



REPUBLIC OF SLOVENIA  
**MINISTRY OF ECONOMIC DEVELOPMENT AND TECHNOLOGY**  
SLOVENIAN INTELLECTUAL PROPERTY OFFICE

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WIPO (World Intellectual Property Organization)  
34, chemin des Colombettes  
casse postale 18  
CH-1211 GENEVE 20  
Suisse

Ref.: 31212-1365/2017-4  
106SP(434)

Date: 24.04.2018

**MADRID PROTOCOL**

**Partial Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)**

|      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I.   | Office making the notification:<br><b>Slovenian Intellectual Property Office</b><br><b>Kotnikova 6</b><br><b>SI-1000 Ljubljana</b><br><b>Slovenia</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| II.  | Number of the international registration: 1382321                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| III. | Name of the holder: AQUA CRISTAL SLOVAKIA, s.r.o., Pod Rybou 5 SK-974 01 Banská Bystrica, SK                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| IV.  | Information concerning the type of provisional refusal:<br><br><i>Please indicate the type of refusal by checking only one of the following options:</i><br><br><input checked="" type="checkbox"/> <b>Partial provisional refusal based on an opposition</b><br><br><i>Where the refusal is based on an opposition, please indicate the name and address of the opponent:</i><br><br>(i) <b>Name and address of the opponent:</b><br>CHAMPAGNE LOUIS ROEDERER (CLR), 21 boulevard Lundy, F-51100 REMIS (FR), CH<br><br>(ii) <b>Representative of the opponent:</b><br>Patentna pisarna d.o.o., Čopova 14, p.p. 1725, Slovenija |
| V.   | Information concerning the scope of the provisional refusal:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

**X Partial provisional refusal affects only the following goods and/or services:**

32: Non-alcoholic beverages; carbonated waters; lemonades; table waters; seltzer water; products for making mineral water; mineral waters (beverages); products for making aerated water; waters (beverages); non-alcoholic fruit extracts; non-alcoholic fruit juice beverages; preparations for making beverages; essences for making beverages; fruit juices; vegetable juices (beverages); syrups for lemonade; preparations for making liqueurs; grape must; orgeat; soda water; sherbets (beverages); sarsaparilla (non-alcoholic beverage); non-alcoholic aperitifs; non-alcoholic cocktails; fruit nectars; isotonic beverages; apple juices; mixed fruit or vegetable beverages (smoothies); non-alcoholic aloe vera beverages; beer-based cocktails; soy-based beverages, other than milk substitutes; protein-enriched sports beverages; rice-based beverages, other than milk substitutes; non-alcoholic coffee-flavored beverages; non-alcoholic tea-flavored beverages.

**VI. Grounds for refusal:**

44 (1) b

**VII. Information relating to an earlier mark/or marks of the opponent**

- (i) Filing or registration number: EUTM 8513913, IR 669394, 451185, 141884, 141885
- (i) Reproduction of the mark: see attached additional information

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

- (i) Time limit for requesting review or appeal:

The holder of the registration may request a review of the provisional refusal. The Slovenian Office must receive the request no later than 3 months \* from the date of this provisional refusal (the time limit starts from the date indicated under point X). After a period the Office will issuing its final decision.

\*with the written request the deadline may be extended for 3 months

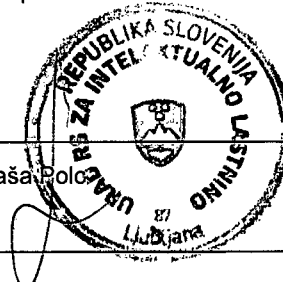
- (i) Authority to which such request for review or appeal should be made:

Office indicated under I

- (ii) 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:

The request for the review must be filed through the intermediary of a representative domiciled in Slovenia. The list of trademark agents is available on <http://www.uil-sipo.si/sipo/addition/resources/patent-and-trademark-agents/>

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



**X. Date of the notification to the International Bureau: 24.04.2018**

**X. Corresponding essential provisions of the applicable law:**

## Article 44

### Relative grounds for refusal

(1) Further, a sign shall not be eligible for registration as a mark if:

