MADRID AGREEMENT AND PROTOCOL

PROVISIONAL REFUSAL OF PROTECTION

Rule 17(1)

I.	Office sending the statement:	**Hungarian Intellectual Property Office** 1438 Budapest, Pf.415 Fax. :(361) 474 - 5534
II.	Number of the international registration: 140 6247 Date of extension of the mark to Hungary: 2018.01.12	
III.	Name of the holder: DANVISTANO TRADING LTD	
IV.	Provisional refusal based on an ex officio examination [X] Provisional refusal based on an opposition Provisional refusal based on an observation	
V.	Provisional refusal for all the goods and/or services [X] Provisional refusal for some of the goods and/or services: (followed by an indication of the goods and/or services which are affected or are not affected) Class(es) which are not affected: 7,8 Class(es) which **are affected:** **11,9**	
VI.	Grounds for refusal (where applicable, see item VIII): 4/1/b,4/4	
	Information relating to an earlier mark : (i) Filing date and number, and, if any, priority date: (ii) Registration date and number (if available):	

VII.	(iii) Name and address of the owner: (iv) List of all or relevant goods and/or services: 2012.03.16 010732733 2012.11.16 AIWA CO., LTD. (JP) AIWA CO., LTD. Place1-6-3, Higashi-gotanda, Shinagawa-ku Tokyo 1410022 JAPÓN 9,28 1996.05.06 000254326 1998.11.26 AIWA CO., LTD. (JP) AIWA CO., LTD. Place1-6-3, Higashi-gotanda, Shinagawa-ku Tokyo 1410022 JAPÓN 9,11
VIII.	Corresponding essential provisions of the applicable law A sign shall not be granted trademark protection if because of its identity with, or similarity to, the earlier trademark and the identity or similarity of the goods or services there exists a likelihood of confusion on the part of the consumers. For the purposes of this Act, the likelihood of confusion includes the likelihood of association with the earlier trade mark.
IX.	Information relating to subsequent procedure: (i) Time limit for replying the present provisional refusal: **2019.04.30** (ii) Authority to which such reply shall be made: Hungarian Intellectual Property Office (iii) Indications concerning the appointment of a representative: If the applicant is foreign person whose domicile or residence is outside the European Economic Area, he is obliged to appoint an agent entitled to act before the Hungarian Intellectual Property Office **Note: the official language of trademark procedures before the HIPO is Hungarian.** (iv) Procedure in the absence of a reply: If the applicant fails to reply to a provisional refusal relating to absolute grounds of refusal, the Office deems the application to be withdrawn in respect of the goods or services affected by the refusal. WARNING: In case of an opposition, the expenses arisen in connection with the opposition can be imposed on the losing party by the Hungarian Intellectual Property Office. The amount shall be found in the HIPO's decision.
X.	Examiner: Jánosi Katalin Number of decision: A1406247/6 Date: 2018.12.19

Signature or official seal of the Office sending the statement:

XI.

dr. Gabriella Kiss

Deputy Head of Trade Mark, Model and Design Department

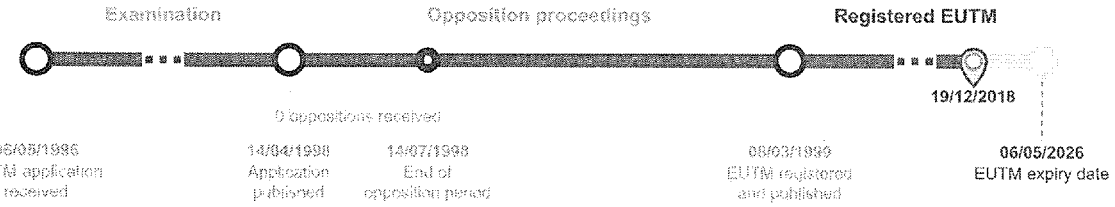
EUIPO EUROPEAN UNION INTELLECTUAL PROPERTY OFFICE

Protect your intellectual property in the European Union

EUTM file information

aiwa
000254326

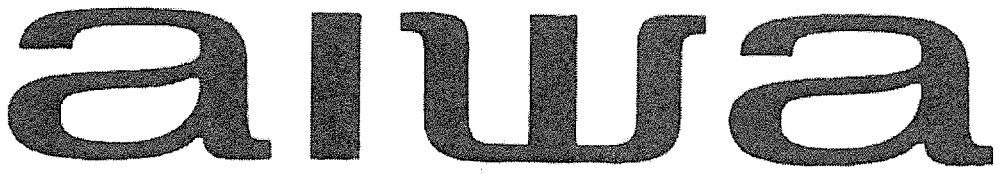
Timeline



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



Goods and services

English (en)

