



**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:

**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:

**1368205**

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

Figurative mark / verbal elements of the mark: **VIDERAL SOPHARMA**

IV. The grounds for this provisional refusal are the following:

Opposition made 06.08.2018 by Pharmanutra S.P.A. on the grounds that the company has earlier trademark registrations (copies of the registrations enclosed).

The name and the address of the opponent are:

Name: Pharmanutra S.P.A.

Address: Via delle Lenze, 216/b

I-56122 Pisa (PI), Italy

V. Provision of the Estonian Trademark Act applicable on the subject (enclosed):

Section 10 subsection 1(2)

Section 11 subsection 1(1) and 1(6)

Section 41 subsection 2 and subsection 3

VI. The ground referred to in item IV. affects all the 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**  
**Tõnismägi str. 5A**  
**15191 Tallinn**  
**ESTONIA**

**The time limit expires 06/11/2018 (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: 07/08/2018 (dd/mm/yyyy).

IX. Signature of the Office:

Jana Redkin  
Senior Examiner

Number of continuation sheets: 7

## Extract from the Estonian Trademark Act

### **§ 10. Relative circumstances which preclude legal protection**

- (1) Legal protection is not 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.

### **§ 11. Earlier trade mark and other earlier rights**

- (1) An “earlier trade mark” means the following:
  - 1) a trade mark which became well known earlier;
  - 2) a registered trade mark if the filing date of the application or the date of priority is earlier;
  - 6) a Community trade mark registered on the basis of the Community Trade Mark Regulation if the filing date of the application, date of priority or the seniority date granted on the basis of the Estonian registration is earlier;

### **§ 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.

### **§ 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.

### **§ 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.
- (3) In case an appeal or revocation application is granted in whole or in part, the Board of Appeal shall annul the decision of the Patent Office and require the Patent Office to continue the processing taking into account the facts set out in the decision of the Board of Appeal.

### **§ 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.

### **§ 69. Effect of international registration**

- (1) Legal protection arising from an international registration valid in Estonia is equal to legal protection arising from a national registration and the rights and obligations arising from an internationally registered trade mark are equal to those arising from a nationally registered trade mark.

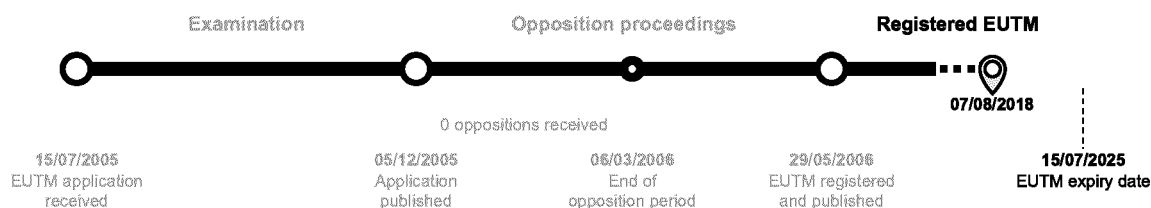
### **§ 70. Processing of international registration**

- (7) Decisions on international registrations made by the Patent Office and the rights of applicants can be contested pursuant to the provisions of this Act, taking account of the specifications arising from the Madrid Protocol and its Common Regulations. The Bureau shall be notified of a contestation and the decision made in the matter.

## EUTM file information

**SIDERAL**  
**004543369**

### Timeline



### Trade mark information

Name	<b>SIDERAL</b>	Filing date	<b>15/07/2005</b>
Filing number	<b>004543369</b>	Registration date	<b>20/04/2006</b>
Basis	<b>EUTM</b>	Expiry date	<b>15/07/2025</b>
Date of receipt	<b>15/07/2005</b>	Designation date	
Type	<b>Word</b>	Filing language	<b>Italian</b>
Nature	<b>Individual</b>	Second language	<b>English</b>
Nice classes	<b>5 ( Nice Classification )</b>	Application reference	<b>21.P0235.22.EM.3</b>
Vienna Classification		Trade mark status	<b>Registered</b>
		Acquired distinctiveness	<b>No</b>

