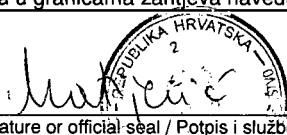


PROVISIONAL REFUSAL OF PROTECTION - PRELIMINARNO ODBIJANJE ZAŠTITE

According to Rule 17 of the Common Regulations under the Madrid Agreement and Protocol / Sukladno Pravilu 17. Zajedničkog pravilnika
uz Madridski sporazum i Protokol

Our reference: UP/I-910-08/2018-010/0114 559-04/3-19-005/GDŽ	
I Office making the notification / Nacionalni ured koji je odbio zaštitu:	 State Intellectual Property Office of the Republic of Croatia / Državni zavod za intelektualno vlasništvo Republike Hrvatske Ulica grada Vukovara 78, 10000 Zagreb (Croatia), tel.: +385 1 6106-100, 6106-109, fax.: +385 1 6112-017
II Number of the international registration / Broj međunarodne registracije:	142 1052
III Name and the address of the holder / Ime i adresa nositelja:	Danvistano Trading Ltd. Corner Hutson & Eyre Street, Blake Building, Suite 302 Belize City (Belize (BZ))
IV Provisional refusal based on opposition / Privremeno odbijanje na temelju prigovora	
V Grounds for refusal (see the text in column X) / Razlozi odbijanja (vidjeti tekst u rubrici X):	
VI Corresponding essential provisions of the applicable law (see the text in column XI) / Odgovarajuće bitne odredbe nacionalnog zakona koji se primjenjuje (vidjeti tekst u rubrici XI): Art. 6 para. 1 point 2	
VII Scope of the provisional refusal / Opseg privremenog odbijanja ☐ Provisional refusal for all the goods and/or services / Odbijanje za sve proizvode i/ili usluge ☒ Provisional refusal for some of the goods and/or services / Odbijanje za neke od proizvoda i/ili usluga Class 07: 3D printers; inking apparatus for printing machines; printing rollers for machines; tympan [parts of printing presses]; boxes for matrices [printing]; matrices for use in printing; papermaking machines; engraving machines; sharpening machines; stereotype machines; printing machines for use on sheet metal; stamping machines; bookbinding apparatus and machines for industrial purposes; type-setting machines [printing]; printing machines; rotary printing presses; typographic machines; type-setting machines [photocomposition]; typesetting machines; labellers [machines]; blades [parts of machines]; printing presses; typographic presses; air brushes for applying colour; knives [parts of machines]; blade holders [parts of machines]; paper feeders [printing]; printing plates; printing rollers for machines; knives, electric Class 09: Toner cartridges, unfilled, for printers and photocopiers; printers for use with computers; screens for photoengraving	
VIII Information relating to subsequent procedure / Obavijesti o daljnjem tijeku postupka: The holder of the international trademark registration may file her/his observations on the provisional refusal. She/he shall file her/his observations to the State Intellectual Property Office only by the intermediary of a representative established in the Republic of Croatia. A copy of the opposition shall be communicated to the representative after the filing of a power of attorney for representation. The time limit for filing the power of attorney shall be 4 months, counting from the date of the notification of refusal, or up to 14 May 2019, and the time limit for filing observations shall be 60 days counting from the day of receipt of a copy of the opposition by the representative. If the power of attorney is not filed up to the mentioned date, the requested registration of the trademark shall be refused within the limits of the requests referred to in the opposition. Nositelj međunarodne registracije žiga se može očitovati na privremeno odbijanje. Očitovanje treba podnijeti Državnom zavodu za intelektualno vlasništvo Republike Hrvatske isključivo uz posredovanje domaćeg zastupnika. Primjerak prigovora bit će dostavljen zastupniku nakon podnošenja punomoći o zastupanju. Rok za podnošenje punomoći je 4 mjeseca računajući od datuma obavijesti o odbijanju odnosno, do 14. svibnja 2019., a rok za očitovanje je 60 dana od dana primitka primjerka prigovora od strane zastupnika. Ako punomoć ne bude podnesena do navedenoga datuma, zatražena registracija će biti odbijena u granicama zahtjeva navedenih u prigovoru.	
IX	14/1/2019 Date of the notification of provisional refusal / Datum obavijesti o privremenom odbijanju  Signature or official seal / Potpis i službeni pečat

X

On 31 December 2018, the applicant Daetwyler SwissTec AG, Flugplatz, 3368 Bleienbach, (CH), represented by authorized representative PETOŠEVIĆ d.o.o., Ulica Josipa Račića 2, 10000 Zagreb, (HR), filed an opposition to the international trademark registration no. 142 1052 ("GoldStar") in the Republic of Croatia for some of the goods, based on an earlier EUTM trademark registration no. 0986527 ("GOLDSTAR").

