



FINNISH PATENT AND
REGISTRATION OFFICE

Int.reg. 1387991

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

EX OFFICIO PROVISIONAL TOTAL REFUSAL

notified to the International Bureau of the World Intellectual Property Organization (WIPO) according to
Art. 5 of the Madrid Protocol

I. Office refusing protection:

**Finnish Patent and Registration Office
Trademarks
FI-00091 PRH
Telephone: +358-29-509 5000
Telefax: +358-29-509 5328**

II. Number of the international registration which is the subject of the refusal: 1387991

III. Other information concerning the international registration which is subject of the refusal:

IV. The grounds for this refusal are the following:

The trademark is in respect of all of the goods in class 25 liable to be confused with the following EU trademark:

LUX II; registered under number 11611431 for identical and similar kinds of goods in class 25. (The enclosed information of the EU trademark is a printout from eSearch plus (EUIPO's Database)).

The trademark is in respect of all of the goods in class 25 liable to be confused with the following EU trademark:

LUX LUX (figurative mark); registered under number 4355558 for identical and similar kinds of goods in class 25. (The enclosed information of the EU trademark is a printout from eSearch plus (EUIPO's Database)).

The trademark is in respect of all of the goods in class 25 liable to be confused with the following EU trademark:

LUX PREMIUMS (figurative mark); registered under number 11087178 for identical and similar kinds of goods in class 25. (The enclosed information of the EU trademark is a printout from eSearch plus (EUIPO's Database)).

The trademark is in respect of all of the goods in class 25 liable to be confused with the following EU trademark:

LUX BY CHAOS; registered under number 13208657 for identical and similar kinds of goods in class 25. (The enclosed information of the EU trademark is a printout from eSearch plus (EUIPO's Database)).

The trademark is in respect of all of the goods liable to be confused with the following Finnish trade name: Lux Group; registered (18.05.2017) in the Trade Register under number 2528362-5 for a field of activities covering identical and similar kinds of goods (extract from the trade name register enclosed). The name and the address of the holder of the company (holder, address, country): Lux Group, Kirsikkatie 12b 20720 Turku, Finland

The trademark is in respect of all of the goods liable to be confused with the following Finnish trade name: Lux Tampere; registered (19.03.2014) in the Trade Register under number 2100798-1 for a field of activities covering identical and similar kinds of goods (extract from the trade name register enclosed). The name and the address of the holder of the company (holder, address, country): Lux Tampere, Papinkatu 21 E 58 33200 Tampere, Finland

V. Provisions of the Finnish Trademarks Act applicable on the subject (enclosed):

Art. 6 paragraph 1, Art. 14 paragraph 1 item 6
Art. 6 paragraph 1, Art. 14 paragraph 1 item 7

VI. Total refusal.

VII. The holder of the registration may request a review of the refusal. The request shall be received by the Finnish Patent and Registration Office no later than within 12 weeks from the date of the refusal. **The time limit expires 12.09.2018 (dd.mm.yyyy).**

Please use the following reference number when submitting the request: W201800112

The request, which is to be drawn up in Finnish or Swedish, has to be filed through the intermediary of a representative resident in the European Economic Area (Art. 56 f)

If the holder of the registration has not within the time limit given above requested for the review, the registration shall not take effect in Finland for the goods/services which are affected by the refusal (Art.56 b paragraph 3).

If the grounds for this refusal include EU trademarks, EU trademark applications or international registrations designating Finland or the European Union, they can remain as grounds for refusal also in cases where they are transformed into national applications or, specifically in the case of designations concerning the European Union, the designations are transformed either into designations concerning Finland or into EU trademark applications, and the said applications or designations are ultimately accepted.

Please note that if the designation is accepted subsequent to reviewal or appeal an opposition may be filed against the mark within 2 months of the publication of the mark (Art. 56 c).

Oppositions may be filed after the end of the 18-month period (Art. 5(2)(c)(i) of the Madrid Protocol, Rule 16(1) of the Common Regulations).

VIII. Date on which the refusal was pronounced: 20.06.2018 (dd.mm.yyyy)

IX. Signature of the Office: 20.06.2018 Finnish Patent and Registration Office

Ann-Marie Pesu
Senior Legal Officer
+358295095547

This document has been electronically signed.



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EUTM file information

LUX II
011611431

Trade mark information

Name	LUX II	Filing date	27/02/2013
Filing number	011611431	Registration date	22/05/2014
Basis	EUTM	Expiry date	27/02/2023
Date of receipt	27/02/2013	Designation date	
Type	Word	Filing language	English
Nature	Individual	Second language	French
Nice classes	25 (Nice Classification)	Application reference	EJP/T126674EM00
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en) ☒

25 Bottoms; dresses; footwear; headwear; jackets; tops, none of the aforesaid goods being workwear.

Description

No data

Owners

Secret Charm LLC

ID	560478	Country	US - United States	Correspondence address	
Organisation	Secret Charm LLC	State/county	California	Secret Charm LLC 1437 East 20th Street Los Angeles California 90011 ESTADOS UNIDOS (DE AMÉRICA)	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Los Angeles		
State, district or ter...	n/a	Post code	90011		Can be accessed and changed by authorised user via the User Area
		Address	1437 East 20th Street		Can be accessed and changed by authorised user via the User Area

Representatives

BOULT WADE TENNANT

ID	10630	Country	GB - United Kingdom	Correspondence address	00 44-2074307500
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Organisation	n/a	State/county	n/a	BOULT WADE TENNANT	
Legal status	Legal person	Town	London	Verulam Gardens	00 44-2074307600
Type	Association	Post code	WC1X 8BT	70 Gray's Inn Road	
		Address	Verulam Gardens 70 Gray's Inn Road	London WC1X 8BT	boult@boult.com
				REINO UNIDO	

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

Country	Filing number	Date	Status
United States	85755205	16/10/2012	CLAIMED
Showing 1 to 1 of 1 entries			

Trade mark relations

No data



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EUTM file information

LUX LUX
004355558

Trade mark information

Name	LUX LUX	Filing date	22/03/2005
Filing number	004355558	Registration date	17/11/2008
Basis	EUTM	Expiry date	22/03/2025
Date of receipt	22/03/2005	Designation date	
Type	Figurative	Filing language	German
Nature	Individual	Second language	English
Nice classes	1, 3, 4, 6, 7, 8, 9, 11, 12, 16, 17, 18, 20, 21, 22, 24, 25, 26 (Nice Classification)	Application reference	Sg/mw050673em
Vienna Classification	24.13.05, 24.13.22, 26.01.03, 26.01.22 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Graphic representation



Goods and services

English (en) ☒

- 1** Tempering and soldering preparations, adhesives used in industry, cartridges for hot melt guns.
- 3** Abrasives, sandpaper.
- 4** Industrial oils and greases; lubricants.
- 6** Ironmongery and small items of hardware of common metals and metal alloys, in particular nails, pins, screws, washers, nuts, rivets, clamps, hooks, eyelets, plugs; non-electric cables and wires of common metal; wire ropes, chains of metal and accessories therefor, included in class 6; cable clips of metal; padlocks; workshop equipment, included in class 6, including tool cabinets, small parts storage boxes, open storage boxes, sorting boxes, tool holders, machine tables, tool stands, workbenches (the aforesaid goods of metal); tool chests and toolboxes (empty) of metal; handles of metal for tools and garden implements; carry straps of

metal; load and transport rollers, rollers and wheels, included in class 6; oil cans, hoppers, special-purpose containers, included in class 6 (the aforesaid goods of metal); marker aids, in particular shut-off and warning bands, posts for fixing the aforesaid goods.

7 Machines and machine tools; and accessories and spare parts therefor, included in class 7; machines for tile laying, gas concrete and dry mortarless construction, stone, screed and concrete works, electrical and sanitary installation services, masonry services, parquet floor, laminate and carpet laying, plastering; electric tools for construction and DIY, including tool bits therefor; cordless screwdrivers, chainsaws, grinders, polishers; hammer drills, drilling machines, power planers, tile-cutting machines, compressors, small electric tools, electric staplers, electric milling cutters; mechanical garden implements, including lawnmowers and grass-trimming machines; straw cutters, hedge trimmers and chainsaws, and accessories for mechanical garden implements, namely collecting devices and apparatus covers; spare parts for mechanical garden tools, included in class 7; driving machines for tools; mobile generators; hot melt guns; soldering and welding apparatus (gas-powered), electric welding machines; compressed air tools.

