ Privremeno odbijanje na temelju prigovora	
V Grounds for refusal (see the text in column X) / Razlozi odbijanja (vidjeti tekst u rubrici X):	
VI Corresponding essential provisions of the applicable law (see the text in column XI) / Odgovarajuće bitne odredbe nacionalnog zakona koji se primjenjuje (vidjeti tekst u rubrici XI): Art. 6 para. 1 point 2	
VII Scope of the provisional refusal / Opseg privremenog odbijanja ☒ Provisional refusal for all the goods and/or services/ Odbijanje za sve proizvode i/ili usluge ☐ Provisional refusal for some of the goods and/or services/ Odbijanje za neke od proizvoda i/ili usluga	
VIII Information relating to subsequent procedure / Obavijesti o daljnjem tijeku postupka: The holder of the international trademark registration may file her/his observations on the provisional refusal. She/he shall file her/his observations to the State Intellectual Property Office only by the intermediary of a representative established in the Republic of Croatia. A copy of the opposition shall be communicated to the representative after the filing of a power of attorney for representation. The time limit for filing the power of attorney shall be 4 months, counting from the date of the notification of refusal, or up to 28 June 2018, and the time limit for filing observations shall be 60 days counting from the day of receipt of a copy of the opposition by the representative. If the power of attorney is not filed up to the mentioned date, the requested registration of the trademark shall be refused within the limits of the requests referred to in the opposition. Nositelj međunarodne registracije žiga se može očitovati na privremeno odbijanje. Očitovanje treba podnijeti Državnom zavodu za intelektualno vlasništvo Republike Hrvatske isključivo uz posredovanje domaćeg zastupnika. Primjerak prigovora bit će dostavljen zastupniku nakon podnošenja punomoći o zastupanju. Rok za podnošenje punomoći je 4 mjeseca računajući od datuma obavijesti o odbijanju odnosno, do 28. lipnja 2018., a rok za očitovanje je 60 dana od dana primitka primjerka prigovora od strane zastupnika. Ako punomoć ne bude podnesena do navedenoga datuma, zatražena registracija će biti odbijena u granicama zahtjeva navedenih u prigovoru.	
IX	28/2/2018 Date of the notification of provisional refusal / Datum obavijesti o privremenom odbijanju Signature of official seal/ Potpis / službeni pečat 

X

On 29 December 2017, the applicant The Hershey Company, a corporation organized under the laws of the State of Delaware, U.S.A, 100 Crystal A Drive, Hershey, (17033 PA, US), represented by authorized representative Odvjetnica Gorana Grubišić, Preradovičeva 13, 10000 Zagreb, (HR) filed an opposition to the international trademark registration no. 130 2999 ("KISS Chocolaterie") in the Republic of Croatia for all the goods, based on an earlier EUTM registration no. EUTM 011239332 ("HERSHEY'S KISSES"), no. EUTM 011239506 ("HERSHEY'S KISSES"), no. EUTM 015511331 ("KISSES"), no. EUTM 015511348 ("KISSES"), and earlier national trademarks no. Z20121235 ("KISSES"), no. Z20122087 ("HERSHEY'S KISSES") and no. Z2012088 ("HERSHEY'S KISSES").

Trademark information: no. 011239332 ("HERSHEY'S KISSES")

Applicant: The Hershey Company, a corporation organized under the laws of the State of Delaware, U.S.A.

Address of the holder: 100 Crystal A Drive, Hershey, (17033 PA, US)

Registration date: 16 April 2013

Application date: 4 October 2012

Goods/services: class(es) 30 (attachment list)

Trademark information: no. 011239506 ("HERSHEY'S KISSES")

Applicant: The Hershey Company, a corporation organized under the laws of the State of Delaware, U.S.A.

Address of the holder: 100 Crystal A Drive, Hershey, (17033 PA, US)

Registration date: 7 May 2013

Application date: 4 October 2012

Goods/services: class(es) 30 (attachment list)

Trademark information: no. 015511331 ("KISSES")

Applicant: The Hershey Company, a corporation organized under the laws of the State of Delaware, U.S.A.

Address of the holder: 100 Crystal A Drive, Hershey, (17033 PA, US)

Registration date: 4. November 2016

Application date: 6 June 2016

Goods/services: class(es) 30 (attachment list)

Trademark information: no. 015511348 ("KISSES")

Applicant: The Hershey Company, a corporation organized under the laws of the State of Delaware, U.S.A.

