

**Notification of provisional refusal of protection based on an opposition  
(Article 5 of the Madrid Protocol and Rule 17(1) and (2) of the Common Regulations  
under the Madrid Agreement and Protocol and Article 78 EUTMDR)**

Alicante, 29/01/2019

*International registration No:* **1416166**  
*Date of notification to EUIPO:* **02-08-2018**  
*Trade mark:* **NN**  
*Holder:* **XIE PINGPING**  
**Room 705, Qianshuiwan Taoyuan,**  
**No. 1699 Xiadian Road,**  
**Gongchen Street,**  
**Licheng District,**  
**Putian City**  
**Fujian Province**  
*Opposition number:* **B 003068161**

Protection of the abovementioned mark is provisionally refused for the European Union.

The provisional refusal is based on the fact that an opposition has been filed against the international registration.

I. The grounds for opposition are as follows.

Conflict with an earlier mark because of likelihood of confusion (Article 8(1)(b) EUTMR).

II. Name and address of the opposing party:

**New Balance Athletics, Inc.**  
**Brighton Landing 100 Guest Street**  
**Boston Massachusetts 02135**  
**ESTADOS UNIDOS (DE AMÉRICA)**

III. The opposition is based on a mark which was the subject of an application or registration.

- type of mark : European Union trade mark registration.
- filing date, registration date and, if applicable, priority date: 01/04/1996; 22/04/1998.
- filing number and, if different, registration number: 000103614.

- reproduction of the mark: (see annex)
- list of goods and services on which the opposition is based: (see annex)

The opposition is based on more than one earlier right: (see annex)

IV. The provisional refusal relates to,

all the goods and services covered by the designation of the European Union.

The Office will notify the opposition separately to the holder of the international registration, including all evidence on which it is based, pursuant to Article 6(1) EUTMDR. The Office will set time limits for the holder. The notification will open an (extendable) cooling-off period of two months and a further period of two months for the opponent to substantiate the opposition. The notification will set a time limit of, in principle, six months for the holder of the international registration to submit observations.

The Office will also set a time limit of two months for the holder to appoint a representative within the meaning of Article 120(1) EUTMR. Protection of the international registration for the European Union will be refused in whole if the holder fails to appoint a representative within the time limit.



**DUBOIS LUKOWIAK Laurence**

Enclosures (excluding the cover letter): 12 pages.

Date of receipt (DD/MM/YYYY) 08/11/2018	Number of pages (including this one) 7
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### Acknowledgement of receipt of a Notice of opposition

Your notice of opposition has been submitted successfully.  
We thank you for choosing to use the online OPPOSITION form.

Opposition number:	003068161
Date of submission:	08/11/2018
Time of submission:	11:40
Number of attached files:	1
Payment method:	Current account with EUIPO
Payment ID number:	186DD673
Account No:	0000000005

Please indicate the opposition number in any further communication with the EUIPO.

## NOTICE OF OPPOSITION

Your reference: OCE-9833

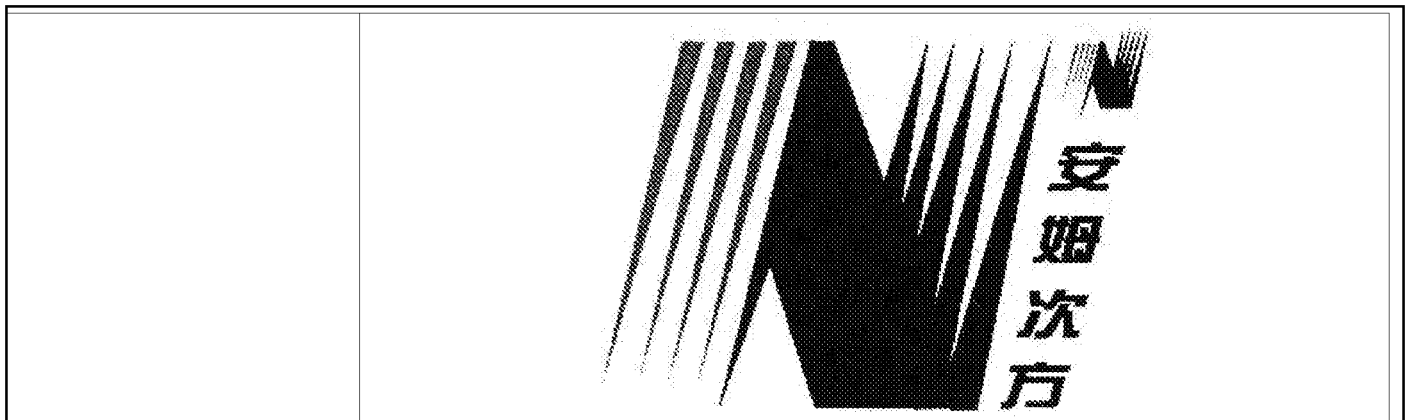
<b>Opponent(s)</b>	Opponent EUIPO ID: <span style="border: 1px solid black; padding: 2px;">649154</span>
Name of legal entity or first name and surname:	New Balance Athletics, Inc.
Legal form:	Incorporation
Type:	Legal Entity
Street address:	Brighton Landing 100 Guest Street
City:	Boston
Postal Code:	02135
Country:	United States
Postal address (if different):	
Telephone number:	00 1-9787252978
Fax number:	00 1-9786885093
E-mail address:	
Website:	