8 Hand tools and implements (hand-operated), and accessories therefor, included in class 8, hand tools for tile laying, gas concrete and dry mortarless construction, stone, screed and concrete works, electrical and sanitary installation services, masonry services, parquet floor, laminate and carpet laying, plastering; hand tools, including cutting, separating, embossing and impact tools, in particular hatchets, axes, drills, files, rasps, thread cutters, hammers, planers, clips, trowels, spatulas, chisels, saws, spanners, screwdrivers, socket wrenches and sockets for wrenches, vices, tongs, tool holders, hand-operated gripping and carrying apparatus, including stone-carrying apparatus, sanding blocks, clamps, riveting pliers, eyelet punches, hand tackers and clamps and nails therefor; hand-operated tile-cutting apparatus, knives, in particular pocket knives, cutter lames, glass cutters, carpet knives, blades, cutters; scissors, including household scissors, secateurs, branch, tree and hedge clippers, hand-operated garden implements, including forks, hoes, spades, shovels, rakes, sickles, scythes, trimmers and hand-operated lawnmowers; snow shovels; hand-operated vaporisers; hand-operated pneumatic apparatus.

9 Meters and measuring tools; tape measures, rules, rulers, plumb bobs, angles, protractors, compasses, floats and browning rods, browning rods with spirit levels, spirit levels, including using laser technology, measuring gauges, vernier calipers; electrical gauges; scribing apparatus; thermometers; metal detectors; material for electricity mains (cables, wires), electrical installation material; soldering apparatus and welding apparatus (electric); clothing for protection against accidents and safety wear, included in class 9, goggles, protective masks, dust masks, filters for protective masks, hearing protectors, included in class 9, work gloves and protective gloves, included in class 9, protective helmets, knee pads, accessories in the field of welding safety, namely protective clothing, gloves, aprons, sleeves, protective face masks, protective face shields, welding goggles; safety belts and fastening belts, except for vehicle seats, included in class 9.

11 Sanitary installation material; water sprinklers, showers and sprinklers.

12 Load and transport rollers, rollers and wheels, included in class 12; Hose carts.

16 Painting and wallpapering tools, included in class 16, including paint brushes, special-purpose paint brushes, brushes, rollers, wipers, painting tools for macerating, stamping, stencilling, wiping and speckling; paint trays and stripping frames, spatulas and scrapers; lining paper for protection against paint splashes and dirt; marking aids, in particular chalk and holders, carpenters' pencils, rulers; adhesives and adhesive tapes for stationery and household purposes; artists' materials.

17 Foils of plastic (other than for packaging); adhesive tapes for craft purposes, double-sided adhesive tape for carpet laying, adhesive tape being insulating material; cords of rubber; insulating gloves; gaskets; packing, stopping and insulating materials, included in class 17; hoses, garden hoses, and couplings and junctions therefor, included in class 17.

18 Tool bags, tool aprons and toolboxes (empty) of leather and imitations of leather.

20 Workshop equipment, included in class 20, including tool cabinets, small parts storage boxes, open storage boxes, sorting boxes, tool holders, machine tables, tool stands, workbenches (the aforesaid goods not of metal); paste tables, clamping tables; tool bags, tool chests and toolboxes (empty), not of metal, not of leather; handles for tools and garden implements, not of metal; load and transport rollers, rollers and wheels, included in class 20; plastic chains, rope and chain clamps, bolts, plugs, screws, nuts, washers, hooks, rivets (the aforesaid goods all not of metal); transport pallets; special-purpose containers, not of masonry, not of metal, included in class 20.

21 Gloves for household and cleaning purposes, gardening gloves; articles for cleaning purposes; scrubbers, wipers; sponges; brushes (except paint brushes), brooms, hand brushes, broom sets; steel wool for cleaning; funnels; buckets; extensions and telescopic rods for handles; clotheslines; traps; plant pots, plant and flower holders (included in class 21); towel and soap holders.

22 Ropes and accessories therefor, included in class 22, nets; string, cords; tarpaulins; carry straps, not of metal.

24 Non-woven textile fabrics.

25 Workclothes, included in class 25, gloves and work gloves, included in class 25.

26 Velcro.

Description

No data

Owners

Emil Lux GmbH & Co. KG

ID	111011	Country	DE - Germany	Correspondence address	
Organisation	Emil Lux GmbH & Co. KG	State/county	n/a	Emil Lux GmbH & Co. KG Postfach 16 10 D-42909 Wermelskirchen ALEMANIA	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Wermelskirche		
		Post code	42929		
		Address	Emil-Lux-Str. 1		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

DOMPATENT VON KREISLER SELTING WERNER - PARTNERSCHAFT VON PATENTANWÄLTEN UND RECHTSANWÄLTEN MBB

ID	10793	Country	DE - Germany	Correspondence address	
Organisation	n/a	State/county	n/a	dompatent von Kreisler Selting Werner - Partnerschaft von Patentanwälten und	00 49-221916520
Legal status	Legal person	Town	Köln	Rechtsanwälten mbB	00 49-22191652-652
Type	Association	Post code	50667	Deichmannhaus am Dom, Bahnhofsvorplatz 1	mail@dompatent.de
		Address	Deichmannhaus am Dom, Bahnhofsvorplatz 1	D-50667 Köln ALEMANIA	

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Trade mark relations

No data

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EUTM file information

LUX PREMIUMS**011087178**

Trade mark information

Name	LUX PREMIUMS	Filing date	01/08/2012
Filing number	011087178	Registration date	12/12/2012
Basis	EUTM	Expiry date	01/08/2022
Date of receipt	01/08/2012	Designation date	
Type	Figurative	Filing language	English
Nature	Individual	Second language	Spanish
Nice classes	25 (Nice Classification)	Application reference	C-453/2012
Vienna Classification	09.01.24 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Graphic representation



Goods and services

English (en) ☒**25** Garments and undergarments.

Description

No data

Owners

LUX INDUSTRIES LIMITED

ID	527040	Country	IN - India	Correspondence address	
Organisation	LUX INDUSTRIES LIMITED	State/county	n/a	LUX INDUSTRIES LIMITED	Can be accessed and changed by authorised user via the User Area
		Town	WEST BENGAL, CALCUTTA	39 Kali Krishna Tagore Street	
Legal status	Legal entity			WEST BENGAL, CALCUTTA	
		Post code	700007	700007	Can be accessed and changed by authorised user via the User Area
		Address	39 Kali Krishna Tagore Street	LA INDIA	
					Can be accessed and changed by authorised user via the User Area

Representatives

Ungría López, Javier

ID	1014	Country	ES - Spain	Correspondence address	
Organisation	n/a	State/county	n/a	Javier Ungría López	914136062
Legal status	Individual	Town	Madrid	Avda. Ramón y Cajal, 78	
Type	Professional representative	Post code	28043	E-28043 Madrid	914136417
		Address	Avda. Ramón y Cajal, 78	ESPAÑA	marcasexterior@ungria.es

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Trade mark relations

No data



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EUTM file information

LUX BY CHAOS
013208657

Trade mark information

Name	LUX BY CHAOS	Filing date	28/08/2014
Filing number	013208657	Registration date	20/01/2015
Basis	EUTM	Expiry date	28/08/2024
Date of receipt	28/08/2014	Designation date	
Type	Word	Filing language	English
Nature	Individual	Second language	Spanish
Nice classes	25 (Nice Classification)	Application reference	BJM/TN815407EMA
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en) ☒

25 Headwear; hats and headbands; socks, scarves, mittens, gloves, ski masks; necktubes being neckwear; articles of clothing.

Description

No data

Owners

Do-Gree Fashions Ltd.

ID	548814	Country	CA - Canada	Correspondence address	
Organisation	Do-Gree Fashions Ltd.	State/county	Quebec	Do-Gree Fashions Ltd. 3205 Bedford Road Montreal Quebec H3S 1G3 CANADA	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Montreal		
		Post code	H3S 1G3		
		Address	3205 Bedford Road		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

MARKS & CLERK LLP

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

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Trade mark relations

No data

REKISTERIOTTEEN TIEDOT

Toiminimi: Lux Group
Y-tunnus: 2528362-5
Yritys rekisteröity: 19.02.2013
Yritysmuoto: Yksityinen elinkeinonharjoittaja
Kotipaikka: Turku
Otteen sisältö: 18.06.2018 15:53:30 rekisterissä olleet tiedot.

