

MADRID AGREEMENT AND PROTOCOL

PROVISIONAL REFUSAL OF PROTECTION

Rule 17(1)

I.	Office sending the statement: Hungarian Intellectual Property Office 1438 Budapest, Pf.415 Fax. :(361) 474 - 5534
II.	Number of the international registration: 144 6375 Date of extension of the mark to Hungary: 2018.07.13
III.	Name of the holder (or other information enabling the identity of the international registration to be confirmed): Lidl Stiftung & Co. KG
IV.	<input type="checkbox"/> Provisional refusal based on an ex officio examination <input checked="" type="checkbox"/> Provisional refusal based on an opposition <input type="checkbox"/> Provisional refusal based on an observation
V.	<input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services <input type="checkbox"/> Provisional refusal for some of the goods and/or services: (followed by an indication of the goods and/or services which are affected or are not affected)
VI.	Grounds for refusal (where applicable, see item VIII): 4/1/b
	Information relating to an earlier mark : (i) Filing date and number, and, if any, priority date: (ii) Registration date and number (if available):



- (iii) Name and address of the owner:
(iv) List of all or relevant goods and/or services:

2009.10.20 **IR1024989** 2009.10.13

VII. FATTORIA LA VIALLA DI GIANNI, ANTONIO E BANDINO LO FRANCO -
SOCIETA' AGRICOLA SEMPLICE, Via di Meliciano, 26, I-52100 AREZZO (IT)

29.30,31,32

2010.03.18 **008963027** 2010.03.11

2010.09.02 008963027

FATTORIA LA VIALLA DI GIANNI, ANTONIO E BANDINO LO FRANCO -
SOCIETA' AGRICOLA SEMPLICE, Via di Meliciano, 26 I-52100 AREZZO ITALIA

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Corresponding essential provisions of the applicable law:

VIII. A sign shall not be granted trademark protection if because of its identity with, or similarity to, the earlier trademark and the identity or similarity of the goods or services there exists a likelihood of confusion on the part of the consumers.

Information relating to subsequent procedure:

(i) Time limit for replying the present provisional refusal: **2019.12.31**

(ii) Authority to which such reply shall be made:
Hungarian Intellectual Property Office

(iii) Indications concerning the appointment of a representative:

If the applicant is foreign person whose domicile or residence is outside the European Economic Area, he is obliged to appoint an agent entitled to act before the Hungarian Intellectual Property Office

Note: the official language of trademark procedures before the HIPO is Hungarian.

(iv) Procedure in the absence of a reply:

IX. If the applicant does not reply to the invitation within the fixed time limit, the Hungarian Intellectual Property Office shall notify the International Bureau, except when paragraph (5a) is applicable, that the protection of the trade mark extending to Hungary is refused (final refusal), or that protection is only partially recognised by the Hungarian Intellectual Property Office. The Hungarian Intellectual Property Office shall send such notification to the International Bureau after the decision on final refusal or on partial recognition of the protection has become final and binding. If trade mark protection is recognised in part, the date of registration shall be the date of the decision.



If the applicant fails to reply, within the fixed time limit, to an invitation of the Hungarian Intellectual Property Office issued solely upon an opposition, the Hungarian Intellectual Property Office shall decide on the registration of the trade mark on the basis of the available information, and shall notify the International Bureau accordingly, sending either a notification on the final refusal or a notification made in accordance with paragraph (5e).

WARNING: In case of an opposition, the expenses arisen in connection with the opposition can be imposed on the losing party by the Hungarian Intellectual Property Office. The amount shall be found in the HIPO's decision.

Examiner: Szabó Katalin

Number of decision: A1446375/9

Date: 2019.09.12

Signature or official seal of the Office sending the statement:


XI.


dr. Gabriella Kiss



Head of the International Trademark Section



	Madrid Monitor	International Trademark
1024989- LA VIALLA		Printed: 2019-09-12 10:03

1024989- LA VIALLA

Full details

Current Status

English

- 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

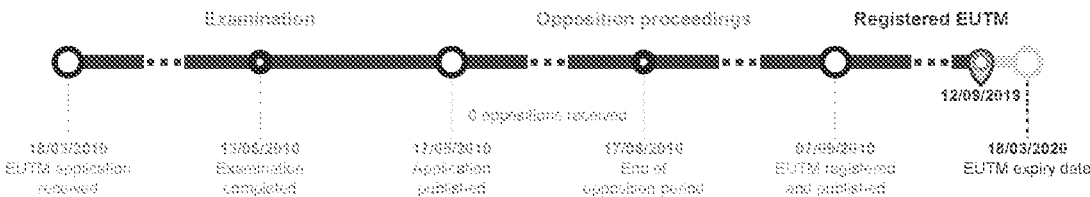
Transaction History

expand none

EUTM file information

VIALLELLA
008963027

Timeline



Trade mark information

Name	VIALLELLA	Filing date	18/03/2010
Filing number	008963027	Registration date	02/09/2010
Basis	EUTM	Expiry date	18/03/2020
Date of receipt	18/03/2010	Designation date	
Type	Word	Filing language	Italian
Nature	Individual	Second language	English
Nice classes	30 (Nice Classification)	Application reference	21.F0220.22.EM.22
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en) ▼

30 Confectionery, pastry, confectionery products, creams, products made from chocolate and/or cocoa.

Description

No data

Owners

FATTORIA LA VIALLA DI GIANNI, ANTONIO E BANDINO LO FRANCO - SOCIETA' AGRICOLA SEMPLICE

ID	614510	Country	IT - Italy	Correspondence address	
Organisation	FATTORIA LA VIALLA DI GIANNI, ANTONIO E BANDINO LO FRANCO -	State/country	n/a	FATTORIA LA VIALLA DI GIANNI, ANTONIO E BANDINO LO FRANCO - SOCIETA' AGRICOLA SEMPLICE	Hidden. You can set your contact details to be publicly available via the User Area.
		Town	AREZZO	Via di Meliciano, 26	
		Post code	52100		
		Address			

**SOCIETA'
AGRICOLA
SEMPLICE**

**Via di
Meliciano, 26**

**I-52100 AREZZO
ITALIA**

Hidden. You can set your contact details to be publicly available via the User Area.

Legal status

Legal entity

Hidden. You can set your contact details to be publicly available via the User Area.

Representatives

BUGNION S.P.A.

ID	10647	Country	IT - Italy	Correspondence address	
Organisation	n/a	State/country	n/a	BUGNION S.P.A. Viale Lancetti, 17 I-20158 Milano ITALIA	00 39-02693031
Legal status	Legal person	Town	Milano		00 39-0269303501
Type	Association	Post code	20158		
		Address	Viale Lancetti, 17		milano@bugnion.eu

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Recordal	016466982	L601A - Notification of expiry of EUTM registration	21/08/2019	
	EUTM	008963027	L304 - Cover letter for registration certificate	09/09/2010	
	EUTM	008963027	Certificate	08/09/2010	
	EUTM	008963027	L124 - Notification of acceptance for publication of an application for a Community trade mark	24/05/2010	
	EUTM	008963027	L109 - European Union search report sent	26/03/2010	
	EUTM	008963027	Application form and attachment	18/03/2010	
Showing 1 to 6 of 6 entries					

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

Country	Filing number	Date	Status
Italy	MI2010C002560	11/03/2010	Claimed
Showing 1 to 1 of 1 entries			

Publications

Bulletin number	Date	Section	Description
2010/088	17/05/2010	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2010/167	07/09/2010	B.1	Registrations with no amendments since the application was published
Showing 1 to 2 of 2 entries			

Cancellation

No data

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			016466982	Renewal	Total Renewal
Showing 1 to 1 of 1 entries					

Oppositions

No data

Appeals

No data

Decisions

No data

Renewals

Title	Filing number	Status	Status date
Renewal	016466982	Notification of expiry of trade mark	21/08/2019
Showing 1 to 1 of 1 entries			

Trade mark relations

No data

-Act XI of 1997 on the Protection of Trademarks and Geographical Indications (extract)

Article 1(1) Trademark protection shall be granted for any signs capable of being represented graphically provided that these are capable of distinguishing goods or services from those of other undertakings.

(2) Signs which may be granted trademark protection are in particular:

- (a) words, combination of words, including personal names and slogans,
- (b) letters, numerals,
- (c) figures, pictures,
- (d) two- or three-dimensional forms, including the shape of goods or of their packaging,
- (e) colors, combination of colors, light signals, holograms,
- (f) sound signals, and
- (g) combination of signs under (a) to (f).

Article 2 (1) A sign may not be granted trademark protection if it does not meet the requirements of Article 1.

