

**MADRID AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF MARKS
AND PROTOCOL RELATING TO THAT AGREEMENT**

PROVISIONAL REFUSAL OF PROTECTION

Notified to the World Intellectual Property Organisation (WIPO)
according to Article 5 of the Madrid Agreement and Madrid Protocol

I.	Office making the notification: PATENT OFFICE OF THE REPUBLIC OF LATVIA Citadeles iela 7/70 LV 1010, Riga LATVIA Phone: +371 67099604 Fax: +371 67099650 e-mail: liga.rinka@lrpv.gov.lv
II.	Number of the international registration: 1301308
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): VINĀRIA BOSTAVAN S.R.L., întreprindere mixtă Etulia, Vulcănești MD-5352 UTA Găgăuzia MD
IV.	The grounds of refusal: Provisional refusal based on an opposition: Opposition submitted by Maison A.E. DOR, 4bis, rue Jacques Moreau, F-16200, JARNAC, FR, holder of EUTM 002543866 / A.E. DOR /. Information about earlier rights (if any) is enclosed.
V.	Reference to the corresponding essential provisions of the Law of the Republic of Latvia on Trademarks and Indications of Geographical Origin: Opposition according to Sections 18 and 39 has been based on: Section LPZ/99 7.(1)1; LPZ/99 7.(1)2; LPZ/99 6.(2)
VI.	Provisional refusal for all the goods and/or services
VII.	Possibilities to review or appeal The holder is entitled, within three months from the date on which the International Bureau has notified of the Provisional Refusal, to submit a substantiated appeal to the Patent Office through a professional local patent attorney (Law On Trade Marks and Indications of Geographical Origin, Section 17.1; Law on Industrial Property Institutions and Procedures, Section 58). After expiration of the said period the Board of Appeal shall take a decision to satisfy the opposition, fully or in part, or to dismiss it. The Case can be reviewed, within three months from the date of notification of the Board of Appeal's decision, by a civil action initiated before the Riga City Vidzeme Suburb Court.
VIII.	Date of the notification of provisional refusal: 15.08.2019

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

Līga Rinka



X. Corresponding essential provisions of the applicable law:

Section 7. Earlier Trade Marks as Grounds for Invalidation of Trade Mark Registration

(1) A trade mark registration may be declared invalid in accordance with the provisions of this Law in the following cases:

1) it is identical to an earlier trade mark, and the goods or services in respect of which the trade mark was registered are identical to the goods or services in respect of which the earlier trade mark was registered;

2) in connection with its identity or similarity to, an earlier trade mark belonging to another person and the identity or similarity of the respective goods or services, there exists a likelihood of confusion of the trade marks or a likelihood of association between the trade marks on behalf of the relevant consumers.

(2) Earlier trade marks within the meaning of Paragraph one of this Section are:

1) trade marks valid in Latvia, which have been registered under national or international registration procedures, or as European Community trade marks (hereinafter Community trade mark) in accordance with Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (codified version) (Text with EEA relevance) (hereinafter Council Regulation No 207/2009) if the date of application for registration thereof is earlier than the date of application for registration of the contested trade mark, also taking into account the priority accorded to those trade marks;

2) applications for the registration of trade marks referred to in the previous Clause, provided that they are registered.

[21 October 2004; 14 October 2010]

Section 6. Absolute Grounds for Refusal and Invalidation of Trade Mark Registration

(1) The following signs may not be registered as trade marks (if they have been registered, such registration may be declared invalid in accordance with the provisions of this Law):

1) those which cannot constitute a trade mark, that is, signs which do not comply with the provisions of Section 3 of this Law;

2) those which lack any distinctive character with respect to the goods or services applied for;

3) those which consist solely of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose (functional task), value, geographical origin, or the time of production of the goods or of providing the services, or other characteristics of the goods or services;

4) those which consist solely of signs or indications (general signs) which have become customary in the current language or in fair and established practices of the trade to designate the goods or services applied for;