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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/county	**n/a**	AIWA CO., LTD. Place1-6-3, Higashi-gotanda, Shinagawa-ku Tokyo 1410022 JAPON	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	**Legal entity**	Town	**Tokyo**		
		Post code	**1410022**		Hidden. You can set your contact details to be publicly available via the User Area.
		Address	**Place1-6-3, Higashi-gotanda, Shinagawa-ku**		Hidden. You can set your contact details to be publicly available 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	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	**Legal person**	Town	**München**		
Type	**Association**	Post code	**81925**		Hidden. You can set your contact details to be publicly available via the User Area.
		Address	**Arabellastr. 30**		Hidden. You can set your contact details to be publicly available via the User Area.

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	

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From	Procedure	Filing number	Subject	Date	Actions
	Cancellation	000015565	Application form and attachment	21/09/2018	
	Cancellation	000015565	Letter to the EUIPO	21/09/2018	
	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	

Showing 1 to 10 of 114 entries

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

Showing 1 to 10 of 17 entries

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

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Bulletin number	Date	Section	Description
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
2017/242	21/12/2017	C.2.2	Representative - Appointment / Replacement of representative

Showing 1 to 10 of 11 entries

Cancellation

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

Showing 1 to 1 of 1 entries

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

Showing 1 to 10 of 12 entries

Oppositions

No data

Appeals

No data

Decisions

No data

Renewals

Title	Office number	Status	Status date

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Title	Filing number	Status	Status date
Renewal	010126525	Trade mark renewed	26/10/2016

Showing 1 to 2 of 2 entries

Trade mark relations

No data

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Trade mark

AIWA

(210)/(260) Application number	010732733
(270) Application language	en
(220) Application date	2012-03-16
Second language	fr
Application reference	S375/014_j2/j17/asm
Trade mark office	EUIPO - EUIPO
(190) Registration office	EM
Receiving office number	E62767435
(151) Registration date	2012-11-16
Receiving office date	2012-03-16
(141) Expiry date	2022-03-16
(550) Trade mark type	Word
(551) Kind of mark	Individual
(511) Nice classification	9,28
Current trade mark status	Registration cancellation pending
Status date	2017-11-20
Opposition period start date	2012-08-09
Opposition period end date	2012-11-09
(521) Acquired distinctiveness	false

(510) List of goods and services

Classification version

Mark standard character

EN

(511) Nice class number	9

List of goods and services	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; 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 business use; controllers, joysticks, memory cards, volume controllers, mouse for video game machines with television for personal use; magnetic discs, optical discs, magnetic optical discs, CD-ROMs (Compact Disc ROMs), magnetic tapes and Digital Versatile Disc ROMs encoded with magazines, 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; astronometric 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.
(511) Nice class number	28

Expand all sections | Collapse all sections

List of goods and services	Video game machines with television for personal use; games (Apparatus for-) adapted for use with an external display screen or monitor; parts f or video game machines with television for personal use.

Translate

Service provided by TMclass and Google translate

Note

(730)/(731)/(732)/(733) Owner

Applicant identifier	883837
Organization name	AIWA CO., LTD.
(842) Applicant legal entity	Legal Entity
(811) Applicant nationality code	JP
Applicant incorporation country code	JP
Address country	JP
Street	Place1-6-3, Higashi-gotanda, Shinagawa-ku
City	Tokyo
Postcode	1410022

(740) Representative

Representative identifier	10624
Name	HOFFMANN · EITLE PATENT- UND RECHTSANWÄLTE PARTMBB
Legal entity	Legal Person
Representative kind	Association
Representative nationality code	DE
Representative incorporation country code	DE
Address country	DE
Street	Arabellastr. 30
City	München
Postcode	81925
Phone	00 49-89924090
Fax	00 49-89918356
Email	pm@hoffmanneitle.com