Yhteystiedot:
Postiosoite: Kirsikkatie 12b 20720 Turku
Käyntiosoite: Kirsikkatie 12b 20720 Turku

Rekisterimerkinnät:

TOIMINIMI (Rekisteröity 18.05.2017 11:19:26)
Lux Group

TOIMIALA (Rekisteröity 18.05.2017 11:19:26)
kampaamo- ja kauneudenhoitopalvelut
Koulutus- ja näytöspalveluiden myynti
Muu laillinen liiketoiminta

APUTOIMINIMI (Rekisteröity 05.04.2018 12:13:18)
The Lux Huone

APUTOIMINIMEN TOIMIALA (Rekisteröity 05.04.2018 12:13:18)
Kampaamo- ja kauneudenhoitopalvelut. Koulutus- ja
näytöspalveluiden myynti.

KOTIPAikka (Rekisteröity 19.02.2013)
Kunta, josta toimintaa johdetaan: Turku.

ELINKEINONHARJOITTAJA (Rekisteröity 05.04.2018 12:13:18)
06.05.1986 Lavastre Tytti Maryanne

VOIMASSAOLEVAT HENKILÖTIEDOT

06.05.1986 Lavastre Tytti Maryanne, Suomen kansalainen, Turku

TOIMINIMIHISTORIA

Lux Group 18.05.2017 11:19:26 -

Maryanne Sundström Tmi 19.02.2013 - 18.05.2017 11:19:26

Tietolähde: Patentti- ja rekisterihallitus

REKISTERIOTTEEN TIEDOT

Toiminimi:	Lux Tampere
Y-tunnus:	2100798-1
Yritys rekisteröity:	19.03.2014
Yritysmuoto:	Yksityinen elinkeinonharjoittaja
Kotipaikka:	Tampere
Otteen sisältö:	18.06.2018 15:58:12 rekisterissä olleet tiedot.

Yhteystiedot:	
Postiosoite:	Papinkatu 21 E 58 33200 TAMPERE
Puhelin:	0407631753

Rekisterimerkinnät:

TOIMINIMI (Rekisteröity 19.03.2014)
Lux Tampere.

TOIMIALA (Rekisteröity 19.03.2014)
Varauspalvelut, matkaoppaiden palvelut, matkoihin liittyvät
varauspalvelut, matkailun ohjelmapalvelut, lomamökkien
välityspalvelut, kaikki muu laillinen liiketoiminta.

KOTIPAikka (Rekisteröity 19.03.2014)
Kunta, josta toimintaa johdetaan: Tampere.

ELINKEINONHARJOITTAJA (Rekisteröity 19.03.2014)
03.09.1985 Brygina Olga

VOIMASSAOLEVAT HENKILÖTIEDOT

03.09.1985 Heikkinen Olga, Suomen kansalainen, Lempäälä

TOIMINIMIHISTORIA

Lux Tampere 19.03.2014 -

Tietolähde: Patentti- ja rekisterihallitus

Extract from the Finnish Trademarks Act
No. 7 of January 10, 1964, as amended
(Unofficial translation)

Article 1

This act lays down provisions on an exclusive right to a trademark used in the course of trade for goods and services. This act also lays down provisions on the Community trademark and the international registration of trademarks.

The provisions on goods laid down in this act also apply to services.

Article 2

A trademark can be any distinctive mark that is used in the course of trade and can be represented graphically.

Article 3

A mark is deemed to be distinctive if it can be used to distinguish goods from those of others in the course of trade. A mark denoting the kind, quality, quantity, purpose, price, or place or time of manufacture either exclusively or with only minor modifications or additions cannot as such be deemed to be distinctive. When evaluating the distinctiveness of a mark, attention must be paid to all circumstances, particularly to how long and how broadly the mark has been used.

Article 5

An exclusive right cannot be obtained to a mark that is solely formed by the characteristic shape of the goods, the shape of the goods necessary for achieving a technical result, or a shape that has essential effect on the value of the goods.

Article 5a

The name or company name of another party may not be included in a trademark. Nor may the auxiliary company name or secondary symbol of another party be included in a trademark, unless they are devoid of distinctive character or are from different lines of business or of a different type of goods.

Article 6

With the exceptions laid down later, the exclusive right to a trademark includes that no-one other than the proprietor of the trademark may use the following as a mark of their goods in the course of trade without the proprietor's consent:

- 1) a mark that is identical with the protected trademark for identical goods;
- 2) a mark that, due to its identicalness with or similarity to the protected trademark for identical or similar goods causes a risk of confusion among the public, which also includes a risk of association between the mark and the trademark.