Trademark information: no. 0986527 ("GOLDSTAR")

Applicant: Daetwyler SwissTec AG

Address of the holder: Flugplatz, 3368 Bleienbach, (CH)

Registration date: 9 October 2008

Goods/services: class(es) 7 (attachment list)

The signs are in conflict for some of the goods in class 7 and 9 of the international registration no. 142 1052 ("GoldStar").

Due to the mentioned opposition, the protection in the Republic of Croatia shall not be provisionally granted to the international registration no. 142 1052 ("GoldStar") for some of the goods in class 7 and 9.

Excerpt from the register enclosed

XI Corresponding essential provisions of the applicable law:

Relative grounds for refusal – Article 6 of the Trademarks Act (Official Gazette of the Republic of Croatia: 173/03, 76/07, 30/09 i 49/11)

(1) Upon an opposition as filed, a sign shall not be registered:

1. if it is identical with an earlier trademark registered for identical goods or services,
2. if because of its identity with, or similarity to, the earlier trademark and the identity or similarity of the goods or services, there is a likelihood of confusion on the part of the public, which includes the likelihood of its association with the earlier trademark.

(2) For the purposes of this Act, "earlier trademark" shall mean:

1. trademarks registered in the Republic of Croatia, enjoying priority right referred to in Articles 17, 18 and 19 of this Act,
2. trademarks registered under international treaties, having effect in the Republic of Croatia, and enjoying priority right referred to in Articles 17, 18 and 19 of this Act,
3. applications for the registration of trademarks referred to in item 1 of this paragraph, provided that the trademarks become registered, 4. trademarks which, on the date of application for the registration of a trademark, or, if priority is claimed, on the date of priority right claimed in the application, are well known in the Republic of Croatia, in the sense in which the words "well known" are used in Article 6bis of the Paris Convention.

(3) Upon opposition as filed by the holder of an earlier trademark, a sign shall not be registered if it is identical with, or similar to, an earlier trademark and the registration has been requested for goods or services which are not similar to those for which the earlier trademark is registered, where the earlier trademark has a reputation in the Republic of Croatia and where the use of the later trademark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the reputation of the earlier trademark;

(4) Upon opposition as filed, a sign shall not be registered if its use would infringe one of the following earlier rights:

1. a right to a personal name,
2. a right of personal portrayal,
3. a copyright,
4. industrial property rights.

(5) For the purposes of this Act, "earlier right" shall mean rights acquired on the date which is earlier than the date of application for the registration of a trademark, or, if priority right is claimed, as from the date of priority claimed in the application.

(6) On the basis of opposition as filed, a sign shall not be registered if its use would infringe the right of the person who, at the time of filing of an application for the registration of a trademark, had a firm, provided that such firm or the essential part thereof is identical with or similar to the sign in respect of which the application is filed and provided that identical or similar goods or services are the subject matter of the firm's activity, unless the applicant had the identical or similar firm at the time of filing the application for registration of a trademark.

(7) On the basis of opposition as filed, a sign shall not be registered if it is identical with, or similar to, an earlier trademark which was registered for identical or similar goods or services and conferred on them a right which has expired for failure to renew the registration of the trademark within a period of not more than two years as from the expiry of the trademark, unless the holder of the earlier trademark gave his consent for the registration of the later trademark or did not use his trademark.

(8) Upon an opposition as filed, a sign shall not be registered in the name of a trade agent or representative of a trademark holder without his authorization, unless a trade agent or representative justifies his action.

Relativni razlozi za odbijanje – Članak 6. Zakona o žigu (Narodne novine Republike Hrvatske 173/03, 76/07, 30/09 i 49/11)

(1) Na temelju podnesenoga prigovora neće se registrirati ni znak:

1. ako je istovjetan s ranijim žigom registriranim za istovjetne proizvode ili usluge,
2. ako zbog njegove istovjetnosti ili sličnosti s ranijim žigom i istovjetnosti ili sličnosti proizvoda ili usluga postoji vjerojatnost dovođenja javnosti u zabludu, što uključuje vjerojatnost dovođenja u svezu s ranijim žigom.

(2) Za potrebe ovoga Zakona pod pojmom »raniji žig« razumijevaju se:

1. žigovi registrirani u Republici Hrvatskoj koji uživaju ranije prvenstva iz članka 17., 18. i 19. ovoga Zakona,
2. žigovi registrirani na temelju međunarodnih sporazuma koji vrijede u Republici Hrvatskoj i koji uživaju ranije pravo prvenstva iz članka 17., 18. i 19. ovoga Zakona,
3. prijave za registraciju žigova iz točke 1. ovoga stavka, pod uvjetom da žigovi budu registrirani,
4. žigovi koji su na dan prijave za registraciju žiga ili, ako je zatraženo pravo prvenstva, na datum prava prvenstva zatraženog u prijavi, dobro poznati u Republici Hrvatskoj u smislu u kojemu se riječi »dobro poznat« rabe u članku 6.bis. Pariške konvencije.