### Goods and services

English (en) ▼

**5** Food supplements for human use.

### Description

No data

### Owners

**PHARMANUTRA S.P.A.**

ID	<b>230191</b>	Country	<b>IT - Italy</b>	Correspondence address	Can be accessed and changed by authorised user via the User Area
Organisation	<b>PHARMANUTRA S.P.A.</b>	State/country	<b>n/a</b>	PHARMANUTRA S.P.A.	
Legal status	<b>Legal entity</b>	Town	<b>Pisa (PI)</b>	Via delle Lenze, 216/b	

Post code **56122**  
Address **Via delle  
Lenze, 216/b**

I-56122 Pisa (PI)  
ITALIA

Can be accessed and  
changed by authorised user  
via the User Area

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changed by authorised user  
via the User Area

## Representatives

### HOFFMANN EITLE S.R.L.

ID	<b>81950</b>	Country	<b>IT - Italy</b>	Correspondence address	
Organisation	<b>n/a</b>	State/county	<b>n/a</b>	HOFFMANN EITLE S.R.L.	00 39-026555014
Legal status	<b>Legal person</b>	Town	<b>MILANO</b>	PIAZZA SIGMUND FREUD, 1 - TORRE 2 - PIANO 22°	00 39-0265560605
Type	<b>Association</b>	Post code	<b>20154</b>	I-20154 MILANO	
		Address	<b>PIAZZA SIGMUND FREUD, 1 - TORRE 2 - PIANO 22°</b>	ITALIA	hoffmanneitle.srl@legalmail.it

## Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Recordal	014573193	Notification - Appointment / Replacement of representative	20/07/2018	
	Recordal	014573193	Notification - Appointment / Replacement of representative	20/07/2018	
	Recordal	014573193	Application form and attachment	17/07/2018	
	Recordal	009108815	L607 \: Notification of the total renewal of the EUTM	09/07/2015	
	Recordal	009108815	Application form and attachment	02/07/2015	
	Recordal	009108815	L601A \: Notification of the need to renew an EUTM registration	23/12/2014	
	Recordal	008870563	T724M - Registration of recordal C.2.1 / B.9.1	07/10/2014	
	Recordal	008870563	Letter to the EUIPO	29/09/2014	
	Recordal	008870563	Letter to the EUIPO	25/09/2014	
	Recordal	008047071	C.1.3. Owner - change of name & address - entry on the register M - automatic template	11/12/2013	

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## IR transformation

No data

## Seniority

No data

## Exhibition priority

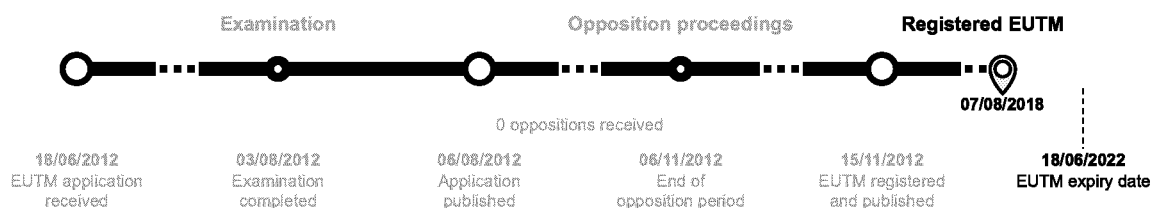
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## EUTM file information

# SIDERAL Ferro Liposomiale

## 010973295

### Timeline



### Trade mark information

Name	<b>SIDERAL Ferro Liposomiale</b>	Filing date	<b>18/06/2012</b>
Filing number	<b>010973295</b>	Registration date	<b>13/11/2012</b>
Basis	<b>EUTM</b>	Expiry date	<b>18/06/2022</b>
Date of receipt	<b>18/06/2012</b>	Designation date	
Type	<b>Word</b>	Filing language	<b>English</b>
Nature	<b>Individual</b>	Second language	<b>Italian</b>
Nice classes	<b>1, 3, 5 ( Nice Classification )</b>	Application reference	<b>P184/035j2/j15/l</b>
Vienna Classification		Trade mark status	<b>Registered</b>
		Acquired distinctiveness	<b>No</b>

### Goods and services

English (en) ▼

- 1** Raw materials for the formulation of pharmaceutical preparations; raw materials for the formulation of dietetic food and substances adapted for medical use; raw material for the formulation of food for babies; raw materials for the formulation of dietary supplements for human use.
- 3** Cosmetics.
- 5** Pharmaceutical preparations; dietetic food and substances adapted for medical use; food for babies; dietary supplements for human use; dietetic and food supplements for cosmetic purposes; dietetic food and substances not for medical use; food supplements not for medical use.

### Description

No data

### Owners

**PHARMANUTRA S.P.A.**

ID	<b>230191</b>	Country	<b>IT - Italy</b>	<b>Correspondence address</b>	
Organisation	<b>PHARMANUTR S.P.A.</b>	State/county	<b>n/a</b>	PHARMANUTRA S.P.A. Via delle Lenze, 216/b I-56122 Pisa (PI) ITALIA	Can be accessed and changed by authorised user via the User Area
Legal status	<b>Legal entity</b>	Town	<b>Pisa (PI)</b>		
		Post code	<b>56122</b>		
		Address	<b>Via delle Lenze, 216/b</b>		Can be accessed and changed by authorised user via the User Area
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Organisation	<b>n/a</b>	State/county	<b>n/a</b>	HOFFMANN EITLE S.R.L. PIAZZA SIGMUND FREUD, 1 - TORRE 2 - PIANO 22° I-20154 MILANO ITALIA	00 39-026555014
Legal status	<b>Legal person</b>	Town	<b>MILANO</b>		00 39-0265560605
Type	<b>Association</b>	Post code	<b>20154</b>		
		Address	<b>PIAZZA SIGMUND FREUD, 1 - TORRE 2 - PIANO 22°</b>		hoffmanneitle.srl@legalmail.it

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	Recordal	008047071	C.1.3. Owner - change of name & address - entry on the register M - automatic template	11/12/2013	
	Recordal	008030606	T722M - Registration of recordal C.1.3 / B.2.2	04/12/2013	
	Recordal	008030606	Letter to the EUIPO	02/12/2013	
	Recordal	008014030	C.1.3. Owner - change of name & address - entry on the register M - automatic template	29/11/2013	

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## IR transformation

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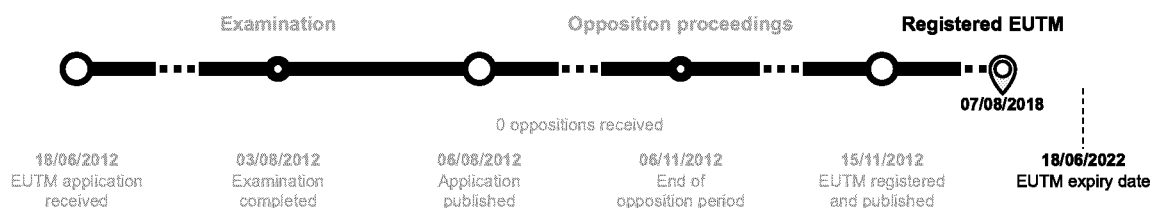
## Seniority

## EUTM file information

# SIDERAL Liposomal Iron

## 010973402

### Timeline



### Trade mark information

Name	<b>SIDERAL Liposomal Iron</b>	Filing date	<b>18/06/2012</b>
Filing number	<b>010973402</b>	Registration date	<b>13/11/2012</b>
Basis	<b>EUTM</b>	Expiry date	<b>18/06/2022</b>
Date of receipt	<b>18/06/2012</b>	Designation date	
Type	<b>Word</b>	Filing language	<b>English</b>
Nature	<b>Individual</b>	Second language	<b>Italian</b>
Nice classes	<b>1, 3, 5 ( Nice Classification )</b>	Application reference	<b>P184/036j2/j15/l</b>
Vienna Classification		Trade mark status	<b>Registered</b>
		Acquired distinctiveness	<b>No</b>

### Goods and services

English (en) ▼

- 1 Raw materials for the formulation of pharmaceutical preparations; raw materials for the formulation of dietetic food and substances adapted for medical use; raw material for the formulation of food for babies; raw materials for the formulation of dietary supplements for human use.
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- 5 Pharmaceutical preparations; dietetic food and substances adapted for medical use; food for babies; dietary supplements for human use; dietetic and food supplements for cosmetic purposes; dietetic food and substances not for medical use; food supplements not for medical use.

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No data

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