

**Notification de refus provisoire de protection fondée sur une opposition
conformément à l'article 5 du protocole de Madrid, à la règle 17, paragraphes 1
et 2, du règlement d'exécution commun à l'arrangement et au protocole de
Madrid, et à l'article 78 du RDMUE**

Alicante, 10/10/2018

<i>N° de demande internationale:</i>	1400443
<i>Date de notification:</i>	10-05-2018
<i>Marque:</i>	PEPPER
<i>Titulaire:</i>	SOFTBANK ROBOTICS EUROPE 43 rue du Colonel Pierre Avia F-75015 PARIS
<i>Numéro d'opposition:</i>	003063777

La protection de la marque susmentionnée est provisoirement refusée pour l'Union européenne.

Le refus provisoire est fondé sur le fait qu'une opposition a été déposée contre l'enregistrement international.

I. Les motifs de l'opposition sont les suivants:

conflit avec une marque antérieure en raison d'un risque de confusion (article 8, paragraphe 1, point b), du RMUE);

II. Nom et adresse de l'opposante:

Pepper Group Limited
Level 27, 177 Pacific Highway
North Sydney New South Wales 2060
AUSTRALIA

III. L'opposition est fondée sur une marque qui a fait l'objet d'une demande ou d'un enregistrement.

- type de marque: **EUTM**
- date de dépôt, date d'enregistrement et, le cas échéant, date de priorité: **21/03/2014, 14/08/2014**
- numéro de dépôt et, si différent, numéro d'enregistrement: **012718748**
- représentation de la marque: (voir annexe)
- liste des produits et services sur lesquels se fonde l'opposition: (voir annexe)

L'opposition se fonde sur plus d'un droit antérieur: (voir annexe).

IV. Le refus provisoire concerne tous les produits et services couverts par la désignation de l'Union européenne.

V. L'EUIPO notifiera l'opposition à la titulaire de l'enregistrement international séparément, y compris toute preuve sur laquelle elle est fondée, conformément à l'article 6 du RDMUE. L'EUIPO fixera des délais à la titulaire. Cette notification ouvrira une période de deux mois (prorogeable) – «cooling off», ainsi qu'une nouvelle période de deux mois pour permettre à l'opposante d'étayer son opposition. La notification fixera un délai de six mois – en principe – à la titulaire de l'enregistrement international pour qu'elle fasse part de ses observations.



COUPEZ Sylvie

Annexes (à l'exception de la lettre d'accompagnement): 06 pages.

Date of receipt (DD/MM/YYYY) 10/09/2018	Number of pages (including this one) 6
--	---

Acknowledgement of receipt of a Notice of opposition

Your notice of opposition has been submitted successfully.
We thank you for choosing to use the online OPPOSITION form.

Opposition number:	003063777
Date of submission:	10/09/2018
Time of submission:	12:39
Number of attached files:	0
Payment method:	Current account with EUIPO
Payment ID number:	18699WY6
Account No:	0000002640

Please indicate the opposition number in any further communication with the EUIPO.

NOTICE OF OPPOSITION

Your reference: JAD/80917.5

Opponent(s)

Opponent EUIPO ID: 729076

Name of legal entity or first name and surname: Pepper Group Limited
 Legal form: Corporate
 Type: Legal Entity
 Street address: Level 27, 177 Pacific Highway
 City: North Sydney
 Postal Code: 2060
 Country: Australia
 Postal address (if different):
 Telephone number:
 Fax number:
 E-mail address:
 Website:

Representative(s)

EUIPO representative ID: 33910

Name or legal name: SIMKINS LLP
 Type: Association
 Street address: Lynton House 7-12 Tavistock Square
 City: London
 Postal Code: WC1H 9LT
 Country: United Kingdom
 Postal address (if different):
 Telephone number: 00 44-78745600
 Fax number: 00 44-78745601
 E-mail address: jim.dennis@simkins.com
 Website: http://www.simkins.com

Challenged entity

Challenged registration ID: W01400443

Type of entity: IR
 Name of the owner/holder: SOFTBANK ROBOTICS EUROPE
 Designation date: 06/03/2018
 Representation of the trade mark: PEPPER
 Trade mark type: Word

Language of proceedings: ☐ First language: FR (French) ☒ Second language: EN (English)

Extent of the application: ☒ Against all the goods and services
☐ Against some of the goods and services

Class	Goods and services
9 (EN)	Humanoid robots with artificial intelligence.

Grounds for opposition

NOTICE OF OPPOSITION

Selected ground number 1

Article 8(1)(b) EUTMR - There exists a likelihood of confusion on the part of the public

Basis of opposition

Type of basis	EUTM/A
Name of the owner/applicant	Pepper Group Limited
Application date	21/03/2014
Filing number	012718748
Registration number	012718748
Registration date	14/08/2014
Expiry date	21/03/2024
Trade mark type	Word
Verbal elements	PEPPER

☒ The opposing party accepts that the necessary information for this trade mark is imported from the relevant online official database, accessible through TMVIEW, and that this source is used for substantiation purposes without prejudice to its right or obligation to provide any additional information that may be necessary to comply with the substantiation requirements of Article 7(2) and (4) EUTMDR

Goods and services used as basis

- ☒ Based on all the goods and services
☐ Based on part of the goods and services, namely:

Class	Goods and services
16 (EN)	Printed matter and publications, including magazines, books, newsletters, brochures and leaflets; promotional materials; stationery products.

Class	Goods and services
36 (EN)	Insurance; financial affairs; monetary affairs; real estate affairs; financial consultancy, advisory, evaluation, information and management services including mortgage broking; mortgage services; mortgage banking; mortgage insurance; financial services including loan services; financial leasing; real estate and property services.

