



Ministero dello Sviluppo Economico

DIREZIONE GENERALE PER LA LOTTA ALLA CONTRAFFAZIONE
Ufficio Italiano Brevetti e Marchi

**MADRID AGREEMENT AND PROTOCOL
PROVISIONAL REFUSAL OF PROTECTION
Rule 17(1)**

I. Office making the notification:

MINISTERO DELLO SVILUPPO ECONOMICO

Direzione Generale per la Lotta alla Contraffazione - Ufficio Italiano Brevetti e Marchi

Via Molise, 19 - 00187 ROMA

e-mail : dglcuibm.div02@pec.mise.gov.it

II. Number of the international registration: **1 406 247**

Trademark:



III. Name of the holder: **DANVISTANO TRADING LTD**

Corner Hutson & Eyre Street,

Blake Building, Suite 302

Belize City (BZ)

IV. Information concerning the type of provisional refusal:

- ☐ Provisional refusal based on an *ex officio* examination
- ☒ Provisional refusal based on an opposition (**opposition n°652018000050189**)
- ☐ Provisional refusal based on both an *ex officio* examination and an opposition

V. Information concerning the scope of the provisional refusal:

- ☐ Provisional refusal for all the goods and/or services
- ☒ Provisional refusal for some of the goods/services

The goods/services in **Cl.7, 9 and 11** namely:

07

Machines, machine tools, power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; incubators for eggs; automatic vending machines; shaft couplings [machines]; acetylene cleaning

apparatus; converters for steelworks; adhesive tape dispensers [machines]; aerating pumps for aquaria; aerocondensers; agitators; agricultural machines; agricultural elevators; filters for cleaning cooling air, for engines; air condensers; apparatus for drawing up beer under pressure; sizing machines; steamrollers; road rollers; carburetter feeders; igniting devices for internal combustion engines; alternators; valves [parts of machines]; axles for machines; crank shafts; transmission shafts, other than for land vehicles; lifts, other than ski-lifts; elevators [lifts]; mixing machines; self-oiling bearings; ploughs; aeroplane engines; whitewashing machines; colour-washing machines; grease rings [parts of machines]; piston segments; piston rings; dynamo brushes; road sweeping machines, self-propelled; saw benches [parts of machines]; belts for conveyors; belt conveyors; churns; drums [parts of machines]; housings [parts of machines]; stands for machines; mills [machines]; threshing machines; beating machines; concrete mixers [machines]; butter machines; bicycle dynamos; connecting rods for machines, motors and engines; ball-bearings; bitumen making machines; harvesting machines; mowing and reaping machines; sheaf-binding machines; bobbins for weaving looms; reels for weaving looms; woodworking machines; apparatus for aerating beverages; hosiery looms; binding apparatus for hay; trussing apparatus for hay; mud catchers and collectors [machines]; glow plugs for Diesel engines; threading machines; rinsing machines; bottle filling machines; bottle washing machines; brewing machines; tambours for embroidery machines; brushes [parts of machines]; bulldozers; shovels, mechanical; mortising machines; paring machines; capstans; automatic grapnels for marine purposes; belts for machines; cowlings [parts of machines]; guards [parts of machines]; hoods [parts of machines]; type-setting machines [printing]; injectors for engines; carburetters; card clothing [parts of carding machines]; knives [parts of machines]; boxes for matrices [printing]; cinder sifters [machines]; cream/milk separators; spin dryers [not heated]; spin driers [not heated]; lubricators [parts of machines]; centrifugal machines; centrifuges [machines]; centrifugal mills; centrifugal pumps; grain husking machines; corn and grain husking machines; corn husking machines; milling machines; bearing brackets for machines; hangers [parts of machines]; carbon brushes [electricity]; coal-cutting machines; hoists; loading ramps; sliders for knitting machines; carriages for knitting machines; slides for knitting machines; lathes [machine tools]; pulleys; ploughshares; fittings for engine boilers; wine presses; cigarette machines for industrial purposes; bending machines; shears, electric; scissors, electric; chisels for machines; clack valves [parts of machines]; filter presses; scale collectors for machine boilers; pedal drives for sewing machines; type-setting machines [photocomposition]; compressors [machines]; turbocompressors; steam condensers [parts of machines]; condensing installations; pulleys [parts of machines]; joints [parts of engines]; sealing joints [parts of engines]; cord making machines; typecasting machines; clippers [machines]; cutters [machines]; current generators; drilling heads [parts of machines]; dynamo belts; elevator belts; lift belts; stitching machines; air cushion devices for moving loads; bearings [parts of machines]; knives, electric; rack and pinion jacks; sifting installations; jacks [machines]; leather-working machines; cylinder heads for engines; cultivators [machines]; cylinders for machines; printing cylinders; rolling mill cylinders; sorting machines for industry; hoppers [mechanical discharging]; cutting machines; de-aerators for feedwater; turf removing ploughs; degreasers [machines]; starters for motors and engines; lace making machines; steam/oil separators; disintegrators; pressure reducers [parts of machines]; reeling apparatus, mechanical; leather paring machines; drainage machines; trimming machines; apparatus for dressing; apparatus for machining; dynamos; sewage pulverizers; sewage pulverisers; apparatus for aerating water; machines for the production of mineral water; water heaters [parts of machines]; fleshing machines; die-cutting and tapping machines; nut-tapping machines; stalk separators [machines]; grain separators; ejectors; generators of electricity; elevating apparatus;

swaging machines; clutches, other than for land vehicles; inking apparatus for printing machines; feeders [parts of machines]; wrapping machines; moving staircases [escalators]; escalators; pumps [parts of machines, engines or motors]; stamping machines; die-stamping machines; labellers [machines]; metal drawing machines; excavators; haulage apparatus [mining]; extractors for mines; tedding machines; sieves [machines or parts of machines]; knives for mowing machines; blades [parts of machines]; spinning machines; spinning wheels; filtering machines; finishing machines; chucks [parts of machines]; fodder presses; foundry machines; pistons for cylinders; stuffing boxes [parts of machines]; blowing machines for the compression, exhaustion and transport of gases; lawnmowers [machines]; tarring machines; blowing machines for the compression, sucking and carrying of grain; blowing machines or fans for the compression, sucking and carrying of grain; fans for the compression, sucking and carrying of grain; grease boxes [parts of machines]; lubricating pumps; embossing machines; engraving machines; notchers [machine tools]; guides for machines; straw [chaff] cutters; chaff cutters; meat choppers [machines]; meat mincers [machines]; gears for weaving looms; harrows; pulverisers [machines]; atomisers [machines]; spraying machines; hydraulic turbines; printing machines for use on sheet metal; printing plates; printing machines; printing presses; printing rollers for machines; dairy machines; chaff cutter blades; loom shafts; blade sharpening [stropping] machines; stropping machines; saw blades [parts of machines]; blade holders [parts of machines]; rolling mills; thermic lances [machines]; cranks [parts of machines]; dishwashers; washing apparatus; washing machines [laundry]; washing installations for vehicles; vehicle washing installations; coin-operated washing machines; lifting apparatus; wringing machines for laundry; smoothing presses; driving motors, other than for land vehicles; steam engines; machine tools; igniting magnetos; handling apparatus for loading and unloading; paper feeders [printing]; hammers [parts of machines]; power hammers; pneumatic hammers; tilt hammers; derricks; propulsion mechanisms, other than for land vehicles; transmissions, other than for land vehicles; regulators [parts of machines]; tobacco processing machines; crushers for kitchen use, electric; pump diaphragms; metalworking machines; looms; spinning frames; millstones; grinding machines; mine borers; ore treating machines; flour mill machines; mixers [machines]; reapers; reapers and binders; reapers and threshers; railway wagon lifts; jet engines, other than for land vehicles; anti-pollution devices for motors and engines; pistons for engines; speed governors for machines, engines and motors; moulds [parts of machines]; molds [parts of machines]; mills for household purposes, other than hand-operated; moulding machines; molding machines; freewheels, other than for land vehicles; shuttles [parts of machines]; machines and apparatus for cleaning, electric; suction machines for industrial purposes; hemming machines; hand-held tools, other than hand-operated; tools [parts of machines]; holding devices for machine tools; tin openers, electric; can openers, electric; bread cutting machines; journal boxes [parts of machines]; bearings for transmission shafts; papermaking machines; calenders; mangles; paper machines; packing machines; kneading machines; machines for making pasta; painting machines; spray guns for paint; drilling machines; electric hand drills; stone-working machines; pistons [parts of machines or engines]; typographic presses; pneumatic transporters; punches for punching machines; punching machines; pepper mills, other than hand-operated; machines and apparatus for polishing [electric]; pumps [machines]; air pumps [garage installations]; pumps for heating installations; vacuum pumps [machines]; roller bridges; adhesive bands for pulleys; beverage preparation machines, electromechanical; presses [machines for industrial purposes]; pressure regulators [parts of machines]; pressure valves [parts of machines]; puddling machines; steam traps; planing machines; rail-laying machines; rakes for raking machines; raking machines; friezing machines; trueing machines; bookbinding apparatus and machines for industrial purposes; ironing machines; darning

machines; springs [parts of machines]; curtain drawing devices, electrically operated; riveting machines; taps [parts of machines, engines or motors]; faucets [parts of machines, engines or motors]; rotary printing presses; machine wheelwork; machine wheels; machine fly-wheels; roller bearings; ball rings for bearings; road making machines; road building machines; saws [machines]; mineworking machines; belts for motors and engines; weeding machines; satinizing machines; sausage making machines; sealing machines for industrial purposes; sowers [machines]; welding machines, electric; bellows [parts of machines]; forge bellows; lasts for shoes [parts of machines]; shoe lasts [parts of machines]; filling machines; stators [parts of machines]; stereotype machines; machines for the production of sugar; superheaters; superchargers; tables for machines; aprons [parts of machines]; carriage aprons; dyeing machines; carding machines; slide rests [parts of machines]; journals [parts of machines]; milking machines; suction cups for milking machines; teat cups for milking machines; transmissions for machines; pneumatic tube conveyors; tube conveyors, pneumatic; conveyors [machines]; braiding machines; winches; knitting machines; turbines, other than for land vehicles; reels, mechanical, for flexible hoses; tympan [parts of printing presses]; typographic machines; winnowers; engines for air cushion vehicles; fans for motors and engines; glass-working machines; railroad constructing machines; vulcanization apparatus; couplings, other than for land vehicles; aeronautical engines; sharpening machines; agricultural implements, other than hand-operated; grindstones [parts of machines]; sharpening wheels [parts of machines]; beer pumps; compressed air engines; compressed air machines; compressed air pumps; sparking plugs for internal combustion engines; shock absorber plungers [parts of machines]; dashpot plungers [parts of machines]; plunger pistons; anti-friction bearings for machines; anti-friction pads for machines; diggers [machines]; air suction machines; fuel economisers for motors and engines; engines for boats; motors for boats; beaters, electric; rams [machines]; brake linings, other than for vehicles; brake shoes, other than for vehicles; brake segments, other than for vehicles; reels [parts of machines]; gear boxes, other than for land vehicles; bottle stoppering machines; bottle capping machines; bottle sealing machines; brushes, electrically operated [parts of machines]; waste disposal units; garbage disposal units; coffee grinders, other than hand-operated; flues for engine boilers; earth moving machines; waste compacting machines; trash compacting machines; shredders [machines] for industrial use; potters' wheels; handling machines, automatic [manipulators]; industrial robots; food preparation machines, electromechanical; cartridges for filtering machines; driving chains, other than for land vehicles; torque converters, other than for land vehicles; transmission chains, other than for land vehicles; drill chucks [parts of machines]; steam engine boilers; feeding apparatus for engine boilers; shearing machines for animals; hair clipping machines for animals; hair cutting machines for animals; motors, other than for land vehicles; engines, other than for land vehicles; control cables for machines, engines or motors; control mechanisms for machines, engines or motors; matrices for use in printing; compressors for refrigerators; water separators; drain cocks; sewing machines; fan belts for motors and engines; incubators for eggs; gears, other than for land vehicles; blenders, electric, for household purposes; kitchen machines, electric; cylinders for motors and engines; reduction gears, other than for land vehicles; dividing machines; drilling bits [parts of machines]; heat exchangers [parts of machines]; exhausts for motors and engines; motors, electric, other than for land vehicles; cranes [lifting and hoisting apparatus]; peeling machines; grating machines for vegetables; compressed air guns for the extrusion of mastics; filters [parts of machines or engines]; ditchers [ploughs]; whisks, electric, for household purposes; fruit presses, electric, for household purposes; hydraulic engines and motors; drilling rigs, floating or non-floating; fuel conversion apparatus for internal combustion engines; radiators [cooling] for motors and engines; boiler tubes [parts of machines]; hydraulic controls for machines,

motors and engines; pneumatic controls for machines, motors and engines; crankcases for machines, motors and engines; food processors, electric; glue guns, electric; guns [tools using explosives]; net hauling machines [fishing]; universal joints [Cardan joints]; rotary steam presses, portable, for fabrics; machines and apparatus for carpet shampooing, electric; catalytic converters; central vacuum cleaning installations; chain saws; cleaning appliances utilizing steam; cutting blow pipes, gas-operated; dust exhausting installations for cleaning purposes; dust removing installations for cleaning purposes; electric hammers; electromechanical machines for chemical industry; elevator chains [parts of machines]; emergency power generators; expansion tanks [parts of machines]; glaziers' diamonds [parts of machines]; high pressure washers; machines for the textile industry; exhaust manifold for engines; oil refining machines; packaging machines; parquet wax-polishers, electric; shoe polishers, electric; snow ploughs; soldering apparatus, gas-operated; welding apparatus, gas-operated; soldering blow pipes, gas-operated; soldering irons, gas-operated; vacuum cleaner attachments for disseminating perfumes and disinfectants; vacuum cleaner hoses; vacuum cleaners; vibrators [machines] for industrial use; machines and apparatus for wax-polishing, electric; racket stringing machines; bicycle assembling machines; motorized cultivators; air brushes for applying colour; door openers, hydraulic; kick starters for motorcycles; mechanized livestock feeders; moving walkways; moving sidewalks; mufflers for motors and engines; silencers for motors and engines; door openers, pneumatic; vacuum cleaner bags; gas-operated blow torches; wind turbines; brake pads, other than for vehicles; electrodes for welding machines; electric welding apparatus; soldering apparatus, electric; soldering irons, electric; electric arc welding apparatus; electric arc cutting apparatus; soldering lamps; basket presses; blowing machines; electroplating machines; galvanizing machines; vending machines; distribution machines, automatic; door closers, electric; door openers, electric; elevator operating apparatus; lift operating apparatus; electrical apparatus for sealing plastics [packaging]; fuel dispensing pumps for service stations; self-regulating fuel pumps; machines for processing plastics; window openers, electric; window closers, electric; window openers, hydraulic; window closers, hydraulic; window openers, pneumatic; window closers, pneumatic; door closers, hydraulic; door closers, pneumatic; kitchen grinders, electric; pneumatic jacks; 3D printers; sifting machines; engine mounts, other than for land vehicles; nail extractors, electric; nail pullers, electric; brushes for vacuum cleaners; ski edge sharpening tools, electric; crushing machines; rammers [machines]; suction nozzles for vacuum cleaners; pigs for cleaning pipes; juice extractors, electric; screwdrivers, electric; joysticks being parts of machines, other than for game machines; camshafts for vehicle engines; rubber tracks being parts of crawlers on construction machines; rubber tracks being parts of crawlers on loading-unloading machines and apparatus; rubber tracks being parts of crawlers on agricultural machines; rubber tracks being parts of crawlers on mining machines; rubber tracks being parts of crawlers on snow ploughs; pneumatic waste oil drainers; pumps for counter-current swimming; 3D printing pens; tilling machines for agricultural purposes; vegetable spiralizers, electric.

09

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; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus; coils, electric; particle accelerators; reflective articles for wear, for the prevention of

accidents; protection devices for personal use against accidents; clothing for protection against accidents, irradiation and fire; batteries, electric, for vehicles; accumulators, electric, for vehicles; battery jars; accumulator jars; battery boxes; accumulator boxes; acidimeters for batteries; hydrometers; plates for batteries; whistle alarms; acoustic alarms; sound alarms; acoustic conduits; phonograph records; sound recording discs; speaking tubes; actinometers; adding machines; aerometers; enlarging apparatus [photography]; electro-dynamic apparatus for the remote control of railway points; magnets; electromagnetic coils; air analysis apparatus; alarms; alcoholmeters; alidades; food analysis apparatus; igniting apparatus, electric, for igniting at a distance; electric apparatus for remote ignition; batteries for lighting; altimeters; asbestos gloves for protection against accidents; asbestos clothing for protection against fire; ammeters; amplifiers; amplifying tubes; amplifying valves; anemometers; calibrating rings; fire extinguishers; anodes; anode batteries; high tension batteries; aerials; antennas; anti-glare glasses; visors for helmets; anti-interference devices [electricity]; transformers [electricity]; apertometers [optics]; money counting and sorting machines; distribution boxes [electricity]; surveying instruments; surveying chains; lenses for astrophotography; thermionic valves; thermionic tubes; audiovisual teaching apparatus; juke boxes, musical; coin-operated musical automata [juke boxes]; mechanisms for coin-operated apparatus; mechanisms for counter-operated apparatus; calipers; comparators; fire alarms; automatic indicators of low pressure in vehicle tyres; automatic indicators of low pressure in vehicle tires; protective suits for aviators; alarm bells, electric; rods for water diviners; life-saving rafts; scales; meteorological balloons; demagnetizing apparatus for magnetic tapes; tape recorders; magnetic tapes; barometers; weighing machines; weighbridges; fire beaters; chargers for electric batteries; betatrons; ticket dispensers; cabinets for loudspeakers; close-up lenses; terminals [electricity]; pressure indicator plugs for valves; galvanometers; push buttons for bells; branch boxes [electricity]; tone arms for record players; spirit levels; punched card machines for offices; sheaths for electric cables; frames for photographic transparencies; circular slide rules; slide-rules; calculating machines; slide calipers; jigs [measuring instruments]; blueprint apparatus; cinematographic cameras; capillary tubes; sound recording carriers; protective helmets; respiratory masks, other than for artificial respiration; solderers' helmets; spectacle chains; eyeglass chains; heat regulating apparatus; darkrooms [photography]; boiler control instruments; drying racks [photography]; apparatus for editing cinematographic film; printed circuits; flashing lights [luminous signals]; blinkers [signalling lights]; signal bells; containers for microscope slides; collectors, electric; electric installations for the remote control of industrial operations; switchboxes [electricity]; commutators; marine compasses; eyepieces; thread counters; pedometers; counters; meters; metronomes; condensers [capacitors]; capacitors; conductors, electric; electricity conduits; circuit closers; connectors [electricity]; junction boxes [electricity]; switchboards; contacts, electric; apparatus to check franking; apparatus to check stamping mail; regulating apparatus, electric; monitoring apparatus, other than for medical purposes; speed checking apparatus for vehicles; converters, electric; photocopiers [photographic, electrostatic, thermic]; spectacle cords; eyeglass cords; retorts; retorts' stands; correcting lenses [optics]; objectives [lenses] [optics]; cosmographic instruments; diving suits; electric apparatus for commutation; switches, electric; limiters [electricity]; plugs, sockets and other contacts [electric connections]; current rectifiers; cell switches [electricity]; reducers [electricity]; dressmakers' measures; crucibles [laboratory]; cupels [laboratory]; appliances for measuring the thickness of leather; cyclotrons; counterfeit coin detectors; shutter releases [photography]; densimeters; animated cartoons; laboratory trays; metal detectors for industrial or military purposes; sonars; detectors; shutters [photography]; diaphragms [acoustics]; centering apparatus for photographic transparencies; cameras [photography]; transparencies [photography]; slides [photography]; slide projectors;

