

**Notification of provisional refusal of protection based on an opposition
(Article 5 of the Madrid Protocol and Rule 17(1) and (2) of the Common Regulations
under the Madrid Agreement and Protocol and Article 78 EUTMDR)**

Alicante, 25/10/2018

International registration No: **1406563**

Date of notification to EUIPO: **14-06-2018**

Trade mark:

Holder: **LANDTOURER AUTOMOBILE CO., LTD**
No. 1 Yuanquan Road,
Shangrao Economic & Technological
Development Zone
Jiangxi Province

Opposition number: **003062517**

Protection of the abovementioned mark is provisionally refused for the European Union.

The provisional refusal is based on the fact that an opposition has been filed against the international registration.

I. The grounds for opposition are as follows.

Conflict with an earlier mark because of likelihood of confusion (Article 8(1)(b) EUTMR);

II. Name and address of the opposing party:
Continental Reifen Deutschland GmbH
Intellectual Property, Postfach 169
D-30001 Hannover

III. The opposition is based on a mark which was the subject of an application or registration.

- type of mark : EUTM
- filing date, registration date and, if applicable, priority date: 05/12/2017
- filing number and, if different, registration number: EUTM 17563024
- reproduction of the mark: (see annex)

- list of goods and services on which the opposition is based: (see annex)

The opposition is based on more than one earlier right: (see annex)

IV. The provisional refusal relates to all the goods and services covered by the designation of the European Union.

The Office will notify the opposition separately to the holder of the international registration, including all evidence on which it is based, pursuant to Article 6(1) EUTMDR. The Office will set time limits for the holder. The notification will open an (extendable) cooling-off period of two months and a further period of two months for the opponent to substantiate the opposition. The notification will set a time limit of, in principle, six months for the holder of the international registration to submit observations.

The Office will also set a time limit of two months for the holder to appoint a representative within the meaning of Article 120(1) EUTMR. Protection of the international registration for the European Union will be refused in whole if the holder fails to appoint a representative within the time limit.



Cacciatori Letizia

Enclosures (excluding the cover letter): 6 pages

Date of receipt (DD/MM/YYYY)	Number of pages (including this one)
21/08/2018	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:	003062517
Date of submission:	21/08/2018
Time of submission:	10:43
Number of attached files:	0
Payment method:	Current account with EUIPO
Payment ID number:	1867DQV1
Account No:	0000001070

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

NOTICE OF OPPOSITION

Your reference: 2018TMC06101EU

Opponent(s)

Opponent EUIPO ID: 380949

Name of legal entity or first name and surname: Continental Reifen Deutschland GmbH
 Type: Legal Entity
 Street address: Vahrenwalder Str. 9
 City: Hannover
 Postal Code: 30165
 Country: Germany
 Postal address (if different):
 Telephone number:
 Fax number:
 E-mail address:
 Website:

Representative(s)

EUIPO representative ID: 26186

Name or legal name: Florian Schleifer
 Type: Employee
 Street address: Vahrenwalder Str. 9
 City: Hannover
 Postal Code: 30165
 Country: Germany
 Postal address (if different):
 Telephone number: 00 49-5119764788
 Fax number: 00 49-5119763756
 E-mail address:
 Website:

Challenged entity

Challenged registration ID: W01406563

Type of entity: IR
 Name of the owner/holder: LANDTOURER AUTOMOBILE CO., LTD
 Designation date: 26/03/2018
 Representation of the trade mark:
 Trade mark type: Figurative


Representation of mark

NOTICE OF OPPOSITION



Language of proceedings		<input checked="" type="checkbox"/> First language: EN (English)	<input type="checkbox"/> Second language: FR (French)
Extent of the application		<input checked="" type="checkbox"/> Against all the goods and services <input type="checkbox"/> Against some of the goods and services	
Class	Goods and services		
12 (EN)	Electric vehicles; automobile chassis; hub caps; vehicle running boards; ski carriers for cars; automobiles; automobile bodies; bumpers for automobiles; spare wheel covers; hubs for vehicle wheels.		

Grounds for 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	Continental Reifen Deutschland GmbH
Application date	05/12/2017
Filing number	017563024
Registration number	017563024
Trade mark type	Figurative
Representation of the earlier right	 <input type="checkbox"/> Colour(s) claimed
Verbal elements	CONTINENTAL SINCE 1871

