

**Notification of provisional refusal of protection based on an opposition
(Article 5 of the Madrid Protocol and Rule 17(1) and (2) of the Common Regulations
under the Madrid Agreement and Protocol and Article 78 EUTMDR)**

Alicante, 12/09/2019

International registration No: **1458340**
Date of notification to EUIPO: **28-03-2019**
Trade mark: **BBK**
Holder: **BBK Communication
Technology Co., Ltd.
255#, BBK Road,
Wusha, Chang'An,
Dongguan
Guangdong**
Opposition number: **B 003090411**

Protection of the abovementioned mark is provisionally refused for the European Union.

The provisional refusal is based on the fact that an opposition has been filed against the international registration.

I. The grounds for opposition are as follows.

Conflict with an earlier mark because of identity or similarity of the goods and identity or similarity of the marks concerned, and likelihood of confusion (Article 8(1)(a) and (b) EUTMR).

II. Name and address of the opposing party:

**BBK (IP) LIMITED
Quastisky Building, P.O. Box 4389, Road Town
Tortola
Virgin Islands (British)**

III. The opposition is based on a mark which was the subject of an application or registration.

- type of mark : **International Registration**
- filing date, registration date and, if applicable, priority date: **28/11/2002 - 28/11/2002**

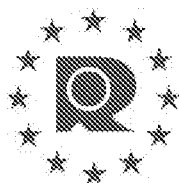
- filing number and, if different, registration number: **International Registration 800223**
- reproduction of the mark: (see annex)
- list of goods on which the opposition is based: (see annex)

IV. The provisional refusal relates to,

all the goods covered by the designation of the European Union.

The Office will notify the opposition separately to the holder of the international registration, including all evidence on which it is based, pursuant to Article 6(1) EUTMDR. The Office will set time limits for the holder. The notification will open an (extendable) cooling-off period of two months and a further period of two months for the opponent to substantiate the opposition. The notification will set a time limit of, in principle, six months for the holder of the international registration to submit observations.

The Office will also set a time limit of two months for the holder to appoint a representative within the meaning of Article 120(1) EUTMR. Protection of the international registration for the European Union will be refused in whole if the holder fails to appoint a representative within the time limit.



GROENEVELD, Macarena

Enclosures (excluding the cover letter): 5 pages.

Alicante, 31/07/2019

PETERSONA PATENTS - AAA LAW
2, Ausekļa Street, Suite 2
1010 Riga
Latvia

Receipt of notice of opposition

<i>Number of the opposition:</i>	003090411
<i>Your reference:</i>	GZ/SC27018
<i>Trade mark:</i>	W01458340
<i>Opponent:</i>	BBK (IP) LIMITED Quastisky Building, P.O. Box 4389, Road Town Tortola Virgin Islands (British)

Your notice of opposition, directed against the abovementioned trade mark, was received by the Office on **31/07/2019 at 14:34:44**.

It was given the above opposition number.

Please quote this number in all future communications regarding the opposition.

Please note that EUIPO will not send an invoice.

Operations Department

Thank you for filing online

Our online services make it easier for you to file your notice of opposition, send attachments and spot any mistakes. Filing online is also quicker and safer than using fax or post, as you can be sure your notice of opposition reaches EUIPO instantly via our secure servers.

Date of receipt (DD/MM/YYYY)	Number of pages (including this one)
31/07/2019	4

Acknowledgement of receipt of a Notice of opposition

Your notice of opposition has been submitted successfully.
We thank you for choosing to use the online OPPOSITION form.

Opposition number:	003090411
Date of submission:	31/07/2019
Time of submission:	14:34
Number of attached files:	0
Payment method:	Current account with EUIPO
Payment ID number:	196WH4A1
Account No:	0000002924

Please indicate the opposition number in any further communication with the EUIPO.

NOTICE OF OPPOSITION

Your reference: **GZ/SC27018**

Opponent(s)

Opponent EUIPO ID: **1023258**

Name of legal entity or first name and surname: **BBK (IP) LIMITED**
 Legal form: **Limited**
 Type: **Legal Entity**
 Street address: **Quastisky Building, P.O. Box 4389, Road Town**
 City: **Tortola**
 Postal Code:
 Country: **Virgin Islands (British)**
 Postal address (if different):
 Telephone number:
 Fax number:
 E-mail address:
 Website:

Representative(s)

EUIPO representative ID: **29008**

Name or legal name: **PETERSONA PATENTS - AAA LAW**
 Type: **Association**
 Street address: **2, Ausekļa Street, Suite 2**
 City: **Rīga**
 Postal Code: **1010**
 Country: **Latvia**
 Postal address (if different):
 Telephone number:
 Fax number:
 E-mail address:
 Website:

Challenged entity

Challenged registration ID: **W01458340**

Type of entity: **IR**
 Name of the owner/holder: **BBK Communication Technology Co., Ltd.**
 Designation date: **31/10/2018**
 Representation of the trade mark: **BBK**
 Trade mark type: **Figurative**

Representation of mark



Language of proceedings

☒ First language: EN (English) ☐ Second language: ES (Spanish)

Extent of the application

☒ Against all the goods and services
☐ Against some of the goods and services

NOTICE OF OPPOSITION

Class	Goods and services
9 (EN)	Computers; electronic pocket translators; notebook computers; apparatus for speech recording and replaying; microphones; chargers for electric batteries; transformers [electricity]; voltage stabilizing power supply; couplings, electric; optical discs; memory cards for video game machines; facsimile machines; computer keyboards; mouse [computer peripheral]; video telephones; radios; tape recorders; camcorders; electronic calendars; telephone apparatus; mobile telephones; radio pagers; indicator lights for telecommunications apparatus; video disk players; cabinets for loudspeakers; power amplifiers; television apparatus; remote control apparatus for household appliances; acoustic amplifier; electronic agendas; headphones; earphones.

Grounds for opposition

Selected ground number 1

Article 8(1)(a) EUTMR - The contested mark is identical to the earlier trade mark and covers identical goods and/or services
Article 8(1)(b) EUTMR - There exists a likelihood of confusion on the part of the public

Basis of opposition

Type of basis	International registration
Territory(ies)	Austria ; Bulgaria ; Benelux ; Cyprus ; Czech Republic ; Germany ; France ; Croatia ; Italy ; Latvia ; Lithuania ; Poland ; Slovakia ; Slovenia
Name of the owner/applicant	BBK (IP) LIMITED
Application date	28/11/2002
Filing number	800223
Registration number	800223
Registration date	28/11/2002
Expiry date	28/11/2022
Designation date	05/12/2003
Trade mark type	Figurative
Representation of the earlier right	 <input type="checkbox"/> Colour(s) claimed
Verbal elements	BBK

☒ The opposing party accepts that the necessary information for this trade mark is imported from the relevant online official database, accessible through TMVIEW, and that this source is used for substantiation purposes without prejudice to its right or obligation to provide any additional information that may be necessary to comply with the substantiation requirements of Article 7(2) and (4) EUTMDR

Goods and services used as basis

- ☐ Based on all the goods and services
☒ Based on part of the goods and services, namely:

Class	Goods and services
9 (EN)	Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), emergency (life-saving) and teaching apparatus and instruments, apparatus for recording, transmitting and reproducing sound or images; magnetic recording media, sound recording disks; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing and computer equipment; fire extinguishers.

NOTICE OF OPPOSITION

Entitlement	<input checked="" type="checkbox"/> Owner/Co-owner <input type="checkbox"/> Authorised licensee <input type="checkbox"/> Person authorised under the applicable law		
Evidence in support and	<input type="checkbox"/> Attached <input checked="" type="checkbox"/> To follow		
Statement of grounds			
Uploaded File(s)			
Title			Confidential
File(s) linked from other proceedings			
Procedure	Filing number	Subject	Date
Fees			
Payment method	Current account		
Opposition of EUTM fee			320.00 €
Total amount			320.00 €
Current account with EUIPO			
Account N°	0000002924		
Signature			
First name and Surname		Capacity of the signatory	
Gunta Zarina (ID 80181)		Professional representative	

Annexes:

Selected ground number 1
No attachments
Annexes:
No attachments