



REPUBLIC OF SLOVENIA
MINISTRY OF ECONOMIC DEVELOPMENT AND TECHNOLOGY
SLOVENIAN INTELLECTUAL PROPERTY OFFICE

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WIPO (World Intellectual Property Organization)
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CH-1211 GENEVE 20
Suisse

Ref.: 31212-120/2019-3
105SP(434)

Date: 30.05.2019

MADRID PROTOCOL

Total Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)


I.	Office making the notification: Slovenian Intellectual Property Office Kotnikova 6 SI-1000 Ljubljana Slovenia
II.	Number of the international registration: 1446375
III.	Name of the holder: Lidl Stiftung & Co. KG, Stiftsbergstraße 1 74172 Neckarsulm, DE
IV.	Information concerning the type of provisional refusal: <i>Please indicate the type of refusal by checking only one of the following options:</i> <input checked="" type="checkbox"/> Total provisional refusal based on an opposition <i>Where the refusal is based on an opposition, please indicate the name and address of the opponent:</i> (i) Name and address of the opponent: Lidl Stiftung & Co. KG, Stiftsbergstr. 1, 74167 Neckarsulm, DE (ii) Representative of the opponent: PETOŠEVIĆ d.o.o., Cankarjeva cesta 4, Slovenija
V.	Information concerning the scope of the provisional refusal: Total provisional refusal affects all the goods and/or services.

VI.	Grounds for refusal: 44 (1) b
VII.	Information relating to an earlier mark: (i) Filing or registration number: IR 1024989, 1036645 (i) Reproduction of the mark: see attached additional information
VIII.	Information relating to the possibility to request a review or file an appeal: (i) Time limit for requesting review or appeal: The holder of the registration may request a review of the provisional refusal. The Slovenian Office must receive the request no later than 3 months * from the date of this provisional refusal (the time limit starts from the date indicated under point X). After a period the Office will issuing its final decision. *with the written request the deadline may be extended for 3 months (i) Authority to which such request for review or appeal should be made: Office indicated under I (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: The request for the review must be filed through the intermediary of a representative domiciled in Slovenia. The list of trademark agents is available on http://www.uil-sipo.si/sipo/addition/resources/patent-and-trademark-agents/
IX.	Signature or official seal of the Office making the notification: Saša Polc
X.	Date of the notification to the International Bureau: 30.5.2019
XII.	Corresponding essential provisions of the applicable law: Article 44 Relative grounds for refusal (1) Further, a sign shall not be eligible for registration as a mark if: (a) it is identical with an earlier mark of another owner, and the goods or services for which the registration is applied for are identical with the goods or services for which the earlier mark is registered; (b) because of its identity with or similarity to the earlier mark of another owner and the identity or similarity of the goods or services covered by the sign and the mark there exist the likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier mark; (c) because of its identity with or similarity to an earlier mark of another owner, registered for goods or services which are not identical with or similar to the goods or services for which the registration has been applied for, the use without due cause of such sign would take



unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier mark, or if it would indicate a connection between the goods or services and the owner of the earlier mark, and provided that the interests of the owner of the earlier mark are likely to be damaged by such use;

- (d) it is identical with or similar to a mark or unregistered sign, which is in the Republic of Slovenia a well-known mark within the meaning of Article 6bis of the Paris Convention or Article 16(3) of the TRIPS Agreement;
 - (e) the owner of the mark registered in any Member State of the Union established under the Paris Convention, hereinafter referred to as "the Paris Union", or the World Trade Organisation, hereinafter referred to as "the WTO", proves that his agent or representative applied, without the owner's consent, for the registration of the sign in his own name;
 - (f) its use would contradict an earlier right to a name, personal portrayal, plant variety, geographical indication or other industrial property right, or an earlier copyright, unless the owner of the earlier right gives his express consent to the registration of such sign.
- (2) "Earlier mark" within the meaning of paragraph (1) means:
- (a) mark which was applied for or registered in the Republic of Slovenia on the basis of a national application before the date of filing of the application for the later mark or, if priority is claimed, the date of priority;
 - (b) mark for which the protection was sought in the Republic of Slovenia on the basis of an international application before the date of filing of the application for the later mark or, if priority is claimed, the date of priority.