If the trademark has a reputation in Finland, and the use of the mark without due cause would take unfair advantage of the distinctive character or the repute of the trademark, or be detrimental to the distinctive character or the repute of the trademark, no-one other than the proprietor of the exclusive right to the trademark may in the course of trade use a mark that is identical with or similar to the trademark with a reputation without the consent of the proprietor, even if the goods for which the mark is used are not identical or similar to those for which the trademark with a reputation is protected.

The following are deemed to be usage in the course of trade:

- 1) affixing the mark to the goods or to the packaging thereof;
- 2) offering the goods or putting them on the market, or stocking them for those purposes, under the mark;
- 3) importing or exporting the goods under the mark, or importing the goods for transport to a third country;
- 4) using the mark on business papers in marketing; and
- 5) other corresponding use of the mark.

Verbal usage is also deemed to be the usage of the mark in the course of trade referred to in subsection 3 above.

Article 7

An exclusive right to a trademark does not prevent another party from using any of the following in the course of trade in accordance with good business practices:

- 1) one's own name, company name, auxiliary company name, secondary symbol or address;
- 2) markings indicating the kind, quality, quantity, purpose, value, geographical origin, manufacturing time or other characteristics of the goods; and
- 3) the trademark, if its use is necessary for indicating the purpose of the goods.

Article 13

A mark that is not distinctive in accordance with section 3 or for which an exclusive right cannot be obtained under section 5 does not meet the conditions of registration.

A trademark may not however be refused registration on the grounds of lack of distinctive character, if the trademark has become distinctive through use prior to the date on which the application for registration was filed.

Article 14

A trademark is not registered, if:

- 1) it is contrary to law and order or morality;
- 2) it is liable to mislead the public;
- 3) without proper permission, it includes state armorial bearings, a state flag or other state emblem; an official sign or hallmark, indicating control and warranty, for goods for which the mark is to be registered or for goods similar to them; the armorial bearings of a Finnish municipality, or the flag, armorial bearings or other emblem, name or abbreviation of an international intergovernmental organisation; or some other device, name or abbreviation, if its inclusion in the trademark can cause a risk of the public confusing the trademark with said emblem, sign, hallmark, name or abbreviation;
- 4) it is formed of something, or includes something, that is likely to give the impression that it is another party's protected company name or another party's auxiliary company name or secondary symbol of the kind referred to in section 5a, or the name or likeness of another person, unless the name or likeness is evidently that of someone deceased a long time ago;
- 5) it is formed of something, or includes something, that is likely to give the impression that it is the name of another's protected literary or artistic work, if the name is of a special nature, or if it infringes another's copyright in a work or another's rights in a photograph or a protected design;
- 6) it causes a risk that the public confuses it with the name, protected company name or auxiliary company name of another trader in such a manner that the confusion could be invoked under section 5 of the Trade Names Act (128/1979);
- 7) the proprietor of an earlier trademark possesses the exclusive right to using the mark as a sign of the goods in the course of trade;
- 8) the trademark applicant has made the application for registration in bad faith;
- 9) it causes a risk of confusion with the name of a plant variety protected in Finland or in the European Union;
- 10) there is an obstacle to the registration as referred to in Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs; Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007; Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89; or Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91.

An earlier trademark referred to above in paragraph 7 of subsection 1 means:

- 1) a national trademark that was registered based on an earlier application, or that otherwise has earlier priority than the trademark applicant;
- 2) a trademark that is protected by an international registration and is valid in Finland or in the European Union, and that based on this registration has an earlier right in Finland or the European Union than the trademark applicant;
- 3) a Community trademark referred to in section 57, registered based on an earlier application than the trademark application, or that has seniority from Finland under Article 34 or 35 of the Council Regulation mentioned in section 57;
- 4) a trademark that is established when the registration is applied for.

In cases referred to in paragraphs 4—8 of subsection 1, the trademark can be registered with the consent of the party whose right is in question, and there is, according to subsection 1, otherwise no obstacle to registration.

Article 15

The exclusive rights in a trademark acquired by registration do not cover any part of the mark that cannot be registered as such.

If the trademark contains any such part and there are special reasons to believe that its registration may cause uncertainty regarding the extent of the exclusive rights granted, protection of the part may be specifically disclaimed when the registration is made.

If a part of a trademark excluded from protection later becomes registrable, a new registration may be made to cover that part or the entire trademark without the exclusion of the part from protection.

