



ESTONIAN PATENT OFFICE
TRADEMARK DEPARTMENT

THE PROTOCOL RELATING TO THE MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

NOTIFICATION OF *EX OFFICIO* PROVISIONAL REFUSAL

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:

1390360

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

Verbal elements of the mark: **OLIMP**

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

The trademark is similar or associated to the following trademarks, which are filed for registration for similar or identical kind of services:

OLIMP Racing filed 13/01/2017, EUTM filing number 016244551.

Olimp Motorsport filed 05/04/2016, EUTM filing number 015305089.

The name and address of the owner of the marks are:

Olimp Laboratories Sp. z o.o.

Nagawczyna 109c, 39 200, Dębica

PL - Poland

The written consent from the owner of the above-mentioned trademarks is required for protection of the international registration in Estonia.

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

Section 10 subsections 1(2) and 2

Section 11 subsections 1(6) and 1(7)

VI. The ground referred to in item IV. affects all the services in class 41.

VII. The owner of the registration may request a review of the provisional refusal. The request shall be received by Estonian Patent Office no later than within 4 months from the date of the provisional refusal.

The time limit expires **06/03/2019** (dd/mm/yyyy).

The request has to be filed through the authorized patent attorney of the Republic of Estonia (section 13 subsection 2 of the Estonian Trademark Act). List of patent attorneys is available at <http://www.epa.ee/>

Please note that if the owner of the registration fails to respond by the due date, the registration shall be deemed to be withdrawn for goods and services mentioned in item VI (section 38 subsection 2 of the Estonian Trademark Act). The owner may request that processing be resumed if the owner failed to perform the acts due to force majeure or some other impediment independent of the owner or the representative of the owner (section 47 subsection 3 of the Estonian Trademark Act).

Please note that if the mark is protected subsequent to reviewal of the provisional refusal an interested person may contest the owners right to a trade mark within two months as of the publication of the trade mark (section 41 subsection 2 of the Estonian Trademark Act).

VIII. Date on which the provisional refusal was pronounced: 06/11/2018 (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 shall not be 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 public, 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 registration of the later trade mark in writing.

§ 11. Earlier trade mark and other earlier rights

(1) "Earlier trade mark" means the following:

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;

7) a Community trade mark filed for registration 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. A trade mark filed for registration is an earlier trade mark only if it is registered.

§ 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 agent as the person's representative to perform acts related to trade marks in the Patent Office and the Industrial Property 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 the provision of explanations. If the applicant fails to respond by the due date, the application shall be 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 in 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 the filing of a revocation application is two months as of the publication of the notice of the decision to register a trade mark.

§ 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 if the applicant failed to perform the acts due to force majeure or some other impediment independent of the applicant or the 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.

EUTM file information

OLIMP Racing
016244551

Timeline



Trade mark information

Name	OLIMP Racing	Filing date	13/01/2017
Filing number	016244551	Registration date	
Basis	EUTM	Expiry date	
Date of receipt	13/01/2017	Designation date	
Type	Word	Filing language	Polish
Nature	Individual	Second language	English
Nice classes	18, 25, 27, 41 (Nice Classification)	Application reference	
Vienna Classification		Trade mark status	Application opposed
		Acquired distinctiveness	No

Goods and services

English (en) ▼

- 18** Attache cases, Briefbags, Keycases, Imitation leather, Travelling sets of leather, Luggage boxes, Cosmetic purses, Trunks [luggage], Traveling trunks, Pouches, of leather, for packaging, Parasols and umbrellas, Umbrellas, Leather straps, Backpacks, Hiking rucksacks, Wallets, Business card cases, Purses, Boxes of leather or leatherboard, Boxes of vulcanised fibre, Goldbeaters' skin; Leather shoulder belts, Leather leashes, Pouches of leather, for packaging, Wheeled bags, Bags (garment -) for travel, Shopping bags, Beach bags, Holdalls, Sport bags, Bags for campers, Handbags, Suitcases.
- 25** Sports T-Shirts, Socks, Sports Hooded Sweatshirts, Sports Sweatshirts without hoods, Jeans, Sports small hats, Tank tops, Sweatpants, Motorists' clothing, athletic pants, Sports caps, Sports tunics for women, Sports dresses, Sports jackets, athletic skirts, Sports skirts of denim, Leather jackets, Athletics shoes, Sports gloves, Driving gloves, Swimsuits.
- 27** Vehicles mats and carpets.
- 41** Timing of sports events, Entertainment information, Photography, Photographic reporting; Education, entertainment and sports; Organisation of sports competitions, organisation of sports camps, organisation of events for cultural, entertainment and sports purposes, editing of video recordings, production of radio and television programmes, news reporting.

Description

No data

Owners

Olimp Laboratories Sp. z o.o.

ID	652929	Country	PL - Poland	Correspondence address	Can be accessed and changed by authorised user via the User Area
Organisation	Olimp Laboratories Sp. z o.o.	State/county	n/a	Olimp Laboratories Sp. z o.o.	
Legal status	Legal entity	Town	Dębica	Nagawczyna 109c	Can be accessed and changed by authorised user via the User Area
		Post code	39 200	39 200 Dębica	
		Address	Nagawczyna 109c	POLONIA	Can be accessed and changed by authorised user via the User Area

Representatives

KONDRAT & PARTNERS

ID	35166	Country	PL - Poland	Correspondence address	00 48-228311234
Organisation	n/a	State/county	n/a	KONDRAT & PARTNERS	00 48-223579863
Legal status	Legal person	Town	Warszawa	Al. Niepodległości 223/1	
Type	Association	Post code	02-087	02-087 Warszawa	ohim@kondrat.pl
		Address	Al. Niepodległości 223/1	POLONIA	

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Appeal	R1836/2018-2	Notification of receipt of an appeal to respondent (inter partes)	19/09/2018	
	Appeal	R1836/2018-2	e402a	19/09/2018	
	Opposition	002908914	Notification to the applicant of a decision	23/07/2018	
	Opposition	002908914	Notification of a decision to the opposing party	23/07/2018	
	Opposition	002908914	catintdoc_1	23/07/2018	
	EUTM	016244551	Limitation of G&S: Confirmation	04/07/2018	
	Opposition	002908914	B236B	28/03/2018	
	Opposition	002908914	Communication to the applicant of the opposing party's observations	28/03/2018	
	Opposition	002908914	Letter to the EUIPO	23/03/2018	
	Opposition	002909656	Notification sent to the opponent that the opposition is maintained	31/01/2018	

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IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
2017/050	14/03/2017	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)

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Cancellation

No data

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			012860931	Representative	Appointment / Replacement of representative

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Oppositions

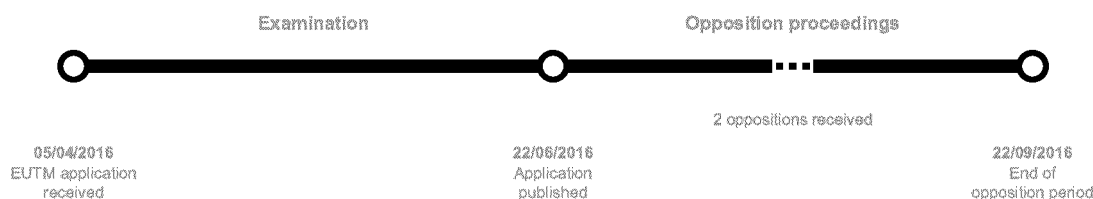
Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
002909656	12/06/2017	Likelihood of confusion Unfair advantage /detriment to distinctiveness or repute	Comité International Olympique (Association)	WILSON & BERTHELOT	English		Suspended	Class 18 Attache case Briefbags, Keycases, Imitation leather, Travelling se of leather, Luggage boxes, Cosmetic purses, Trunks [luggage], Traveling trunks, Pouches, of leather, for packaging, Parasols anc umbrellas, Umbrellas, Leather straps, Backpacks, Hiking rucksacks, Wallets, Business car cases, Purse Boxes of leather or leatherboard Boxes of vulcanised fibre, Goldbeaters skin; Leather shoulder belts, Leathe leashes, Pouches of leather, for packaging, Wheeled