<b>Representative(s)</b>	EUIPO representative ID: <span style="border: 1px solid black; padding: 2px;">11849</span>
Name or legal name:	ELZABURU, S.L.P.
Type:	Association
Street address:	Miguel Angel, 21
City:	Madrid
Postal Code:	28010
Country:	Spain
Postal address (if different):	
Telephone number:	917009400
Fax number:	913193810
E-mail address:	elzaburu@elzaburu.es
Website:	

<b>Challenged entity</b>	Challenged registration ID: <span style="border: 1px solid black; padding: 2px;">W01416166</span>
Type of entity	IR
Name of the owner/holder:	XIE PINGPING
Designation date:	03/05/2018
Representation of the trade mark	NN
Trade mark type	Figurative

Representation of mark	
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## NOTICE OF OPPOSITION



<b>Language of proceedings</b>	<input checked="" type="checkbox"/> First language: EN (English)	<input type="checkbox"/> Second language: FR (French)
<b>Extent of the application</b>	<input checked="" type="checkbox"/> Against all the goods and services	
	<input type="checkbox"/> Against some of the goods and services	
<b>Class</b>	<b>Goods and services</b>	
25 (EN)	Clothing; layettes [clothing]; clothing for gymnastics; shoes; hats; hosiery; neckties; scarfs; leather belts [clothing]; gloves [clothing].	

**Grounds for opposition**

**Selected ground number 1**

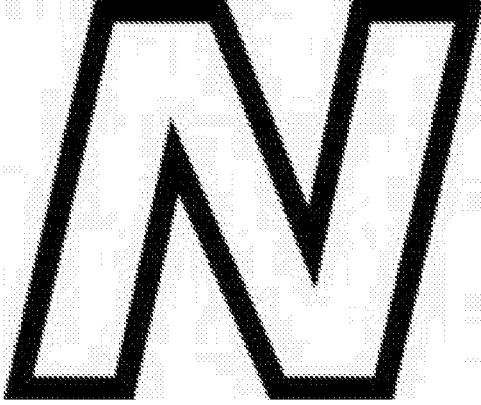
Article 8(1)(b) EUTMR - There exists a likelihood of confusion on the part of the public

**Basis of opposition**


Type of basis	International registration
Territory(ies)	EUIPO
Name of the owner/applicant	NEW BALANCE ATHLETICS, INC.
Application date	18/11/2013
Filing number	1186823
Registration number	1186823
Registration date	18/11/2013
Priority date	30/05/2013
Expiry date	18/11/2023
Designation date	30/05/2013
Trade mark type	Figurative

