

## MADRID PROTOCOL

### Model Form 3A: Total Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)

I. Office making the notification:



**HELLENIC REPUBLIC  
MINISTRY OF ECONOMY, DEVELOPMENT  
AND TOURISM  
GENERAL SECRETARIAT OF COMMERCE  
DIRECTION OF TRADEMARKS**

Address:  
KANINGOS SQUARE  
GR - 10181 ATHENS

Examiner: Giagtzidis Dimitrios

II. Number of the international registration:  
1379865/ 51879

III. Name of the holder:

Chery Automobile Co., Ltd.  
8 Changchun Road,  
Economy & Technology Development Zone,  
Wuhu City  
Anhui Province (CN)

IV. Information concerning the type of provisional refusal:

*Please indicate the type of refusal by checking only one of the following options:*

- ☐ Total provisional refusal based on an *ex officio* examination
- ☒ Total provisional refusal based on an opposition
- ☐ Total provisional refusal based on both an *ex officio* examination and an opposition

*Where the refusal is based on an opposition, please indicate the name and address of the opponent:*

(i) Name of the opponent: KAI MOTORS CORPORATION

(ii) Address of the opponent: 12 Heolleung-ro, Seocho-gu, Seoul, South Korea

V. Information concerning the scope of the provisional refusal:

Total provisional refusal affects all the goods and/or services.

VI. Grounds for refusal [(where applicable, see item VII)]:

Opposition 27300/05.03.2019 is based on the following marks (European Trademark)

VII. Information relating to an earlier mark:

Number: 016606964

Filing date and number, and, if any, priority date: 13/04/2017

Registration date and number (if available): 02/08/2017

Name and address of the owner:

KIA MOTORS CORPORATION  
12, Heolleung-ro, Seocho-gu  
Seoul 137-938  
REPÚBLICA DE COREA (LA)

Reproduction of the mark:

XCeed

List of the relevant goods and/or services (this list may be in the language of the earlier application or registration):

All products of the following classes: 12

VIII. Corresponding essential provisions of the applicable law:

Applied articles of Greek trademark law in case of notice of opposition ( Article 140 of law 4072/2012):

- 1.The examiner's decision accepting the registration of application may be opposed within a three-month period as from its publication on the website of the General Secretariat of Commerce in accordance with par. 1 and 3 of Article 139, for a registration being contrary to one or more grounds of Article 123 and par. 1 and 3 of Article 124 of this law.
- 2.If there are absolute grounds as per Article 123, the opposition can be filed by anyone who has a legitimate interest. Chambers as well as consumers associations have a legitimate interest as per Law 2251/1994.
- 3.If there are relative grounds as per Article 124 paragraphs 1 and 3, the opposition shall be filed by the proprietors of earlier trademarks or rights, as well as by licensees authorized by the proprietors of those trademarks, according to the terms and conditions of Article 132.

4. The opposition shall be filed by a document submitted to the Trademark Office and the Administrative Trademark Committee shall be responsible for taking decisions in relation to it. It shall not be treated as duly entered until the opposition fee has been paid.

IX. Information relating to the possibility to request a review or file an appeal:

Dates on which the opposition period begins and ends:

- Date on which the opposition period begins: 12.12.2018
- Date on which the opposition period ends: 12.03.2019

(i) Authority to which such request for review or appeal should be made:  
Administrative Trademarks Committee, Address: Kanning Square – Athens Greece

(ii) Whether the request for review or appeal has to be filed in a specific language and/or through the intermediary of a representative whose address is within the territory of the Contracting Party:

A Greek lawyer is needed to be appointed for attending the discussion in front of the Administrative Trade Marks Committee, which will take place on September 18th 2019, in order to answer to the opposition (information: Athens Bar Association tel: +30210 3398251, e-mail [info@dsa.gr](mailto:info@dsa.gr) & Piraeus Bar Association tel: 210-4176251, e-mail: [secretary@dspeir.gr](mailto:secretary@dspeir.gr))

(iii) Other requirements, if any: -

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

**Head of the Control and Admission of Trademarks Dpt.**

**Mrs Athanasopoulou Georgia**

XI. Date of the notification to the International Bureau:

**Athens, 05.03.2019**

[End of Model Form 3A]