

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:
1387991/ 52051

III. Name of the holder:

GUANGZHOU DARING INTERNATIONAL FORWARDING CO., LTD.
Rm. 719,
No. 799, Sanyuanli Avenue,
Baiyun Dist.
Guangzhou (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: EMIL LUX GMBH & CO. KG

(ii) Address of the opponent: POSTFACH 16 10 D-42909 WERMELSKIRCHEN
GERMANY

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 44444/19.04.2019 is based on the following marks (European Trademark)

VII. Information relating to an earlier mark:

Number: 011147345

Filing date and number, and, if any, priority date: 29/08/2012

Registration date and number (if available): 09/04/2014

Name and address of the owner:

Emil Lux GmbH & Co. KG

Postfach 16 10

D-42909 Wermelskirchen

ALEMANIA

Reproduction of the mark:



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: 25

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: 29.01.2019
- Date on which the opposition period ends: 29.04.2019

(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 November 6th 2019, in order to answer to the opposition (information: Athens Bar Association tel: +30210 3398251, e-mail info@dsa.gr & Piraeus Bar Association tel: 210-4176251, e-mail: 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, 19.04.2019

[End of Model Form 3A]