Entitlement ☒ Owner/Co-owner ☐ Authorised licensee
☐ Person authorised under the applicable law

Selected ground number 2

Article 8(1)(b) EUTMR - There exists a likelihood of confusion on the part of the public

Basis of opposition

Type of basis	EUTM/A
Name of the owner/applicant	Pepper Group Limited
Application date	26/11/2015
Filing number	014840284
Registration number	014840284
Registration date	28/03/2016
Priority date	28/08/2015
Expiry date	26/11/2025
Trade mark type	

NOTICE OF OPPOSITION

	Word
Verbal elements	PEPPER MONEY

☒ The opposing party accepts that the necessary information for this trade mark is imported from the relevant online official database, accessible through TMVIEW, and that this source is used for substantiation purposes without prejudice to its right or obligation to provide any additional information that may be necessary to comply with the substantiation requirements of Article 7(2) and (4) EUTMDR

Goods and services used as basis ☒ Based on all the goods and services
☐ Based on part of the goods and services, namely:

Class	Goods and services
9 (EN)	Application software; computer software applications (downloadable); downloadable software applications (apps); computer software for financial management.

Class	Goods and services
36 (EN)	Financial affairs; monetary affairs; financial consultancy, advisory, evaluation, information and management services; mortgage broking; mortgage services; mortgage banking; mortgage insurance; financial services including loan services; financial leasing; online banking; providing information, including online, concerning insurance, financial and monetary affairs and real estate affairs; providing financial information via an online calculator; providing online currency exchange conversion information; providing online financial calculations; providing online mortgage repayment calculators; providing financial services by means of the internet.

Entitlement ☒ Owner/Co-owner ☐ Authorised licensee
☐ Person authorised under the applicable law

Selected ground number 3

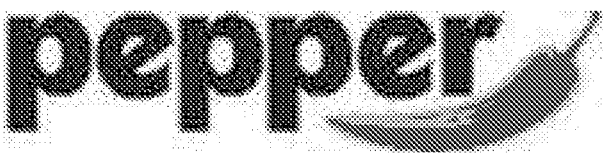
Article 8(1)(b) EUTMR - There exists a likelihood of confusion on the part of the public

Basis of opposition

Type of basis	EUTM/A
Name of the owner/applicant	Pepper Group Limited
Application date	03/05/2016
Filing number	015402803
Registration number	015402803
Registration date	05/06/2018
Priority date	08/04/2016
Expiry date	03/05/2026
Trade mark type	Figurative

Representation of the earlier right	
	☒ Colour(s) claimed
Colour description	White; Red; Green.

NOTICE OF OPPOSITION

Verbal elements	PEPPER
☒ The opposing party accepts that the necessary information for this trade mark is imported from the relevant online official database, accessible through TMVIEW, and that this source is used for substantiation purposes without prejudice to its right or obligation to provide any additional information that may be necessary to comply with the substantiation requirements of Article 7(2) and (4) EUTMDR	
Goods and services used as basis ☒ Based on all the goods and services ☐ Based on part of the goods and services, namely:	
Class	Goods and services
9 (EN)	Application software; computer software applications (downloadable); downloadable software applications (apps); computer software for financial management.
Class	Goods and services
36 (EN)	Financial affairs; monetary affairs; financial consultancy, advisory, evaluation, information and management services; mortgage broking; mortgage services; mortgage banking; mortgage insurance; financial services including loan services; financial leasing; online banking; providing information, including online, concerning insurance, financial and monetary affairs and real estate affairs; providing financial information via an online calculator; providing online currency exchange conversion information; providing online financial calculations; providing online mortgage repayment calculators; providing financial services by means of the internet.
Entitlement ☒ Owner/Co-owner ☐ Authorised licensee ☐ Person authorised under the applicable law	
Selected ground number 4	
Article 8(1)(b) EUTMR - There exists a likelihood of confusion on the part of the public	
Basis of opposition	
Type of basis	International registration
Territory(ies)	EUIPO
Name of the owner/applicant	PEPPER GROUP LIMITED
Application date	12/09/2012
Filing number	1139250
Registration number	1139250
Registration date	12/09/2012
Expiry date	12/09/2022
Designation date	12/09/2012
Trade mark type	Figurative
Representation of the earlier right	 ☐ Colour(s) claimed
Verbal elements	pepper
☒ The opposing party accepts that the necessary information for this trade mark is imported from the relevant online official	

NOTICE OF OPPOSITION

database, accessible through TMVIEW, and that this source is used for substantiation purposes without prejudice to its right or obligation to provide any additional information that may be necessary to comply with the substantiation requirements of Article 7(2) and (4) EUTMDR

Goods and services used as basis ☒ Based on all the goods and services
☐ Based on part of the goods and services, namely:

Class	Goods and services
16 (EN)	Printed matter and publications, including magazines, books, newsletters, brochures and leaflets; promotional materials; stationery products.

Class	Goods and services
36 (EN)	Insurance; financial affairs; monetary affairs; real estate affairs; financial consultancy, advisory, evaluation, information and management services including mortgage broking; mortgage services; mortgage banking; mortgage insurance; financial services including loan services; financial leasing; real estate and property services.

Entitlement ☒ Owner/Co-owner ☐ Authorised licensee
☐ Person authorised under the applicable law

Evidence in support and ☐ Attached ☒ To follow

Statement of grounds

Uploaded File(s)

Title	Confidential
-------	--------------

File(s) linked from other proceedings

Procedure	Filing number	Subject	Date
-----------	---------------	---------	------

Fees

Payment method	Current account
Opposition of EUTM fee	320.00 €
Total amount	320.00 €
Current account with EUIPO	
Account N°	0000002640

Signature

First name and Surname	Capacity of the signatory
Jim Dennis	Legal practitioner

Annexes: