

PROVISIONAL REFUSAL OF PROTECTION - PRELIMINARNO ODBIJANJE ZAŠTITE

According to Rule 17 of the Common Regulations under the Madrid Agreement and Protocol / Sukladno Pravilu 17. Zajedničkog pravilnika
uz Madridski sporazum i Protokol

Our reference: UP/I-910-08/2018-010/0101 559-04/3-18-005	
I Office making the notification / Nacionalni ured koji je odbio zaštitu:	 State Intellectual Property Office of the Republic of Croatia / Državni zavod za intelektualno vlasništvo Republike Hrvatske Ulica grada Vukovara 78, 10000 Zagreb (Croatia), tel.: +385 1 6106-100, 6106-109, fax.: +385 1 6112-017
II Number of the international registration / Broj međunarodne registracije:	142 0001
III Name and the address of the holder / Ime i adresa nositelja:	Danvistano Trading Ltd. Corner Hutson & Eyre Street, Blake Building, Suite 302 Belize City (Belize (BZ))
IV Provisional refusal based on opposition / Privremeno odbijanje na temelju prigovora	
V Grounds for refusal (see the text in column X) / Razlozi odbijanja (vidjeti tekst u rubrici X):	
VI Corresponding essential provisions of the applicable law (see the text in column XI) / Odgovarajuće bitne odredbe nacionalnog zakona koji se primjenjuje (vidjeti tekst u rubrici XI): Art. 6 para. 1 point 2	
VII Scope of the provisional refusal / Opseg privremenog odbijanja ☒ Provisional refusal for all the goods and/or services / Odbijanje za sve proizvode i/ili usluge ☐ Provisional refusal for some of the goods and/or services / Odbijanje za neke od proizvoda i/ili usluga	
VIII Information relating to subsequent procedure / Obavijesti o daljnjem tijeku postupka: The holder of the international trademark registration may file her/his observations on the provisional refusal. She/he shall file her/his observations to the State Intellectual Property Office only by the intermediary of a representative established in the Republic of Croatia. A copy of the opposition shall be communicated to the representative after the filing of a power of attorney for representation. The time limit for filing the power of attorney shall be 4 months, counting from the date of the notification of refusal, or up to 5 April 2019, and the time limit for filing observations shall be 60 days counting from the day of receipt of a copy of the opposition by the representative. If the power of attorney is not filed up to the mentioned date, the requested registration of the trademark shall be refused within the limits of the requests referred to in the opposition. Nositelj međunarodne registracije žiga se može očitovati na privremeno odbijanje. Očitovanje treba podnijeti Državnom zavodu za intelektualno vlasništvo Republike Hrvatske isključivo uz posredovanje domaćeg zastupnika. Primjerak prigovora bit će dostavljen zastupniku nakon podnošenja punomoći o zastupanju. Rok za podnošenje punomoći je 4 mjeseca računajući od datuma obavijesti o odbijanju odnosno, do 05. travnja 2019., a rok za očitovanje je 60 dana od dana primitka primjerka prigovora od strane zastupnika. Ako punomoć ne bude podnesena do navedenoga datuma, zatražena registracija će biti odbijena u granicama zahtjeva navedenih u prigovoru.	
IX	05/12/2018 Date of the notification of provisional refusal / Datum obavijesti o privremenom odbijanju  Signature or official seal / Potpis i službeni pečat

X

On 30 November 2018, the applicant AIWA CO., LTD., Place1-6-3, Higashi-gotanda, Shinagawa-ku,1410022 Tokyo, (JP), represented by authorized representative ZMP IP d.o.o., Baruna Trenka 7, 10000 Zagreb, (HR), filed an opposition to the international trademark registration no. 142 0001 ("aiwa") in the Republic of Croatia for all the goods, based on an earlier EUTM trademarks registration no. 000254326 ("aiwa") and no. 010732733 ("AIWA").

Trademark information: no. 000254326 ("aiwa")

Applicant: AIWA CO., LTD.