Address of the holder: 100 Crystal A Drive, Hershey, (17033 PA, US)

Registration date: 4. November 2016

Application date: 6 June 2016

Goods/services: class(es) 30 (attachment list)

Trademark information: no. Z20121235 ("KISSES")

Applicant: The Hershey Company, a corporation organized under the laws of the State of Delaware, U.S.A.

Address of the holder: 100 Crystal A Drive, Hershey, (17033 PA, US)

Registration date: 18 September 2013

Application date: 3 July 2012

Goods/services: class(es) 30 (attachment list)

Trademark information: no. Z20122087 ("HERSHEY'S KISSES")

Applicant: The Hershey Company, a corporation organized under the laws of the State of Delaware, U.S.A

Address of the holder: 100 Crystal A Drive, Hershey, (17033 PA, US)

Registration date: 22 July 2013

Application date: 6 December 2012

Goods/services: class(es) 30 (attachment list)

Trademark information: no. Z20122088 ("HERSHEY'S KISSES")

Applicant: The Hershey Company, a corporation organized under the laws of the State of Delaware, U.S.A

Address of the holder: 100 Crystal A Drive, Hershey, (17033 PA, US)

Registration date: 22 July 2013

Application date: 6 December 2012

Goods/services: class(es) 30 (attachment list)

The signs are in conflict for all the goods/services of the international registration no.130 2999 ("KISS Chocolaterie").

Due to the mentioned opposition, the protection in the Republic of Croatia shall not be provisionally granted to the international registration no. 130 2999 ("KISS Chocolaterie") for all the goods/services.

Excerpt from the register enclosed

XI Corresponding essential provisions of the applicable law:

Relative grounds for refusal – Article 6 of the Trademarks Act (Official Gazette of the Republic of Croatia: 173/03, 76/07, 30/09 i 49/11)

(1) Upon an opposition as filed, a sign shall not be registered:

1. if it is identical with an earlier trademark registered for identical goods or services,
2. if because of its identity with, or similarity to, the earlier trademark and the identity or similarity of the goods or services, there is a likelihood of confusion on the part of the public, which includes the likelihood of its association with the earlier trademark.

(2) For the purposes of this Act, "earlier trademark" shall mean:

1. trademarks registered in the Republic of Croatia, enjoying priority right referred to in Articles 17, 18 and 19 of this Act,
2. trademarks registered under international treaties, having effect in the Republic of Croatia, and enjoying priority right referred to in Articles 17, 18 and 19 of this Act,
3. applications for the registration of trademarks referred to in item 1 of this paragraph, provided that the trademarks become registered,
4. trademarks which, on the date of application for the registration of a trademark, or, if priority is claimed, on the date of priority right claimed in the application, are well known in the Republic of Croatia, in the sense in which the words "well known" are used in Article 6bis of the Paris Convention.

(3) Upon opposition as filed by the holder of an earlier trademark, a sign shall not be registered if it is identical with, or similar to, an earlier trademark and the registration has been requested for goods or services which are not similar to those for which the earlier trademark is registered, where the earlier trademark has a reputation in the Republic of Croatia and where the use of the later trademark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the reputation of the earlier trademark;

(4) Upon opposition as filed, a sign shall not be registered if its use would infringe one of the following earlier rights:

1. a right to a personal name,
2. a right of personal portrayal,
3. a copyright,
4. industrial property rights.

(5) For the purposes of this Act, "earlier right" shall mean rights acquired on the date which is earlier than the date of application for the registration of a trademark, or, if priority right is claimed, as from the date of priority claimed in the application.

(6) On the basis of opposition as filed, a sign shall not be registered if its use would infringe the right of the person who, at the time of filing of an application for the registration of a trademark, had a firm, provided that such firm or the essential part thereof is identical with or similar to the sign in respect of which the application is filed and provided that identical or similar goods or services are the subject matter of the firm's activity, unless the applicant had the identical or similar firm at the time of filing the application for registration of a trademark.

(7) On the basis of opposition as filed, a sign shall not be registered if it is identical with, or similar to, an earlier trademark which was registered for identical or similar goods or services and conferred on them a right which has expired for failure to renew the registration of the trademark within a period of not more than two years as from the expiry of the trademark, unless the holder of the earlier trademark gave his consent for the registration of the later trademark or did not use his trademark.

Relativni razlozi za odbijanje – Članak 6. Zakona o žigu (Narodne novine Republike Hrvatske 173/03, 76/07, 30/09 i 49/11)

(1) Na temelju podnesenoga prigovora neće se registrirati ni znak:

1. ako je istovjetan s ranijim žigom registriranim za istovjetne proizvode ili usluge,
2. ako zbog njegove istovjetnosti ili sličnosti s ranijim žigom i istovjetnosti ili sličnosti proizvoda ili usluga postoji vjerojatnost dovođenja javnosti u zabludu, što uključuje vjerojatnost dovođenja u svezu s ranijim žigom.

(2) Za potrebe ovoga Zakona pod pojmom »raniji žig« razumijevaju se:

1. žigovi registrirani u Republici Hrvatskoj koji uživaju ranije pravo prvenstva iz članka 17., 18. i 19. ovoga Zakona,
2. žigovi registrirani na temelju međunarodnih sporazuma koji vrijede u Republici Hrvatskoj i koji uživaju ranije pravo

prvenstva iz članka 17., 18. i 19. ovoga Zakona,

3. prijave za registraciju žigova iz točke 1. ovoga stavka, pod uvjetom da žigovi budu registrirani,

4. žigovi koji su na dan prijave za registraciju žiga ili, ako je zatraženo pravo prvenstva, na datum prava prvenstva zatraženog u prijavi, dobro poznati u Republici Hrvatskoj u smislu u kojemu se riječi »dobro poznat« rabe u članku 6.bis. Pariške konvencije.

(3) Na temelju podnesenoga prigovora nositelja ranijega žiga neće se registrirati ni znak ako je istovjetan s ranijim žigom ili sličan ranijem žigu, a zatražena je registracija za proizvode ili usluge koji nisu slični onima za koje je registriran raniji žig kada raniji žig ima ugled u Republici Hrvatskoj i kada bi uporaba kasnijega žiga bez opravdanoga razloga nepošteno iskoristila razlikovni karakter ili ugled ranijega žiga ili im naštetila.

(4) Na temelju podnesenoga prigovora znak neće biti registriran ako bi njegova uporaba vrijeđala neko od sljedećih ranijih prava:

1. pravo na osobno ime,
2. pravo na osobnu sliku,
3. autorsko pravo,
4. prava industrijskoga vlasništva.

(5) Za potrebe ovoga Zakona pod pojmom »ranije pravo« razumijevaju se prava stečena na datum koji je raniji od datuma prijave za registraciju žiga ili, ako je zatraženo pravo prvenstva, od datuma prava prvenstva zatraženog u prijavi.

(6) Na temelju podnesenoga prigovora znak neće biti registriran ako bi njegova uporaba vrijeđala pravo osobe koja je u vrijeme podnošenja prijave za registraciju žiga imala tvrtku, pod uvjetom da je ta tvrtka ili bitni dio tvrtke istovjetan s prijavljenim znakom ili sličan prijavljenom znaku i pod uvjetom da su istovjetni ili slični proizvodi ili usluge predmet djelatnosti te tvrtke, osim ako je podnositelj prijave u trenutku prijave imao istovjetnu ili sličnu tvrtku.

(7) Na temelju podnesenoga prigovora znak neće biti registriran ako je istovjetan s ranijim žigom ili sličan ranijem žigu koji je bio registriran za istovjetne ili slične proizvode ili usluge, a iz kojega proizlazi pravo koje je isteklo zbog neproduženja registracije žiga u razdoblju od najviše dvije godine od datuma isteka vrijednosti žiga, osim ako je nositelj ranijega žiga dao svoju suglasnost za registraciju kasnijega žiga ili nije rabio svoj žig.

Trademarks Act: http://www.dziv.hr/files/File/eng/zakon_zig_ENG.pdf

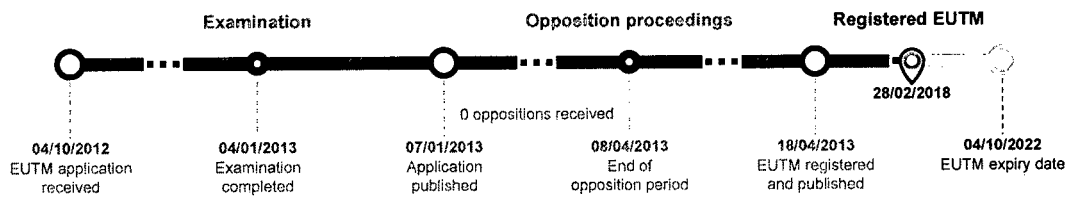


Protect your intellectual property in the European Union

EUTM file information

HERSHEY'S KISSES
011239332

Timeline



Trade mark information

Name	HERSHEY'S KISSES	Filing date	04/10/2012
Filing number	011239332	Registration date	16/04/2013
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	TM27355/TPA
Vienna Classification	08.01.23 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Graphic representation



Goods and services

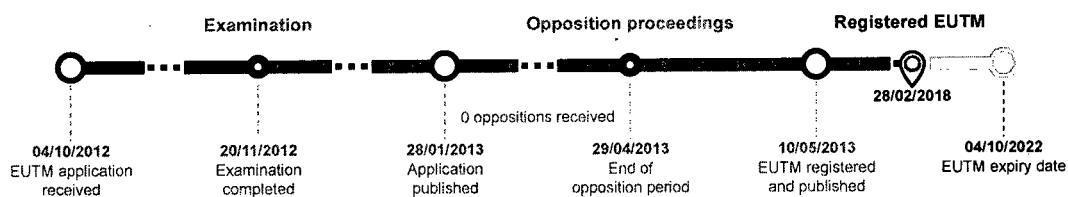
English (en)



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

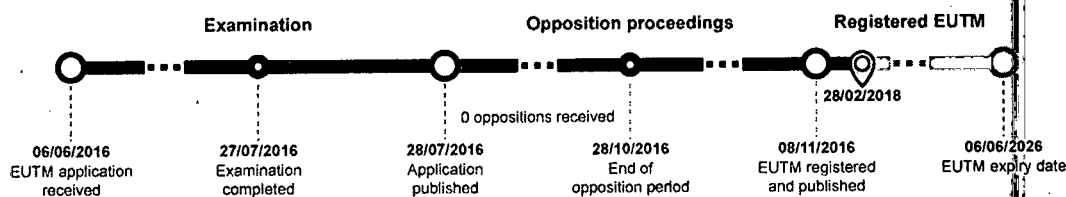
Graphic representation



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)	Applcation 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.

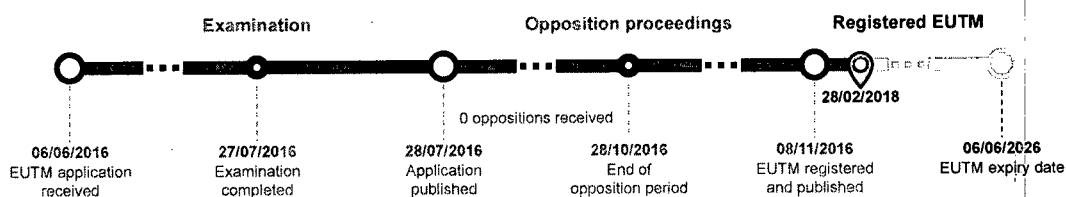
Description



EUTM file information

KISSES
015511348

Timeline



Trade mark information

Name	KISSES	Filing date	06/06/2016
Filing number	015511348	Registration date	04/11/2016
Basis	EUTM	Expiry date	06/06/2026
Date of receipt	06/06/2016	Designation date	
Type	Word	Filing language	English
Nature	Individual	Second language	French
Nice classes	30 (Nice Classification)	Application reference	TM403549EM-TPA/JXM
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

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)	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

AMÉRICA)

Address

**100 Crystal A
Drive**Can be accessed and
changed by authorised user
via the User AreaCan be accessed and
changed by authorised user
via the User Area

Representatives

J A KEMP

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

Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		EUTM	015511348	Surveillance letter	24/04/2017	
		EUTM	015511348	Surveillance letter	10/03/2017	
		EUTM	015511348	Cover letter for registration certificate.	09/11/2016	
		EUTM	015511348	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	015511348	Search report transmitted (Article 38(1) and (6))	06/07/2016	
		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	
Showing 1 to 10 of 12 entries						

IR transformation

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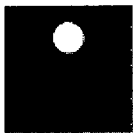
Seniority

No data

Exhibition priority

No data

Priority



Ažuriran skup podataka
zaključno s danom 23.
veljače 2018

DRŽAVNI ZAVOD ZA INTELEKTUALNO VLASNIŠTVO

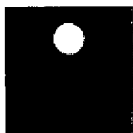
(111) RegistarSKI broj: **Z20121235** (Registriran žig)
(210) Broj prijave žiga: **Z20121235A**
(181) Datum važenja: **03.07.2022**
(220) Datum podn. prijave: **03.07.2012**
(151) Datum priznanja: **18.09.2013**
(450) Datum objave žiga: **11.10.2013**
(442) Datum objave prijave: **31.12.2012**
(540) Verbalni naziv: **KISSES**
(732) Nositelj(i): **The Hershey Company, a corporation organized under the laws of the State of Delaware, U.S.A.,
100 Crystal A Drive, Hershey, 17033 PA, US**
(740) Zastupnik: **Odvjetničko društvo Grubišić & Lović & Lalić d.o.o.,
Preradovićeve 13, 10000 Zagreb, HR**
(510)(511) Proizvodi i usluge: **30 čokolade; čokoladni proizvodi; bomboni, slatke štangice, poslastice; kakao; kakao proizvodi; kolačići, keksi, čokolada za kuhanje, komadići, kriške i komadi za pečenje slatkiša; čokoladna instant smjesa (za hladne i vruće napitke); slatki preljevi za sladoled i za deserte; torte, kolači**

Izjava o odricanju odgovornosti:

Državni zavod za intelektualno vlasništvo ne snosi odgovornost za posljedice nastale korištenjem podataka sadržanih na ovim stranicama.



