

**MADRID AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF MARKS
AND PROTOCOL RELATING TO THAT AGREEMENT**

PROVISIONAL REFUSAL OF PROTECTION

Notified to the World Intellectual Property Organisation (WIPO)
according to Article 5 of the Madrid Agreement and Madrid Protocol

I.	Office making the notification: PATENT OFFICE OF THE REPUBLIC OF LATVIA Citadeles iela 7/70 LV 1010, Riga LATVIA Phone: +371 67099604 Fax: +371 67099650 e-mail: liga.rinka@lrpv.gov.lv
II.	Number of the international registration: 1420001
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): Danvistano Trading Ltd. Corner Hutson & Eyre Street, Blake Building, Suite 302 Belize City BZ
IV.	The grounds of refusal: Provisional refusal based on an opposition: Opposition submitted by AIWA CO., LTD.; 1-6-3, Higashi-gotanda, Shinagawa-ku, Tokyo, 1410022, JP, holder of national registration M 40 597 /aiwa, Fig./; EUTM 000254326 / aiwa, Fig./ and EUTM 010732733 /AIWA/. Information about earlier rights (if any) is enclosed.
V.	Reference to the corresponding essential provisions of the Law of the Republic of Latvia on Trademarks and Indications of Geographical Origin: Opposition according to Sections 18 and 39 has been based on: Section LPZ/99 7.(1)2; LPZ/99 8.(1); LPZ/99 8.(2); LPZ/99 6.(2)
VI.	Provisional refusal for some of the goods and/or services: Class 09, class 11
VII.	Possibilities to review or appeal The holder is entitled, within three months from the date on which the International Bureau has notified of the Provisional Refusal, to submit a substantiated appeal to the Patent Office through a professional local patent attorney (Law On Trade Marks and Indications of Geographical Origin, Section 17.1; Law on Industrial Property Institutions and Procedures, Section 58). After expiration of the said period the Board of Appeal shall take a decision to satisfy the opposition, fully or in part, or to dismiss it. The Case can be reviewed, within three months from the date of notification of the Board of Appeal's decision, by a civil action initiated before the Riga City Vidzeme Suburb Court.
VIII.	Date of the notification of provisional refusal: 17.01.2019

IX. Signature or official seal of the Office making the notification:

Līga Rinka

X. Corresponding essential provisions of the applicable law:

Section 7. Earlier Trade Marks as Grounds for Invalidation of Trade Mark Registration

(1) A trade mark registration may be declared invalid in accordance with the provisions of this Law in the following cases:

1) it is identical to an earlier trade mark, and the goods or services in respect of which the trade mark was registered are identical to the goods or services in respect of which the earlier trade mark was registered;

2) in connection with its identity or similarity to, an earlier trade mark belonging to another person and the identity or similarity of the respective goods or services, there exists a likelihood of confusion of the trade marks or a likelihood of association between the trade marks on behalf of the relevant consumers.

(2) Earlier trade marks within the meaning of Paragraph one of this Section are:

1) trade marks valid in Latvia, which have been registered under national or international registration procedures, or as European Community trade marks (hereinafter Community trade mark) in accordance with Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (codified version) (Text with EEA relevance) (hereinafter Council Regulation No 207/2009) if the date of application for registration thereof is earlier than the date of application for registration of the contested trade mark, also taking into account the priority accorded to those trade marks;

2) applications for the registration of trade marks referred to in the previous Clause, provided that they are registered.

[21 October 2004; 14 October 2010]

Section 8. Well-known Trade Marks as Grounds for Refusal or Invalidation of Trade Mark Registration

(1) Notwithstanding the provisions of Section 7 of this Law, a trade mark registration may be refused or, if registered, the registration may be invalidated under the provisions of this Law, if the trade mark constitutes a reproduction, an imitation, a translation or a transliteration, liable to create confusion, of another trade mark, which, even though unregistered, was well-known in Latvia with respect to identical or similar goods or services, on the date of filing of application of the applied for (opposed) registration of trade mark (or the date of priority if priority has been granted).

(2) In addition to the provisions of Paragraph one of this Section, the registration of a trade mark may be refused or invalidated also if the goods or services regarding which trade mark registration has been applied for are not similar to the goods or services covered by a well-known trade mark in Latvia, provided that the use of the trade mark applied for (opposed) in relation to such goods or services may be perceived by consumers as an indication of a connection between such goods and services, and the owner of the well-known trade mark, and that such use may be detrimental to the interests of the owner of the well-known trade mark.

(3) In determining whether a trade mark is well-known, the knowledge of this trade mark in the relevant group of consumers, including such knowledge in Latvia that has been obtained as a result of the advertising of this mark or any other circumstances that have contributed to its fame shall be taken into account.

(4) In determining in which cases the provisions of Paragraphs one and two of this Section are to be applied to a sign regarding which registration has been applied for or to a registered trade mark, the provisions of Article 6-bis of the Paris Convention regarding a well-known trade mark shall be taken into account, including the provision which provides for the prohibition of the reproduction or the imitation of a well-known trade mark in an essential part of another trade mark; these provisions shall also apply, mutatis mutandis, to service marks.

(5) The provisions of Paragraphs one and two of this Section regarding refusal of registration during the expert-examination procedure shall not apply if the application for trade mark registration has been filed with the consent of the owner of the well-known trade mark.