Address of the holder: Place1-6-3, Higashi-gotanda, Shinagawa-ku,1410022 Tokyo, (JP)

Application date: 6 May 1996

Goods/services: class(es) 9 and 11 (attachment list)

Trademark information: no. 010732733 ("AIWA")

Applicant: AIWA CO., LTD.

Address of the holder: Place1-6-3, Higashi-gotanda, Shinagawa-ku,1410022 Tokyo, (JP)

Application date: 16 March 2012

Goods/services: class(es) 9 and 28 (attachment list)

The signs are in conflict for all the goods of the international registration no. 142 0001 ("aiwa").

Due to the mentioned opposition, the protection in the Republic of Croatia shall not be provisionally granted to the international registration no. 142 0001 ("aiwa") for all the goods.

Excerpt from the register enclosed

XI Corresponding essential provisions of the applicable law:

Relative grounds for refusal – Article 6 of the Trademarks Act (Official Gazette of the Republic of Croatia: 173/03, 76/07, 30/09 i 49/11)

(1) Upon an opposition as filed, a sign shall not be registered:

1. if it is identical with an earlier trademark registered for identical goods or services,
2. if because of its identity with, or similarity to, the earlier trademark and the identity or similarity of the goods or services, there is a likelihood of confusion on the part of the public, which includes the likelihood of its association with the earlier trademark.

(2) For the purposes of this Act, "earlier trademark" shall mean:

1. trademarks registered in the Republic of Croatia, enjoying priority right referred to in Articles 17, 18 and 19 of this Act,
2. trademarks registered under international treaties, having effect in the Republic of Croatia, and enjoying priority right referred to in Articles 17, 18 and 19 of this Act,
3. applications for the registration of trademarks referred to in item 1 of this paragraph, provided that the trademarks become registered, 4. trademarks which, on the date of application for the registration of a trademark, or, if priority is claimed, on the date of priority right claimed in the application, are well known in the Republic of Croatia, in the sense in which the words "well known" are used in Article 6bis of the Paris Convention.

(3) Upon opposition as filed by the holder of an earlier trademark, a sign shall not be registered if it is identical with, or similar to, an earlier trademark and the registration has been requested for goods or services which are not similar to those for which the earlier trademark is registered, where the earlier trademark has a reputation in the Republic of Croatia and where the use of the later trademark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the reputation of the earlier trademark;

(4) Upon opposition as filed, a sign shall not be registered if its use would infringe one of the following earlier rights:

1. a right to a personal name,
2. a right of personal portrayal,
3. a copyright,
4. industrial property rights.

(5) For the purposes of this Act, "earlier right" shall mean rights acquired on the date which is earlier than the date of application for the registration of a trademark, or, if priority right is claimed, as from the date of priority claimed in the application.

(6) On the basis of opposition as filed, a sign shall not be registered if its use would infringe the right of the person who, at the time of filing of an application for the registration of a trademark, had a firm, provided that such firm or the essential part thereof is identical with or similar to the sign in respect of which the application is filed and provided that identical or similar goods or services are the subject matter of the firm's activity, unless the applicant had the identical or similar firm at the time of filing the application for registration of a trademark.

(7) On the basis of opposition as filed, a sign shall not be registered if it is identical with, or similar to, an earlier trademark which was registered for identical or similar goods or services and conferred on them a right which has expired for failure to renew the registration of the trademark within a period of not more than two years as from the expiry of the trademark, unless the holder of the earlier trademark gave his consent for the registration of the later trademark or did not use his trademark.

Relativni razlozi za odbijanje – Članak 6. Zakona o žigu (Narodne novine Republike Hrvatske 173/03, 76/07, 30/09 i 49/11)

(1) Na temelju podnesenoga prigovora neće se registrirati ni znak:

1. ako je istovjetan s ranijim žigom registriranim za istovjetne proizvode ili usluge,
2. ako zbog njegove istovjetnosti ili sličnosti s ranijim žigom i istovjetnosti ili sličnosti proizvoda ili usluga postoji vjerojatnost dovođenja javnosti u zabludu, što uključuje vjerojatnost dovođenja u svezu s ranijim žigom.