International Trademark**WIPO | MADRID**Alert me when document is updated [HTML](#) [PDF](#) [XML](#)

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1024989- LA VIALLA**Current Status**

- 180 Expected expiration date of the registration/renewal**
20.10.2019
- 151 Date of the registration**
20.10.2009
- 270 Language of the application**
English
- 732 Name and address of the holder of the registration**
FATTORIA LA VIALLA DI GIANNI, ANTONIO E BANDINO LO FRANCO - SOCIETA' AGRICOLA
SEMPLICE
Via di Meliciano, 26
I-52100 AREZZO (IT)
- 811 Contracting State of which the holder is a national**
IT
- 740 Name and address of the representative**
Silvia Grazioli c/o BUGNION S.P.A.
Viale Lancetti, 17
I-20158 MILANO (IT)
- 540 Mark**
LA VIALLA
- 541 Reproduction of the mark where the mark is represented in standard characters**
- 550 Indication relating to the nature or kind of mark**
The words contained in the mark have no meaning
- 511 International Classification of Goods and Services for the Purposes of the Registration of Marks
(Nice Classification) - NCL(9)**
- 29** Preserves, butter, preserved fruit and vegetables, cheeses, jams, edible olive oil,
cooked and raw ham, delicatessen products, pickles, sauces.
- 30** Vinegar, confectionery products, sweets, biscuits, bread, pizza, pasta, sauces
(seasonings), sauces for salad, seasoning and dressing products, honey.
- 31** Untreated cereal corns, cereal bran, spelt, fresh fruit, fresh mushrooms, wheat, maize,
fresh vegetables, seeds (for sowing), soybeans.
- 32** Soft drinks, fruit-based beverages, fruit juices, syrups.

- 33 Alcoholic drinks (except beers), alcoholic extracts, liqueurs and spirits, wines, sparkling wines, grappas.
- 821 **Basic application**
IT, 13.10.2009, MI2009C009910
- 300 **Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin**
IT, 13.10.2009, MI2009C009910
- 832 **Designation(s) under the Madrid Protocol**
EM
- 834 **Designation(s) under the Madrid Protocol by virtue of Article 9sexies**
CH
-

Transaction History


EXPAND none

Contracting Parties above which have issued the document:

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Disclaimer: The registration of a mark in the International Register does not imply the expression of any opinion whatsoever on the part of the International Bureau of WIPO concerning the substance of the entitlement claim under the Madrid Protocol and its Common Regulations.

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Printed: 2019-05-30 10:45

1036645- FATTORIA LA VIALLA**Current Status**

- 180 Expected expiration date of the registration/renewal**
30.12.2019
- 151 Date of the registration**
30.12.2009
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English
- 732 Name and address of the holder of the registration**
FATTORIA LA VIALLA DI GIANNI, ANTONIO E BANDINO LO FRANCO - SOCIETA' AGRICOLA
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- 740 Name and address of the representative**
Silvia Grazioli c/o BUGNION S.P.A.
Viale Lancetti, 17
I-20158 MILANO (IT)
- 540 Mark**
FATTORIA LA VIALLA
- 541 Reproduction of the mark where the mark is represented in standard characters**
- 566 Translation of the mark or of words contained in the mark**
LA VIALLA FARM.
- 511 International Classification of Goods and Services for the Purposes of the Registration of Marks
(Nice Classification) - NCL(9)**
- 29** Preserves, butter, preserved fruit and vegetables, cheeses, jams, edible olive oil,
cooked and raw ham, delicatessen products, pickles.
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(seasonings), sauces for salad, seasoning and dressing products, honey, sauces.
- 31** Untreated cereal corns, cereal bran, spelt, fresh fruit, fresh mushrooms, wheat, maize,
fresh vegetables, seeds (for sowing), soybeans.
- 32** Soft drinks, fruit-based beverages, fruit juices, syrups for making beverages.

- 33 Alcoholic drinks (except beers), alcoholic extracts, liqueurs and spirits, wines, sparkling wines, grappas.
- 821 Basic application
IT, 27.11.2009, MI2009C011647
- 300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin
IT, 27.11.2009, MI2009C011647
- 832 Designation(s) under the Madrid Protocol
EM - US
- 834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies
CH - RU
- 527 Indications regarding use requirements
US
-

Transaction History

EXPAND none

Contracting Parties above which have issued the document:

International Trademark

WIPO | MADRID

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