Section 6. Absolute Grounds for Refusal and Invalidation of Trade Mark Registration

(1) The following signs may not be registered as trade marks (if they have been registered, such registration may be declared invalid in accordance with the provisions of this Law):

1) those which cannot constitute a trade mark, that is, signs which do not comply with the provisions of Section 3 of this Law;

2) those which lack any distinctive character with respect to the goods or services applied for;

3) those which consist solely of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose (functional task), value, geographical origin, or the time of production of the goods or of providing the services, or other characteristics of the goods or services;

4) those which consist solely of signs or indications (general signs) which have become customary in the current language or in fair and established practices of the trade to designate the goods or services applied for;

5) those which consist solely of a shape which is directly determined by the kind of goods (the shape

results directly from the nature of the goods themselves), or which is necessary to obtain a particular technical result, or which gives substantial value to the goods;

6) those which are contrary to public order or to socially accepted principles of morality;

7) those which may deceive consumers regarding the nature, quality or geographical origin, or the like, of the goods or services;

8) those which contain signs, the registration of which, would be refused or invalidated in accordance with Article 6-ter of the Paris Convention, including coats of arms and flags of the member countries of the Paris Union, their official hallmarks (assay marks), control and warranty marks, as well as the emblems, flags, and names of international organisations and the abbreviations thereof, without authorisation by the competent authorities;

9) those which, without authorisation by the competent authorities given in accordance with the procedures laid down in the laws and regulations of the Republic of Latvia, contain the official heraldry approved at the State level, national decorations, Official Service insignia, as well as signs for official hallmarks (assay marks), control, quality, warranty, and safety of using goods which are used with respect to identical or similar goods or services in Latvia;

9¹) those which contain other signs of high symbolic value, as well as religious symbols;

10) with respect to wines - those which contain or consist of an indication of geographical origin identifying wines of particular origin, or with respect to spirits those which contain or consist of an indication of geographical origin identifying spirits of particular origin, if such is not the genuine place of origin of the wines or spirits for which the trade mark registration has been applied;

11) those which are intended for the marking of agricultural and food products and contain an indication of geographical origin protected in regard to the same agricultural or food products or consist of such protected indication of geographical origin, if the products for which trade mark registration has been applied, do not have the respective origin or if the use of the sign applied for in connection with these products is contradictory to the laws and regulations governing the protection of geographical indications and designations of origin.

(2) A trade mark also shall not be registered or, if registered, may be liable to be declared invalid in accordance with the provisions of this Law if the application for registration of the trade mark was clearly made in bad faith by the applicant.

(3) A trade mark registration may not be refused on the basis of the provisions of Paragraph one, Clauses 2, 3 or 4 of this Section, and shall not be declared invalid on the basis of the same provisions if, as a result of the use of the mark, it has acquired a distinctive character in the perception of the relevant consumers in Latvia with respect to the goods and services for which registration has been applied.

[21 October 2004; 19 November 2015]

Preču zīmes dati

(111) Reģ. Nr. M 40 597

(151) Reģ. dat. 20.04.1998

(210) Pieteik. M-96-1477

(220) Pieteik. dat. 07.10.1996

(181) Spēkā esamības paredzamais termiņš 07.10.2026

(531) CFE ind. 27.5.1

The logo consists of the word "aiwa" in a bold, lowercase, sans-serif typeface. The letters are closely spaced, and the overall style is modern and minimalist.

(730) Īpašnieks AIWA CO., LTD.; 1-6-3, Higashi-gotanda, Shinagawa-ku, Tokyo, JP

(740) Pārstāvis Kristīne OSTROVSKA, Aģentūra "PĒTERSONA PATENTS"; Ausekļa iela 2 - 2, Rīga, LV-1010, LV

(511) 11 apgaismošanas, apsildes, tvaika ražošanas, ēdiena termiskās apstrādes, dzesēšanas, žāvēšanas, vēdināšanas, ūdensapgādes un sanitārtehniskās ierīces un aparāti

Statuss: zīme reģistrēta

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

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.

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X

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		
		Address	Place1-6-3, Higashi-gotanda, Shinagawa-ku		Hidden. You can set your contact details to be publicly available via the User Area.
					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
Processing...					

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	Click for more information	05/12/1991		EU	ACCEPTED

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Filing number	Registration number	Country	Priority date	Filing date	Registration date	International code	Status
	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
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

Records

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	001019475	Proprietor	Total transfers
2007/053	24/09/2007	B.4.2	000175821	Correction of errors	Relative errors

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Bulletin number	Date	Section	Filing number	Title	Subtitle
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	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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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; 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; 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/country	n/a	AIWA CO., LTD. Place1-6-3, Higashi-gotanda, Shinagawa-ku Tokyo 1410022 JAPÓN	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal entity	Town	Tokyo		
		Post code	1410022		
		Address	Place1-6-3, Higashi-gotanda, Shinagawa-ku		Hidden. You can set your contact details to be publicly available via the User Area.
					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/country	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		
		Address	Arabellastr. 30		Hidden. You can set your contact details to be publicly available via the User Area.
					Hidden. You can set your contact details to be publicly available via the User Area.

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Cancellation	000017625	Notification to the applicant of an extension of a time limit [requested by the EUTM proprietor/IR holder] (Rule 71 EUTMIR)	10/12/2018	
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	Cancellation	000017625	Notification to the EUTM proprietor/IR holder of an extension of a time limit (Rule 71 EUTMIR)	10/12/2018	
	Cancellation	000017625	Letter to the EUIPO	04/12/2018	

	From	Procedure	Filing number	Subject	Date	Actions
		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	
		Cancellation	000017625	Letter to the EUIPO	28/09/2018	
		EUTM	010732733	Surveillance letter	10/08/2018	
		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	

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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

Showing 1 to 5 of 5 entries

Cancellation

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

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Recordals

Bulletin number	Section	Filing number	Subject
000017625	Cancellation		Cancellation based on revocation

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Bulletin number	Date	Section	Filing number	Title	Subtitle
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

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Oppositions

No data

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data

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