



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

I.	Office making the notification: (OM) Sultanate of Oman
II.	Number of the international registration: 1406563
III.	Name of the holder: LANDTOURER AUTOMOBILE CO., LTD
IV.	<p>Information concerning the type of provisional refusal:</p> <p><i>Please indicate the type of refusal by checking only one of the following options:</i></p> <p><input type="checkbox"/> Total provisional refusal based on an <i>ex officio</i> examination</p> <p><input checked="" type="checkbox"/> Total provisional refusal based on an opposition</p> <p><input type="checkbox"/> Total provisional refusal based on both an <i>ex officio</i> examination and an opposition</p> <p><i>Where the refusal is based on an opposition, please indicate the name and address of the opponent:</i></p> <p>(i) Name of the opponent: FERRARI S.p.A FIAT GROUP MARKETING & CORPORATE COMMUNICATION S.P.A</p> <p>(ii) Address of the opponent: Via Emilia Est, 1163 MODENA , ITALY VIA NIZZA 250 CAP 10126 TORINO, ITALY</p>
V.	<p>Information concerning the scope of the provisional refusal:</p> <p>Total provisional refusal affects all the goods and/or services.</p>
VI.	<p>Grounds for refusal [(where applicable, see item VII)]:</p> <p>Relative grounds due to prior similar/identical trademark.</p>



VII. Information relating to an earlier mark:

- (i) Filing date and number, and, if any, priority date:

1381879 23/08/2018
916080 08/01/2007

- (ii) Registration date and number (if available):

1381879 23/08/2018
916080 08/01/2007

- (iii) Name and address of the owner:

FERRARI S.P.A.
Via Emilia Est, 1163, MODENA (IT)

- (iv) Reproduction of the mark:



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

Class 12 Automobiles; cars; racing cars; sports cars; structural parts of cars, racing cars, sports cars, land vehicles, water vehicles; spare parts and accessories for cars, racing cars, sports cars, vehicles, land vehicles; hoods for vehicle engines; engines for land vehicles; motors, electric, for land vehicles, electric vehicles; gear boxes for land vehicles; rims for vehicle wheels; seat covers for vehicles; vehicle covers [shaped]; covers for vehicle steering wheels; upholstery for vehicles; sun-blinds adapted for automobiles, ski carriers for cars; safety seats for children, for vehicles; vehicle seats; head-rests for vehicle seats; safety belts for vehicle seats; steering wheels for vehicles; remote controlled vehicles other than toys; bicycles, parts and accessories thereof included in this class; tricycles, parts and accessories thereof included in this class; cycles, parts and accessories thereof included in this class; pneumatic tires [tyres]; casings for pneumatic tires [tyres], baby carriages; strollers; covers for baby carriages; stroller covers; golf carts, trailers [vehicles]; air bags [safety devices for automobiles]; anti-theft devices for vehicles; vehicles; apparatus for locomotion by land, air or water.

VIII. Corresponding essential provisions of the applicable law:

Article no. 38/2/(B)(C)(D):

(b) Any interested person may, within the period of ninety (60) days and in the prescribed manner, give notice to the Registrar of opposition, which shall be reasoned and in writing, to the registration of the mark on the grounds that one or more of the requirements of Sections 1 and 37(2) and the Regulations pertaining thereto are not fulfilled.

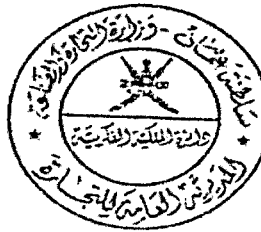
(d) If the applicant sends a counter-statement, the Registrar shall furnish a copy thereof to the person giving notice of opposition and, after hearing the parties, if either or both wish to be heard, and considering the merits of the case, shall decide whether

the mark should be registered.

