



**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: 1 (2)

**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:

**1359193**

III. Other information concerning the international registration which is the subject of the provisional refusal  
verbal elements of the mark: **NASCAR**

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

Opposition filed 01.10.2018 by NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc. on the grounds that:

the International registration no. 1359193 is identical or similar to an earlier registered trade mark or a trade mark which has been filed for registration or to a trade mark which is known to the majority of the Estonian population and which has been granted legal protection for different kinds of goods or services, if the use of the later trade mark might take unfair advantage of, or be detrimental to, the distinctive character or repute of the earlier trade mark which has been acquired by the filing date of the application or by the date of priority of the later trade mark;

The earlier trademarks in question are (enclosed):

**NASCAR (fig.)**, EU filing no 000984104, belonging to NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.

**NASCAR (fig.)**, EU filing no 001479393, belonging to NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.

**NASCAR**, EU filing no 002157097, belonging to NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.

**NASCAR (fig.)**, EU filing no 003862687, belonging to NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.

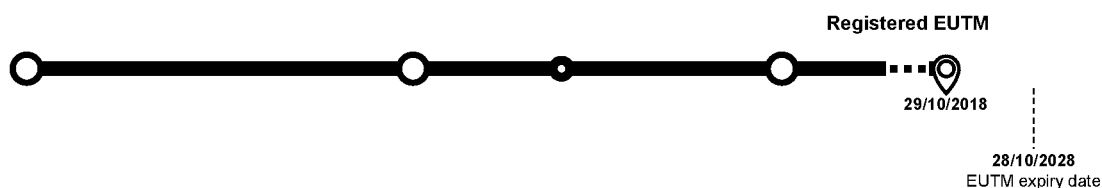
**NASCAR**, EU filing no 0880784, belonging to NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.

- V. Provision of the Estonian Trademark Act applicable on the subject (enclosed):  
Section 10 subsection 1(3) and subsection 2.
- VI. The ground referred to in item IV affects **all 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**  
**Suur-Ameerika 1**  
**10122 Tallinn**  
**ESTONIA**
- The time limit expires 14/01/2019 (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: 29/10/2018 (dd/mm/yyyy).
- IX. Signature of the Office:
- Ekke-Kristian Erilaid  
Senior Examiner

## EUTM file information

**NASCAR**  
**000984104**

### Timeline



### Trade mark information

Name	<b>NASCAR</b>	Filing date	<b>28/10/1998</b>
Filing number	<b>000984104</b>	Registration date	<b>21/12/1999</b>
Basis	<b>EUTM</b>	Expiry date	<b>28/10/2028</b>
Date of receipt	<b>12/11/1998</b>	Designation date	
Type	<b>Figurative</b>	Filing language	<b>English</b>
Nature	<b>Individual</b>	Second language	<b>French</b>
Nice classes	<b>1, 9, 12 ( Nice Classification )</b>	Application reference	<b>NR/RL/C1124/MA11</b>
Vienna Classification	<b>25.07.21, 26.07.04, 26.07.05 ( Vienna Classification )</b>	Trade mark status	<b>Registered</b> 
		Acquired distinctiveness	<b>No</b>

### Graphic representation



## Goods and services

English (en) ▼


- 1** Antifreeze.
- 9** Batteries for land vehicles.
- 12** Engine bearings for land vehicles.

## Description

No data

## Owners

### NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.



















ID	<b>28374</b>	Country	<b>US - United States</b>	Correspondence address	 Can be accessed and changed by authorised user via the User Area
Organisation	<b>NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.</b>	State/county	<b>FL</b>	NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.	
		Town	<b>Daytona Beach</b>	International Motorsports Center	 Can be accessed and changed by authorised user via the User Area
Legal status	<b>Legal entity</b>	Post code	<b>32114</b>	One Daytona Boulevard	
State, district or t...	<b>Florida</b>	Address	<b>International Motorsports Center One Daytona Boulevard</b>	Daytona Beach FL 32114 ESTADOS UNIDOS (DE AMÉRICA)	 Can be accessed and changed by authorised user via the User Area