(750) Correspondence address

(350) Seniority

No entry for application number EM500000010732733

Exhibition priority

No entry for application number EM500000010732733

Priority

No entry for application number EM500000010732733

International registration transformation

No entry for application number EM500000010732733

Publication

Publication number	Publication section	Publication date	Publication page
2012/151	A.1	2012-08-09	0
2012/221	B.1	2012-11-20	0
2014/116	C.2.1	2014-06-26	0
2017/221	C.9.1	2017-11-21	0
2018/024	C.1.1	2018-02-05	0

No entry for application number EM[illegible]

Recordals

008577705

Kind of record	Representative - Change of name and professional address
Record identifier	008577705
Record reference	C.2.1
Publication date	2014-06-26
Record status	Published
Record status date	2014-06-26

Representative details

Representative identifier	10781
Name	A.A. THORNTON & CO.
Legal entity	Legal Person
Representative kind	Association
Representative nationality code	GB
Representative incorporation country code	GB
Address country	GB
Street	10 Old Bailey
City	London
Postcode	EC4M 7NG
Phone	00 44-2074054044
Fax	00 44-2074053580
Email	aat@aathornton.com

013551687

013551687

Kind of record	Revocation and declaration of invalidity - Application for revocation o r for a declaration of invalidity
Record identifier	013551687
Record reference	C.9.1
Publication date	2017-11-21
Record status	Published
Record status date	2017-11-21

013820306

Kind of record	Proprietor - Total transfers
Record identifier	013820306
Record reference	C.1.1
Publication date	2018-02-05
Record status	Published
Record status date	2018-02-05

Representative details

Representative identifier	10624
Name	HOFFMANN · EITLE PATENT- UND RECHTSANWÄLTE PARTMBB
Legal entity	Legal Person
Representative kind	Association
Representative nationality code	DE
Representative incorporation country code	DE
Address country	DE
Street	Arabellastr. 30
City	München
Postcode	81925
Phone	00 49-89924090
Fax	00 49-89918356
Email	pm@hoffmanneitle.com

Beneficiary details

Applicant identifier	883837

Organization name	AIWA CO., LTD.
(842) Applicant legal entity	Legal Entity
(811) Applicant nationality code	JP
Applicant incorporation country code	JP
Address country	JP
Street	Place1-6-3, Higashi-gotanda, Shinagawa-ku
City	Tokyo
Postcode	1410022

Beneficiary representative details

Representative identifier	10624
Name	HOFFMANN · EITLE PATENT- UND RECHTSANWÄLTE PARTMBB
Legal entity	Legal Person
Representative kind	Association
Representative nationality code	DE
Representative incorporation country code	DE
Address country	DE
Street	Arabellastr. 30
City	München
Postcode	81925
Phone	00 49-89924090
Fax	00 49-89918356
Email	pm@hoffmanneitle.com

Cancellation

000017625

Kind of record	Cancellation - Cancellation based on revocation
Record identifier	000017625
Record status	Adversarial proceedings

Record status date	2017-11-17

Claimant details

Applicant identifier	724122
Organization name	Aiwa Corporation
Legal form	CORPORATION
(842) Applicant legal entity	Legal Entity
(811) Applicant nationality code	US
Applicant incorporation country code	US
(812)/(842) Incorporation state	Delaware
Address country	US
Street	965 West Chicago Avenue,
City	CHICAGO
State	Illinois
Postcode	60642

Representative details

Representative identifier	10141
Name	TOMKINS & CO.
Legal entity	Legal Person
Representative kind	Association
Representative nationality code	IE
Representative incorporation country code	IE
Address country	IE
Street	5 Dartmouth Road
City	Dublin
Postcode	6
Phone	00 353-16605033
Fax	00 353-16681387
Email	post@tomkins.com

Appeals

No entry for application number EM500000010732733

Renewals

No entry for application number EM500000010732733

-Act XI of 1997 on the Protection of Trademarks and Geographical Indications (extract)

Article 1(1) Trademark protection shall be granted for any signs capable of being represented graphically provided that these are capable of distinguishing goods or services from those of other undertakings.
(2) Signs which may be granted trademark protection are in particular:
(a) words, combination of words, including personal names and slogans,
(b) letters, numerals,
(c) figures, pictures,
(d) two- or three-dimensional forms, including the shape of goods or of their packaging,
(e) colors, combination of colors, light signals, holograms,
(f) sound signals, and
(g) combination of signs under (a) to (f).
Article 2 (1) A sign may not be granted trademark protection if it does not meet the requirements of Article 1.