5) those which consist solely of a shape which is directly determined by the kind of goods (the shape results directly from the nature of the goods themselves), or which is necessary to obtain a particular technical result, or which gives substantial value to the goods;

6) those which are contrary to public order or to socially accepted principles of morality;

7) those which may deceive consumers regarding the nature, quality or geographical origin, or the like, of the goods or services;

8) those which contain signs, the registration of which, would be refused or invalidated in accordance with Article 6-ter of the Paris Convention, including coats of arms and flags of the member countries of the Paris Union, their official hallmarks (assay marks), control and warranty marks, as well as the emblems, flags, and names of international organisations and the abbreviations thereof, without authorisation by the competent authorities;

9) those which, without authorisation by the competent authorities given in accordance with the procedures laid down in the laws and regulations of the Republic of Latvia, contain the official heraldry approved at the State level, national decorations, Official Service insignia, as well as signs for official hallmarks (assay marks), control, quality, warranty, and safety of using goods which are used with respect to identical or similar goods or services in Latvia;

9¹) those which contain other signs of high symbolic value, as well as religious symbols;

10) with respect to wines - those which contain or consist of an indication of geographical origin identifying wines of particular origin, or with respect to spirits those which contain or consist of an indication of geographical origin identifying spirits of particular origin, if such is not the genuine place of origin of the wines or spirits for which the trade mark registration has been applied;

11) those which are intended for the marking of agricultural and food products and contain an indication of geographical origin protected in regard to the same agricultural or food products or consist of such protected indication of geographical origin, if the products for which trade mark registration has been applied, do not have the respective origin or if the use of the sign applied for in connection with these products is contradictory to the laws and regulations governing the protection of geographical indications and designations of origin.

(2) A trade mark also shall not be registered or, if registered, may be liable to be declared invalid in accordance with the provisions of this Law if the application for registration of the trade mark was clearly made in bad faith by the applicant.

(3) A trade mark registration may not be refused on the basis of the provisions of Paragraph one, Clauses 2, 3 or 4 of this Section, and shall not be declared invalid on the basis of the same provisions if, as a result of the use of the mark, it has acquired a distinctive character in the perception of the relevant consumers in Latvia with respect to the goods and services for which registration has been applied.
[21 October 2004; 19 November 2015]

EUTM file information

A.E. DOR
002543866

Trade mark information

Name	A.E. DOR	Filing date	11/01/2002
Filing number	002543866	Registration date	23/05/2003
Basis	EUTM	Expiry date	11/01/2022
Date of receipt	21/01/2002	Designation date	
Type	Word	Filing language	French
Nature	Individual	Second language	English
Nice classes	33 (Nice Classification)	Application reference	JS/IB
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en) **33** Cognac, alcoholic beverages containing cognac, armagnacs, rum.

Description

No data

Owners

Maison A.E. DOR

ID	131733	Country	FR - France	Correspondence address	
Organisation	Maison A.E. DOR	State/country	n/a	Maison A.E. DOR	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal entity	Town	JARNAC	4bis, rue Jacques Moreau	
		Post code	16200	F-16200 JARNAC	Hidden. You can set your contact details to be publicly available via the User Area.
		Address	4bis, rue Jacques Moreau	FRANCIA	Hidden. You can set your contact details to be publicly available via the User Area.

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CABINET GERMAIN & MAUREAU

ID	12455	Country	FR - France	Correspondence address	
Organisation	n/a	State/county	n/a	CABINET GERMAIN & MAUREAU	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal person	Town	Lyon	BP 6153	
Type	Association	Post code	69006	F-69466 Lyon Cedex 06	Hidden. You can set your contact details to be publicly available via the User Area.
		Address	12, rue Boileau	FRANCIA	Hidden. You can set your contact details to be publicly available via the User Area.

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Recordal	016034772	C.9.2. & C.9.4. Revocation & Invalidity (Decisions/Judgements) Notification of entry.	11/06/2019	
	Cancellation	000015371	C306B - Notification of a decision to the EUTM proprietor/IR holder	21/02/2019	
	Cancellation	000015371	C306A - Notification of a decision to the applicant	21/02/2019	
	Cancellation	000015371	catintdoc_1	21/02/2019	
	Recordal	014505807	T72RW - Change in the name and/or address of the applicant/proprietor - notification of entry in the Register	03/07/2018	
	Cancellation	000015371	C300B - Communication to the EUTM proprietor/IR holder	03/07/2018	
	Cancellation	000015371	C313A - Communication to the applicant of documents submitted by the EUTM proprietor/IR holder	03/07/2018	
	Cancellation	000015371	C360B - Confirmation to the EUTM proprietor/IR holder	11/06/2018	
	Cancellation	000015371	C360A - Notification of observations to the applicant	11/06/2018	
	Cancellation	000015371	Application form and attachment	07/06/2018	

Showing 1 to 10 of 60 entries

IR transformation

No data

Seniority

Country	Filing number	Registration number	Priority date	Filing date	Registration date	International code	Status
Austria		0626723			03/11/1994	Madrid	ACCEPTED
Benelux		0626723			03/11/1994	Madrid	ACCEPTED
Czech Republic		0626723			03/11/1994	Madrid	ACCEPTED
Germany		0626723			03/11/1994	Madrid	ACCEPTED
Hungary		0626723			03/11/1994	Madrid	ACCEPTED
Italy		0626723			03/11/1994	Madrid	ACCEPTED
Latvia		0626723			03/11/1994	Madrid	ACCEPTED
Poland		0626723			03/11/1994	Madrid	ACCEPTED
Portugal		0626723			03/11/1994	Madrid	ACCEPTED
Romania		0626723			04/03/1996	EU	ACCEPTED

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Showing 1 to 10 of 12 entries

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
2002/098	09/12/2002	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2003/056	07/07/2003	B.1	Registrations with no amendments since the application was published
2007/031	09/07/2007	C.8.1	Claims of seniority
2011/203	26/10/2011	D.1	Renewals
2014/138	28/07/2014	C.8.1	Claims of seniority
2017/178	19/09/2017	C.9.1	Application for revocation or for a declaration of invalidity
2018/124	04/07/2018	C.1.3	Proprietor - Change of name and address
2019/110	13/06/2019	C.9.2	Decision on application for revocation or for a declaration of invalidity

Showing 1 to 8 of 8 entries

Cancellation

Filing number	Subtitle	Status	Status date
+ 000015371	Cancellation based on revocation	Final decision – EUTM partially cancelled	26/05/2019

Showing 1 to 1 of 1 entries

Records

Bulletin number	Date	Section	Filing number	Title	Subtitle
			000015371	Cancellation	Cancellation based on revocation
2007/031	09/07/2007	C.8.1	001171969	Seniority	Claims of seniority
2011/203	26/10/2011	D.1	005690238	Renewal	Total Renewal
2014/138	28/07/2014	C.8.1	008662267	Seniority	Claims of seniority
2017/178	19/09/2017	C.9.1	013089456	Revocation and declaration of invalidity	Applications for revocation or for a declaration of invalidity
2018/124	04/07/2018	C.1.3	014505807	Proprietor	Change of name and address
2019/110	13/06/2019	C.9.2	016034772	Revocation and declaration of invalidity	Decisions on applications for revocation or for a declaration of invalidity

Showing 1 to 7 of 7 entries

Oppositions

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Appeals

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Decisions

	Case number	Type	Case	Legal status	Keywords	Status	Decision date
+	Cancellation 000015371	Cancellation		Article 58(1)(a) EUTMR		EUTM partially cancelled	21/02/2019

Showing 1 to 1 of 1 entries

Renewals

Title	Filing number	Status	Status date
Renewal	005690238	Trade mark renewed	26/10/2011

Showing 1 to 1 of 1 entries

Trade mark relations

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