(3) Na temelju podnesenoga prigovora nositelja ranijega žiga neće se registrirati ni znak ako je istovjetan s ranijim žigom ili sličan ranijem žigu, a zatražena je registracija za proizvode ili usluge koji nisu slični onima za koje je registriran raniji žig kada raniji žig ima ugled u Republici Hrvatskoj i kada bi uporaba kasnijega žiga bez opravdanoga razloga nepošteno iskoristila razlikovni karakter ili ugled ranijega žiga ili im naštetila.

(4) Na temelju podnesenoga prigovora znak neće biti registriran ako bi njegova uporaba vrijeđala neko od sljedećih ranijih prava:

1. pravo na osobno ime,
2. pravo na osobnu sliku,
3. autorsko pravo,
4. prava industrijskoga vlasništva.

(5) Za potrebe ovoga Zakona pod pojmom »ranije pravo« razumijevaju se prava stečena na datum koji je raniji od datuma prijave za registraciju žiga ili, ako je zatraženo pravo prvenstva, od datuma prava prvenstva zatraženog u prijavi.

(6) Na temelju podnesenoga prigovora znak neće biti registriran ako bi njegova uporaba vrijeđala pravo osobe koja je u vrijeme podnošenja prijave za registraciju žiga imala tvrtku, pod uvjetom da je ta tvrtka ili bitni dio tvrtke istovjetan s prijavljenim znakom ili sličan prijavljenom znaku i pod uvjetom da su istovjetni ili slični proizvodi ili usluge predmet djelatnosti te tvrtke, osim ako je podnositelj prijave u trenutku prijave imao istovjetnu ili sličnu tvrtku.

(7) Na temelju podnesenoga prigovora znak neće biti registriran ako je istovjetan s ranijim žigom ili sličan ranijem žigu koji je bio registriran za istovjetne ili slične proizvode ili usluge, a iz kojega proizlazi pravo koje je isteklo zbog neproduženja registracije žiga u razdoblju od najviše dvije godine od datuma isteka vrijednosti žiga, osim ako je nositelj ranijega žiga dao svoju suglasnost za registraciju kasnijega žiga ili nije rabio svoj žig.

(8) Na temelju podnesenog prigovora, osim ako trgovački zastupnik ili predstavnik opravda svoj postupak, znak neće biti registriran na ime trgovačkog zastupnika ili predstavnika nositelja žiga bez njegova odobrenja.



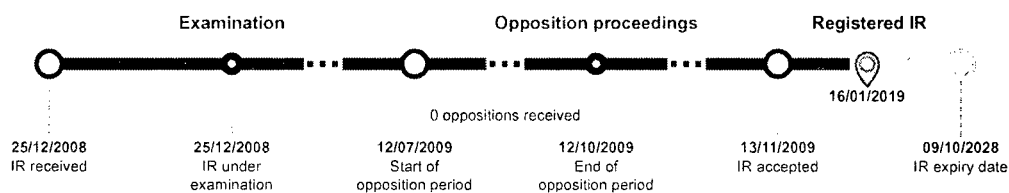
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EUTM file information

GOLDSTAR

0986527

Timeline



Trade mark information

Name	GOLDSTAR	Filing date	
Filing number	0986527	Registration date	09/10/2008
Basis	IR (Search on WIPO database)	Expiry date	09/10/2028
Date of receipt	25/12/2008	Designation date	09/10/2008
Type	Word	Filing language	French
Nature	Individual	Second language	German
Nice classes	7 (Nice Classification)	Application reference	
Vienna Classification		Trade mark status	IR accepted
		Acquired distinctiveness	No

Goods and services

English (en)

7 Parts of printing machines, in particular doctor blades.

Description

No data

Owners

Daetwyler SwissTec AG

ID	n/a	Country	CH - Switzerland	Hidden. You can set your contact details to be publicly available via the User Area.
Organisation	n/a	State/country	n/a	
Legal status	n/a			

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CH-3368
BleienbachHidden. You can set your
contact details to be publicly
available via the User Area.

Representatives

No data

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	IR	0986527	Prolong	25/10/2018	
	IR	0986527	Surveillance Letter	02/03/2016	
	IR	0986527	Surveillance Letter	22/02/2016	
	IR	0986527	Surveillance Letter	22/02/2016	
	IR	0986527	Surveillance Letter	30/11/2015	
	IR	0986527	Surveillance letter	25/11/2015	
	IR	0986527	Surveillance letter	22/10/2015	
	IR	0986527	New name	14/05/2015	
	IR	0986527	Surveillance letter	14/02/2014	
	IR	0986527	Surveillance letter for International registrations.	23/03/2012	

Showing 1 to 10 of 19 entries

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

Country	Filing number	Date	Status
Switzerland	577654	25/04/2008	Accepted

Showing 1 to 1 of 1 entries

Publications

Bulletin number	Date	Section	Description
2009/001	12/01/2009	M.1	IR_M_1
2009/045	23/11/2009	M.3.1	IR_M_3_1

Showing 1 to 2 of 2 entries

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