Representation of the earlier right


## NOTICE OF OPPOSITION

	
	<input type="checkbox"/> Colour(s) claimed
Verbal elements	N
Description	The mark consists of a stylized representation of the letter "N" with a contrasting border.. Cette marque se compose de la représentation stylisée de la lettre "N" aux contours contrastés.. La marca consiste en la representación estilizada de la letra "N" con contorno en contraste.
<input checked="" type="checkbox"/> The opposing party accepts that the necessary information for this trade mark is imported from the relevant online official database, accessible through TMVIEW, and that this source is used for substantiation purposes without prejudice to its right or obligation to provide any additional information that may be necessary to comply with the substantiation requirements of Article 7(2) and (4) EUTMDR	
<b>Goods and services used as basis</b> <input checked="" type="checkbox"/> Based on all the goods and services <input type="checkbox"/> Based on part of the goods and services, namely:	
<b>Class</b>	<b>Goods and services</b>
25 (EN)	Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Sweatshirts.
<b>Entitlement</b> <input checked="" type="checkbox"/> Owner/Co-owner <input type="checkbox"/> Authorised licensee <input type="checkbox"/> Person authorised under the applicable law	
<b>Evidence in support and translations</b> <input checked="" type="checkbox"/> Attached WIPO-EUIPO.pdf <input type="checkbox"/> To follow	
<b>Selected ground number 2</b>	
Article 8(1)(b) EUTMR - There exists a likelihood of confusion on the part of the public	
<b>Basis of opposition</b>	
Type of basis	EUTM/A
Name of the owner/applicant	New Balance Athletics, Inc.
Application date	01/04/1996
Filing number	000103614
Registration number	000103614
Registration date	22/04/1998
Expiry date	01/04/2026
Trade mark type	Figurative

## NOTICE OF OPPOSITION

Representation of the earlier right																			
	<input type="checkbox"/> Colour(s) claimed																		
Verbal elements	N																		
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<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Class</th> <th>Goods and services</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">18 (EN)</td> <td>Bags for carrying sports articles; tote bags.</td> </tr> </tbody> </table>	Class	Goods and services	18 (EN)	Bags for carrying sports articles; tote bags.															
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Class	Goods and services																		
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<b>Entitlement</b> <input checked="" type="checkbox"/> Owner/Co-owner <input type="checkbox"/> Authorised licensee <input type="checkbox"/> Person authorised under the applicable law																			
<b>Selected ground number 3</b>																			
Article 8(1)(b) EUTMR - There exists a likelihood of confusion on the part of the public																			
<b>Basis of opposition</b>																			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Type of basis</td> <td>EUTM/A</td> </tr> <tr> <td>Name of the owner/applicant</td> <td>New Balance Athletics, Inc.</td> </tr> <tr> <td>Application date</td> <td>01/04/1996</td> </tr> <tr> <td>Filing number</td> <td>000103754</td> </tr> <tr> <td>Registration number</td> <td>000103754</td> </tr> <tr> <td>Registration date</td> <td>16/07/1999</td> </tr> <tr> <td>Expiry date</td> <td>01/04/2026</td> </tr> <tr> <td>Trade mark type</td> <td>Figurative</td> </tr> <tr> <td>Representation of the earlier right</td> <td></td> </tr> </table>	Type of basis	EUTM/A	Name of the owner/applicant	New Balance Athletics, Inc.	Application date	01/04/1996	Filing number	000103754	Registration number	000103754	Registration date	16/07/1999	Expiry date	01/04/2026	Trade mark type	Figurative	Representation of the earlier right		
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Registration number	000103754																		
Registration date	16/07/1999																		
Expiry date	01/04/2026																		
Trade mark type	Figurative																		
Representation of the earlier right																			

## NOTICE OF OPPOSITION

			
	<input type="checkbox"/> Colour(s) claimed		
Verbal elements	N		
<input checked="" type="checkbox"/> The opposing party accepts that the necessary information for this trade mark is imported from the relevant online official database, accessible through TMVIEW, and that this source is used for substantiation purposes without prejudice to its right or obligation to provide any additional information that may be necessary to comply with the substantiation requirements of Article 7(2) and (4) EUTMDR			
<b>Goods and services used as basis</b> <input checked="" type="checkbox"/> Based on all the goods and services <input type="checkbox"/> Based on part of the goods and services, namely:			
<b>Class</b>	<b>Goods and services</b>		
25 (EN)	Boots and shoes, including shoes for athletics and sports.		
<b>Entitlement</b> <input checked="" type="checkbox"/> Owner/Co-owner <input type="checkbox"/> Authorised licensee <input type="checkbox"/> Person authorised under the applicable law			
<b>Statement of grounds</b>			
<b>Uploaded File(s)</b>			
<b>Title</b>	<b>Confidential</b>		
<b>File(s) linked from other proceedings</b>			
<b>Procedure</b>	<b>Filing number</b>	<b>Subject</b>	<b>Date</b>
<b>Fees</b>			
Payment method	Current account		
Opposition of EUTM fee			320.00 €
Total amount			320.00 €
Current account with EUIPO			
Account N°	0000000005		
<b>Signature</b>			
<b>First name and Surname</b>		<b>Capacity of the signatory</b>	
Xavier Lamíquiz Pierron -5372		Professional representative	

