

**ARRANGEMENT DE MADRID
CONCERNANT L'ENREGISTREMENT INTERNATIONAL DES MARQUES
REFUS DE PROTECTION PROVISOIRE**

notifié au Bureau international de l'Organisation Mondiale de la Propriété Intellectuelle (OMPI)
selon l'article 5 de l'Arrangement de Madrid ou du Protocole de Madrid

I. Administration qui a prononcé le refus: **Office de la propriété industrielle de la République tchèque
Antonína Čermáka 2a, 160 00 Praha 6
République tchèque**

II. No de l'enregistrement international faisant l'objet du refus: **1406563**
No de l'enregistrement national de base: **15032208**

III. Nom du titulaire de l'enregistrement international faisant l'objet du refus:
LANDTOURER AUTOMOBILE CO., LTD

IV. Motifs du refus:

**Sur opposition déposée par FERRARI S.P.A., Via Emilia Est, 1163, I-41100 MODENA, Italie en sa qualité du titulaire de la marque internationale antérieure similaire enregistrée sous le No 338988 avec la priorité à partir du 23.10.1967 pour les produits identiques et similaires de la classe 12.
/article 7 alinéa 1 lettre a)/**

**Sur opposition déposée par FERRARI S.P.A., Via Emilia Est, 1163, I-41100 MODENA, Italie en sa qualité du titulaire de la marque de l'Union européenne antérieure similaire enregistrée sous le No 1616481, 454546 avec la priorité pour la République tchèque à partir du 01.05.2004, 01.05.2004 pour les produits et services identiques et similaires.
/article 7 alinéa 1 lettre a)/**

**Sur opposition déposée par FERRARI S.P.A., Via Emilia Est, 1163, I-41100 MODENA, Italie en sa qualité du titulaire de la marque internationale antérieure similaire enregistrée dans la République tchèque sous le No 338988 avec la priorité à partir du 23.10.1967. La marque antérieure jouit d'une renommée dans la République tchèque. L'usage non justifié de la marque demandée tirerait indûment profit du caractère distinctif ou de la renommée de la marque antérieure ou il leur porterait préjudice.
/article 7 alinéa 1 lettre b)/**

**Sur opposition déposée par FERRARI S.P.A., Via Emilia Est, 1163, I-41100 MODENA, Italie en sa qualité du titulaire de la marque de l'Union européenne antérieure similaire enregistrée sous le No 1616481, 454546 avec la priorité pour la République tchèque à partir du 01.05.2004, 01.05.2004. La marque antérieure jouit d'une renommée dans la République tchèque. L'usage non justifié de la marque demandée tirerait indûment profit du caractère distinctif ou de la renommée de la marque antérieure ou il leur porterait préjudice.
/article 7 alinéa 1 lettre b)/**

**Sur opposition déposée par FERRARI S.P.A., Via Emilia Est, 1163, I-41100 MODENA, Italie en sa qualité du titulaire de la marque de l'Union européenne antérieure similaire enregistrée sous le No 1616481, 454546 avec la priorité pour la République tchèque à partir du 01.05.2004, 01.05.2004. La marque antérieure jouit d'une renommée sur le territoire de l'Union européenne. L'usage non justifié de la marque demandée tirerait indûment profit du caractère distinctif ou de la renommée de la marque antérieure ou il leur porterait préjudice.
/article 7 alinéa 1 lettre e)/**

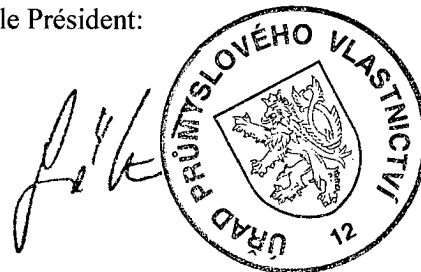
V. Articles de la loi nationale applicables en la matière (Loi No 441/2003 du Journal Officiel sur les marques) sont disponibles à l'adresse: <http://www.upv.cz>.

- VI. ☒ Refus pour la totalité des produits et/ou services
☐ Refus pour les produits et/ou services suivants:

VII. Pendant six mois qui suivent la date du refus le titulaire pourra remplir les conditions de l'avis ou il a le droit de faire valoir ses objections contre cet avis en s'adressant à l'Office de la propriété industrielle de la République tchèque uniquement par l'intermédiaire d'un mandataire – membre des agences mentionnées en annexe. Faute des objections, une décision finale sera prononcée en considérant les changements éventuels dans les registres pertinents.

VIII. Date à laquelle le refus a été prononcé: **14.12.2018**
Référence de l'Office No: **248905**

Pour le Président:



WIPO

WORLD INTELLECTUAL PROPERTY ORGANIZATION

International Trademark**WIPO | MADRID**Alert me when document is updated [HTML](#) [PDF](#) [XML](#)**338988**

Printed: 2018-12-03 12:40

Current Status

- 151 Date of the registration**
23.10.1967
- 180 Expected expiration date of the registration/renewal**
23.10.2027
- 270 Language of the application**
French
- 732 Name and address of the holder of the registration**
FERRARI S.P.A.
Via Emilia Est, 1163
I-41100 MODENA (IT)
- 811 Contracting State of which the holder is a national**
IT
- 740 Name and address of the representative**
Dr. MODIANO & ASSOCIATI S.p.A.
Via Meravigli, 16
I-20123 MILANO (IT)
- 540 Mark**



- 531 International Classification of the Figurative Elements of Marks (Vienna Classification)**
03.03.01 ; 03.03.17
- 511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification)**
12 Automobiles et pièces de rechange pour automobiles.
- 821 Basic application**

IT, 12.11.1966, 14 909 C/66

822 Basic registration

IT, 30.05.1967, 209 029

834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies

AT - BA - BX - CH - CZ - DE - EG - ES - FR - HR - HU - LI - MA - MC - ME - PT - RO - RS - SI - SK - SM

Transaction History

EXPAND none

Contracting Parties above which have issued the document:

International Trademark

WIPO | MADRID

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EUTM file information

(Trade mark without text)

001616481

Graphic representation



Trade mark information

Name	(Trade mark without text)	Filing date	30/01/1997
Filing number	001616481	Registration date	03/08/2001
Basis	EUTM	Expiry date	30/01/2027
Date of receipt	30/01/1997	Designation date	
Type	Figurative	Filing language	Italian
Nature	Individual	Second language	English
Nice classes	3, 6, 9, 14, 16, 18, 24, 25, 28, 41 (Nice Classification)	Application reference	C000739
Vienna Classification	03.02.26, 03.03.01, 03.03.17 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

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3 Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Soaps; Perfumery, essential oils; Cosmetics, hair lotions; Dentifrices; Abrasive cloth; Abrasive paper; Eyelashes (Adhesives for affixing false -); Adhesives for affixing false hair; Adhesives for cosmetic purposes; Alum stones (antiseptic); Antistatic preparations for household purposes; Bath salts, not for medical purposes; Cobblers' wax; Cotton sticks for cosmetic purposes; Cotton wool for cosmetic purposes; Transfers (Decorative -) for cosmetic purposes; Denture polishes; Emery cloth; Emery paper; False nails; Fumigation preparations [perfumes]; Glass cloth [abrasive cloth]; Incense; Lacquer-removing preparations; Mouthwashes, not for medical purposes; Paint removers; Paper guides for eye make-up; Polishing paper; Potpourris [fragrances]; Pumice stone; Sachets for perfuming linen; Sandpaper; Scented wood; Shampoo; Shampoos for pets [non-medicated grooming preparations]; Shoemakers' wax; Smoothing stones; Tailors' wax; Toiletries; Tripoli stone for polishing; Varnish-removing preparations; Antiperspirants [toilettries].

6 Common metals and their alloys; Metal building materials; Transportable metal constructions; Materials of metal for railway tracks; Non-electric cables and wires of common metal; Ironmongery, small items of metal hardware, pipes and tubes of metal; Safes; Goods of common metal not included in other classes; Unrefined ores and in particular key rings, key-cases, pill boxes, all of metal; Except hinges and runners for drawers and doors and other fittings, all of metal used for furniture-making, pins, badges for wear, nameplates of metal.