- (a) it is identical with an earlier mark of another owner, and the goods or services for which the registration is applied for are identical with the goods or services for which the earlier mark is registered;
- (b) because of its identity with or similarity to the earlier mark of another owner and the identity or similarity of the goods or services covered by the sign and the mark there exist the likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier mark;
- (c) because of its identity with or similarity to an earlier mark of another owner, registered for goods or services which are not identical with or similar to the goods or services for which the registration has been applied for, the use without due cause of such sign would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier mark, or if it would indicate a connection between the goods or services and the owner of the earlier mark, and provided that the interests of the owner of the earlier mark are likely to be damaged by such use;
- (d) it is identical with or similar to a mark or unregistered sign, which is in the Republic of Slovenia a well-known mark within the meaning of Article 6bis of the Paris Convention or Article 16(3) of the TRIPS Agreement;
- (e) the owner of the mark registered in any Member State of the Union established under the Paris Convention, hereinafter referred to as "the Paris Union", or the World Trade Organisation, hereinafter referred to as "the WTO", proves that his agent or representative applied, without the owner's consent, for the registration of the sign in his own name;
- (f) its use would contradict an earlier right to a name, personal portrayal, plant variety, geographical indication or other industrial property right, or an earlier copyright, unless the owner of the earlier right gives his express consent to the registration of such sign.

(2) "Earlier mark" within the meaning of paragraph (1) means:

- (a) mark which was applied for or registered in the Republic of Slovenia on the basis of a national application before the date of filing of the application for the later mark or, if priority is claimed, the date of priority;
- (b) mark for which the protection was sought in the Republic of Slovenia on the basis of an international application before the date of filing of the application for the later mark or, if priority is claimed, the date of priority.

## EUTM file information

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**CRISTAL**  
**008513913**

## Timeline

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## Trade mark information

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|                       |                                   |                          |                    |
|-----------------------|-----------------------------------|--------------------------|--------------------|
| Name                  | <b>CRISTAL</b>                    | Filing date              | <b>27/08/2009</b>  |
| Filing number         | <b>008513913</b>                  | Registration date        | <b>22/02/2010</b>  |
| Basis                 | <b>EUTM</b>                       | Expiry date              | <b>27/08/2019</b>  |
| Date of receipt       | <b>27/08/2009</b>                 | Designation date         |                    |
| Type                  | <b>Word</b>                       | Filing language          | <b>French</b>      |
| Nature                | <b>Individual</b>                 | Second language          | <b>English</b>     |
| Nice classes          | <b>33 ( Nice Classification )</b> | Application reference    | <b>CPE-M0647MC</b> |
| Vienna Classification |                                   | Trade mark status        | <b>Registered</b>  |
|                       |                                   | Acquired distinctiveness | <b>No</b>          |

## Goods and services

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**33** Wines; sparkling wines; wines of French origin, namely wine with the registered designation of origin Champagne.

### Description

No data

## Owners

**CHAMPAGNE LOUIS ROEDERER (CLR) Société Anonyme**

|              |                                                       |              |                            |                                                |                                                                  |
|--------------|-------------------------------------------------------|--------------|----------------------------|------------------------------------------------|------------------------------------------------------------------|
| ID           | <b>38618</b>                                          | Country      | <b>FR - France</b>         | Correspondence address                         |                                                                  |
| Organisation | <b>CHAMPAGNE LOUIS ROEDERER (CLR) Société Anonyme</b> | State/county | <b>n/a</b>                 | CHAMPAGNE LOUIS ROEDERER (CLR) Société Anonyme | Can be accessed and changed by authorised user via the User Area |
|              |                                                       | Town         | <b>Reims</b>               | 21, boulevard Lundy                            |                                                                  |
|              |                                                       | Post code    | <b>51100</b>               | F-51100 Reims                                  | Can be accessed and changed by authorised user via the User Area |
| Legal status | <b>Legal entity</b>                                   | Address      | <b>21, boulevard Lundy</b> | FRANCIA                                        |                                                                  |
|              |                                                       |              |                            |                                                | Can be accessed and changed by authorised user via the User Area |

## Representatives

**ERNEST GUTMANN - YVES PLASSERAUD S.A.S.**

|              |                     |               |                     |                        |                 |
|--------------|---------------------|---------------|---------------------|------------------------|-----------------|
| ID           | <b>13142</b>        | Country       | <b>FR - France</b>  | Correspondence address |                 |
| Organisation | <b>n/a</b>          | State/country | <b>n/a</b>          | ERNEST GUTMANN - YVES  | 00 33-144511800 |
| Legal status | <b>Legal person</b> | Town          | <b>Paris</b>        | PLASSERAUD S.A.S.      |                 |
| Type         | <b>Association</b>  | Post code     | <b>75009</b>        | 3, rue Auber           | 00 33-142660890 |
|              |                     | Address       | <b>3, rue Auber</b> | F-75009 Paris          |                 |
|              |                     |               |                     | FRANCIA                |                 |
|              |                     |               |                     |                        | euipo@egyp.com  |