Article 17

The application for registration of a trademark shall be filed in writing with the registering authority. The application shall indicate the name or trade name of the applicant and the goods and classes of goods for which the mark is intended. The mark shall be clearly shown in the application.

A filing fee shall be paid on the filing of the application. The application shall not be considered filed until the fee has been paid.

Article 51a

Provisions on appeals against a decision of the Finnish Patent and Registration Office in a trademark matter are laid down in section 6 of the Act on the Finnish Patent and Registration Office (578/2013).

Article 56a

When the registration authority receives a notification of an international registration having effect in Finland from the International Bureau, it shall examine whether there is any obstacle to the registration.

Article 56b

If the registration authority finds that a trademark filed for international registration does not comply with the conditions of registration laid down in this Act, it shall notify the International Bureau that the international registration has no effect in Finland. The registration authority shall notify its refusal, together with a statement of all grounds, to the International Bureau before the expiry of a period of 18 months from the date of the International Bureau notification referred to in Article 56a.

If the statement issued by the proprietor of an international registration commenting on the notification by the registration authority referred to in the foregoing paragraph does not present any grounds on which the trademark could be deemed to comply with the conditions of registration laid down in this Act, the registration authority shall rule that the international registration has no or only a partial effect in Finland.

If the proprietor of an international registration has not within the given time limit submitted his statement commenting on the registration authority's notification referred to in paragraph 1, the international registration shall not take effect in Finland. If the said notification only concerned some of the goods in the international registration, the international registration shall take effect in Finland in respect of those of the goods that the notification did not concern.

Article 56c

If no obstacle to registration is found, the registration authority shall give public notice of the International Bureau notification referred to in Article 56a as laid down in the first paragraph of Article 20. The public notice shall specify the date accorded to the international registration by the International Bureau.

Any opposition to an international registration in Finland shall be filed in writing with the registration authority within two months of the date of the public notice.

Article 56d

The Finnish Patent and Registration Office sends a notification of an opposition referred to in section 56c, and grounds of it, to the International Bureau referred to in section 53. Regardless of whether the proprietor of the international registration has given a statement due to the notification, the Finnish Patent and Registration Office must examine the opposition.

Due to the opposition, the Finnish Patent and Registration Office must make a decision that the international registration has no effect in Finland, if the registration does not meet the conditions of registration under this act. If the registration meets the conditions of registration under this act only in part, the Finnish Patent and Registration Office must make a decision that the registration has effect only in part. The Finnish Patent and Registration Office must reject the opposition, if there is no obstacle to the international registration in Finland.

If the Finnish Patent and Registration Office decides that the international registration has no effect in Finland or has effect only in part, it makes an entry of this in the record referred to in section 53(2) and gives public notice of the decision once it has become final.

Article 56f

If the proprietor of an international registration who is not domiciled in Finland wishes to submit a statement to the Finnish Patent and Registration Office, the proprietor must appoint a representative resident in the European Economic Area. A corporate body domiciled in the European Economic Area may also act as a representative.

Article 56l

An appeal against a decision by the registration authority may be lodged by the applicant for or proprietor of an international registration who has sought such registration in Finland if the decision has been unfavorable to him or if the case has been dismissed.

An appeal against a decision taken by the registration authority declaring an international registration effective in Finland despite an opposition filed may be lodged by the person who filed the opposition. Even if the person who filed the opposition withdraws his appeal, the case may be examined if there are special reasons for doing so.

Article 51a shall apply as appropriate to appeals under the foregoing two paragraphs.

Article 57a

A request which concerns the conversion of a Community trade mark, an application therefor or an international registration designating the European Community into an application for a national trademark and which the Community Trade Mark Office has forwarded to the office, shall be treated as a national application provided that the applicant:

pays the prescribed fees; (2) submits the registering authority a translation in Finnish or Swedish of the conversion request and the accompanying annex filed in a foreign language; (3) gives the address at which the applicant can be reached in Finland; and (4) provides a representation of the trademark.

An application based on conversion of a Community trade mark or an application therefor is considered to have the same filing date, priority and seniority from Finland as the Community trade mark or the application therefor. An application based on conversion of an international registration designating the European Community has as its filing date the date of the international registration or that of a subsequent designation of the European Community, and it enjoys the priorities and seniorities of the international registration.