transparency projection apparatus; distance measuring apparatus; dictating machines; diffraction apparatus [microscopy]; loudspeakers; circuit breakers; record players; microscopes; distance recording apparatus; apparatus for recording distance; range finders; telemeters; distribution boards [electricity]; distribution consoles [electricity]; compasses for measuring; measures; measuring apparatus; dynamometers; water level indicators; fire escapes; flash-bulbs [photography]; telephone receivers; fluorescent screens; projection screens; workmen's protective face-shields; screens [photography]; drainers for use in photography; photographic racks; electric loss indicators; measuring devices, electric; cables, electric; ducts [electricity]; control panels [electricity]; galvanic cells; connections for electric lines; couplings, electric; connections, electric; relays, electric; electrolyzers; transmitters of electronic signals; transmitting sets [telecommunication]; cleaning apparatus for phonograph records; cleaning apparatus for sound recording discs; sound recording strips; mileage recorders for vehicles; kilometer recorders for vehicles; spools [photography]; mechanical signs; epidiascopes; test tubes; balancing apparatus; thermostats; ergometers; material testing instruments and machines; egg-candlers; gauges; gasoline gauges; petrol gauges; spark-guards; cases especially made for photographic apparatus and instruments; testing apparatus not for medical purposes; refractometers; exposure meters [light meters]; invoicing machines; apparatus for fermentation [laboratory apparatus]; railway traffic safety appliances; wires, electric; magnetic wires; plumb bobs; plumb lines; nets for protection against accidents; safety nets; life nets; safety tarpaulins; film cutting apparatus; filters for respiratory masks; filters [photography]; battery chargers; high-frequency apparatus; frequency meters; fuses; radios; galena crystals [detectors]; galvanic batteries; gloves for protection against accidents; gloves for divers; gloves for protection against X-rays for industrial purposes; gas testing instruments; gasometers [measuring instruments]; surveying apparatus and instruments; levelling staffs [surveying instruments]; rods [surveying instruments]; drying apparatus for photographic prints; glazing apparatus for photographic prints; rulers [measuring instruments]; measuring glassware; graduated glassware; screens for photoengraving; grids for batteries; clothing for protection against fire; garments for protection against fire; audio- and video-receivers; heliographic apparatus; holograms; hygrometers; identification threads for electric wires; identification sheaths for electric wires; life saving apparatus and equipment; fire hose nozzles; fire engines; fire pumps; slope indicators; clinometers; gradient indicators; inclinometers; taximeters; quantity indicators; vacuum gauges; speed indicators; inductors [electricity]; armatures [electricity]; data processing apparatus; mirrors for inspecting work; intercommunication apparatus; carriers for dark plates [photography]; inverters [electricity]; ionization apparatus not for the treatment of air or water; peepholes [magnifying lenses] for doors; hemline markers; furniture especially made for laboratories; lactodensimeters; lactometers; darkroom lamps [photography]; optical lanterns; optical lamps; magic lanterns; signal lanterns; lasers, not for medical purposes; optical lenses; letter scales; logs [measuring instruments]; sounding lines; magnifying glasses [optics]; signs, luminous; neon signs; spectacles; eyeglasses; instruments containing eyepieces; surveyors' levels; spectacle lenses; eyeglass lenses; eyewear; pressure gauges; manometers; periscopes; protective masks; mathematical instruments; coin-operated mechanisms for television sets; megaphones; computer memory devices; carpenters' rules; mercury levels; speed measuring apparatus [photography]; precision measuring apparatus; measuring instruments; meteorological instruments; rules [measuring instruments]; micrometer screws for optical instruments; microphones; microtomes; time switches, automatic; mirrors [optics]; breathing apparatus for underwater swimming; nautical apparatus and instruments; naval signalling apparatus; navigational instruments; spectacle frames; eyeglass frames; batteries, electric; accumulators, electric; levels [instruments for determining the horizontal]; levelling

instruments; prisms [optics]; observation instruments; octants; ohmmeters; wavemeters; optical apparatus and instruments; optical glass; computers; computer programs, recorded; oscillographs; oxygen transvasing apparatus; ozonisers [ozonators]; micrometers; micrometer gauges; signalling panels, luminous or mechanical; lightning conductors; lightning rods; lightning arresters; parking meters; apparatus and instruments for astronomy; apparatus for measuring the thickness of skins; acid hydrometers; weighing apparatus and instruments; salinometers; washing trays [photography]; stands for photographic apparatus; viewfinders, photographic; photometers; phototelegraphy apparatus; apparatus and instruments for physics; steering apparatus, automatic, for vehicles; pince-nez; pipettes; plane tables [surveying instruments]; planimeters; ear plugs for divers; bells [warning devices]; weights; polarimeters; radiotelephony sets; radiotelegraphy sets; pressure measuring apparatus; pressure indicators; projection apparatus; cathodic anti-corrosion apparatus; teeth protectors; pyrometers; radar apparatus; vehicle radios; radiological apparatus for industrial purposes; protractors [measuring instruments]; apparatus and installations for the production of X-rays, not for medical purposes; X-ray tubes not for medical purposes; protection devices against X-rays, not for medical purposes; telephone apparatus; refractors; X-ray apparatus not for medical purposes; spectrosopes; resistances, electric; thermometers, not for medical purposes; respirators for filtering air; breathing apparatus, except for artificial respiration; rheostats; balances [steelyards]; lever scales [steelyards]; steelyards [lever scales]; signals, luminous or mechanical; saccharometers; probes for scientific purposes; satellites for scientific purposes; diaphragms for scientific apparatus; teaching apparatus; choking coils [impedance]; wire connectors [electricity]; locks, electric; sextants; signalling whistles; vehicle breakdown warning triangles; electro-dynamic apparatus for the remote control of signals; simulators for the steering and control of vehicles; sirens; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; sounding apparatus and machines; sounding leads; sound locating instruments; spectrograph apparatus; spherometers; stereoscopes; stereoscopic apparatus; needles for record players; styli for record players; sulfimeters; teleprinters; teletypewriters; tachometers; screw-tapping gauges; telegraphs [apparatus]; television apparatus; telegraph wires; remote control apparatus; masts for wireless aerials; teleprompters; telephone transmitters; telerupters; binoculars; telescopes; temperature indicators; time recording apparatus; theodolites; thermostats for vehicles; totalizers; revolution counters; speed regulators for record players; transmitters [telecommunication]; precision balances; marking gauges [joinery]; vacuum tubes [radio]; urinometers; variometers; verniers; videotapes; viscosimeters; theft prevention installations, electric; voltage regulators for vehicles; voting machines; voltmeters; apparatus for changing record player needles; stills for laboratory experiments; fuse wire; anticathodes; dog whistles; sighting telescopes for firearms; telescopic sights for firearms; anti-theft warning apparatus; azimuth instruments; beacons, luminous; holders for electric coils; films, exposed; road signs, luminous or mechanical; life buoys; signalling buoys; buzzers; directional compasses; fog signals, non-explosive; cash registers; radiology screens for industrial purposes; identity cards, magnetic; photovoltaic cells; densitometers; disks, magnetic; floppy disks; head cleaning tapes [recording]; video recorders; computer keyboards; integrated circuits; semi-conductors; chips [integrated circuits]; cathodes; life jackets; life belts; chemistry apparatus and instruments; cinematographic film, exposed; materials for electricity mains [wires, cables]; contact lenses; containers for contact lenses; incubators for bacteria culture; solar batteries; copper wire, insulated; discharge tubes, electric, other than for lighting; electric discharge tubes, other than for lighting; diaphragms [photography]; distillation apparatus for scientific purposes; dosage dispensers; dosimeters; electric door bells; spectacle cases; eyeglass cases; furnaces for laboratory use; ovens for laboratory use; optical fibres [light conducting filaments]; optical fibers [light

