

# MADRID AGREEMENT AND PROTOCOL

## PROVISIONAL REFUSAL OF PROTECTION

### Rule 17(1)

I.	Office sending the statement: <b>Hungarian Intellectual Property Office</b> 1438 Budapest, Pf.415 Fax. :(361) 474 - 5534
II.	Number of the international registration: 140 8814 Date of extension of the mark to Hungary: 2018.01.12
III.	Name of the holder (or other information enabling the identity of the international registration to be confirmed): DANVISTANO TRADING LTD
IV.	Provisional refusal based on an ex officio examination  <input checked="" type="checkbox"/> [X] Provisional refusal based on an opposition  Provisional refusal based on an observation
Provisional refusal for all the goods and/or services <input checked="" type="checkbox"/> [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)  Goods and/or services of the class (7) which are affected: 7 Machines, machine tools, power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; incubators for eggs; automatic vending machines; shaft couplings [machines]; acetylene cleaning apparatus; converters for steelworks; adhesive tape dispensers [machines]; aerating pumps for aquaria; aerocondensers; agitators; agricultural machines; agricultural elevators; filters for cleaning cooling air, for engines; air condensers; apparatus for drawing up beer under pressure; sizing machines; steamrollers; road rollers; carburetter feeders; igniting devices for internal combustion engines; alternators; valves [parts of machines]; axles for machines; crank shafts; transmission shafts, other than for land vehicles; lifts, other than	



ski-lifts; elevators [lifts]; mixing machines; self-oiling bearings; ploughs; aeroplane engines; whitewashing machines; colour-washing machines; grease rings [parts of machines]; piston segments; piston rings; dynamo brushes; road sweeping machines, self-propelled; saw benches [parts of machines]; belts for conveyors; belt conveyors; churns; drums [parts of machines]; housings [parts of machines]; stands for machines; mills [machines]; threshing machines; beating machines; concrete mixers [machines]; butter machines; bicycle dynamos; connecting rods for machines, motors and engines; ball-bearings; bitumen making machines; harvesting machines; mowing and reaping machines; sheaf-binding machines; bobbins for weaving looms; reels for weaving looms; woodworking machines; apparatus for aerating beverages; hosiery looms; binding apparatus for hay; trussing apparatus for hay; mud catchers and collectors [machines]; glow plugs for Diesel engines; threading machines; rinsing machines; bottle filling machines; bottle washing machines; brewing machines; tambours for embroidery machines; brushes [parts of machines]; bulldozers; shovels, mechanical; mortising machines; paring machines; capstans; automatic grapnels for marine purposes; belts for machines; cowlings [parts of machines]; guards [parts of machines]; hoods [parts of machines]; type-setting machines [printing]; injectors for engines; carburettors; card clothing [parts of carding machines]; knives [parts of machines]; boxes for matrices [printing]; cinder sifters [machines]; cream/milk separators; spin dryers [not heated]; spin driers [not heated]; lubricators [parts of machines]; centrifugal machines; centrifuges [machines]; centrifugal mills; centrifugal pumps; grain husking machines; corn and grain husking machines; corn husking machines; milling machines; bearing brackets for machines; hangers [parts of machines]; carbon brushes [electricity]; coal-cutting machines; hoists; loading ramps; sliders for knitting machines; carriages for knitting machines; slides for knitting machines; lathes [machine tools]; pulleys; ploughshares; fittings for engine boilers; wine presses; cigarette machines for industrial purposes; bending machines; shears, electric; scissors, electric; chisels for machines; clack valves [parts of machines]; filter presses; scale collectors for machine boilers; pedal drives for sewing machines; type-setting machines [photocomposition]; compressors [machines]; turbocompressors; steam condensers [parts of machines]; condensing installations; pulleys [parts of machines]; joints [parts of engines]; sealing joints [parts of engines]; cord making machines; typecasting machines; clippers [machines]; cutters [machines]; current generators; drilling heads [parts of machines]; dynamo belts; elevator belts; lift belts; stitching machines; air cushion devices for moving loads; bearings [parts of machines]; knives, electric; rack and pinion jacks; sifting installations; jacks [machines]; leather-working machines; cylinder heads for engines; cultivators [machines]; cylinders for machines; printing cylinders; rolling mill cylinders; sorting machines for industry; hoppers [mechanical discharging]; cutting machines; de-aerators for feedwater; turf removing ploughs; degreasers [machines]; starters for motors and engines; lace making machines; steam/oil separators; disintegrators; pressure reducers [parts of machines]; reeling apparatus, mechanical; leather paring machines; drainage machines; trimming machines; apparatus for dressing; apparatus for machining; dynamos; sewage pulverizers; sewage pulverisers; apparatus for aerating water; machines for the production of mineral water; water heaters [parts of machines]; fleshing machines; die-cutting and tapping machines; nut-tapping machines; stalk separators



[machines]; grain separators; ejectors; generators of electricity; elevating apparatus; swaging machines; clutches, other than for land vehicles; inking apparatus for printing machines; feeders [parts of machines]; wrapping machines; moving staircases [escalators]; escalators; pumps [parts of machines, engines or motors]; stamping machines; die-stamping machines; labellers [machines]; metal drawing machines; excavators; haulage apparatus [mining]; extractors for mines; tedding machines; sieves [machines or parts of machines]; knives for mowing machines; blades [parts of machines]; spinning machines; spinning wheels; filtering machines; finishing machines; chucks [parts of machines]; fodder presses; foundry machines; pistons for cylinders; stuffing boxes [parts of machines]; blowing machines for the compression, exhaustion and transport of gases; lawnmowers [machines]; tarring machines; blowing machines for the compression, sucking and carrying of grain; blowing machines or fans for the compression, sucking and carrying of grain; fans for the compression, sucking and carrying of grain; grease boxes [parts of machines]; lubricating pumps; embossing machines; engraving machines; notchers [machine tools]; guides for machines; straw [chaff] cutters; chaff cutters; meat choppers [machines]; meat mincers [machines]; gears for weaving looms; harrows; pulverisers [machines]; atomisers [machines]; spraying machines; hydraulic turbines; printing machines for use on sheet metal; printing plates; printing machines; printing presses; printing rollers for machines; dairy machines; chaff cutter blades; loom shafts; blade sharpening [stropping] machines; stropping machines; saw blades [parts of machines]; blade holders [parts of machines]; rolling mills; thermic lances [machines]; cranks [parts of machines]; dishwashers; washing apparatus; washing machines [laundry]; washing installations for vehicles; vehicle washing installations; coin-operated washing machines; lifting apparatus; wringing machines for laundry; smoothing presses; driving motors, other than for land vehicles; steam engines; machine tools; igniting magnetos; handling apparatus for loading and unloading; paper feeders [printing]; hammers [parts of machines]; power hammers; pneumatic hammers; tilt hammers; derricks; propulsion mechanisms, other than for land vehicles; transmissions, other than for land vehicles; regulators [parts of machines]; tobacco processing machines; crushers for kitchen use, electric; pump diaphragms; metalworking machines; looms; spinning frames; millstones; grinding machines; mine borers; ore treating machines; flour mill machines; mixers [machines]; reapers; reapers and binders; reapers and threshers; railway wagon lifts; jet engines, other than for land vehicles; anti-pollution devices for motors and engines; pistons for engines; speed governors for machines, engines and motors; moulds [parts of machines]; molds [parts of machines]; mills for household purposes, other than hand-operated; moulding machines; molding machines; freewheels, other than for land vehicles; shuttles [parts of machines]; machines and apparatus for cleaning, electric; suction machines for industrial purposes; hemming machines; hand-held tools, other than hand-operated; tools [parts of machines]; holding devices for machine tools; tin openers, electric; can openers, electric; bread cutting machines; journal boxes [parts of machines]; bearings for transmission shafts; papermaking machines; calenders; mangles; paper machines; packing machines; kneading machines; machines for making pasta; painting machines; spray guns for paint; drilling machines; electric hand drills; stone-working machines; pistons [parts of machines or engines]; typographic presses; pneumatic transporters; punches for punching

V.



machines; punching machines; pepper mills, other than hand-operated; machines and apparatus for polishing [electric]; pumps [machines]; air pumps [garage installations]; pumps for heating installations; vacuum pumps [machines]; roller bridges; adhesive bands for pulleys; beverage preparation machines, electromechanical; presses [machines for industrial purposes]; pressure regulators [parts of machines]; pressure valves [parts of machines]; puddling machines; steam traps; planing machines; rail-laying machines; rakes for raking machines; raking machines; friezing machines; trueing machines; bookbinding apparatus and machines for industrial purposes; ironing machines; darning machines; springs [parts of machines]; curtain drawing devices, electrically operated; riveting machines; taps [parts of machines, engines or motors]; faucets [parts of machines, engines or motors]; rotary printing presses; machine wheelwork; machine wheels; machine fly-wheels; roller bearings; ball rings for bearings; road making machines; road building machines; saws [machines]; mineworking machines; belts for motors and engines; weeding machines; satinizing machines; sausage making machines; sealing machines for industrial purposes; sowers [machines]; welding machines, electric; bellows [parts of machines]; forge bellows; lasts for shoes [parts of machines]; shoe lasts [parts of machines]; filling machines; stators [parts of machines]; stereotype machines; machines for the production of sugar; superheaters; superchargers; tables for machines; aprons [parts of machines]; carriage aprons; dyeing machines; carding machines; slide rests [parts of machines]; journals [parts of machines]; milking machines; suction cups for milking machines; teat cups for milking machines; transmissions for machines; pneumatic tube conveyors; tube conveyors, pneumatic; conveyors [machines]; braiding machines; winches; knitting machines; turbines, other than for land vehicles; reels, mechanical, for flexible hoses; tympan [parts of printing presses]; typographic machines; winnowers; engines for air cushion vehicles; fans for motors and engines; glass-working machines; railroad constructing machines; vulcanization apparatus; couplings, other than for land vehicles; aeronautical engines; sharpening machines; agricultural implements, other than hand-operated; grindstones [parts of machines]; sharpening wheels [parts of machines]; beer pumps; compressed air engines; compressed air machines; compressed air pumps; sparking plugs for internal combustion engines; shock absorber plungers [parts of machines]; dashpot plungers [parts of machines]; plunger pistons; anti-friction bearings for machines; anti-friction pads for machines; diggers [machines]; air suction machines; fuel economisers for motors and engines; engines for boats; motors for boats; beaters, electric; rams [machines]; brake linings, other than for vehicles; brake shoes, other than for vehicles; brake segments, other than for vehicles; reels [parts of machines]; gear boxes, other than for land vehicles; bottle stoppering machines; bottle capping machines; bottle sealing machines; brushes, electrically operated [parts of machines]; waste disposal units; garbage disposal units; coffee grinders, other than hand-operated; flues for engine boilers; earth moving machines; waste compacting machines; trash compacting machines; shredders [machines] for industrial use; potters' wheels; handling machines, automatic [manipulators]; industrial robots; food preparation machines, electromechanical; cartridges for filtering machines; driving chains, other than for land vehicles; torque converters, other than for land vehicles; transmission chains, other than for land vehicles; drill chucks [parts of machines]; steam engine



boilers; feeding apparatus for engine boilers; shearing machines for animals; hair clipping machines for animals; hair cutting machines for animals; motors, other than for land vehicles; engines, other than for land vehicles; control cables for machines, engines or motors; control mechanisms for machines, engines or motors; matrices for use in printing; compressors for refrigerators; water separators; drain cocks; sewing machines; fan belts for motors and engines; incubators for eggs; gears, other than for land vehicles; blenders, electric, for household purposes; kitchen machines, electric; cylinders for motors and engines; reduction gears, other than for land vehicles; dividing machines; drilling bits [parts of machines]; heat exchangers [parts of machines]; exhausts for motors and engines; motors, electric, other than for land vehicles; cranes [lifting and hoisting apparatus]; peeling machines; grating machines for vegetables; compressed air guns for the extrusion of mastics; filters [parts of machines or engines]; ditchers [ploughs]; whisks, electric, for household purposes; fruit presses, electric, for household purposes; hydraulic engines and motors; drilling rigs, floating or non-floating; fuel conversion apparatus for internal combustion engines; radiators [cooling] for motors and engines; boiler tubes [parts of machines]; hydraulic controls for machines, motors and engines; pneumatic controls for machines, motors and engines; crankcases for machines, motors and engines; food processors, electric; glue guns, electric; guns [tools using explosives]; net hauling machines [fishing]; universal joints [Cardan joints]; rotary steam presses, portable, for fabrics; machines and apparatus for carpet shampooing, electric; catalytic converters; central vacuum cleaning installations; chain saws; cleaning appliances utilizing steam; cutting blow pipes, gas-operated; dust exhausting installations for cleaning purposes; dust removing installations for cleaning purposes; electric hammers; electromechanical machines for chemical industry; elevator chains [parts of machines]; emergency power generators; expansion tanks [parts of machines]; glaziers' diamonds [parts of machines]; high pressure washers; machines for the textile industry; exhaust manifold for engines; oil refining machines; packaging machines; parquet wax-polishers, electric; shoe polishers, electric; snow ploughs; soldering apparatus, gas-operated; welding apparatus, gas-operated; soldering blow pipes, gas-operated; soldering irons, gas-operated; vacuum cleaner attachments for disseminating perfumes and disinfectants; vacuum cleaner hoses; vacuum cleaners; vibrators [machines] for industrial use; machines and apparatus for wax-polishing, electric; racket stringing machines; bicycle assembling machines; motorized cultivators; air brushes for applying colour; door openers, hydraulic; kick starters for motorcycles; mechanized livestock feeders; moving walkways; moving sidewalks; mufflers for motors and engines; silencers for motors and engines; door openers, pneumatic; vacuum cleaner bags; gas-operated blow torches; wind turbines; brake pads, other than for vehicles; electrodes for welding machines; electric welding apparatus; soldering apparatus, electric; soldering irons, electric; electric arc welding apparatus; electric arc cutting apparatus; soldering lamps; basket presses; blowing machines; electroplating machines; galvanizing machines; vending machines; distribution machines, automatic; door closers, electric; door openers, electric; elevator operating apparatus; lift operating apparatus; electrical apparatus for sealing plastics [packaging]; fuel dispensing pumps for service stations; self-regulating fuel pumps; machines for processing plastics; window openers, electric; window closers, electric; window openers, hydraulic; window



closers, hydraulic; window openers, pneumatic; window closers, pneumatic; door closers, hydraulic; door closers, pneumatic; kitchen grinders, electric; pneumatic jacks; 3D printers; sifting machines; engine mounts, other than for land vehicles; nail extractors, electric; nail pullers, electric; brushes for vacuum cleaners; ski edge sharpening tools, electric; crushing machines; rammers [machines]; suction nozzles for vacuum cleaners; pigs for cleaning pipes; juice extractors, electric; screwdrivers, electric; joysticks being parts of machines, other than for game machines; camshafts for vehicle engines; rubber tracks being parts of crawlers on construction machines; rubber tracks being parts of crawlers on loading-unloading machines and apparatus; rubber tracks being parts of crawlers on agricultural machines; rubber tracks being parts of crawlers on mining machines; rubber tracks being parts of crawlers on snow ploughs; pneumatic waste oil drainers; pumps for counter-current swimming; 3D printing pens; tilling machines for agricultural purposes; vegetable spiralizers, electric.

Grounds for refusal (where applicable, see item VIII):

VI.

4/1/b

Information relating to an earlier mark :

(i) Filing date and number, and, if any, priority date:

(ii) Registration date and number (if available):

(iii) Name and address of the owner:

(iv) List of all or relevant goods and/or services:

VII.

2008.10.09 IR986527

986527

Daetwyler SwissTec AG (CH)

Flugplatz, CH-3368 Bleienbach (CH)

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Corresponding essential provisions of the applicable law

VIII. 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.

Information relating to subsequent procedure:

(i) Time limit for replying the present provisional refusal: 2019.04.18

(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.

IX. (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.

Examiner: dr. Szakács Lilla Fanni

X. Number of decision: A1408814/7

Date: 2019.01.04

Signature or official seal of the Office sending the statement:


XI.

  
dr. Gabriella Kiss



Deputy Head of Trade Mark, Model and Design Department



 <small>WORLD INTELLECTUAL PROPERTY ORGANIZATION</small>	Madrid Monitor	International Trademark
986527- GOLDSTAR		Printed: 2019-01-04 10:36

## 986527- GOLDSTAR

Full details

Current Status

English

- 180** Expected expiration date of the registration/renewal  
09.10.2028
- 151** Date of the registration  
09.10.2008
- 270** Language of the application  
French
- 732** Name and address of the holder of the registration  
Daetwyler SwissTec AG  
Flugplatz  
CH-3368 Bleienbach (CH)
- 812** Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment  
CH
- 740** Name and address of the representative  
Keller & Partner Patentanwälte AG  
Eigerstrasse 2,  
Postfach  
CH-3000 Bern 14 (CH)
- 540** Mark  
GOLDSTAR
- 541** Reproduction of the mark where the mark is represented in standard characters
- 511** International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(9)  
07 Parts of printing machines, in particular doctor blades.
- 822** Basic registration  
CH, 25.04.2008, 577654
- 300** Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin  
CH, 25.04.2008, 577654
- 832** Designation(s) under the Madrid Protocol  
EM - US
- 834** Designation(s) under the Madrid Protocol by virtue of Article 9sexies  
CN - RU
- 527** Indications regarding use requirements  
US

## Transaction History

EXPAND none



**-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.