



ESTONIAN PATENT OFFICE
TRADEMARK DEPARTMENT

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

NOTIFICATION OF PROVISIONAL REFUSAL BASED ON AN OPPOSITION

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:	
	1352138	
III.	Other information concerning the international registration which is the subject of the provisional refusal verbal elements of the mark: SOLATI	
IV.	The grounds for this provisional refusal are the following: Opposition filed 04.06.2018 by SOLARIS BUS & COACH S.A. on the grounds that: the International registration no. 1352138 is identical or similar to earlier trade marks which have 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. The earlier trademarks in question are (enclosed): SOLARIS (fig.) , International trademark no 0729284, belonging to SOLARIS IP SPÓŁKA Z OGRANICZONĄ ODPOWIEDZIALNOŚCIĄ SPÓŁKA KOMANDYTOWA SOLARIS (fig.) , EU trademark no 004824033, belonging to SOLARIS BUS & COACH S.A. SOLARIS , EU trademark no 009038696, belonging to SOLARIS BUS & COACH S.A. SOLARIS (fig.) , EU trademark no 011296597, belonging to SOLARIS BUS & COACH S.A. SOLARIS METROSTYLE , EU trademark no 011744521, belonging to SOLARIS BUS & COACH S.A.	
V.	Provision of the Estonian Trademark Act applicable on the subject (enclosed): Section 10 subsection 1(2) and subsection 2.	
VI.	The ground referred to in item IV affects all goods.	

- VII. The holder of the registration has right to participate in the procedure at the Board of Appeal of Intellectual Property of Estonia.

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

The request for participation in the procedure and the power of attorney must be received by the Board of Appeal no later than within 3 months from the date of the acceptance of the opposition for processing.

Name and address of the Board of Appeal:
Board of Appeal of Intellectual Property
Ministry of Justice
Suur-Ameerika 1
10122 Tallinn
ESTONIA

The time limit expires 17/10/2018 (dd/mm/yyyy). The extension of the time limit is not possible.

Please note that the matter will be examined by the Board of Appeal even if the holder of the registration does not request participation in the procedure at the Board of Appeal.

- VIII. Date on which the provisional refusal was pronounced: 16/07/2018 (dd/mm/yyyy).

- IX. Signature of the Office:

Ekke-Kristian Erilaid
Senior Examiner



REPUBLIC OF ESTONIA
PATENT OFFICE

(<http://www.epa.ee/en>)

Eesti keeles

Trademark
: SOLARIS

International trademark

Registration number

0729284

Application number

R200000997

Registration date

18.11.1999

Expiration date

18.11.2019

Publication date

02.05.2001

Status

Registered

Trademark

SOLARIS



Priority

Date No. Country

20.05.1999 399 29 252.7/12 DE

Figurative class

26.01.18 Ringid või ellipsoid, milles on üks või mitu kirjatähte

27.05.07 Tähed, mille peal on ebaproportsionaalse suurusega märk

Owner

SOLARIS IP SPÓŁKA Z OGRANICZONĄ ODPOWIEDZIALNOŚCIĄ SPÓŁKA KOMANDYTOWA

Bolechowo-Osiedle, ul.Obornicka 46, PL-62-005 Owińska, PL

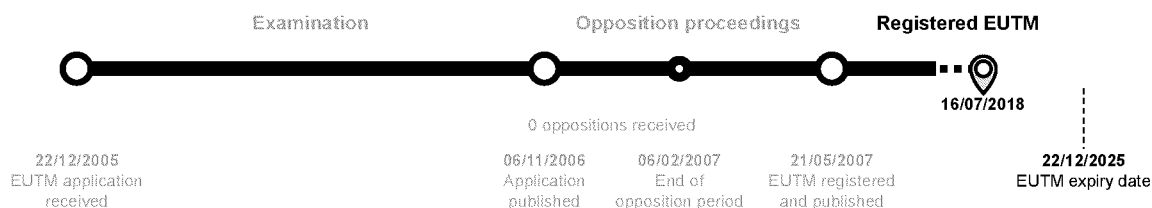
Goods and Services class number**Class 12** Buses (motor); omnibuses.**Link to this page**

<http://andmebaas.epa.ee/avalik/#/trademarks?nr=R200000997&ln=en>
(<http://andmebaas.epa.ee/avalik/#/trademarks?nr=R200000997&ln=en>)

EUTM file information

S SOLARIS
004824033

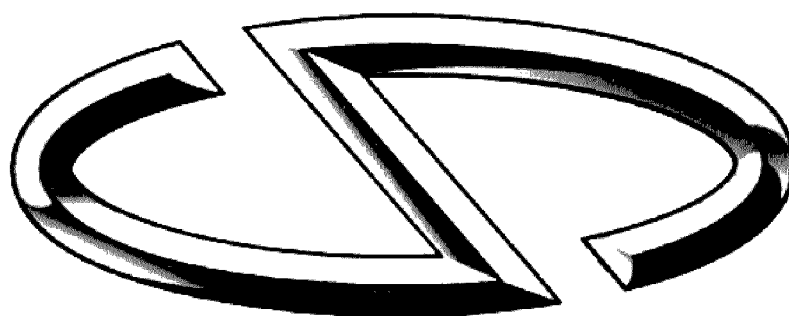
Timeline



Trade mark information

Name	S SOLARIS	Filing date	22/12/2005
Filing number	004824033	Registration date	08/05/2007
Basis	EUTM on which IA is based	Expiry date	22/12/2025
Date of receipt	22/12/2005	Designation date	
Date of receipt of International Registra...	24/09/2007	Filing language	Polish
IR number	0940125	Second language	English
Type	Figurative	Application reference	ROMUALDSUSZCZEWICZ
Nature	Individual	Trade mark status	Registered
Nice classes	12, 37 (Nice Classification)	Acquired distinctiveness	No
Vienna Classification	27.01.07, 27.05.21, 27.99.19 (Vienna Classification)		

Graphic representation



SOLARIS

Goods and services

English (en) ▼

12 Motor buses, motor coaches, vehicles for locomotion by land, spare parts for motor buses, motor coaches and vehicles for locomotion by land, not included in other classes.

37 Vehicle repair, vehicle maintenance.

Description

English (en) ▼

Description The trademark consists of the lettering "S SOLARIS"; the word "SOLARIS" is written in a stylised font in dark grey; over it is the letter "S" in silver, with white, grey and black tones. This letter consists of two parts of an ellipse placed horizontally which are linked one to the other by an oblique element.

Colour Silver, dark grey, grey, white.

Owners

SOLARIS BUS & COACH S.A.

ID	245059	Country	PL - Poland	Correspondence address	
Organisation	SOLARIS BUS & COACH S.A.	State/county	n/a	SOLARIS BUS & COACH S.A. ul. Obornicka 46 Bolechowo-Osiedle	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Owinska	62-005 Owinska POLONIA	
		Post code	62-005		
		Address	ul. Obornicka 46 Bolechowo-Osiedle		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

KANCELARIA PATENTOWA PATENTBOX ROMUALD SUSZCZEWICZ

ID	27983	Country	PL - Poland	Correspondence address	
Organisation	n/a	State/county	n/a	KANCELARIA PATENTOWA	00 48-618529911
Legal status	Legal person	Town	Poznań	PATENTBOX ROMUALD	
Type	Association	Post code	61-823	SUSZCZEWICZ	00 48-618517387
		Address	ul. Piekary 6/17	ul. Piekary 6/17	
				61-823 Poznań	
				POLONIA	kancelaria@patentbox.pl

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Recordal	014046554	Transfers - entry on the register.	13/03/2018	
	Recordal	014046554	Application form and attachment	13/03/2018	
	Recordal	012803022	Right in Rem Creation - Communication to non applicant (C.5.1)	29/05/2017	
	Recordal	012803022	Rights in Rem Creation - Notification of entry (C.5.1.)	29/05/2017	
	Recordal	012803022	Application form and attachment	22/05/2017	
	EUTM	004824033	Surveillance letter	23/02/2017	
	Recordal	011273532	T722M - Registration of recordal C.1.3 / B.2.2	10/08/2016	
	Recordal	011273532	Letter to the EUIPO	05/08/2016	
	Recordal	010956780	Transfers - entry on the register.	23/05/2016	
	Recordal	010956780	Letter to the EUIPO	23/05/2016	