conducting filaments]; telephone wires; X-ray films, exposed; filters for ultraviolet rays, for photography; horns for loudspeakers; tripods for cameras; bar code readers; bullet-proof waistcoats; bullet-proof vests; marking buoys; wafers for integrated circuits; chromatography apparatus for laboratory use; chronographs [time recording apparatus]; compact discs [audio-video]; compact discs [read-only memory]; computer operating programs, recorded; computer peripheral devices; computer software, recorded; optical condensers; acoustic couplers; couplers [data processing equipment]; decompression chambers; plotters; divers' masks; electronic pens [visual display units]; encoded magnetic cards; facsimile machines; fire boats; interfaces for computers; juke boxes for computers; knee-pads for workers; light dimmers [regulators], electric; light regulators [dimmers], electric; magnetic data media; magnetic encoders; magnetic tape units for computers; microprocessors; modems; monitors [computer hardware]; monitors [computer programs]; mouse [computer peripheral]; optical character readers; optical data media; optical discs; printers for use with computers; processors [central processing units]; central processing units [processors]; readers [data processing equipment]; safety restraints, other than for vehicle seats and sports equipment; scanners [data processing equipment]; smoke detectors; transistors [electronic]; X-ray photographs, other than for medical purposes; junction sleeves for electric cables; abacuses; electronic agendas; answering machines; camcorders; cassette players; compact disc players; diagnostic apparatus, not for medical purposes; disk drives for computers; electrified rails for mounting spot lights; electronic pocket translators; electronic tags for goods; fire blankets; flashlights [photography]; integrated circuit cards [smart cards]; smart cards [integrated circuit cards]; measuring spoons; notebook computers; electronic notice boards; pocket calculators; shoes for protection against accidents, irradiation and fire; sprinkler systems for fire protection; starter cables for motors; sunglasses; time clocks [time recording devices]; video cassettes; video game cartridges; video screens; video telephones; goggles for sports; nose clips for divers and swimmers; protective helmets for sports; electronic publications, downloadable; computer programs [downloadable software]; navigation apparatus for vehicles [on-board computers]; decorative magnets; cordless telephones; mouse pads; personal stereos; wrist rests for use with computers; coaxial cables; fibre optic cables; fiber optic cables; covers for electric outlets; marine depth finders; electrified fences; computer game software; headphones; lighting ballasts; radio pagers; satellite navigational apparatus; solenoid valves [electromagnetic switches]; voltage surge protectors; walkie-talkies; wind socks for indicating wind direction; light-emitting electronic pointers; resuscitation mannequins [teaching apparatus]; stage lighting regulators; egg timers [sandglasses]; hourglasses; DNA chips; DVD players; automated teller machines [ATM]; traffic-light apparatus [signalling devices]; hands-free kits for telephones; asbestos screens for firemen; riding helmets; clothing especially made for laboratories; encoded identification bracelets, magnetic; transponders; downloadable ring tones for mobile phones; downloadable music files; downloadable image files; crash test dummies; laboratory centrifuges; printed circuit boards; USB flash drives; Global Positioning System [GPS] apparatus; portable media players; cell phone straps; light-emitting diodes [LED]; triodes; step-up transformers; laptop computers; fire hose; bags adapted for laptops; sleeves for laptops; digital photo frames; Petri dishes; Pitot tubes; stroboscopes; traffic cones; temperature indicator labels, not for medical purposes; computer software applications, downloadable; electronic book readers; smartphones; toner cartridges, unfilled, for printers and photocopiers; baby monitors; video baby monitors; lens hoods; tablet computers; encoded key cards; 3D spectacles; memory cards for video game machines; bullet-proof clothing; accelerometers; electrical adapters; life-saving capsules for natural disasters; computer hardware; solar panels for the production of electricity; mobile telephones; cell phones; cellular phones; telescopic sights for artillery; digital signs; wearable

activity trackers; chargers for electronic cigarettes; connected bracelets [measuring instruments]; covers for smartphones; cases for smartphones; selfie sticks [hand-held monopods]; calorimeters; flowmeters; reflective safety vests; electronic collars to train animals; joysticks for use with computers, other than for video games; smartglasses; smartwatches; fire extinguishing apparatus; protective films adapted for computer screens; mouth guards for sports; head guards for sports; needles for surveying compasses; security tokens [encryption devices]; infrared detectors; covers for personal digital assistants [PDAs]; baby scales; electronic access control systems for interlocking doors; thermal imaging cameras; scales with body mass analysers; scales with body mass analyzers; covers for tablet computers; black boxes [data recorders]; digital weather stations; charging stations for electric vehicles; interactive touch screen terminals; smart rings; electric and electronic effects units for musical instruments; audio interfaces; equalizers [audio apparatus]; equalisers [audio apparatus]; subwoofers; bathroom scales; thermo-hygrometers; biochips; protective films adapted for smartphones; virtual reality headsets; electronic interactive whiteboards; humanoid robots with artificial intelligence; audio mixers; batteries for electronic cigarettes; electronic key fobs being remote control apparatus; electronic sheet music, downloadable; T-squares for measuring; squares for measuring; square rulers for measuring; electronic numeric displays; laboratory robots; teaching robots; security surveillance robots; personal digital assistants [PDAs]; computer software platforms, recorded or downloadable; satellite finder meters; ring sizers; finger sizers; thin client computers; rearview cameras for vehicles; hand-held electronic dictionaries; resuscitation training simulators; electric wire harnesses for automobiles; snorkels; sports whistles; computer screen saver software, recorded or downloadable; selfie lenses; downloadable graphics for mobile phones; telecommunication apparatus in the form of jewellery; telecommunication apparatus in the form of jewelry; wearable computers; wearable video display monitors; magnetic resonance imaging [MRI] apparatus, not for medical purposes; rescue laser signalling flares.