EUTM file information

Olimp Motorsport

015305089

Timeline



Trade mark information

Name	Olimp Motorsport	Filing date	05/04/2016
Filing number	015305089	Registration date	
Basis	EUTM	Expiry date	
Date of receipt	05/04/2016	Designation date	
Type	Word	Filing language	Polish
Nature	Individual	Second language	English
Nice classes	18, 27, 41 (Nice Classification)	Application reference	
Vienna Classification		Trade mark status	Application opposed
		Acquired distinctiveness	No

Goods and services

English (en) ▼

18 Keycases, Imitation leather, Travelling sets of leather, Luggage boxes, Trunks [luggage], Traveling trunks, Pouches, of leather, for packaging, Parasols and umbrellas, Umbrellas, Leather straps, Boxes of leather or leather board, Boxes of vulcanised fibre, Goldbeaters' skin, Net bags for shopping; Leather shoulder belts, Leather leashes, Leather thread, Pouches of leather, for packaging, Wheeled bags, Bags (garment -) for travel, Handbags.

27 Vehicles mats and carpets.

41 Timing of sports events, Entertainment information, Photography, Photographic reporting; Education, entertainment and sports; Organisation of sports competitions, organisation of sports camps, organisation of events for cultural, entertainment and sports purposes, editing of video recordings, production of radio and television programmes, news reporting.

Description

No data

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		Town	Dębica	Nagawczyna 109c	
Legal status	Legal entity	Post code	39 200	39 200 Dębica	Can be accessed and changed by authorised user via the User Area
		Address	Nagawczyna 109c	POLONIA	
					Can be accessed and changed by authorised user via the User Area

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Organisation	n/a	State/county	n/a	KONDRAT & PARTNERS	00 48-228311234
Legal status	Legal person	Town	Warszawa	Al. Niepodległości 223/1	00 48-223579863
Type	Association	Post code	02-087	02-087 Warszawa	
		Address	Al. Niepodległości 223/1	POLONIA	ohim@kondrat.pl

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Opposition	002775008	Communication of documents to the applicant	21/09/2018	
	Opposition	002775008	Letter to the EUIPO	10/09/2018	
	Opposition	002775008	B227D	27/08/2018	
	Opposition	002775008	B227C	27/08/2018	
	Opposition	002775347	Notification to the applicant of a decision	30/07/2018	
	Opposition	002775347	Notification of a decision to the opposing party	30/07/2018	
	Opposition	002775347	catintdoc_1	30/07/2018	
	Opposition	002775347	B236B	08/05/2018	
	Opposition	002775347	Communication to the applicant of the opposing party's observations	08/05/2018	
	Opposition	002775347	Letter to the EUIPO	25/04/2018	

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IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
2016/115	22/06/2016	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)

Showing 1 to 1 of 1 entries

Cancellation

No data

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			011545301	Representative	Appointment / Replacement of representative

Showing 1 to 1 of 1 entries

Oppositions

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
002775008	21/09/2016	Identity of marks and G&S Unfair advantage /detriment to distinctiveness or repute	Comité International Olympique (Association)	WILSON & BERTHELOT	English		Suspended	Class 18 Briefbags, Briefbags, Keycases, Imitation leather, Travelling se of leather, Luggage boxes, Trunk [luggage], Traveling trunks, Pouches, of leather, for packaging, Parasols and umbrellas, Umbrellas, Leather straps, Backpacks, Hiking rucksacks, Wallets, Business car cases, Purse Boxes of leather or leather boar Boxes of vulcanised fibre, Goldbeaters skin, Net bag for shopping Leather shoulder belts, Leathe leashes, Leather thread, Pouches of leather, for packaging, Wheeled bags, Bags (garment -)