## Correspondence

|  | From | Procedure          | Filing number | Subject                                                                         | Date       | Actions |
|--|------|--------------------|---------------|---------------------------------------------------------------------------------|------------|---------|
|  |      | Recordal           | 014195740     | Application form and attachment                                                 | 18/04/2018 |         |
|  |      | EUTM               | 008513913     | Surveillance letter                                                             | 16/02/2018 |         |
|  |      | EUTM               | 008513913     | Surveillance letter                                                             | 30/06/2016 |         |
|  |      | EUTM               | 008513913     | Surveillance letter                                                             | 16/01/2015 |         |
|  |      | EUTM               | 008513913     | Surveillance letter                                                             | 18/12/2014 |         |
|  |      | EUTM               | 008513913     | Miscellaneous                                                                   | 18/12/2014 |         |
|  |      | EUTM               | 008513913     | Surveillance letter                                                             | 05/08/2013 |         |
|  |      | EUTM               | 008513913     | Surveillance letter                                                             | 25/07/2013 |         |
|  |      | EUTM               | 008513913     | Surveillance letter                                                             | 18/04/2012 |         |
|  |      | Inspection request | 001842159     | D110 \: Extract from the register of European Union Trade Marks (Rule 84 No. 6) | 30/06/2011 |         |

\* Showing 1 to 10 of 23 entries

## IR transformation

No data

## Seniority

No data

## Exhibition priority

No data

## Priority

No data

## Publications

| Bulletin number             | Date       | Section | Description                                                                        |
|-----------------------------|------------|---------|------------------------------------------------------------------------------------|
| 2009/043                    | 09/11/2009 | A.1     | Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017) |
| 2010/035                    | 23/02/2010 | 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                   |
|-----------------------------|------|---------|---------------|------------|----------------------------|
|                             |      |         | 014195740     | 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

**International Trademark****WIPO | MADRID**Alert me when document is updated [HTML](#) [PDF](#) [XML](#)**669394- CRISTAL**

Printed: 2018-04-24 10:49

**Current Status**

- 151 Date of the registration**  
05.03.1997
- 180 Expected expiration date of the registration/renewal**  
05.03.2027
- 270 Language of the application**  
French
- 732 Name and address of the holder of the registration**  
CHAMPAGNE LOUIS ROEDERER (CLR)  
21 boulevard Lundy  
F-51100 REIMS (FR)
- 812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment**  
FR
- 842 Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized**  
Société anonyme
- 740 Name and address of the representative**  
ERNEST GUTMANN - YVES PLASSERAUD SAS  
3 rue Auber  
F-75009 PARIS (FR)
- 770 Name and address of the previous holder**  
CHAMPAGNE LOUIS ROEDERER (société anonyme)  
21 Boulevard Lundy,  
REIMS (FR)
- 540 Mark**  
CRISTAL
- 511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(7)**  
  
33 Alcoholic beverages (except beer), namely wine, sparkling wine, champagne.
- 822 Basic registration**  
FR, 20.12.1991, 1713576
- 832 Designation(s) under the Madrid Protocol**  
BH - FI - OM - SE - SG - UZ

**834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies**

AL - AM - AT - AZ - BA - BG - BX - CH - CN - CU - CZ - DZ - EG - HR - HU - IT - KP - LI - LR - LV - MA -  
MC - MK - MN - PT - RO - SD - SI - SK - SM - TJ - UA - VN

**527 Indications regarding use requirements**

SG

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**Transaction History**

**EXPAND**      none

Contracting Parties above which have issued the document:

***International Trademark***

**WIPO | MADRID**

**International Trademark****WIPO | MADRID**Alert me when document is updated [HTML](#) [PDF](#) [XML](#)**451185- CRISTAL**

Printed: 2018-04-24 10:49

**Current Status**

- 151 Date of the registration**  
29.01.1980
- 180 Expected expiration date of the registration/renewal**  
29.01.2020
- 270 Language of the application**  
French
- 732 Name and address of the holder of the registration**  
CHAMPAGNE LOUIS ROEDERER (CLR)  
21 boulevard Lundy  
F-51100 REIMS (FR)
- 811 Contracting State of which the holder is a national**  
FR
- 740 Name and address of the representative**  
ERNEST GUTMANN - YVES PLASSERAUD SAS  
3 rue Auber  
F-75009 PARIS (FR)
- 770 Name and address of the previous holder**  
CHAMPAGNE LOUIS ROEDERER, Société anonyme  
21, boulevard Lundy,  
REIMS (FR)
- 540 Mark**  
CRISTAL
- 511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification)**  
**33** Vins de provenance française, à savoir champagne, vins mousseux.
- 821 Basic application**  
FR, 27.11.1979, 535 452
- 822 Basic registration**  
FR, 27.11.1979, 1 114 613
- 300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin**  
FR, 27.11.1979, 1 114 613
- 834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies**