11

Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; watering installations, automatic; heat accumulators; acetylene burners; acetylene generators; acetylene flares; ventilation hoods; lighting installations for air vehicles; hot air ovens; air deodorizing apparatus; air deodorising apparatus; air cooling apparatus; filters for air conditioning; air reheaters; air dryers; air driers; air-conditioning installations; air filtering installations; hot air apparatus; hot air bath fittings; friction lighters for igniting gas; gas lighters; lighters; light bulbs; light bulbs, electric; arc lamps; electric lamps; structural plates for ovens; framework of metal for ovens; refrigerating cabinets; lights for vehicles; headlights for automobiles; coolers for furnaces; cooling vats for furnaces; bath tubs; bath tubs for sitz baths; Turkish bath cabinets, portable; bath fittings; heaters for baths; bath installations; bath plumbing fixtures; lamps; lanterns for lighting; lamp mantles; lamp casings; incandescent burners; burners for lamps; bicycle lights; bidets; boilers, other than parts of machines; kilns; hydrants; radiator caps; electric torches; electric flashlights; water heaters; bakers' ovens; anti-splash tap nozzles; roasting jacks; roasting spits; laboratory burners; flare stacks for use in the oil industry; burners; germicidal burners; laundry room boilers; washing coppers; toilets, portable; fans [air-conditioning]; coffee roasters; heating apparatus; taps for pipes and pipelines; faucets for pipes and pipelines; spigots for pipes and pipelines; cocks for pipes and pipelines; heat regenerators; oven fittings made of fireclay; light bulbs for directional signals for vehicles; carbon for arc lamps; heating installations; loading apparatus for furnaces; flushing tanks; heating installations [water]; hot water heating installations; heating boilers; boiler pipes [tubes] for heating installations; air conditioners for vehicles; heating apparatus for solid, liquid

or gaseous fuels; heaters for vehicles; heating apparatus, electric; central heating radiators; humidifiers for central heating radiators; heating elements; heaters for heating irons; footwarmers, electric or non-electric; footmuffs, electrically heated; plate warmers; immersion heaters; lamp glasses; lamp chimneys; chimney flues; chimney blowers; hair dryers; hair driers; water distribution installations; drying apparatus; air-conditioning apparatus; glue-heating appliances; distillation columns; pipes [parts of sanitary installations]; water-pipes for sanitary installations; water conduits installations; toilets [water-closets]; water closets; freezers; cooking utensils, electric; cooking stoves; cookers; cooking apparatus and installations; motorcycle lights; discharge tubes, electric, for lighting; defrosters for vehicles; disinfectant dispensers for toilets; disinfectant distributors for toilets; disinfectant apparatus; desalination plants; desiccating apparatus; light diffusers; beverage cooling apparatus; distillation apparatus; showers; sockets for electric lights; water purification installations; water filtering apparatus; cooling installations for water; fountains; pressure water tanks; water sterilizers; water sterilisers; heat exchangers, other than parts of machines; lighting apparatus and installations; chandeliers; purification installations for sewage; ceiling lights; radiators, electric; gas scrubbing apparatus; drying apparatus for fodder and forage; forage drying apparatus; evaporators; stoves [heating apparatus]; filaments for electric lamps; filters for drinking water; flaming torches; forges, portable; furnaces, other than for laboratory use; ovens, other than for laboratory use; fittings, shaped, for furnaces; fittings, shaped, for ovens; shaped fittings for furnaces; shaped fittings for ovens; furnace grates; fire bars; hearths; furnace ash boxes; ash pits for furnaces; refrigerating apparatus and machines; refrigerating chambers; walk-in refrigerators; refrigerating containers; curling lamps; fruit roasters; gas scrubbers [parts of gas installations]; scrubbers [parts of gas installations]; gas burners; gas boilers; gas lamps; steam boilers, other than parts of machines; germicidal lamps for purifying air; ice machines and apparatus; cool boxes, electric; coolers, electric; lamp globes; globes for lamps; hot plates; bread toasters; toasters; roasting apparatus; griddles [cooking appliances]; grills [cooking appliances]; incinerators; ionization apparatus for the treatment of air or water; ornamental fountains; laboratory lamps; milk cooling installations; pasteurisers; oil lamps; ultraviolet ray lamps, not for medical purposes; safety lamps; lamp reflectors; Chinese lanterns; wash-hand basins [parts of sanitary installations]; wash-hand bowls [parts of sanitary installations]; cooling installations for liquids; luminous tubes for lighting; magnesium filaments for lighting; malt roasters; miners' lamps; processing installations for fuel and nuclear moderating material; installations for processing nuclear fuel and nuclear moderating material; level controlling valves in tanks; lights, electric, for Christmas trees; electric lights for Christmas trees; luminous house numbers; oxyhydrogen burners; radiators [heating]; oil burners; vehicle headlights; heating plates; searchlights; polymerisation installations; kitchen ranges [ovens]; air valves for steam heating installations; water purifying apparatus and machines; air purifying apparatus and machines; refining towers for distillation; cooling installations and machines; cooking rings; water heaters [apparatus]; vehicle reflectors; refrigerating appliances and installations; cooling appliances and installations; dampers [heating]; regulating accessories for water or gas apparatus and pipes; safety accessories for water or gas apparatus and pipes; taps; faucets; washers for water taps; washers for water faucets; rotisseries; sanitary apparatus and installations; drying apparatus and installations; hand drying apparatus for washrooms; coils [parts of distilling, heating or cooling installations]; fans [parts of air-conditioning installations]; sterilizers; sterilisers; cooling installations for tobacco; tobacco roasters; lighting apparatus for vehicles; roasters; ash conveyor installations, automatic; steam generating installations; ventilation [air-conditioning] installations and apparatus; ventilation [air-conditioning] installations for vehicles; toilet bowls; toilet seats; lamp shades; lampshade holders; mixer taps for water pipes; mixer faucets for water pipes; regulating and safety accessories for

gas pipes; regulating and safety accessories for water apparatus; steam accumulators; water softening apparatus and installations; ventilation hoods for laboratories; air sterilizers; air sterilisers; stills; alcohol burners; petrol burners; anti-glare devices for vehicles [lamp fittings]; anti-dazzle devices for vehicles [lamp fittings]; heating apparatus for defrosting vehicle windows; brackets for gas burners; water supply installations; nuclear reactors; atomic piles; autoclaves, electric, for cooking; pressure cookers, electric; lights for automobiles; automobile lights; heaters, electric, for feeding bottles; waffle irons, electric; regulating and safety accessories for gas apparatus; coffee percolators, electric; coffee machines, electric; street lamps; standard lamps; flues for heating boilers; barbecues; deep fryers, electric; fireplaces, domestic; heat pumps; solar thermal collectors [heating]; solar furnaces; tanning apparatus [sun beds]; water flushing installations; flushing apparatus; feeding apparatus for heating boilers; refrigerators; deodorizing apparatus, not for personal use; deodorising apparatus, not for personal use; water intake apparatus; oil-scrubbing apparatus; fumigation apparatus, not for medical purposes; kiln furniture [supports]; pocket warmers; spa baths [vessels]; chromatography apparatus for industrial purposes; heating filaments, electric; gas condensers, other than parts of machines; heating cushions, electric, not for medical purposes; heating pads, electric, not for medical purposes; sauna bath installations; shower cubicles; shower enclosures; sinks; steam facial apparatus [saunas]; urinals [sanitary fixtures]; hot water bottles; kettles, electric; bed warmers; blankets, electric, not for medical purposes; warming pans; aquarium filtration apparatus; aquarium heaters; aquarium lights; electrically heated carpets; dental ovens; electric appliances for making yogurt; expansion tanks for central heating installations; extractor hoods for kitchens; electric fans for personal use; laundry dryers, electric; laundry driers, electric; microwave ovens [cooking apparatus]; swimming pool chlorinating apparatus; thermostatic valves [parts of heating installations]; whirlpool-jet apparatus; apparatus for dehydrating food waste; diving lights; drip irrigation emitters [irrigation fittings]; clean chambers [sanitary installations]; lava rocks for use in barbecue grills; watering machines for agricultural purposes; microwave ovens for industrial purposes; bread baking machines; refrigerating display cabinets; fabric steamers; bread-making machines; light-emitting diodes [LED] lighting apparatus; hydromassage bath apparatus; heated display cabinets; multicookers; food steamers, electric; tortilla presses, electric; book sterilization apparatus; book sterilisation apparatus; heat guns; chocolate fountains, electric; disinfectant apparatus for medical purposes; wine cellars, electric; fairy lights for festive decoration; string lights for festive decoration; socks, electrically heated; head torches; portable headlamps; nail lamps; sous-vide cookers, electric; microbubble generators for baths; heating and cooling apparatus for dispensing hot and cold beverages; electrically heated clothing; pounded rice cake making machines, electric, for household purposes; wicks adapted for oil stoves; electric cooktops; candle lanterns; air fryers; ice-cream making machines; directional lights for bicycles.