(2) Za potrebe ovoga Zakona pod pojmom »raniji žig« razumijevaju se:

1. žigovi registrirani u Republici Hrvatskoj koji uživaju ranije pravo prvenstva iz članka 17., 18. i 19. ovoga Zakona,
2. žigovi registrirani na temelju međunarodnih sporazuma koji vrijede u Republici Hrvatskoj i koji uživaju ranije pravo prvenstva iz članka 17., 18. i 19. ovoga Zakona,
3. prijave za registraciju žigova iz točke 1. ovoga stavka, pod uvjetom da žigovi budu registrirani,
4. žigovi koji su na dan prijave za registraciju žiga ili, ako je zatraženo pravo prvenstva, na datum prava prvenstva zatraženog u prijavi, dobro poznati u Republici Hrvatskoj u smislu u kojemu se riječi »dobro poznat« rabe u članku 6.bis. Pariške konvencije.

(3) Na temelju podnesenoga prigovora nositelja ranijega žiga neće se registrirati ni znak ako je istovjetan s ranijim žigom ili sličan ranijem žigu, a zatražena je registracija za proizvode ili usluge koji nisu slični onima za koje je registriran raniji žig kada raniji žig ima ugled u Republici Hrvatskoj i kada bi uporaba kasnijega žiga bez opravdanoga razloga nepošteno iskoristila razlikovni karakter ili ugled ranijega žiga ili im naštetila.

(4) Na temelju podnesenoga prigovora znak neće biti registriran ako bi njegova uporaba vrijeđala neko od sljedećih ranijih prava:

1. pravo na osobno ime,
2. pravo na osobnu sliku,
3. autorsko pravo,
4. prava industrijskoga vlasništva.

(5) Za potrebe ovoga Zakona pod pojmom »ranije pravo« razumijevaju se prava stečena na datum koji je raniji od datuma prijave za registraciju žiga ili, ako je zatraženo pravo prvenstva, od datuma prava prvenstva zatraženog u prijavi.

(6) Na temelju podnesenoga prigovora znak neće biti registriran ako bi njegova uporaba vrijeđala pravo osobe koja je u vrijeme podnošenja prijave za registraciju žiga imala tvrtku, pod uvjetom da je ta tvrtka ili bitni dio tvrtke istovjetan s prijavljenim znakom ili sličan prijavljenom znaku i pod uvjetom da su istovjetni ili slični proizvodi ili usluge predmet djelatnosti te tvrtke, osim ako je podnositelj prijave u trenutku prijave imao istovjetnu ili sličnu tvrtku.

(7) Na temelju podnesenoga prigovora znak neće biti registriran ako je istovjetan s ranijim žigom ili sličan ranijem žigu koji je bio registriran za istovjetne ili slične proizvode ili usluge, a iz kojega proizlazi pravo koje je isteklo zbog neproduženja registracije žiga u razdoblju od najviše dvije godine od datuma isteka vrijednosti žiga, osim ako je nositelj ranijega žiga dao svoju suglasnost za registraciju kasnijega žiga ili nije rabio svoj žig.

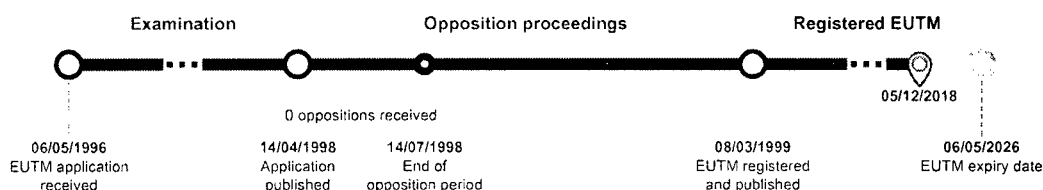


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EUTM file information

aiwa
000254326

Timeline



Trade mark information

Name	aiwa	Filing date	06/05/1996
Filing number	000254326	Registration date	26/11/1998
Basis	EUTM	Expiry date	06/05/2026
Date of receipt	06/05/1996	Designation date	
Type	Figurative	Filing language	English
Nature	Individual	Second language	French
Nice classes	9, 11 (Nice Classification)	Application reference	CTM 9640 SHI
Vienna Classification	27.05.01 (Vienna Classification)	Trade mark status	Registration cancellation pending
		Acquired distinctiveness	No

Graphic representation

aiwa

Goods and services

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X

English (en)

9 Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

11 Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

Description

No data

Owners

AIWA CO., LTD.

ID	883837	Country	JP - Japan	Correspondence address	
Organisation	AIWA CO., LTD.	State/country	n/a	AIWA CO., LTD. Place1-6-3, Higashi-gotanda, Shinagawa-ku Tokyo 1410022 JAPON	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Tokyo		
		Post code	1410022		
		Address	Place1-6-3, Higashi-gotanda, Shinagawa-ku		Can be accessed and changed by authorised user via the User Area
					Can be accessed and changed by authorised user via the User Area

Representatives

HOFFMANN · EITLE PATENT- UND RECHTSANWÄLTE PARTMBB

ID	10624	Country	DE - Germany	Correspondence address	
Organisation	n/a	State/country	n/a	HOFFMANN · EITLE Patent- und Rechtsanwälte PartmbB Postfach 81 04 20 D-81904 München ALEMANIA	00 49-89924090
Legal status	Legal person	Town	München		00 49-89918356
Type	Association	Post code	81925		
		Address	Arabellastr. 30		pm@hoffmanneitle.com

Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		Cancellation	000015565	Notification to the applicant of an extension of a time limit [requested by the EUTM proprietor/IR holder] (Rule 71 EUTMIR)	04/12/2018	
		Cancellation	000015565	Notification to the EUTM proprietor/IR holder of an extension of a time limit (Rule 71 EUTMIR)	04/12/2018	
		Cancellation	000015565	Letter to the EUIPO	03/12/2018	
		Cancellation	000015565	Confirmation to the applicant of observations sent to the EUTM proprietor/IR holder (Rule 40(4) EUTMIR)	27/09/2018	
		Cancellation	000015565	Notification of observations to the EUTM proprietor/IR holder (Rule 40(4) EUTMR)	27/09/2018	

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From	Procedure	Filing number	Subject	Date	Actions
	Cancellation	000015565	Notification to the EUTM proprietor/IR holder of a request for an extension of time [by the applicant] (Rule 71 EUTMIR)	12/07/2018	
	Cancellation	000015565	Notification to the applicant of a request for an extension of time (Rule 71 EUTMIR)	12/07/2018	
	Cancellation	000015565	Letter to the EUIPO	09/07/2018	

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IR transformation

No data

Seniority

Filing number	Registration number	Country	Priority date	Filing date	Registration date	International code	Status
	1709378	France			03/12/1991	EU	ACCEPTED
	2046907	Germany			04/12/1991	EU	ACCEPTED
	1483522	United Kingdom			21/11/1991	EU	ACCEPTED
	150506	Ireland			24/06/1995	EU	ACCEPTED
	M1672270	Spain			05/12/1991	EU	ACCEPTED
	278612	Portugal			25/08/1993	EU	ACCEPTED
	0000610749	Italy			21/11/1991	EU	ACCEPTED
	509422	Benelux			28/11/1991	EU	ACCEPTED
	261779	Sweden			18/11/1994	EU	ACCEPTED
	VR 1993 08015	Denmark			19/11/1993	EU	ACCEPTED

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Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
1998/027	14/04/1998	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
1999/018	08/03/1999	B.1	Registrations with no amendments since the application was published
2006/030	24/07/2006	D.1	Renewals
2007/023	11/06/2007	C.1.1	Proprietor - Total transfers
2007/053	24/09/2007	B.4.2	Correction of errors - Relative errors
2010/133	21/07/2010	C.1.3	Proprietor - Change of name and address
2011/061	29/03/2011	C.1.3	Proprietor - Change of name and address
2016/203	26/10/2016	D.1	Renewals
2017/181	22/09/2017	C.9.1	Application for revocation or for a declaration of invalidity

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Filing number	Subtitle	Status	Status date
 000015565	Cancellation based on revocation	Adversarial proceedings	01/09/2017