## Representatives

### GEVERS & ORES

ID	<b>12459</b>	Country	<b>FR - France</b>	Correspondence address	 00 33-145004848
Organisation	<b>n/a</b>	State/county	<b>n/a</b>	GEVERS & ORES	
Legal status	<b>Legal person</b>	Town	<b>Paris</b>	41 avenue de Friedland	 00 33-140679567
Type	<b>Association</b>	Post code	<b>75008</b>	F-75008 Paris	
		Address	<b>41 avenue de Friedland</b>	FRANCIA	 MarquesParis@gevers.eu

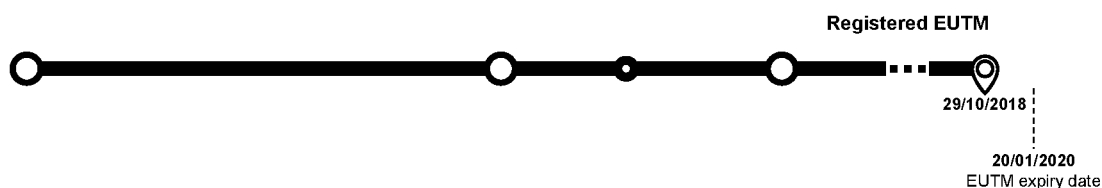
## Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		Recordal	014126786	L607A	17/09/2018	
		Recordal	014126786	L607A	17/09/2018	
		Recordal	014126786	Application form and attachment	17/09/2018	
		Recordal	014126786	L601A \: Notification of the need to renew an EUTM registration	02/04/2018	
		Recordal	012592211	T722M - Registration of recordal C.1.3 / B.2.2	05/04/2017	
		Recordal	012592211	Letter to the EUIPO	31/03/2017	

## EUTM file information

**NASCAR**  
**001479393**

### Timeline



### Trade mark information

Name	<b>NASCAR</b>	Filing date	<b>20/01/2000</b>
Filing number	<b>001479393</b>	Registration date	<b>11/06/2001</b>
Basis	<b>EUTM</b>	Expiry date	<b>20/01/2020</b>
Date of receipt	<b>27/01/2000</b>	Designation date	
Type	<b>Figurative</b>	Filing language	<b>English</b>
Nature	<b>Individual</b>	Second language	<b>French</b>
Nice classes	<b>16, 25, 28, 38, 41 ( Nice Classification )</b>	Application reference	<b>NR/RL/C1124/MA17</b>
Vienna Classification	<b>25.07.21, 26.11.09 ( Vienna Classification )</b>	Trade mark status	<b>Registered</b> 
		Acquired distinctiveness	<b>No</b>

### Graphic representation



### Goods and services

English (en) ▼

**16** Paper, writing paper, printed matter, books, catalogues, booklets, printed publications, stationery, labels, cards, writing pads, postcards, posters, printed timetables, calendars, decalcomanias, stickers, pens, pencils, pen cases, photographs, adhesives for stationery, playing cards.

**25** Clothing and headgear; hats, caps, sun visors, shirts, t-shirts, sweatshirts, tank tops, vests, sweaters, jackets, warm-up suits, rain suits, shorts, pants; shoes, socks.

**28** Games and toys; sporting goods (excluding clothing, shoes and mats); toys namely die cast and plastic miniature cars, trucks, motorcycles and other vehicles; electronic driving and road racing games; electronic slot cars; additional tracks for racing games; plastic action figures depicting racing drivers, mechanics and officials; battery-operated pimple machines and dashboards driving games; board games; puzzles; miniature trophies; plush stuffed animals; pool cues; radio-controlled cars, trucks and other vehicles.

**38** Broadcast services.



**41** Entertainment services in the nature of regulating, governing, organizing, sanctioning and conducting stock car automobile and truck racing events and arranging for the broadcast of stock car automobile and truck racing events.