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

- (i) Time limit for requesting review or appeal:
60 days from the date of notification to right holder.
- (ii) Authority to which such request for review or appeal should be made:
Trademarks Office, Intellectual Property Directorate, Directorate General of Commerce, Ministry of Commerce and Industry.
- (iii) Whether the request for review or appeal has to be filed in a specific language and/or through the intermediary of a representative whose address is within the territory of the Contracting Party:
See attached listed IP agents/attorneys.
- (iv) Other requirements, if any:


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



XI. Date of the notification to the International Bureau: **14/08/2018**





بيانات الطلب

بيانات الطلب	
٩١٦٠٨٠	رقم الطلب
MD النشر عن القبول	حالة الطلب
٢٠٠٧/٠١/٠٨	تاريخ الابداع
	تاريخ التسجيل
	تاريخ انتهاء الحماية
	
	صورة العلامة
	اسم العلامة
<p>materials; transportable Common metals and their alloys; metal building ٦ electric cables and -metal buildings; metal materials for railway tracks; non wires of common metal; ironmongery and small items of metal hardware; metal pipes and tubes; safes; goods of common metal not included in other resclasses; o</p> <p>Scientific, nautical, surveying, photographic, cinematographic, optical, ٩ weighing, measuring, signalling, checking (supervision), life saving and teaching apparatus and instruments; apparatus and instruments for conducting, accumulating, regulating or controlling electricity; ,switching, transforming apparatus for recording, transmitting and reproducing sound or images; magnetic data carriers, recording discs; automatic vending machines and lculating machines, operated apparatus; cash registers, ca-mechanisms for coin data processing and computer equipment; fire extinguishers; recorded computer programs</p> <p>.Vehicles; apparatus for locomotion by land, air or water ١٢</p> <p>Paper, cardboard and goods made thereof, not included in other classes; ١٦ matter; bookbinding material; photographs; stationery; adhesives for printed stationery or household purposes; artists" supplies; paintbrushes; typewriters and office requisites (except furniture); instructional and teaching material ackaging materials (not included in other classes); except apparatus); plastic p) printing type; printing blocks</p> <p>Leather and leather imitations, and goods made of these materials and not ١٨ included in other classes; animal skins and hides; trunks and suitcases; .and walking sticks; whips, harness and saddlery umbrellas, parasols</p> <p>.Clothing, footwear, headgear ٢٥</p> <p>Games, toys; gymnastic and sporting articles not included in other classes; ٢٨ .decorations for Christmas trees</p>	<p>١٢, ٩, ٦ ١٨, ١٦ ٢٨, ٢٥ ٣٧??</p>
	تصنيف نيس

.Building construction; repair; installation services ٣٧		
.FCA GROUP MARKETING S.P.A		اسم المالك
٢٥٠ Via Nizza, TORINO ١٠١٢٦-I IT ,		عنوان المالك
.Jacobacci & Partners S.p.A		اسم الوكيل
^Corso Emilia, Torino ١٠١٥٢-I		عنوان الوكيل
٢٠١٢/١١/٠٨		النشر عن القبول
		الاشتراطات

ثانياً: التشابه مع علامة فيراري اس بي أ:

- بالنظر إلى العلامتين، نجد أن الشركة الأخرى قامت باستخدام تصميم الحصان الذي تتميز به فيراري، وهذا يؤكد سوء نية الشركة في التعدي على حقوق موكلنا في علامته المشهورة. ونود الإشارة إلى أن فيراري و فيات تعود ملكيتهما إلى مجموعة واحدة كما أشرنا سابقاً وهنا سوف يعتقد جمهور المستهلكين أن الشركة المتعدية هي أيضاً جزء من المجموعة التي تنتمي إليها فيراري و فيات و/أو أن موكلنا قد أطلق منتج جديد وهو مخالف للحقيقة والواقع.

علامات موكلنا	علامة الجهة المتعدية
	

التشابه من حيث الاستخدام الفعلي للعلامات:

تجدون أدناه صوراً توضح مدى التشابه بين العلامات وذلك يؤكد سوء نية الطرف الآخر في التعدي على علامة موكلنا:

