

**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: **1420001**
No de la demande nationale de base: **81984**

III. Nom du titulaire de l'enregistrement international faisant l'objet du refus:
Danvistano Trading Ltd., Corner Hutson & Eyre Street, Blake Building, Suite 302, Belize City, Belize

IV. Motifs du refus:

- 1) Sur opposition déposée par **AIWA CO., LTD.**, Place 1-6-3, Higashi-gotanda, Shinagawa-ku, 1410022 Tokyo, Japon en sa qualité du titulaire des marques antérieures similaires suivantes :
- la marque de l'Union européenne « aiwa » enregistrée le 26.11.1998 sous le No 254326 avec la priorité à partir du 06.05.1996 (dans la République tchèque à partir du 01.05.2004) pour les produits identiques et similaires des classes 9 et 11;
 - marque de l'Union européenne « AIWA » enregistrée le 16.11.2012 sous le No 10732733 avec la priorité à partir du 16.03.2012 pour les produits identiques et similaires de la classe 9.

En raison de la similitude de la marque demandée avec les marques antérieures et en raison de l'identité et la similitude des produits que les marques désignent, il existe, dans l'esprit du public, un risque de confusion.

/article 7 alinéa 1 lettre b)/

- 2) Sur opposition déposée par **AIWA CO., LTD.**, Place 1-6-3, Higashi-gotanda, Shinagawa-ku, 1410022 Tokyo, Japon en sa qualité de l'utilisateur du signe similaire « **AIWA CO., LTD** » (le nom commercial) utilisé dans la vie des affaires.

Les droits au signe ont été acquis avant la date du dépôt de la marque demandée.

En raison de la similitude de la marque demandée avec ce signe et en raison de l'identité et la similitude des produits que le signe et la marque demandée désignent, il existe, dans l'esprit du public, un risque de confusion.

/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, modifiée par la Loi No 286/2018 du Journal Officiel, en vigueur le 1^{er} janvier 2019) 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:

Cl. 9 – Tous les produits de la classe 9.

Cl. 11 – Tous les produits de la classe 11.

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.

Expiration du délai pour présenter la requête en réexamen: 10.07.2019

VIII. Date à laquelle le refus a été prononcé: **10.01.2019**

Référence de l'Office No: **249348**

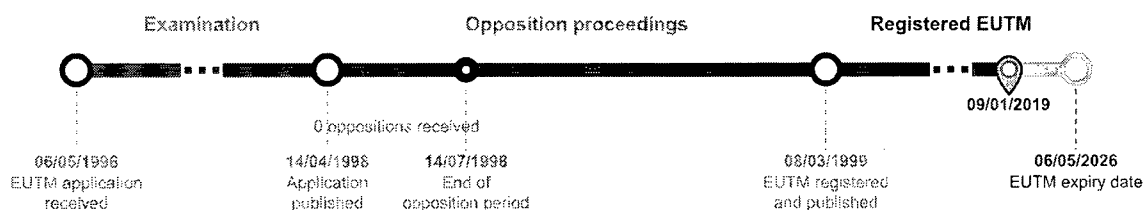
Pour le Président:

A handwritten signature in black ink, appearing to be 'J. K.', written over a circular official stamp.

EUTM file information

aiwa
000254326

Timeline



Graphic representation

aiwa

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

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.

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

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

Cancellation

	Filing number	Subtitle	Status	Status date
+	000015565	Cancellation based on revocation	Adversarial proceedings	01/09/2017
Showing 1 to 1 of 1 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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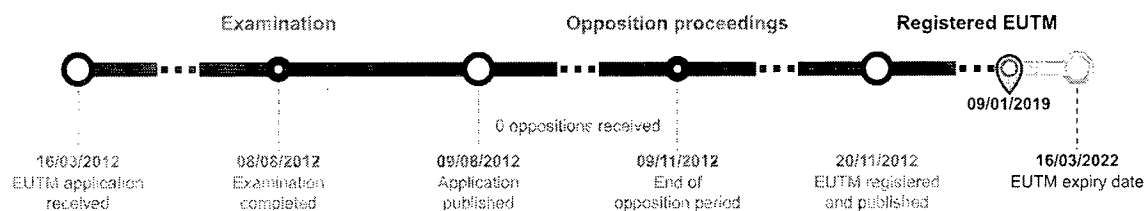
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EUTM file information

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

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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/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.
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IR transformation

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Seniority

No data

Exhibition priority

No data

Priority

No data

Cancellation

	Filing number	Subtitle	Status	Status date
+	000017625	Cancellation based on revocation	Adversarial proceedings	17/11/2017
Showing 1 to 1 of 1 entries				

Oppositions

No data

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data

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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	tel.: +420 221 729 011
(Česká advokátní komora)	fax: +420 224 932 989
Národní třída 16	e-mail: sekr@cak.cz
110 00 Praha 1	http://www.cak.cz
République tchèque	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	tel.: +420 541 248 246
(Komora patentových zástupců)	fax: +420 541 219 469
Gorkého 12	e-mail: kpz@patentovizastupci.cz
602 00 Brno	chamber@czechpatentattorneys.info
République tchèque	http://www.patzastupci.cz