**Annexes:**

# NOTICE OF OPPOSITION


WIPO-EUIPO.pdf

# 1186823- N

## Full details

### Current Status

#### English

- 151** Date of the registration  
18.11.2013
- 180** Expected expiration date of the registration/renewal  
18.11.2023
- 270** Language of the application  
English
- 732** Name and address of the holder of the registration  
NEW BALANCE ATHLETICS, INC.  
100 Guest Street  
Boston MA 02135 (US)
- 811** Contracting State of which the holder is a national  
US
- 740** Name and address of the representative  
Daniel J. McKinnon New Balance Athletic Shoe, Inc.  
20 Guest Street,  
Brighton Landing  
Boston, MA 02135 (US)
- 540** Mark
- 
- 531** International Classification of the Figurative Elements of Marks (Vienna Classification) - VCL(7)  
27.05.02 ; 27.05.21
- 571** Description of the mark  
The mark consists of a stylized representation of the letter "N" with a contrasting border.
- 511** International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(10-2013)  
25 Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Sweatshirts.
- 821** Basic application  
US, 30.05.2013, 85946109
- 300** Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin  
US, 30.05.2013, 85946109
- 832** Designation(s) under the Madrid Protocol  
AU - CN - EM - JP - KR

## Transaction History

### EXPAND

#### EM

**Registration : 2013/50 Gaz, 02.01.2014, AU, CN, EM, JP, KR**

- 450** Publication number and date  
2013/50 Gaz, 02.01.2014
- 832** Designation(s) under the Madrid Protocol  
AU - CN - EM - JP - KR

**580** Date of recording (date of notification from which the time limit to notify the refusal starts)  
 26.12.2013

**Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1) : 2014/2 Gaz, 23.01.2014, EM**

EM

**450** Publication number and date  
 2014/2 Gaz, 23.01.2014  
 Opposition end date  
 02.10.2014

**Statement of grant of protection made under Rule 18ter(1) : 2014/45 Gaz, 20.11.2014, EM**

EM

**450** Publication number and date  
 2014/45 Gaz, 20.11.2014  
 Date of receipt by the International Bureau  
 04.11.2014