## Description

No data

## Owners

### NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.















ID	<b>28374</b>	Country	<b>US - United States</b>	Correspondence address	
Organisation	<b>NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.</b>	State/county	<b>FL</b>	NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.	Can be accessed and changed by authorised user via the User Area
		Town	<b>Daytona Beach</b>	International Motorsports Center	
Legal status	<b>Legal entity</b>	Post code	<b>32114</b>	One Daytona Boulevard	Can be accessed and changed by authorised user via the User Area
State, district or t...	<b>Florida</b>	Address	<b>International Motorsports Center One Daytona Boulevard</b>	ESTADOS UNIDOS (DE AMÉRICA)	
					Can be accessed and changed by authorised user via the User Area

## Representatives

### GEVERS & ORES

ID	<b>12459</b>	Country	<b>FR - France</b>	Correspondence address	
Organisation	<b>n/a</b>	State/county	<b>n/a</b>	GEVERS & ORES	00 33-145004848
Legal status	<b>Legal person</b>	Town	<b>Paris</b>	41 avenue de Friedland	
Type	<b>Association</b>	Post code	<b>75008</b>	F-75008 Paris	00 33-140679567
		Address	<b>41 avenue de Friedland</b>	FRANCIA	
					MarquesParis@gevers.eu

## Correspondence

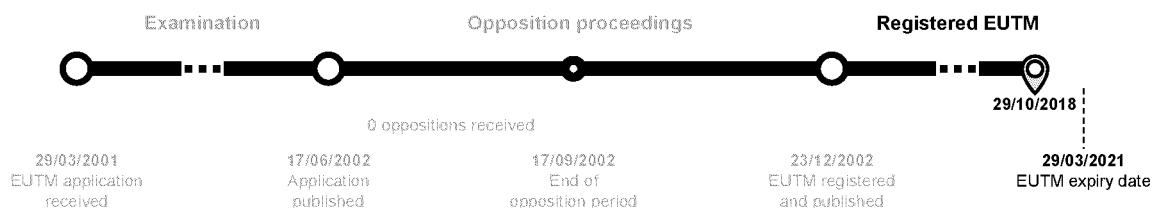
	From	Procedure	Filing number	Subject	Date	Actions
		EUTM	001479393	Surveillance letter	24/08/2017	
		Recordal	012592211	T722M - Registration of recordal C.1.3 / B.2.2	05/04/2017	
		Recordal	012592211	Letter to the EUIPO	31/03/2017	
		EUTM	001479393	Surveillance letter	21/02/2017	
		Recordal	012309616	Notification - Appointment / Replacement of representative	15/02/2017	
		Recordal	012309616	Notification - Appointment / Replacement of representative	15/02/2017	
		Recordal	012309616	Letter to the EUIPO	03/01/2017	

## EUTM file information

# NASCAR

002157097

### Timeline



### Trade mark information

Name	<b>NASCAR</b>	Filing date	<b>29/03/2001</b>
Filing number	<b>002157097</b>	Registration date	<b>15/11/2002</b>
Basis	<b>EUTM</b>	Expiry date	<b>29/03/2021</b>
Date of receipt	<b>29/03/2001</b>	Designation date	
Type	<b>Word</b>	Filing language	<b>English</b>
Nature	<b>Individual</b>	Second language	<b>Spanish</b>
Nice classes	<b>9, 16, 25, 28, 38, 41 ( Nice Classification )</b>	Application reference	<b>SL/EMT61791A</b>
Vienna Classification		Trade mark status	<b>Registered</b> 
		Acquired distinctiveness	<b>No</b>

### Goods and services

English (en) ▼

**9** Videotape and film recordings.

**16** Writing paper, printed matter, books, catalogues, booklets, printed publications, stationery, labels, cards, writing pads, postcards, posters, printed timetables, calendars, decalcomanias, stickers, pens, pencils, pen cases, photographs, adhesives for stationery, playing cards.

**25** Clothing and headgear; hats, caps, sun visors, shirts, t-shirts, sweatshirts, tank tops, vests, sweaters, jackets, warm-up suits, rain suits, shorts, pants; shoes, socks.

**28** Games and toys; sporting goods (excluding clothing, shoes and mats); toys namely die cast and plastic miniature cars, trucks, motorcycles and other vehicles; electronic driving and road racing games; electronic slot cars; additional tracks for racing games; plastic action figures depicting racing drivers, mechanics and officials; battery-operated pinball machines and dashboards driving games; board games; puzzles; miniature trophies; plush stuffed animals; pool cues; radio-controlled cars, trucks and other vehicles.

**38** Broadcasting services; broadcast of stock car, automobile and truck racing.



**41** Entertainment services in the nature of regulating, governing, organizing, sanctioning and conducting stock car, automobile and truck racing events; arranging and conducting the broadcast of stock car, automobile and truck racing events; rental of recordings of stock car, automobile and truck racing events.