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Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			000015565	Cancellation	Cancellation based on revocation
			000330632	Proprietor	Change of name and address
			001345720	Proprietor	Change of name and address
2006/030	24/07/2006	D.1	001618274	Renewal	Total Renewal
2007/023	11/06/2007	C.1.1	001019473	Proprietor	Total transfers
2007/053	24/09/2007	B.4.2	000175821	Correction of errors	Relative errors
2010/133	21/07/2010	C.1.3	004929538	Proprietor	Change of name and address
2011/061	29/03/2011	C.1.3	005501963	Proprietor	Change of name and address
2016/203	26/10/2016	D.1	010126525	Renewal	Total Renewal
2017/181	22/09/2017	C.9.1	013166551	Revocation and declaration of invalidity	Applications for revocation or for a declaration of invalidity

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Oppositions

No data

Appeals

No data

Decisions

No data

Renewals

Title	Filing number	Status	Status date
Renewal	001618274	Trade mark renewed	24/07/2006
Renewal	010126525	Trade mark renewed	26/10/2016

Showing 1 to 2 of 2 entries

Trade mark relations

No data

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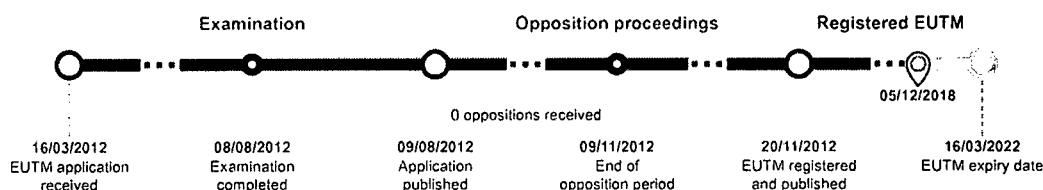


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EUTM file information

AIWA
010732733

Timeline



Trade mark information

Name	AIWA	Filing date	16/03/2012
Filing number	010732733	Registration date	16/11/2012
Basis	EUTM	Expiry date	16/03/2022
Date of receipt	16/03/2012	Designation date	
Type	Word	Filing language	English
Nature	Individual	Second language	French
Nice classes	9, 28 (Nice Classification)	Application reference	S375/014_J2/J17/asm
Vienna Classification		Trade mark status	Registration cancellation pending
		Acquired distinctiveness	No

Goods and services

English (en)

9 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; mechanisms for coin-operated apparatus; Cash registers, calculating machines, data processing equipment and computers; Fire-extinguishing apparatus; Electronic machines, apparatus and their parts, namely audio and/or video electronic apparatus, electronic communication apparatus; computer program for downloading, managing processing and playing audio, motion pictures, text and still image data; downloadable music, audio, video and image; downloadable computer software for wireless transmission and synchronization of audio, video, text, multimedia, movie, and music files and streams to and between a computer, computer-enabled television, other computer-enabled audio and video display device, cell phone, mobile computer, or other mobile device; downloadable video game software; computer software; computers; computer peripheral devices; handheld computers; tablet computers; personal digital assistants; computer terminals; portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio and video files; portable and handheld digital electronic devices for displaying electronically published materials, namely, books, journals, newspapers, magazines, multimedia presentations; portable and handheld digital electronic devices for data processing, information processing, storing and displaying data, transmitting and receiving data, transmission of data between computers, global positioning system (GPS) devices and telephones; wired and wireless remote controls for portable and handheld digital electronic devices; telephones; mobile phones; smartphones; home audio and video players and/or recorders; portable and personal audio and video players and/or recorders; MP3 and other digital format audio and video players and/or recorders; cameras; video cameras; televisions; portable televisions; electronic circuits, magnetic discs, optical discs, magnetic optical discs, CD-ROMs (Compact Disc ROMs), magnetic tapes and Digital Versatile Disc ROMs encoded with video game programs for personal use.