are affected by the refusal.

VI. Grounds for refusal : Identity or similarity between the marks and identity or similarity between the goods/services.

VII. Opponent rights:

1) Registration number: **509314 (National Trademark)**

i) Filing date: **03/09/1987**

ii) Registration date: **30/05/1989 (renewed)**

iii) Name and address of the opponent: **AIWA CO., LTD.**

Place 1-6-3, Higashi-gotanda, Shinagawa-ku
Tokyo 1410022 JAPON

iv) Reproduction of the mark: **AIWA**

v) List of all the goods/services:

9: CALCOLATRICI ELETTRICHE, ELABORATORI ELETTRONICI, REGISTRATORI DI DATI, MODEMS, MODULATORI, DEMODULATORI, DRIVES PER DISCHETTI, APPARECCHI PER IL COLLEGAMENTO TRA UN RICETRASMETTITORE RADIO E UN PERSONAL COMPUTER, ACCOPPIATORI ACUSTICI E ALTRI DISPOSITIVI TERMINALI PER ELABORATORI, FLOPPY DISK (VERGINI E REGISTRATI), SOFTWARE PER ELABORATORI E ALTRI PRODOTTI COMPRESI NELLA CLASSE 9.

2) Registration number: 610749 (National Trademark)

i) Filing date: **21/11/1991**

ii) Registration date: **03/12/1993 (renewed)**

iii) Name and address of the opponent: **AIWA CO., LTD.**

Place1-6-3, Higashi-gotanda, Shinagawa-ku

Tokyo 1410022 JAPÓN

iv) Reproduction of the mark:

aiwa

v) List of some of the goods/services:

9: Apparecchi e strumenti scientifici, nautici, geodetici, fotografici, cinematografici, ottici, di pesata, di misura, di segnalazione, di controllo (ispezione), di soccorso (salvataggio) e d'insegnamento; apparecchi e strumenti per la conduzione, distribuzione, trasformazione, accumulazione, regolazione o controllo dell'elettricità; apparecchi per la registrazione, la trasmissione, la riproduzione del suono o delle immagini; supporti di registrazione magnetica.

11: Apparecchi di illuminazione, di riscaldamento, di produzione di vapore, di cottura, di refrigerazione, di essiccamento, di ventilazione, di distribuzione d'acqua e impianti sanitari.

3) Registration number: 254326 (EU Trademark)

i) Filing date: **06/05/1996**

ii) Registration date: **26/11/1998**

iii) Name and address of the opponent: **AIWA CO., LTD.**

Place1-6-3, Higashi-gotanda, Shinagawa-ku

Tokyo 1410022 JAPÓN

iv) Reproduction of the mark:

aiwa

v) List of all the goods/services:

9: Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms 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.

VIII. Corresponding essential provisions of the applicable law (see text under XII):
Art.12 1), c) and d) of the Italian Industrial Property Rights Code.

IX. Information relating to subsequent procedure:

(i) Time limit for requesting review or appeal:

The holder of the registration may, through a representative appointed according to article 201, request copy of the opposition notice within a period of three months from the date on

which he received the notification of this provisional refusal by the International Bureau of WIPO. Furthermore, copy of the notification received by WIPO must be attached to the abovementioned request to the Italian Patent and Trademark Office.

(ii) Authority to which such request for review or appeal should be made:

The holder of the registration may, through a representative appointed according to article 201, submit his objections to the present refusal to *Ufficio Italiano Brevetti e Marchi – Divisione II Affari Giuridici e Normativi - Via Molise, 19 – 00187 ROMA - ITALY*.

(iii) Indications concerning the appointment of a representative:

Where the applicant is not established or domiciled in a Member State of the European Union or in the European Economic Area, he may submit his objections through a registered agent in the roll kept for this purpose by the Italian Patent and Trademark Office (see: www.ordine-brevetti.it) or a lawyer registered in the appropriate professional role (see: www.ordineavvocati.it) – (art. 201-203 Code of Indu

X. Date of the notification of provisional refusal

Prot.

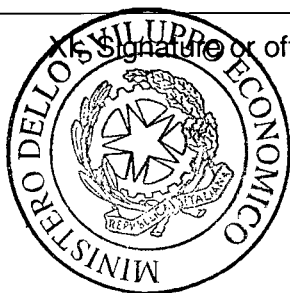
Ministero dello Sviluppo Economico

AOO_Politiche industriali e Tutela

Struttura: **DGLCUIBM_Div08**

REGISTRO UFFICIALE

Prot. n. **0106232 - 09/05/2019 - USCITA**



Signature or official seal of the Office making the notification.

XII. Corresponding essential provisions of the applicable law:

Extract from the Code of Industrial Property Rights

(Legislative Decree of February 10th 2005, n.30)

Art. 17 - International Registration

1. For the registration of trademarks with the World Intellectual Property Organization (WIPO), the provisions in force pursuant to international conventions shall remain valid.
2. International trademarks registered with the World Intellectual Property Organization (WIPO) of Geneva, based on the Madrid Agreement concerning the International Registration of Marks, Stockholm text of 14 July 1967, ratified by law no.424 of 28 April 1976, and the respective Protocol, adopted in Madrid on 27 June 1989, ratified by law no.169 of 12 March 1996, containing the designation of Italy as the country in which protection is requested, must meet the requirements set for national trademarks by this Code.
3. The Italian Patent and Trademark Office carries out the examination of the international trademarks that designate Italy in compliance with the applicable provisions of the applications for national trademarks.