## Description

No data

## Owners

### NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.





















ID	<b>28374</b>	Country	<b>US - United States</b>	Correspondence address	
Organisation	<b>NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.</b>	State/county	<b>FL</b>	NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.	Can be accessed and changed by authorised user via the User Area
		Town	<b>Daytona Beach</b>	International Motorsports Center	
Legal status	<b>Legal entity</b>	Post code	<b>32114</b>	One Daytona Boulevard	Can be accessed and changed by authorised user via the User Area
State, district or t...	<b>Florida</b>	Address	<b>International Motorsports Center One Daytona Boulevard</b>	ESTADOS UNIDOS (DE AMÉRICA)	
					Can be accessed and changed by authorised user via the User Area

## Representatives

### MARKS & CLERK LLP

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

## Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
---		EUTM	002157097	Surveillance letter	24/08/2017	
---		Recordal	012590025	Notification - Appointment / Replacement of representative	06/04/2017	
---		Recordal	012590025	Notification - Appointment / Replacement of representative	06/04/2017	
---		Recordal	012590025	Notification - Appointment / Replacement of representative	06/04/2017	
---		Recordal	012592211	T722M - Registration of recordal C.1.3 / B.2.2	05/04/2017	
---		Recordal	012590025	Application form and attachment	04/04/2017	
---		Recordal	012592211	Letter to the EUIPO	31/03/2017	
---		EUTM	002157097	Surveillance letter	21/02/2017	
---		EUTM	002157097	Surveillance letter	02/12/2015	
---		EUTM	002157097	Surveillance letter	12/11/2014	

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## IR transformation



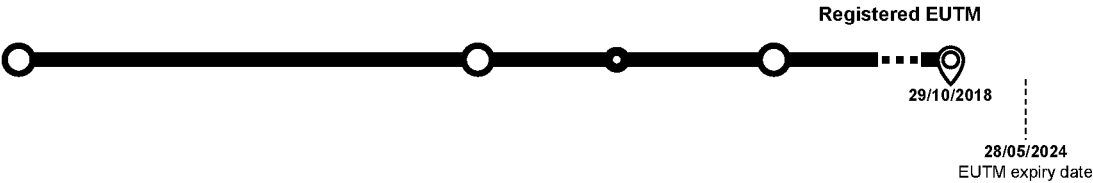


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EUTM file information

NASCAR  
003862687

Timeline



Trade mark information

Name	NASCAR	Filing date	28/05/2004
Filing number	003862687	Registration date	25/08/2005
Basis	EUTM	Expiry date	28/05/2024
Date of receipt	28/05/2004	Designation date	
Type	Figurative	Filing language	English
Nature	Individual	Second language	Spanish
Nice classes	9, 35, 38 ( Nice Classification )	Application reference	SJL/EMT65076A
Vienna Classification	26.07.20 ( Vienna Classification )	Trade mark status	Registered 
		Acquired distinctiveness	No

Graphic representation



Goods and services

English (en) ▼

9 Computer video game machines for use in homes and commercial arcades adapted for use with television receivers, computer game cartridges, cassettes, disks and memory devices containing video game programs, and video game cartridges; radios, AM/FM radio headsets, electronic microphones, remote and cordless telephones, video magazines featuring auto racing, walkie talkie devices, sunglasses; videotapes, DVDs, CDs and audiotapes in the field of motorsports; electronic clocks, clock radios.

**35** On-line retail store services featuring clothing, publications, and novelties related to motorsports; mail order services and sales through catalogues featuring clothing, publications and novelties related to motorsports.



**38** Broadcasting services; broadcasting services, namely audio, cable television, digital television, network television, radio, video and programs via a global computer network in the nature of automobile, trucks, and motorcycle racing.

## Description

No data

## Owners

### NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.



















ID	<b>28374</b>	Country	<b>US - United States</b>	Correspondence address	
Organisation	<b>NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.</b>	State/county	<b>FL</b>	NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, Inc.	Can be accessed and changed by authorised user via the User Area
		Town	<b>Daytona Beach</b>	International Motorsports Center	
Legal status	<b>Legal entity</b>	Post code	<b>32114</b>	One Daytona Boulevard	Can be accessed and changed by authorised user via the User Area
State, district or t...	<b>Florida</b>	Address	<b>International Motorsports Center One Daytona Boulevard</b>	ESTADOS UNIDOS (DE AMÉRICA)	
					Can be accessed and changed by authorised user via the User Area

## Representatives

### MARKS & CLERK LLP

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

## Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
---		Recordal	012593193	Notification - Appointment / Replacement of representative	19/04/2017	
---		Recordal	012593193	Notification - Appointment / Replacement of representative	19/04/2017	
---		Recordal	012593193	Notification - Appointment / Replacement of representative	19/04/2017	
---		Recordal	012593193	Notification - Appointment / Replacement of representative	19/04/2017	
---		Recordal	012593193	Notification - Appointment / Replacement of representative	19/04/2017	
---		Recordal	012593193	Application form and attachment	05/04/2017	
---		Recordal	012592211	T722M - Registration of recordal C.1.3 / B.2.2	05/04/2017	
---		Recordal	012592211	Letter to the EUIPO	31/03/2017	
---		EUTM	003862687	Surveillance letter	21/02/2017	

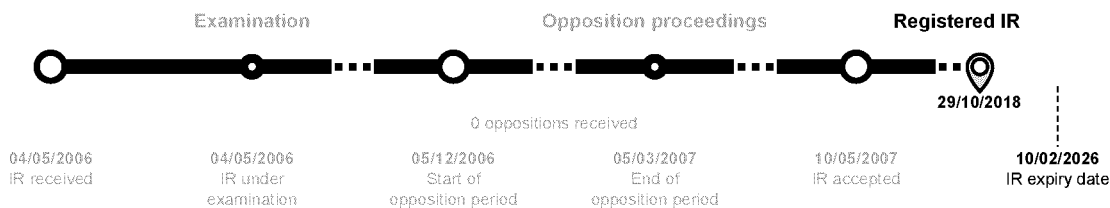


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EUTM file information

NASCAR  
0880784

Timeline



Trade mark information

Name	NASCAR	Filing date	
Filing number	0880784	Registration date	10/02/2006
Basis	IR ( Search on WIPO database )	Expiry date	10/02/2026
Date of receipt	04/05/2006	Designation date	10/02/2006
Type	Word	Filing language	English
Nature	Individual	Second language	German
Nice classes	14 ( Nice Classification )	Application reference	
Vienna Classification		Trade mark status	IR accepted
		Acquired distinctiveness	No

Goods and services

English (en) ▼

14 Precious metals, namely, silver medallions, bronze medallions, stop watches and wrist watches.

Description

No data

Owners

National Association for Stock Car Auto Racing, Inc.


ID	n/a	Country	US - United States	Can be accessed and changed by authorised user via the User Area
Organisation	n/a	State/county	n/a	
Legal status	n/a	Town	n/a	

Post code


n/a

Address

**1801 W. International Speedway Blvd. Daytona Beach, FL 32114**



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

Representatives

No data

Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
1		IR	0880784	Prolong	25/02/2016	
2		IR	0880784	Processed	31/05/2007	
3		IR	0880784	WIPO attachments	14/05/2007	
4		IR	0880784	TRANGP	14/05/2007	
5		IR	0880784	New name	19/04/2007	
6		IR	0880784	Processed	06/07/2006	
7		IR	0880784	WIPO attachments	27/06/2006	
8		IR	0880784	TRANGP	27/06/2006	
9		IR	0880784	WIPO attachments	04/05/2006	
10		IR	0880784	Birth	04/05/2006	

Showing 1 to 10 of 10 entries

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
2006/023	05/06/2006	M.1	IR_M_1
2007/019	14/05/2007	M.3.1	IR_M_3_1

## **Extract from the Estonian Trademark Act**

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

- (1) Legal protection shall not be granted to the following trade marks:
  - (3) trade marks which are identical or similar to an earlier registered trade mark or a trade mark which has been filed for registration or to a trade mark which is known to the majority of the Estonian population and which has been granted legal protection for different kinds of goods or services, if the use of the later trade mark might take unfair advantage of, or be detrimental to, the distinctive character or repute of the earlier trade mark which has been acquired by the filing date of the application or by the date of priority of the later 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.

### **§ 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.

### **§ 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.

### **§ 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.

### **§ 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.