(2) A sign shall be excluded from trademark protection if:

(a) it is devoid of any distinctive character, in particular if it consists exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service, or other characteristics of the goods or services, or which have become customary in the current language or in the practices of trade;

(b) it consists exclusively of a shape which results from the nature of the goods themselves or which is necessary to obtain a technical result or which gives substantial value to the goods.

(3) A sign shall not be excluded from trademark protection in accordance with paragraph (2)(a) if, either before or after the date of priority, it has acquired a distinctive character.
Article 3 (1) A sign may not be granted trademark protection if:

(a) it is contrary to public policy or to accepted principles of morality;

(b) it is liable to deceive consumers as to the nature, quality, geographical origin or other characteristics of the goods or services;

(c) its registration was applied for in bad faith.

(2) A sign shall be excluded from trademark protection if:

(a) it consists exclusively of State emblems or other emblems of an authority or international organization as defined in the Paris Convention for the Protection of Industrial Property;

(b) it relates to medals, badges, armorial bearings, not covered by subparagraph (a) above, or to official signs and hallmarks indicating control and warranty which are of public interest;

(c) it consists of symbols having a close relation to religious or other beliefs.

(3) Trademark protection shall be granted with the consent of the competent authority to signs of which the emblems defined under paragraph 2 (a) and (b) form only an element.

(4) A sign may not be granted trademark protection if it consists of or contains a geographical indication registered pursuant to this Act or to European Community law. This provision shall apply to goods which do not originate in a geographical area corresponding to the geographical indication or in connection with which the geographical indication cannot be used for any other reason on the basis of the provisions of this Act or of European Community law.
Article 4 (1) A sign may not be granted trademark protection:

(a) with respect to identical goods or services, if the sign with the later date of priority is identical with an earlier trademark;

(b) if because of its identity with or similarity to the earlier trademark and the identity or similarity of the goods or services there exists a likelihood of confusion on the part of the consumers;

(c) with respect to dissimilar goods or services if the sign with the later date of priority is identical with or similar to an earlier trademark having a reputation in the country where the use without due cause of the later sign would take unfair advantage of or be detrimental to the distinctive character or the repute of the earlier trademark.

(2) "Earlier trademark" means a trademark whose registration was applied for with an earlier date of priority or – for the purposes of paragraph (1)(a) and (b) – a sign which has become well-known at an earlier date in the country under the Paris Convention for the Protection of Industrial Property even if that sign is not registered. "Earlier trademark" shall also mean – depending on the registration of the sign – an earlier trademark application.

(3) A sign may not be refused trademark protection if it conflicts with an earlier trademark, which has not been used by the holder in accordance with the provisions of Article 18.

(4) For the purposes of this Act, the likelihood of confusion includes the likelihood of association with the earlier trademark.
Article (5) A sign may not be granted trademark protection:

(a) if it would infringe earlier personal rights of others, in particular a right in a name or of personal portrayal;

(b) if it would conflict with an earlier copyright or industrial property right of others, including conflict with the name of a protected plant variety.

(2) A sign shall not be granted trademark protection

(a) if it has been used effectively in the country without registration where the use of the sign without the consent of the prior user would be contrary to law; and

(b) if, with respect to identical or similar goods or services, it is identical with or similar to a trademark whose protection has lapsed by reason of expiration and less than two years have elapsed since the lapse, unless the earlier trademark had not been used in conformity with the provisions of Article 18.

(3) In determining whether a right, use or expiration is deemed as earlier within the meaning of paragraphs (1) and (2), the priority of the application for registration shall be taken into account.
Article (6) A sign shall be excluded from trademark protection if the representative or agent applies for registration in his own name without the holder's authorization, unless the representative or agent justifies his action.
Article 7(1) A sign may not be refused trademark protection in accordance with Articles 4 and 5 if the holder of the earlier right consents to the registration of the later sign.

(2) A declaration of consent shall be valid if drawn up as a public instrument or a private document providing sufficient evidence.

(3) A declaration of consent may be contested under those provisions of the Civil Code that concern actions for avoidance of a contract by reason of mistake, deception or threat; the declaration may not be withdrawn and may not be replaced by the decision of a Court.
Article 8(1) Trademark protection shall be granted for a sign if

(a) it satisfies the requirements of Article 1 and is not excluded from trademark protection under the terms of Articles 2 to 7 and

(b) the relevant application complies with the requirements laid down by this Act.