## Transaction History

EXPAND      none

Contracting Parties above which have issued the document:


***International Trademark***

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## International Trademark

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**141884- CRISTAL CHAMPAGNE R**

Printed: 2018-04-24 10:49

Full details

English

Multilingual

### Current Status

- 151 Date of the registration**  
07.06.1949
- 180 Expected expiration date of the registration/renewal**  
07.06.2019
- 270 Language of the application**  
French
- 732 Name and address of the holder of the registration**  
CHAMPAGNE LOUIS ROEDERER (CLR)  
21 boulevard Lundy  
F-51100 REIMS (FR)
- 811 Contracting State of which the holder is a national**  
FR
- 740 Name and address of the representative**  
ERNEST GUTMANN - YVES PLASSERAUD SAS  
3 rue Auber  
F-75009 PARIS (FR)
- 770 Name and address of the previous holder**  
CHAMPAGNE LOUIS ROEDERER, Société anonyme  
21, boulevard Lundy,  
REIMS (FR)
- 540 Mark**



**531 International Classification of the Figurative Elements of Marks (Vienna Classification)**

19.07.02

**511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification)**

**33** Vins de Champagne, vins, vins mousseux, eaux-de-vie, liqueurs et spiritueux.

**161 Earlier registration number(s) of the renewed registration**

007605 13.03.1909

**161 Earlier registration number(s) of the renewed registration**

062406 11.03.1929

**821 Basic application**

FR, 04.03.1964, 14 818

**822 Basic registration**

FR, 04.03.1964, 221 998

**834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies**

AT - BA - BX - CH - CZ - DE - EG - ES - HR - HU - IT - LI - MA - MC - ME - MK - PT - RO - RS - SI - SK - SM

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## Transaction History

**EXPAND** none

Contracting Parties above which have issued the document:

***International Trademark***

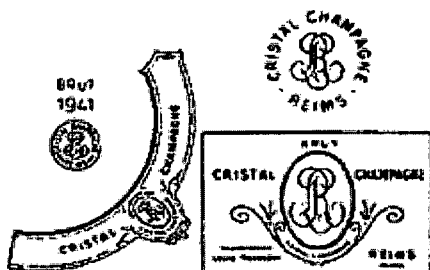
**WIPO | MADRID**

**International Trademark****WIPO | MADRID**Alert me when document is updated [HTML](#) [PDF](#) [XML](#)**141885- LR CRISTAL CHAMPAGNE BRUT 1941**

Printed: 2018-04-24 10:50

**Current Status**

- 151 Date of the registration**  
07.06.1949
- 180 Expected expiration date of the registration/renewal**  
07.06.2019
- 270 Language of the application**  
French
- 732 Name and address of the holder of the registration**  
CHAMPAGNE LOUIS ROEDERER (CLR)  
21 boulevard Lundy  
F-51100 REIMS (FR)
- 811 Contracting State of which the holder is a national**  
FR
- 740 Name and address of the representative**  
ERNEST GUTMANN - YVES PLASSERAUD SAS  
3 rue Auber  
F-75009 PARIS (FR)
- 770 Name and address of the previous holder**  
CHAMPAGNE LOUIS ROEDERER, Société anonyme  
21, boulevard Lundy,  
REIMS (FR)
- 540 Mark**



- 531 International Classification of the Figurative Elements of Marks (Vienna Classification)**  
24.01.15 ; 24.01.17 ; 24.15.11 ; 26.04.02 ; 26.04.16 ; 27.01.06
- 511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification)**

**33** Vins de Champagne et vins, vins mousseux, eaux-de-vie, liqueurs et spiritueux.

**161** Earlier registration number(s) of the renewed registration

007604 13.03.1909

**161** Earlier registration number(s) of the renewed registration

062407 11.03.1929

**821** Basic application

FR, 04.03.1964, 14 816

**822** Basic registration

FR, 04.03.1964, 221 996

**834** Designation(s) under the Madrid Protocol by virtue of Article 9sexies

AT - BA - BX - CH - CZ - DE - EG - ES - HR - HU - IT - LI - MA - MC - MD - ME - MK - PL - PT - RO - RS -  
RU - SI - SK - SM - VN

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## Transaction History

**EXPAND** none

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