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IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

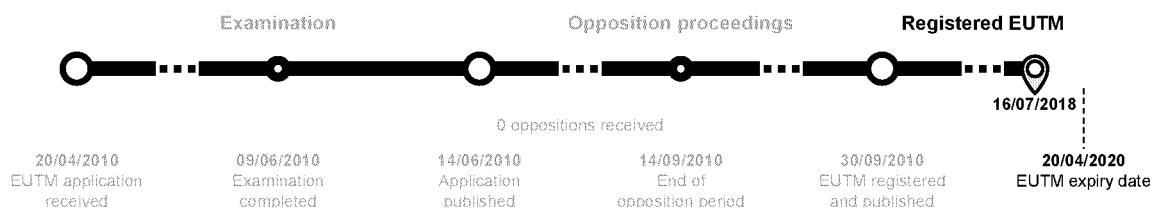
Bulletin number	Date	Section	Description
2006/045	06/11/2006	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)

EUTM file information

SOLARIS

009038696

Timeline



Trade mark information

Name	SOLARIS	Filing date	20/04/2010
Filing number	009038696	Registration date	27/09/2010
Basis	EUTM	Expiry date	20/04/2020
Date of receipt	20/04/2010	Designation date	
Type	Word	Filing language	Polish
Nature	Individual	Second language	English
Nice classes	12, 37 (Nice Classification)	Application reference	Pbx/445/10
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en) ▼

12 Motor buses, motor coaches, vehicles for locomotion by land, spare parts for motor buses, motor coaches and vehicles for locomotion by land, not included in other classes.

37 Vehicle repair, vehicle maintenance.

Description

No data

Owners

SOLARIS BUS & COACH S.A.

ID	245059	Country	PL - Poland	Correspondence address
Organisation		State/county	n/a	

Legal status	SOLARIS BUS & COACH S.A. Legal entity	Town	Owinska	SOLARIS BUS & COACH S.A. ul. Obornicka 46 Bolechowo-Osiedle 62-005 Owinska POLONIA	Can be accessed and changed by authorised user via the User Area
		Post code	62-005		
		Address	ul. Obornicka 46 Bolechowo-Osiedle		
					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

KANCELARIA PATENTOWA PATENTBOX ROMUALD SUSZCZEWICZ

ID	27983	Country	PL - Poland	Correspondence address	
Organisation	n/a	State/county	n/a	KANCELARIA PATENTOWA PATENTBOX ROMUALD SUSZCZEWICZ	00 48-618529911
Legal status	Legal person	Town	Poznań	ul. Piekary 6/17	00 48-618517387
Type	Association	Post code	61-823	61-823 Poznań	
		Address	ul. Piekary 6/17	POLONIA	kancelaria@patentbox.pl

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Recordal	014047016	Transfers - entry on the register.	20/03/2018	
	Recordal	014047016	Application form and attachment	13/03/2018	
	Recordal	012803022	Right in Rem Creation - Communication to non applicant (C.5.1)	29/05/2017	
	Recordal	012803022	Rights in Rem Creation - Notification of entry (C.5.1.)	29/05/2017	
	Recordal	012803022	Application form and attachment	22/05/2017	
	EUTM	009038696	Surveillance letter	23/02/2017	
	Recordal	011273532	T722M - Registration of recordal C.1.3 / B.2.2	10/08/2016	
	Recordal	011273532	Letter to the EUIPO	05/08/2016	
	Recordal	010957366	Transfers - entry on the register.	24/05/2016	
	Recordal	010957366	Transfers - deficiency/rejection.	23/05/2016	