(2) A sign shall be excluded from trademark protection if:

(a) it is devoid of any distinctive character, in particular if it consists exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service, or other characteristics of the goods or services, or which have become customary in the current language or in the practices of trade;

(b) it consists exclusively of a shape which results from the nature of the goods themselves or which is necessary to obtain a technical result or which gives substantial value to the goods.

(3) A sign shall not be excluded from trademark protection in accordance with paragraph (2)(a) if, either before or after the date of priority, it has acquired a distinctive character.

Article 3 (1) A sign may not be granted trademark protection if:

- (a) it is contrary to public policy or to accepted principles of morality;
- (b) it is liable to deceive consumers as to the nature, quality, geographical origin or other characteristics of the goods or services;
- (c) its registration was applied for in bad faith.

(2) A sign shall be excluded from trademark protection if:

(a) it consists exclusively of State emblems or other emblems of an authority or international organization as defined in the Paris Convention for the Protection of Industrial Property;

(b) it relates to medals, badges, armorial bearings, not covered by subparagraph (a) above, or to official signs and hallmarks indicating control and warranty which are of public interest;

(c) it consists of symbols having a close relation to religious or other beliefs.

(3) Trademark protection shall be granted with the consent of the competent authority to signs of which the emblems defined under paragraph 2 (a) and (b) form only an element.

(4) A sign may not be granted trademark protection if it consists of or contains a geographical indication registered pursuant to this Act or to European Community law. This provision shall apply to goods which do not originate in a geographical area corresponding to the geographical indication or in connection with which the geographical indication cannot be used for any other reason on the basis of the provisions of this Act or of European Community law.

Article 4 (1) A sign may not be granted trademark protection:

(a) with respect to identical goods or services, if the sign with the later date of priority is identical with an earlier trademark;

(b) if because of its identity with or similarity to the earlier trademark and the identity or similarity of the goods or services there exists a likelihood of confusion on the part of the consumers;

(c) with respect to dissimilar goods or services if the sign with the later date of priority is identical with or similar to an earlier trademark having a reputation in the country where the use without due cause of the later sign would take unfair advantage of or be detrimental to the distinctive character or the repute of the earlier trademark.

(2) "Earlier trademark" means a trademark whose registration was applied for with an earlier date of priority or – for the purposes of paragraph (1)(a) and (b) – a sign which has become well-known at an earlier date in the country under the Paris Convention for the Protection of Industrial Property even if that sign is not registered. "Earlier trademark" shall also mean – depending on the registration of the sign – an earlier trademark application.

(3) A sign may not be refused trademark protection if it conflicts with an earlier trademark, which has not been used by the holder in accordance with the provisions of Article 18.

(4) For the purposes of this Act, the likelihood of confusion includes the likelihood of association with the earlier trademark.

Article (5) A sign may not be granted trademark protection:

(a) if it would infringe earlier personal rights of others, in particular a right in a name or of personal portrayal;

(b) if it would conflict with an earlier copyright or industrial property right of others, including conflict with the name of a protected plant variety.

(2) A sign shall not be granted trademark protection

(a) if it has been used effectively in the country without registration where the use of the sign without the consent of the prior user would be contrary to law; and

(b) if, with respect to identical or similar goods or services, it is identical with or similar to a trademark whose protection has lapsed by reason of expiration and less than two years have elapsed since the lapse, unless the earlier trademark had not been used in conformity with the provisions of Article 18.

(3) In determining whether a right, use or expiration is deemed as earlier within the meaning of paragraphs (1) and (2), the priority of the application for registration shall be taken into account.

Article (6) A sign shall be excluded from trademark protection if the representative or agent applies for registration in his own name without the holder's authorization, unless the representative or agent justifies his action.

Article 7(1) A sign may not be refused trademark protection in accordance with Articles 4 and 5 if the holder of the earlier right consents to the registration of the later sign.

(2) A declaration of consent shall be valid if drawn up as a public instrument or a private document providing sufficient evidence.

(3) A declaration of consent may be contested under those provisions of the Civil Code that concern actions for avoidance of a contract by reason of mistake, deception or threat; the declaration may not be withdrawn and may not be replaced by the decision of a Court.

Article 8(1) Trademark protection shall be granted for a sign if

(a) it satisfies the requirements of Article 1 and is not excluded from trademark protection under the terms of Articles 2 to 7 and

(b) the relevant application complies with the requirements laid down by this Act.