

MADRID PROTOCOL

Model Form 3A: Total Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)

I. Office making the notification:



**HELLENIC REPUBLIC
MINISTRY OF ECONOMY AND DEVELOPMENT
GENERAL SECRETARIAT OF COMMERCE
DIRECTION OF COMMERCIAL PROPERTY**

Address:
KANINGOS SQUARE
GR - 10181 ATHENS

Examiner: Giagtzidis Dimitrios

II. Number of the international registration:
1346302 / 51040

III. Name of the holder:
Mega Brands Limited, 18 Athol Street
Douglas IM1 1JA, Isle of Man, GB

IV. Information concerning the type of provisional refusal:

Please indicate the type of refusal by checking only one of the following options:

- ☒ Total provisional refusal based on an *ex officio* examination
- ☐ Total provisional refusal based on an opposition
- ☐ Total provisional refusal based on both an *ex officio* examination and an opposition

Where the refusal is based on an opposition, please indicate the name and address of the opponent:

- (i) Name of the opponent:
- (ii) Address of the opponent:

V. Information concerning the scope of the provisional refusal:

Total provisional refusal affects all the goods and/or services.

VI. Grounds for refusal [(where applicable, see item VII)]:

Earlier: European Trademark

VII. Information relating to an earlier mark:

Number: **004506473**

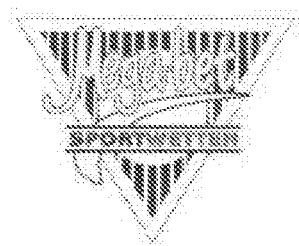
Filing date and number, and, if any, priority date: 22/06/2005

Registration date and number (if available): 20/06/2006

Name and address of the owner:

BC-Wetten Beteiligungsgesellschaft m.b.H.
Berggasse 32/3
1090 Wien
AUSTRIA

Reproduction of the mark:



List of the relevant goods and/or services (this list may be in the language of the earlier application or registration):

All products of the following classes: 41

VIII. Corresponding essential provisions of the applicable law:

Law N. 4072/2012 -Article 124 (1b):

LAW 4072/2012 -Article 124 : Relative grounds for refusal

1. A sign shall not be registered:
 - a. If it is identical to an earlier trademark and the goods or services, for which the trademark has been registered, are identical with those for which the earlier mark is protected,
 - b. If because of the identity with the earlier trademark and the similarity of goods or services, or the similarity to the earlier trademark and the identity of goods or services, or the similarity to the earlier trademark and the similarity of goods or services, there is a risk of public confusion, which also includes the likelihood of its association with the earlier trademark.
 - c. If it is identical or similar to an earlier trademark that has a reputation and the use of the later trademark would take, without due cause, unfair advantage of the distinctive character or the repute of the earlier trademark or would damage its be detrimental to the distinctive character or its reputation, regardless if the later trademark is intended to distinguish goods or services that are similar to products or services of the earlier trademark.

2. For the purpose of this Law “earlier trademarks” means:

- a. the trademarks, including the international ones protected in Greece and in the EU, which have been registered before the date of the trademark application filing, taking into account the priority or seniority rights claimed in respect of those trademarks,
- b. the earlier trademarks applications, including the above international and Community ones, subject to their registration,
- c. the trademarks which on the date of the trademark application filing or, where appropriate, of the priority claimed in respect of the application for registration of the trade mark, are well known, in the sense of Article 6bis of the Paris Convention

IX. Information relating to the possibility to request a review or file an appeal:

(i) Time limit for requesting review or appeal:

Time limit is 3 months from the date of receipt by WIPO of the present Notification.

(ii) Authority to which such request for review or appeal should be made:

Administrative Trademarks Committee, Address: Kanning Square – Athens Greece

(iii) Whether the request for review or appeal has to be filed in a specific language and/or through the intermediary of a representative whose address is within the territory of the Contracting Party:

A Greek lawyer is needed to be appointed for attending in order to answer in Greek language (information: Athens Bar Association tel: +30210 3398251 ,e-mail info@dsa.gr & Piraeus Bar Association tel: 210-4176251, e-mail: secretary@dspeir.gr)

(iv) Other requirements, if any: -

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

Head of the Control and Admission of Trademarks Dpt.

Mrs Athanasopoulou Georgia

XI. Date of the notification to the International Bureau:

Athens, 25.04.2018

[End of Model Form 3A]