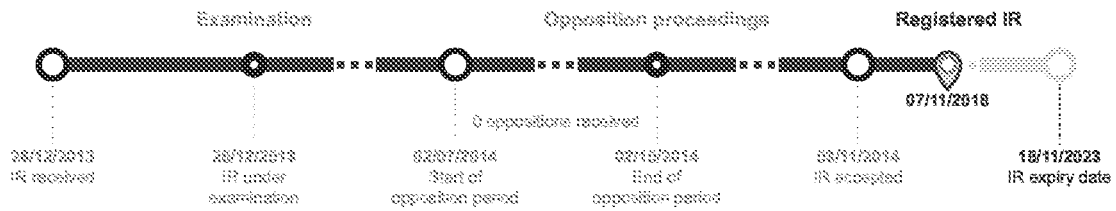


Protect your intellectual property in the European Union

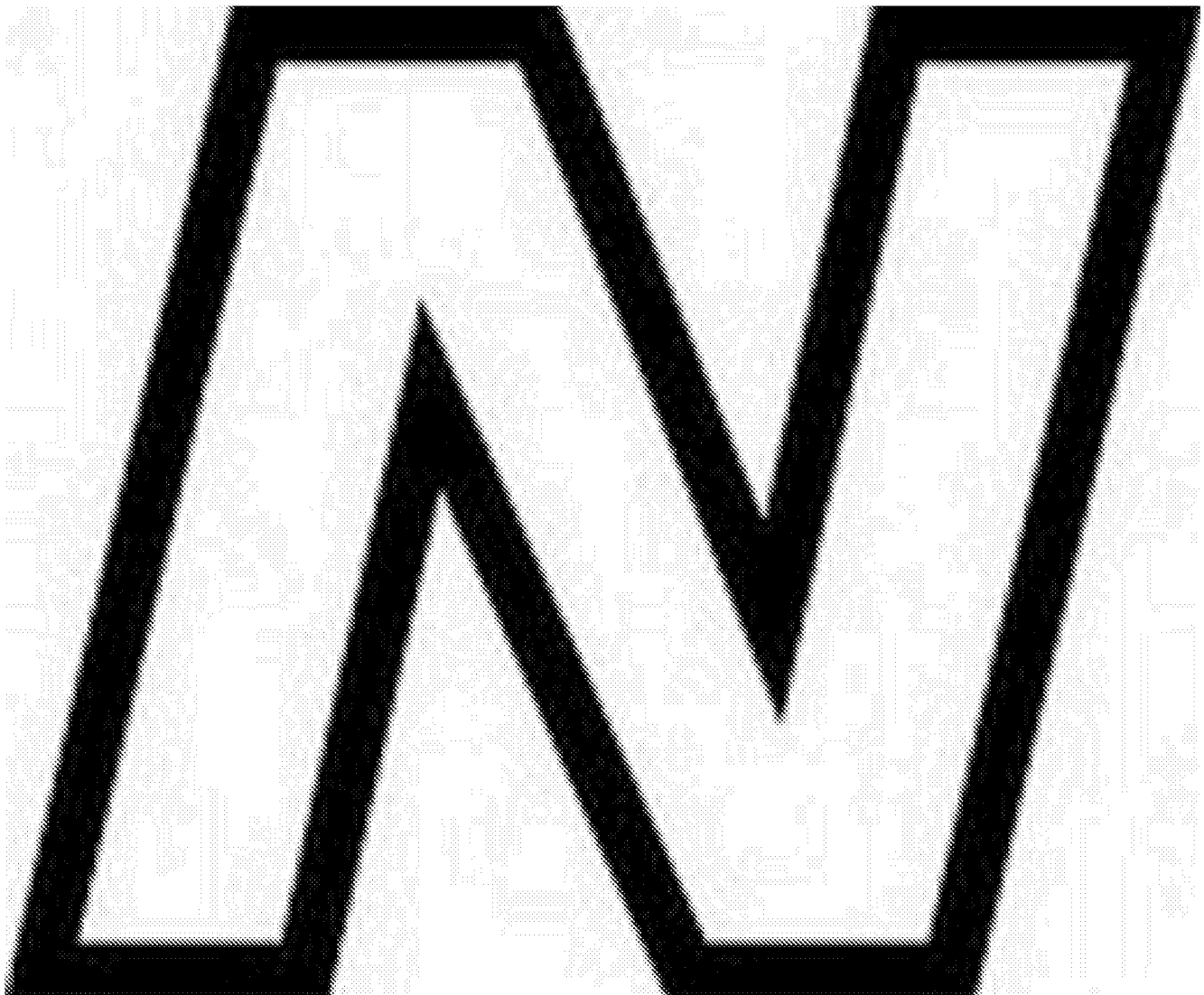
## EUTM file information

**N**  
**1186823**

### Timeline



### Graphic representation



## Trade mark information



Name	<b>N</b>	Filing date	
Filing number	<b>1186823</b>	Registration date	<b>18/11/2013</b>
Basis	<b>IR ( Search on WIPO database )</b>	Expiry date	<b>18/11/2023</b>
Date of receipt	<b>26/12/2013</b>	Designation date	<b>18/11/2013</b>
Type	<b>Figurative</b>	Filing language	<b>English</b>
Nature	<b>Individual</b>	Second language	<b>Spanish</b>
Nice classes	<b>25 ( Nice Classification )</b>	Application reference	
Vienna Classification	<b>27.05.21, 27.99.14 ( Vienna Classification )</b>	Trade mark status	<b>IR accepted</b> 
		Acquired distinctiveness	<b>No</b>

## Priority



Country	Filing number	Date	Status
United States	85946109	30/05/2013	Accepted

Showing 1 to 1 of 1 entries

## Seniority



No data

## Description



English (en)

Description The mark consists of a stylized representation of the letter "N" with a contrasting border.  
Colour

## Goods and services



English (en)

**25** Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Sweatshirts.

## Owners



## NEW BALANCE ATHLETICS, INC.

ID	n/a	Country	<b>US - United States</b>	 Can be accessed and changed by authorised user via the User Area
Organisation	n/a	State/county	n/a	
Legal status	n/a	Town	n/a	
		Post code	n/a	 Can be accessed and changed by authorised user via the User Area
		Address	<b>100 Guest Street Boston MA 02135</b>	 Can be accessed and changed by authorised user via the User Area