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IR transformation

No data

Seniority

No data

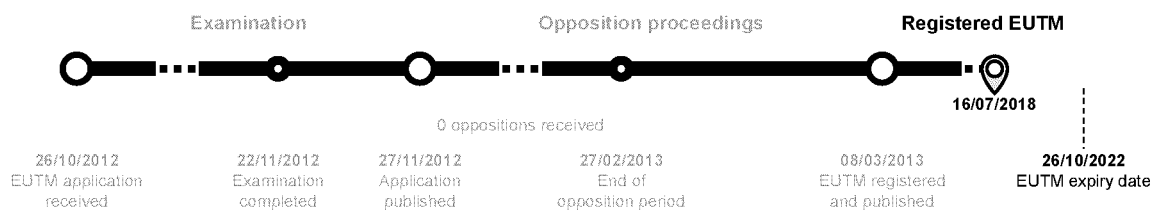
Exhibition priority

No data

EUTM file information

S SOLARIS
011296597

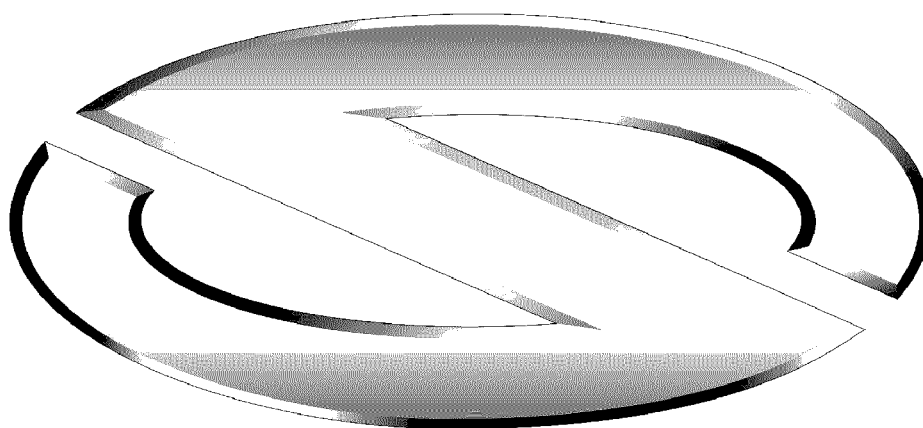
Timeline



Trade mark information

Name	S SOLARIS	Filing date	26/10/2012
Filing number	011296597	Registration date	06/03/2013
Basis	EUTM	Expiry date	26/10/2022
Date of receipt	26/10/2012	Designation date	
Type	Figurative	Filing language	Polish
Nature	Individual	Second language	English
Nice classes	12, 35, 37 (Nice Classification)	Application reference	Pbx/1498/12
Vienna Classification	27.05.21, 27.99.19 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Graphic representation



SOLARIS

Goods and services

English (en) ▼

- 12** Trams, buses, coaches, vehicles for locomotion by land, parts for trams, buses, coaches and vehicles for locomotion by land, not included in other classes.
- 35** Sale of vehicles for locomotion by land and spare parts for vehicles for locomotion by land.
- 37** Repair of vehicles for locomotion by land, maintenance of vehicles for locomotion by land.

Description

English (en) ▼

Description

Colour Silver, dark grey, grey, white.

Owners

SOLARIS BUS & COACH S.A.

ID	245059	Country	PL - Poland	Correspondence address	
Organisation	SOLARIS BUS & COACH S.A.	State/county	n/a	SOLARIS BUS & COACH S.A.	Can be accessed and changed by authorised user via the User Area
		Town	Owinska	ul. Obornicka 46	
				Bolechow-Osiedle	
Legal status	Legal entity	Post code	62-005	62-005 Owinska	
		Address	ul. Obornicka 46	POLONIA	
			Bolechow-Osiedle		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

KANCELARIA PATENTOWA PATENTBOX ROMUALD SUSZCZEWICZ

ID	27983	Country	PL - Poland	Correspondence address	
Organisation	n/a	State/county	n/a	KANCELARIA PATENTOWA	00 48-618529911
Legal status	Legal person	Town	Poznań	PATENTBOX ROMUALD	
Type	Association	Post code	61-823	SUSZCZEWICZ	00 48-618517387
		Address	ul. Piekary 6/17	ul. Piekary 6/17	
				61-823 Poznań	
				POLONIA	kancelaria@patentbox.pl