NOTICE OF OPPOSITION

☒ 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
12 (EN)	Vehicles (except for aerospace vehicles); apparatus for transportation on land and/or on water; parts and accessories for vehicles (except for aerospace vehicles) and/or apparatus for transportation on land and/or on water as far as included in class 12; Powertrains, including engines and motors, for land vehicles; Motors and engines for land vehicles; vehicle engines except for aerospace vehicles; electric motors for land vehicles; combination display instruments [vehicle parts], land vehicle cockpits, instrument panels [vehicle parts], center consoles [Fahrzeuginnenteile]; Tires, inner tubes for tires, wheels, wheel rims, treads for the retreading of tires, hub caps, rim strips, materials and kits for repairing tires and inner tubes not included in other classes; valves for vehicle tires; Chassis and parts thereof included in class 12; controlled and non-controlled chassis and suspensions; Electronic, hydraulic, electromechanical, electrohydraulic and mechanical brakes for vehicles; parts and accessories for electronic, hydraulic, electromechanical, electrohydraulic and mechanical brakes for vehicles; brake cylinders, brake pads, brake calipers, brake disks, brake linings, brake hoses; Mechanical and hydraulic controllers and regulators not included in other classes; Regulated and unregulated electromechanical and electrohydraulic steering systems and their components; hydraulic power steering, steering columns, steering gear; Safety equipment for motor vehicles as far as included in class 12; airbags, belt tensioners and their parts and accessories as far as included in class 12; shaft couplings and transmission mechanism, including shift clutches for land vehicles; Active and passive, regulated and unregulated dampers and springs for vehicles, wheels and their parts, particularly air pressure springs and gas springs; air supply units for air spring systems; shock absorbers and suspension struts for vehicles; shock absorber springs for vehicles, suspension springs for vehicles; vibration dampers and torsional vibration dampers (except as components of land vehicle engines) for vehicles; steering apparatus; vehicle cabins and driver seats; hydromounts as vehicle components as far as included in class 12; Axles and axle modules, axle boots, diaphragms; Drive belts, transmission belts not included in other classes; Cooling, heating, brake, fuel, charge air, oil, hydraulic hoses as vehicle components and accessories as far as included in class 12; fuel lines for vehicles, fuel tanks for vehicles; safety tanks for vehicles; fuel bladders for vehicles; Fuel tank systems for motor vehicles; vehicle interiors lining; airbag covers; paneling for dashboards; steering wheel covers; Tonneau covers; Gear shift covers; interior upholstery for vehicles; motor vehicle seats; Seat cushions for the seats of vehicles; Car seat coverings, Seat covers [shaped] for use in automobiles; Saddle covers for bicycles; cockpit cross beams; driver cockpits, driver cabins; Window and headlight cleaning systems for motor vehicles as well as the associated containers, nozzles, hoses, hose couplings, pumps, heaters and valves; windshield wipers, windshield wiper blades for vehicles, windshield wiper arms; Rubber or plastic concertina walls for trains and articulated buses; Armrests for automobile seats; Sun shields and visors for motor cars, Sun visors [vehicle parts]; Automotive interior trim; Protective strips for vehicle bodies; head restraints for vehicles, vehicle head rest covers.

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	Continental Reifen Deutschland GmbH
Application date	25/02/2013
Filing number	011602323
Registration number	011602323

NOTICE OF OPPOSITION

Registration date	08/11/2013
Expiry date	25/02/2023
Trade mark type	Figurative
Representation of the earlier right	 <input type="checkbox"/> Colour(s) claimed
Verbal elements	Continental Since 1871

☒ 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
12 (EN)	<p>Vehicles for transportation on land and/or on water; parts and accessories for vehicles for transportation on land and/or on water as far as included in class 12; Engines for land vehicles; Engine actuators (throttle valves, idle governors, linear actuators, air control valves, air flap actuators, exhaust gas recirculation valves); combination display instruments, land vehicle cockpits, instrument panels, center consoles; Tires, inner tubes for tires, wheels, wheel rims, treads for the retreading of tires, hub caps, rim strips, materials and kits for repairing tires and inner tubes not included in other classes; valves for vehicle tires; Chassis and parts thereof included in class 12; controlled and non-controlled chassis and suspensions; Electronic, hydraulic, electromechanical, electrohydraulic and mechanical brakes for vehicles; parts and accessories for electronic, hydraulic, electromechanical, electrohydraulic and mechanical brakes for vehicles; brake cylinders, brake pads, brake calipers, brake disks, brake linings, brake hoses; Mechanical and hydraulic controllers and regulators not included in other classes; Regulated and unregulated electromechanical and electrohydraulic steering systems and their components, hydraulic power steering, steering columns, steering gear; Electrical, electronic and mechanical actuators, drive shafts and electric motors (except for aerospace vehicles); Safety equipment for motor vehicles as far as included in class 12; airbags, belt tensioners and their parts and accessories as far as included in class 12; shaft couplings and transmission mechanism, including shift clutches for land vehicles; Active and passive, regulated and unregulated dampers and springs for vehicles, wheels and their parts, particularly air pressure springs and gas springs; air supply units for air spring systems; shock absorbers and suspension struts for vehicles; shock absorber springs for vehicles, suspension springs for vehicles; vibration dampers and torsional vibration dampers (except as components of land vehicle engines) for vehicles; vehicle engines, steering apparatus; vehicle cabins and driver seats; hydromounts as vehicle components as far as included in class 12; Axles and axle modules, axle boots, diaphragms; Drive belts, transmission belts not included in other classes; Cooling, heating, brake, fuel, charge air, oil, hydraulic hoses as vehicle components and accessories as far as included in class 12; vehicle interiors lining; airbag covers; paneling for dashboards; interior upholstery for vehicles; motor vehicle seats; cigarette lighters for automobiles; cockpit cross beams; driver cockpits, driver cabins; Ventilation nozzles, air deflector elements and air lines; Window and headlight cleaning systems for motor vehicles as well as the associated containers, nozzles, hoses, hose couplings,</p>

NOTICE OF OPPOSITION

	pumps, heaters and valves; Windshield and headlight cleaning systems; Window lift and window positioning systems for vehicles; controllers and drives for convertible soft tops, sliding roofs and sun protection devices; Rubber or plastic concertina walls for trains and articulated buses.		
Entitlement	<input checked="" type="checkbox"/>	Owner/Co-owner	
	<input type="checkbox"/>	Authorised licensee	
	<input type="checkbox"/>	Person authorised under the applicable law	
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°	0000001070		
Signature			
First name and Surname		Capacity of the signatory	
Florian Schleifer		Employee representative	

Annexes: