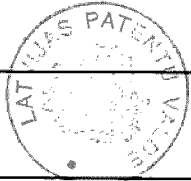



**MADRID AGREEMENT CONCERNING  
THE INTERNATIONAL REGISTRATION OF MARKS  
AND PROTOCOL RELATING TO THAT AGREEMENT**

**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: <b>PATENT OFFICE OF THE REPUBLIC OF LATVIA</b> <b>Citadeles iela 7/70</b> <b>LV 1010, Riga</b> <b>LATVIA</b>  Phone: +371 67099604 Fax: +371 67099650 e-mail: <a href="mailto:liga.rinka@lrpv.gov.lv">liga.rinka@lrpv.gov.lv</a>
II.	Number of the international registration: <b>1359193</b>
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): <b>Amaxa Pharma LTD</b> <b>72 Hammersmith Road London W14 8TH</b> <b>GB</b>
IV.	The grounds of refusal:  Provisional refusal based on an opposition: Opposition submitted by NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc, International Motorsports Center One Daytona Boulevard, Daytona Beach, FL 32114, United States, holder of EUTM 002157097 /NASCAR/. 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 8.(2); LPZ/99 39.3(1)
VI.	Provisional refusal for all the goods and/or services
VII.	Possibilities to review or appeal  <b>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.</b>
VIII.	Date of the notification of provisional refusal:  <b>28.03.2018</b>

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

 Līga Rinka

X. Corresponding essential provisions of the applicable law:

### **Section 8. Well-known Trade Marks as Grounds for Refusal or Invalidation of Trade Mark Registration**

(1) Notwithstanding the provisions of Section 7 of this Law, a trade mark registration may be refused or, if registered, the registration may be invalidated under the provisions of this Law, if the trade mark constitutes a reproduction, an imitation, a translation or a transliteration, liable to create confusion, of another trade mark, which, even though unregistered, was well-known in Latvia with respect to identical or similar goods or services, on the date of filing of application of the applied for (opposed) registration of trade mark (or the date of priority if priority has been granted).

(2) In addition to the provisions of Paragraph one of this Section, the registration of a trade mark may be refused or invalidated also if the goods or services regarding which trade mark registration has been applied for are not similar to the goods or services covered by a well-known trade mark in Latvia, provided that the use of the trade mark applied for (opposed) in relation to such goods or services may be perceived by consumers as an indication of a connection between such goods and services, and the owner of the well-known trade mark, and that such use may be detrimental to the interests of the owner of the well-known trade mark.

(3) In determining whether a trade mark is well-known, the knowledge of this trade mark in the relevant group of consumers, including such knowledge in Latvia that has been obtained as a result of the advertising of this mark or any other circumstances that have contributed to its fame shall be taken into account.

(4) In determining in which cases the provisions of Paragraphs one and two of this Section are to be applied to a sign regarding which registration has been applied for or to a registered trade mark, the provisions of Article 6-bis of the Paris Convention regarding a well-known trade mark shall be taken into account, including the provision which provides for the prohibition of the reproduction or the imitation of a well-known trade mark in an essential part of another trade mark; these provisions shall also apply, mutatis mutandis, to service marks.

(5) The provisions of Paragraphs one and two of this Section regarding refusal of registration during the expert-examination procedure shall not apply if the application for trade mark registration has been filed with the consent of the owner of the well-known trade mark.

### **Section 39.<sup>1</sup> Activities of the Patent Office in Connection with the Registration Procedure of the Community Trade Mark**

(1) The functions of the central industrial property office of a European Union Member State, prescribed by Council Regulation No 207/2009, shall be executed in Latvia by the Patent Office. Registration of the Community trade mark may be applied for through the intermediary of the Patent Office.

(2) The Patent Office shall perform the verification of the authenticity of the decision of the Office for Harmonisation in the Internal Market (trade marks and designs) provided for in Article 86(2) of Council Regulation No 207/2009 for the enforcement thereof in Latvia.

[14 October 2010]

### **Section 39.<sup>2</sup> Legal Effect of the Community Trade Mark Registration in Latvia**

(1) Exclusive rights to a trade mark in Latvia shall also be ensured by the Community trade mark registration. The scope of protection of the Community trade mark shall be determined by Council Regulation No 207/2009.

(2) If seniority (special type of priority) is granted to a Community trade mark in accordance with Article 34 or 35 of Council Regulation No 207/2009, based on the respective earlier trade mark, registered in Latvia or registered internationally and extended to Latvia, then the filing date and priority date of the trade mark registered in Latvia or the priority of the respective trade mark registered internationally (Section 39, Paragraph three) shall be applied to such Community trade mark, determining the priority thereof in Latvia. The seniority granted to the Community trade mark shall be retained if the registration of the respective trade mark of Latvia or the international registration of the trade mark, which is extended to Latvia is cancelled on the initiative of the owner of the trade mark (surrender of registration) or in connection with the expiry of the term of validity thereof (exclusion from the Register).

(3) Registration of a trade mark which has been the basis for the seniority of the Community trade mark, may be invalidated or revoked even following the expiry of the term of validity of this registration or if the registration is cancelled on the initiative of the owner of the trade mark, on condition that the respective grounds for invalidation of the registration of the trade mark or the revocation were present during the validity of the registration.

[14 October 2010]

### **Section 39.<sup>3</sup> Additional Provisions for the Protection of the Community Trade Mark**

(1) An opposition to the registration of a trade mark (Section 18) and the claim for invalidation of the registration of a trade mark (Section 31) apart from the earlier rights provided for in Sections 7, 8 and 9 of this Law may also be justified with an earlier identical or similar Community trade mark, which has a

good reputation in the European Community and which is registered for goods or services which are not similar to those goods and services, which have a trade mark registered later (contested), but on condition that the use of the later trade mark without due cause takes unfair advantage of, or is detrimental to the distinctive character or the reputation of the Community trade mark or that such use of the later trade mark may be seen by consumers as a sign of connection between these goods and services and the owner of the referred to Community trade mark and such use may be detrimental to the interests of the owner of the Community trade mark. Such opposition and such claim may be submitted by the owner of the Community trade mark (or his or her successor in title) or his or her representative.

(2) In case of the illegal use of the Community Trade mark, the provisions of Sections 27 and 28 of this Law, the Civil Procedure Law and the provisions of other laws and regulations shall be applicable, unless otherwise laid down in Council Regulation No 207/2009.

(3) If, based on the rights arising from the registration of the Community trade mark, the registration of a later trade mark is contested, which is performed observing the procedures for registering trade marks laid down in this Law, or in accordance with the rules on the international registration and is extended to Latvia, or if the use of such later trade mark is contested, the provisions of Section 29 of this Law regarding the restrictions of rights as a result of acquiescence shall be observed. *[14 October 2010]* Section 39.<sup>4</sup>

#### Additional Provisions for the Use of the Community Trade Mark

(1) If, based on an earlier Community trade mark, an opposition is submitted against the registration of a trade mark (Section 18) and the owner of the contested trade mark uses the rights to request evidence of the use of the earlier trade mark (Section 19, Paragraph seven), the provisions of Article 15 of Council Regulation No 207/2009 shall be observed. (2) According to the provisions of Article 165 5) and Article 110(1) of Council Regulation No 207/2009, the owner of the earlier rights obtained in good faith in Latvia may prohibit the use of the Community trade mark which has been registered or submitted for registration prior to 1 May 2004. (3) If the Community trade mark is involved in a process of the legal protection of a commercial company or the process of insolvency in Latvia, in accordance with the provisions of Article 21 of Council Regulation No 207/2009, the necessary entries to be made by the Office for Harmonisation in the Internal Market (trade marks and designs) in the Community Trade Mark Register or, if the Community trade mark has not yet been registered, in the application materials, may be requested on the basis of a court decision. *[14 October 2010]*



Protect your intellectual property in the European Union

## EUTM file information

**NASCAR**  
002157097

## Timeline



## Trade mark information

Name	<b>NASCAR</b>	Filing date	<b>29/03/2001</b>
Filing number	<b>002157097</b>	Registration date	<b>15/11/2002</b>
Basis	<b>EUTM</b>	Expiry date	<b>29/03/2021</b>
Date of receipt	<b>29/03/2001</b>	Designation date	
Type	<b>Word</b>	Filing language	<b>English</b>
Nature	<b>Individual</b>	Second language	<b>Spanish</b>
Nice classes	<b>9, 16, 25, 28, 38, 41 ( Nice Classification )</b>	Application reference	<b>SL/EMT61791A</b>
Vienna Classification		Trade mark status	<b>Registered</b>
		Acquired distinctiveness	<b>No</b>

## Goods and services

English (en) ☒**9** Videotape and film recordings.**16** Writing paper, printed matter, books, catalogues, booklets, printed publications, stationery, labels, cards, writing pads, postcards, posters, printed timetables, calendars, decalcomanias, stickers, pens, pencils, pen cases, photographs, adhesives for stationery, playing cards.**25** Clothing and headgear; hats, caps, sun visors, shirts, t-shirts, sweatshirts, tank tops, vests, sweaters, jackets, warm-up suits, rain suits, shorts, pants; shoes, socks.**28** Games and toys; sporting goods (excluding clothing, shoes and mats); toys namely die cast and plastic miniature cars, trucks, motorcycles and other vehicles; electronic driving and road racing games; electronic slot cars; additional tracks for racing games; plastic action figures depicting racing drivers, mechanics and officials; battery-operated pinball machines and dashboards driving games; board games; puzzles; miniature trophies; plush stuffed animals; pool cues; radio-controlled cars, trucks and other vehicles.**38** Broadcasting services; broadcast of stock car, automobile and truck racing.**41** Entertainment services in the nature of regulating, governing, organizing, sanctioning and conducting stock car, automobile and truck racing events; arranging and conducting the broadcast of stock car, automobile and truck racing events; rental of recordings of stock car, automobile and truck racing events.

## Description

No data

## Owners

### NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.

ID	<b>28374</b>	Country	<b>US - United States</b>	Correspondence address	
Organisation	<b>NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.</b>	State/county	<b>FL</b>	NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.	Can be accessed and changed by authorised user via the User Area
		Town	<b>Daytona Beach</b>	International Motorsports Center	
Legal status	<b>Legal entity</b>	Post code	<b>32114</b>	One Daytona Boulevard	Can be accessed and changed by authorised user via the User Area
State, district or t...	<b>Florida</b>	Address	<b>International Motorsports Center One Daytona Boulevard</b>	Daytona Beach FL 32114 ESTADOS UNIDOS (DE AMÉRICA)	Can be accessed and changed by authorised user via the User Area

## Representatives

### MARKS & CLERK LLP

ID	<b>10609</b>	Country	<b>GB - United Kingdom</b>	Correspondence address	
Organisation	<b>n/a</b>	State/county	<b>n/a</b>	MARKS & CLERK LLP	00 44-1216435881
Legal status	<b>Legal person</b>	Town	<b>Birmingham</b>	Alpha Tower	
Type	<b>Association</b>	Post code	<b>B1 1TT</b>	Suffolk Street	00 44-1216064766
		Address	<b>Alpha Tower Suffolk Street Queensway</b>	Queensway Birmingham B1 1TT REINO UNIDO	birmingham@marks-clerk.com

## Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	EUTM	002157097	Surveillance letter	24/08/2017	
	Recordal	012590025	Notification - Appointment / Replacement of representative	06/04/2017	
	Recordal	012590025	Notification - Appointment / Replacement of representative	06/04/2017	
	Recordal	012590025	Notification - Appointment / Replacement of representative	06/04/2017	
	Recordal	012592211	T722M - Registration of recordal C.1.3 / B.2.2	05/04/2017	
	Recordal	012590025	Application form and attachment	04/04/2017	
	Recordal	012592211	Letter to the EUIPO	31/03/2017	
	EUTM	002157097	Surveillance letter	21/02/2017	
	EUTM	002157097	Surveillance letter	02/12/2015	
	EUTM	002157097	Surveillance letter	12/11/2014	

Showing 1 to 10 of 39 entries

## IR transformation

No data

## Seniority

No data

## Exhibition priority

No data

## Priority

No data

## Publications

Bulletin number	Date	Section	Description
2002/047	17/06/2002	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2002/102	23/12/2002	B.2	Registrations with amendments since the application was published
2009/012	06/04/2009	C.2.1	Representative - Change of name and professional address
2011/068	07/04/2011	D.1	Renewals
2017/068	07/04/2017	C.1.3	Proprietor - Change of name and address
2017/069	10/04/2017	C.2.2	Representative - Appointment / Replacement of representative

Showing 1 to 6 of 6 entries

## Cancellation

No data

## Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2009/012	06/04/2009	C.2.1	003773556	Representative	Change of name and professional address
2011/068	07/04/2011	D.1	005024040	Renewal	Total Renewal
2017/068	07/04/2017	C.1.3	012592211	Proprietor	Change of name and address
2017/069	10/04/2017	C.2.2	012590025	Representative	Appointment / Replacement of representative

Showing 1 to 4 of 4 entries

## Oppositions

No data

## Appeals

No data

## Decisions

No data

## Renewals

Title	Filing number	Status	Status date
Renewal	005024040	Trade mark renewed	07/04/2011

Showing 1 to 1 of 1 entries