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Recordal	014046679	Transfers - entry on the register.	13/03/2018	
	Recordal	014046679	Application form and attachment	13/03/2018	
	Recordal	012803022	Right in Rem Creation - Communication to non applicant (C.5.1)	29/05/2017	
	Recordal	012803022	Rights in Rem Creation - Notification of entry (C.5.1.)	29/05/2017	
	Recordal	012803022	Application form and attachment	22/05/2017	
	Recordal	011273532	T722M - Registration of recordal C.1.3 / B.2.2	10/08/2016	
	Recordal	011273532	Letter to the EUIPO	05/08/2016	
	EUTM	011296597	Surveillance letter	25/07/2016	
	Recordal	010957580	Transfers - entry on the register.	24/05/2016	
	Recordal	010957580	Transfers - deficiency/rejection.	23/05/2016	

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IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications



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EUTM file information

SOLARIS METROSTYLE
011744521

Timeline



Trade mark information

Name	SOLARIS METROSTYLE	Filing date	17/04/2013
Filing number	011744521	Registration date	05/08/2013
Basis	EUTM on which IA is based	Expiry date	17/04/2023
Date of receipt	17/04/2013	Designation date	
Date of receipt of International Registra...	08/09/2014	Filing language	Polish
IR number	1226674	Second language	English
Type	Word	Application reference	Pbx/456/13
Nature	Individual	Trade mark status	Registered
Nice classes	12, 35, 37 (Nice Classification)	Acquired distinctiveness	No
Vienna Classification			

Goods and services

English (en) ▼

- 12 Trams, buses, coaches, vehicles for locomotion by land, parts for trams, buses, coaches and vehicles for locomotion by land, not included in other classes.
- 35 Sale of vehicles for locomotion by land and parts for vehicles for locomotion by land.
- 37 Repair of vehicles for locomotion by land, maintenance of vehicles for locomotion by land.

Description

No data

Owners

SOLARIS BUS & COACH S.A.

ID	245059	Country	PL - Poland	Correspondence address	Can be accessed and changed by authorised user via the User Area
Organisation	SOLARIS BUS & COACH S.A.	State/county	n/a	SOLARIS BUS & COACH S.A.	
Legal status	Legal entity	Town	Owinska	ul. Obornicka 46	Can be accessed and changed by authorised user via the User Area
		Post code	62-005	Bolechow-Osiedle	
		Address	ul. Obornicka 46 Bolechow-Osiedle	POLONIA	Can be accessed and changed by authorised user via the User Area

Representatives

KANCELARIA PATENTOWA PATENTBOX ROMUALD SUSZCZEWICZ

ID	27983	Country	PL - Poland	Correspondence address	
Organisation	n/a	State/county	n/a	KANCELARIA PATENTOWA	00 48-618529911
Legal status	Legal person	Town	Poznań	PATENTBOX ROMUALD	
Type	Association	Post code	61-823	SUSZCZEWICZ	00 48-618517387
		Address	ul. Piekary 6/17	ul. Piekary 6/17	kancelaria@patentbox.pl
				61-823 Poznań	
				POLONIA	

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Recordal	014046869	Transfers - entry on the register.	15/03/2018	
	Recordal	014046869	Application form and attachment	13/03/2018	
	Recordal	012803022	Right in Rem Creation - Communication to non applicant (C.5.1)	29/05/2017	
	Recordal	012803022	Rights in Rem Creation - Notification of entry (C.5.1.)	29/05/2017	
	Recordal	012803022	Application form and attachment	22/05/2017	
	Recordal	011273532	T722M - Registration of recordal C.1.3 / B.2.2	10/08/2016	
	Recordal	011273532	Letter to the EUIPO	05/08/2016	
	Recordal	010957655	Transfers - entry on the register.	24/05/2016	
	Recordal	010957655	Transfers - deficiency/rejection.	23/05/2016	
	Recordal	010957655	Letter to the EUIPO	23/05/2016	

Showing 1 to 10 of 19 entries

IR transformation

No data

Seniority

No data

Exhibition priority

No data

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.

§ 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.