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 apparatus and computers; Fire-extinguishing apparatus and in particular sunglasses; Anti-glare glasses; Spectacles, protective or safety glasses; Spectacles [optics]; Spectacle cases; Spectacle frames; Spectacle lenses; Cigar lighters, electric, protective helmets for motorists and motor cyclists, electronic video games, on magnetic or optical data carriers for use on computers and compact disk and video readers, CD-ROMs; Pince-nez chains; Containers for contact lenses; Cases especially made for photographic apparatus and instruments; Animated cartoons; Record player needles [Apparatus for changing -]; Asbestos clothing for protection against fire; Asbestos gloves for protection against accidents; Breathing apparatus for underwater swimming; Breathing apparatus, except for artificial respiration; Jackets [bullet proof]; Speaker enclosures; Cases fitted with dissecting instruments [microscopy]; Cleaning apparatus for sound recording discs; Clothing for protection against accidents, irradiation and fire; Computer keyboards; Computer operating programs, recorded; Recorded computer software; Containers for microscope slides; Divers' apparatus; Divers' masks; Diving suits; Ear plugs for divers; Filters for respiratory masks; Fire beaters; Fire blankets; Fire boats; Fire engines; Fire hose nozzles; Floats for swimming; Furniture especially made for laboratories; Gloves for divers; Gloves for protection against accidents; Gloves for protection against X-rays for industrial purposes; Holders for electric coils; Interfaces for computers; Juke boxes for computers; Knee-pads for workers; Magnets; Masts for wireless aerials; Micrometer screws for optical instruments; Monitors [computer programs]; Nets for protection against accidents; Oxygen transvasing apparatus; Plotters; Protection devices against X-rays, not for medical purposes; Protection devices for personal use against accidents; Protective masks; Protective suits for aviators; Push buttons for bells; Railway traffic safety appliances; Reflecting discs for wear, for the prevention of traffic accidents; Respirators for filtering air; Respiratory masks, other than for artificial respiration; Retorts' stands; Road signs, luminous or mechanical; Safety nets; Safety restraints, other than for vehicle seats and sports equipment; Safety tarpaulins; Shoes for protection against accidents, irradiation and fire; Luminous signs; Solderers' helmets; Spark-guards; Stands for photographic apparatus; Steering apparatus, automatic, for vehicles; Swimming belts; Swimming jackets; Teeth protectors; Camera tripods; Vehicle breakdown warning triangles; Workmen's protective face-shields; Spectacle cords; Peripherals adapted for use with computers; Recorded computer programs; Automatic swivels; Swimming arm bands; Clothing for protection against accidents, irradiation and fire; Head protection.

14 Clocks, Wristwatches, Pendulum clocks, Pocket watches, Table clocks, Wall clocks, Alarm clocks, Alarm clocks, Chronoscopes, Chronographs [watches], Watch boxes of precious metals, Jewels; Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes, Sets of jewellery for personal use of precious metals and natural and artificial precious stones; Pen cases of precious metals and accessories therefor, Purses of precious metal, ash trays of precious metals; Bottle openers and corkscrews of precious metals; pill boxes of precious metal; Photograph frames of precious metal; Cigar cutters of precious metals, cigar cases, Cigarette cases, Snuff boxes of precious metal; Cases of precious metal, cigar and cigarette holders of precious metal; Precious stones, Pen wipers and pen hooks of precious metals; Cuff links and tie clips; Pins being jewelry.

16 Paper, cardboard and goods made from these materials and not included in other classes; Printed matter; Bookbinding material; Photographs; Stationery, adhesives for stationery or household purposes, artists' materials; Paint brushes; Typewriters and office requisites (except furniture); Instructional and teaching material (except apparatus); Plastic materials for packaging (not included in other classes); Playing cards; Printers' type, Printed blocks, Stickers (stationery), Adhesive labels, flags of paper, Posters and Calendars; Adhesive tapes for stationery or household purposes; Indoor aquaria; Indoor aquarium hoods; Architectural models; Bags for microwave cooking; Balls for ball-point pens; Composing frames [printing]; Composing sticks; Control tokens; Engraving plates; Galley racks [printing]; Garbage bags of paper or of plastics; Graining combs; Hand labelling appliances; Checkbook covers; House painters' rollers; Indoor terrariums (vivariums); Marking chalk; Packaging material made of starches; Passport covers; Photograph stands; Printers' blankets, not of textile; Printers' galleys; Chaplets; Self-adhesive tapes for stationery or household purposes; Sheets of reclaimed cellulose for wrapping; Steatite [tailor's chalk]; Tailors' chalk; Trays for sorting and counting money; Vignetting apparatus; Wristbands for the retention of writing instruments; Babies' diaper-pants of paper and cellulose (disposable); Babies' napkins of paper and cellulose (disposable); Babies' napkin-pants [diaper-pants] of paper and cellulose, disposable.

18 Trunks and travelling bags, key-cases of leather, umbrellas, walking sticks, briefcases, bags, handbags, gent's handbags, bags, pocket wallets, coin purses, document holders of leather, leather and imitations of leather, goods made of these materials and not included in other classes, animal skins, hides, rucksacks.

24 Textiles and textile goods, not included in other classes; Bed and table covers, Towels and pennants of textile; Banners of textile or plastic; Bunting of textile or plastic; Curtains of textile or plastic; Flags of textile or plastic; Furniture coverings of plastic; Plastic material [substitute for fabrics].

25 Sportswear for every type of sport, uniforms, suits, tracksuits, gloves, sports jerseys, knitwear, shirts, blouses, shoes, boots, hats, neckties, sashes for wear, skirts, trousers, waistcoats, jackets, belts, braces, sashes, T-shirts, sweatshirts, polo shirts, bomber jackets, topcoats, dressing gowns, stockings, headscarves, underwear, pyjamas, slippers, coats, shawls, jeans, children's clothing, waterproof clothing and windcheaters, clothing for men.