Art. 7 – Subject Matter of Registration

1. A trademark consist of any sign which capable of being represented graphically, and in particular words, including personal names, designs, letters, numerals, sounds, the shape of a goods or of their packaging, the color combinations or tones, provided that such signs are capable of distinguishing the goods or services of one undertaking from those of other undertaking.

Art. 8 - Portraits of person, names and well known signs

1. Portraits of person shall not be registered as trademarks without the persons' consent, and after their death, without the consent of the spouse and children; if there are no such relatives or after their death, of the parents and other ancestors, and if there are no such ancestors or after their death, of the relatives up and including the fourth degree.
2. The names of persons other than those who apply for registration may be registered as trademarks, provided that their use is not such as to harm the reputation, creditworthiness or dignity of those who have the right to bear those names. The Italian Patents and Trademarks Office shall however have the right to make the registration conditional upon the consent as set forth in paragraph 1. In any event, the registration shall not prevent persons having the right to the name to use in the business chosen by them, if the requirements are met as set forth in

Article 21(1).

3. If well known, the following may be registered or used as trademarks only by the qualified person, or with the consent of the same, or of the persons indicated in paragraph 1: names of persons, signs used in the fields of art, literature, science, politics or sports, the designations and abbreviations of events and those of entities and associations without economic purposes, as well as the characteristic emblems of the same.

Art. 9 – Shape trademarks

1. Signs shall not be registered as trademarks if they consist solely of the shape dictated by the nature of the product, the shape of the product necessary to obtain a technical result, or of the shape that gives substantial value to the product.

Art. 10 – Coats of arms

1. Coats of arms and other signs considered in existing international conventions on the subject matter, in the cases and the conditions mentioned therein, as well as the signs containing symbols, emblems and coats of arms which are in the public interest shall not be registered as trademarks, unless the consent of the appropriate authorities to their registration has been given.

2. If a trademark contains words, figures or signs with political meaning or a highly symbolic value, or containing heraldic elements, before registration, the Italian Patents and Trademarks Office shall send the copy of the trademarks and whatever else may be necessary to the relevant or appropriate public agencies, to receive their opinion, in accordance with the provisions of paragraph 4.

3. The Italian Patents and Trademarks Office may act in accordance with provisions of paragraph 2 in all cases where there is a doubt that trademark could be contrary to the law, the public policy or accepted principles of morality.

4. If the relevant or appropriate agency, as per paragraphs 2 and 3, expresses an opinion against the registration of the trademark, the Italian Patents and Trademarks Office shall reject the application.

Art. 12 – Novelty

1. Signs shall not be registered as trademarks if as of the date of filing of the application any of the following applies:

a) (omissis);

b) (omissis);

c) They are identical to a trademark already registered by others in the Country or having effect in the Country following an application filed on an earlier date or having effect from an earlier date due to a right of a priority or a valid claim of seniority for identical goods or services;

d) They are identical or similar to a trademark that has already registered by others in the Country or having effect in the Country following an application filed on an earlier date or having effect as from an earlier date due to a right of priority or a valid claim of seniority for goods and services that are identical or similar, if due to the identity or similarity between the signs and the identity or similarity between the goods or services there exists a likelihood of confusion on the part of the public, than can also consist of a likelihood of association between the two signs; [...]

e); f); 2. 3. (omissis)

Art. 13 – Distinctive character

1. Signs lacking a distinctive character shall not be registered as trademarks. These include:

a) those consisting only of signs that have become commonly used in current language or in the common practices of the trade;

b) those consisting of general designations of goods or services or descriptive indications that refer to them, such as signs that may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the good or of the rendering of the service or other characteristics of the good or service.

2. Notwithstanding paragraph 1, signs that have acquired a distinctive character prior to application for registration, due to the use that has been made of them, may be registered as trademarks.

3. (omissis)

4. (omissis)

Art. 14 – Lawfulness and third-party rights

1. The following shall not be registered as trademarks:

a) signs that are contrary to the law, public policy or accepted principles of public morality;

b) signs that can mislead the public, in particular as to the geographical origin, nature or quality of the goods or services.

c) (omissis)

Art. 135 – Board of Appeal

1. An appeal may be filed with the Board of Appeal against decisions of the Italian Patent and Trademark Office that totally or partially reject an application or request, refuse registration or prevent the recognition of a right, and in the other cases provided for by this Code, within the mandatory term of 60 days from the date of receipt of the notification of the decision.

(omissis)

Art. 170 – Examination of applications

1. The examination of applications which have been found to meet the formal requirements, is aimed at determining:

a) for trademarks: if Article 11 may be applied when collective marks are involved; if the word, design or sign can be registered as a trademark pursuant to Articles 7, 8, 9, 10, 13, paragraph 1 and 14, paragraph 1, letters a) and b); if the conditions indicated in Article 3 are met.

b) (omissis)

Art. 171 - Examination of the International trademarks

1. (omissis)

2. If the Italian Patent and Trademark Office deems that the trademark shall not be registered in full or in part, or if an opposition has been filed by third parties pursuant to Article 176, the Office shall proceed pursuant to Article 5 of the Madrid Agreement for the International Registration of Marks, Stockholm text of 14 July 1967, ratified by Law no. 424 of 28 April 1976 or the respective Protocol of 27 June 1989, ratified by Law No. 169 of 12 March 1996, to issue a provisional refusal of the international registration and gives notice to the World Intellectual Property Organization.

3. The provisional refusal under paragraph 2 is issued within one year for international registrations based on the Madrid Agreement for the International Registration of Marks, and within eighteen months for those based on the respective Protocol. The terms start on the dates respectively indicated in the cited International Conventions.

4. In the case of provisional refusal, the protection of the trademark shall be that of a trademark application filed with the Italian Patent and Trademark Office.

5. Within the mandatory term set out by the Italian Patent and Trademark Office, the owner of an international registration, for which a provisional refusal has been communicated to the World Intellectual Property Organization, through an attorney appointed in accordance with Article 201, may submit his own arguments, or request a copy of the opposition paper based on which the provisional refusal was issued. In the latter case, if the owner of the international registration requests a copy within the required period, the Office shall send the notice to the parties as Article 178, paragraph 1, and apply the other rules on the opposition proceeding set forth by Articles 178 et seq.

6. If within the term indicated in paragraph 5, the owner of the international registration does not submit his arguments, or does not request a copy of the opposition paper in accordance with the rules indicated above, the Italian Patent and Trademark Office shall issue the final refusal.

7. The Italian Patent and Trademark Office shall notify the World Intellectual Property Organization of the final decisions relating to international trademarks designating Italy.

Art. 201 – Representation

1.2.3. (omissis)

4. The appointment may be granted only to attorneys registered in a specific Register established for that purpose at the Board of the Industrial Property Consultants Institute.

5. (omissis)

6. The appointment may also be granted to a lawyer admitted to the Bar.