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books, newspapers, maps, pictures, images and literal information; apparatus and instruments for scientific research in laboratories; measuring apparatus by standard measuring units; measuring apparatus by derived measuring units; precision measuring machines and instrument; material testing machines and instruments; surveying machines and instruments; astronomic measuring machines and instruments; thermo sensitive plastic film sheets for temperature indication; power distribution and/or control apparatus; rotary, converters; phase modifiers; dry cells; wet cells; accumulators and batteries; photovoltaic cells; electric or magnetic meters and testers; electric wires; electric cables; telescopes; microscopes; eyeglasses and goggles; parts and accessories for eyeglasses and goggles; life nets; lifebelts; lifejackets; life-buoys; electron microscopes; electronic desk calculators; word processors; X-ray tubes (not for medical use); photo-sensitive tubes; vacuum tubes; rectifier tubes; cathode ray tubes; discharge tubes; thermistors; diodes; transistors; electron tubes; semi-conductor elements (semi-conductor devices); integrated circuits; large scale integrated circuits; electric hair-curlers for household use; electric buzzers for household use; exposed cinematographic films; exposed slide films; slide film mounts; pre-recorded video discs and tapes; glasses (eyewear) and sunglasses; fire extinguishers.

28 Video game machines with television for personal use; games (Apparatus for-) adapted for use with an external display screen or monitor; parts for video game machines with television for personal use.

Description

No data

Owners

AIWA CO., LTD.

ID	883837	Country	JP - Japan	Correspondence address	
Organisation	AIWA CO., LTD.	State/county	n/a	AIWA CO., LTD. Place1-6-3, Higashi-gotanda, Shinagawa-ku Tokyo 1410022 JAPÓN	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Tokyo		
		Post code	1410022		Can be accessed and changed by authorised user via the User Area
		Address	Place1-6-3, Higashi-gotanda, Shinagawa-ku		Can be accessed and changed by authorised user via the User Area

Representatives

HOFFMANN · EITLE PATENT- UND RECHTSANWÄLTE PARTMBB

ID	10624	Country	DE - Germany	Correspondence address	
Organisation	n/a	State/county	n/a	HOFFMANN · EITLE Patent- und Rechtsanwälte PartmbB Postfach 81 04 20 D-81904 München ALEMANIA	00 49-89924090
Legal status	Legal person	Town	München		00 49-89918356
Type	Association	Post code	81925		
		Address	Arabellastr. 30		pm@hoffmanneitle.com

Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		Cancellation	000017625	Letter to the EUIPO	04/12/2018	
		Cancellation	000017625	Confirmation to the applicant of observations sent to the EUTM proprietor/IR holder (Rule 40(4) EUTMIR)	01/10/2018	
		Cancellation	000017625	Notification of observations to the EUTM proprietor/IR holder (Rule 40(4) EUTMR)	01/10/2018	
		Cancellation	000017625	Application form and attachment	28/09/2018	

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From	Procedure	Filing number	Subject	Date	Actions
	Cancellation	000017625	Notification to the EUTM proprietor/IR holder of a request for an extension of time [by the applicant] (Rule 71 EUTMIR)	08/08/2018	
	Cancellation	000017625	Notification to the applicant of a request for an extension of time (Rule 71 EUTMIR)	08/08/2018	
	Cancellation	000017625	Letter to the EUIPO	08/08/2018	
	Cancellation	000017625	Notification to the applicant of observations submitted by the EUTM proprietor/IR holder (Rule 40(3) EUTMIR)	04/06/2018	

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IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
2012/151	09/08/2012	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2012/221	20/11/2012	B.1	Registrations with no amendments since the application was published
2014/116	26/06/2014	C.2.1	Representative - Change of name and professional address
2017/221	21/11/2017	C.9.1	Application for revocation or for a declaration of invalidity
2018/024	05/02/2018	C.1.1	Proprietor - Total transfers

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Cancellation

Filing number	Subtitle	Status	Status date
 000017625	Cancellation based on revocation	Adversarial proceedings	17/11/2017

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Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			000017625	Cancellation	Cancellation based on revocation
2014/116	26/06/2014	C.2.1	008577705	Representative	Change of name and professional address
2017/221	21/11/2017	C.9.1	013551687	Revocation and declaration of invalidity	Applications for revocation or for a declaration of invalidity
2018/024	05/02/2018	C.1.1	013820306	Proprietor	Total transfers

Oppositions

No data

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data

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