28 Games and playthings; Gymnastic and sporting articles not included in other classes; Decorations for Christmas trees; Electronic games other than those adapted for use with television receivers only; Automatic games; Model motor cars; Artificial fishing bait; Billiard cue tips; Billiard markers; Billiard table cushions; Bite sensors [fishing tackle]; Bladders of balls for games; Billiard cue chalk; Christmas tree stands; Christmas trees of synthetic material; Cricket bags; Edges of skis; Fairground ride apparatus; Fishing rods; Sports technical fishing floats/bags/pumps with or without reels; Bait for fishing; Game fly kits; Kite reels; Lines for fishing; Party favors; Paddings (Protective...) [parts of sports suits]; Reels for fishing; Rollers for stationary

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exercise bicycles; Scrapers for skis; Seal skins [coverings for skis]; Ski bindings; Sole coverings for skis; Strings for rackets; Wax for skis; Bite indicators [fishing tackle].

41 Education, entertainment, organisation of exhibitions in relation to motor racing for sports purposes and entertainment in the field of motor racing.

Description

No data

Owners

FERRARI S.P.A.

ID	7308	Country	IT - Italy	Correspondence address	
Organisation	FERRARI S.P.A.	State/country	n/a	FERRARI S.P.A. Via Emilia Est, 1163 I-41100 Modena ITALIA	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Modena		
		Post code	41100		
		Address	Via Emilia Est, 1163		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

DR. MODIANO & ASSOCIATI S.P.A.

ID	10583	Country	IT - Italy	Correspondence address	
Organisation	n/a	State/country	n/a	DR. MODIANO & ASSOCIATI S.P.A. Via Meravigli, 16 I-20123 Milano ITALIA	00 39-0285907777
Legal status	Legal person	Town	Milano		00 39-0272021062
Type	Association	Post code	20123		
		Address	Via Meravigli, 16		uami@modiano.com

Priority

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EUTM file information

(Trade mark without text)
000454546

Graphic representation



Trade mark information

Name	(Trade mark without text)	Filing date	30/01/1997
Filing number	000454546	Registration date	07/11/2000
Basis	EUTM	Expiry date	30/01/2027
Date of receipt	30/01/1997	Designation date	
Type	Figurative	Filing language	Italian
Nature	Individual	Second language	English
Nice classes	12, 37 (Nice Classification)	Application reference	C000739
Vienna Classification	03.03.01, 03.03.17 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

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37 Construction, repair and maintenance services for motor vehicles, all included in class 37.

No data

FERRARI S.P.A.

ID	7308	Country	IT - Italy	Correspondence address	
Organisation	FERRARI S.P.A.	State/country	n/a	FERRARI S.P.A. Via Emilia Est, 1163 I-41100 Modena ITALIA	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Modena		
		Post code	41100		
		Address	Via Emilia Est, 1163		Can be accessed and changed by authorised user via the User Area
					Can be accessed and changed by authorised user via the User Area

DR. MODIANO & ASSOCIATI S.P.A.

ID	10583	Country	IT - Italy	Correspondence address	
Organisation	n/a	State/county	n/a	DR. MODIANO & ASSOCIATI	00 39-0285907777
Legal status	Legal person	Town	Milano	S.P.A.	
Type	Association	Post code	20123	Via Meravigli, 16	00 39-0272021062
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		Address	Via Meravigli 16	ITALIA	
			Click for more information	X	uami@modiano.com

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LA REPRESENTATION DES ETRANGERS DEVANT L'OFFICE DE LA PROPRIETE INDUSTRIELLE

Des personnes n'ayant pas leur siège ou domicile permanent sur le territoire de la République tchèque sont obligées d'être représentées au cours d'une procédure sur les marques par un avocat ou bien par un ingénieur de brevets et de marques (article 46 alinéa 2 et 3 de la loi 441/2003 du Journal officiel).

Les avocats sont enregistrés au registre tenu par:

**Le Barreau tchèque
(Česká advokátní komora)
Národní třída 16
110 00 Praha 1
République tchèque**

**tel.: +420 221 729 011
fax: +420 224 932 989
e-mail: sekr@cak.cz
<http://www.cak.cz>
<http://www.advokatni-komora.cz>**

Les ingénieurs de brevets et de marques sont enregistrés au registre tenu par:

**Chambre des ingénieurs de brevets et de marques
(Komora patentových zástupců)
Gorkého 12
602 00 Brno
République tchèque**

**tel.: +420 541 248 246
fax: +420 541 219 469
e-mail: kpz@patentovizastupci.cz
chamber@czechpatentattorneys.info
<http://www.patzastupci.cz>**