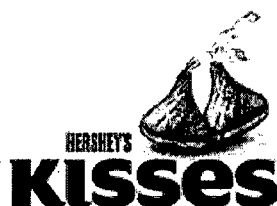
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Ažuriran skup podataka
zaključno s danom 23.
veljače 2018

DRŽAVNI ZAVOD ZA INTELEKTUALNO VLASNIŠTVO

- (111) RegistarSKI broj: **Z20122087** (Registriran žig)
(210) Broj prijave žiga: **Z20122087A**
(181) Datum važenja: **06.12.2022**
(220) Datum podn. prijave: **06.12.2012**
(151) Datum priznanja: **22.07.2013**
(450) Datum objave žiga: **31.08.2013**
(442) Datum objave prijave: **31.01.2013**
(540) Prikaz žiga:



- (732) Nositelj(i): **The Hershey Company, a corporation organized under the laws of the State of Delaware, U.S.A.,
100 Crystal A Drive, Hershey, 17033 PA, US**
- (740) Zastupnik: **Odvjetnica Gorana Grubišić, dipl.iur.,
Preradovićeva 13, 10000 Zagreb, HR**
- (531) Bečka kl.: **08.01.19
08.01.23
27.05.01
27.05.10**
- (510)(511) Proizvodi i usluge: **30 kava, čaj, kakao i nadomjesci kave; riža; tapioka i sago; brašno i proizvodi od žitarica; kruh, slastice i bomboni; ledeni sladoledi; šećer, med, sirup od melase; kvasac, prašak za dizanje; sol; slačica (senf); ocat, umaci (začini); mirodiije; led za hlađenje; čokolada; proizvodi od čokolade; bomboni, slatke štangice, slastičarski proizvodi; kakao proizvodi; kolačići, biskviti, čokolada za kuhanje, komadići, kriške i komadi za pečenje slatkiša; čokoladna instant smjesa (za hladne i vruće napitke); slatki preljevi za sladoled i za deserte; torte, kolači, sladoled, smrznuti slatkiši**

Izjava o odricanju odgovornosti:

Državni zavod za intelektualno vlasništvo ne snosi odgovornost za posljedice nastale korištenjem podataka sadržanih na ovim stranicama.



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Ažuriran skup podataka
zaključno s danom 23.
veljače 2018

DRŽAVNI ZAVOD ZA INTELEKTUALNO VLASNIŠTVO

- (111) RegistarSKI broj: **Z20122088** (Registriran žig)
(210) Broj prijave žiga: **Z20122088A**
(181) Datum važenja: **06.12.2022**
(220) Datum podn. prijave: **06.12.2012**
(151) Datum priznanja: **22.07.2013**
(450) Datum objave žiga: **31.08.2013**
(442) Datum objave prijave: **31.01.2013**
(540) Prikaz žiga:



- (732) Nositelj(i): **The Hershey Company, a corporation organized under the laws of the State of Delaware, U.S.A.,
100 Crystal A Drive, Hershey, 17033 PA, US**
- (740) Zastupnik: **Odvjetnica Gorana Grubišić, dipl.iur.,
Preradovićeve 13, 10000 Zagreb, HR**
- (531) Bečka kl.: **08.01.19
08.01.23
27.05.01
27.05.10**
- (510)(511) Proizvodi i usluge: **30 kava, čaj, kakao i nadomjesci kave; riža; tapioka i sago; brašno i proizvodi od žitarica; kruh, slastice i bomboni; ledeni sladoledi; šećer, med, sirup od melase; kvasac, prašak za dizanje; sol; slačica (senf); ocat, umaci (začini); mirotije; led za hlađenje; čokolada; proizvodi od čokolade; bomboni, slatke štangice, slastičarski proizvodi; kakao proizvodi; kolačići, biskviti, čokolada za kuhanje, komadići, kriške i komadi za pečenje slatkiša; čokoladna instant smjesa (za hladne i vruće napitke); slatki preljevi za sladoled i za deserte; torte, kolači, sladoled, smrznuti slatkiši**

Izjava o odricanju odgovornosti:

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