

**MADRID AGREEMENT AND PROTOCOL**  
**PROVISIONAL REFUSAL OF PROTECTION**

**Rule 17(1)**

I.	Office sending the statement:	<b>Hungarian Intellectual Property Office</b> 1438 Budapest, Pf.415 Fax. :(361) 474 - 5534
II.	Number of the international registration: 145 3355 Date of extension of the mark to Hungary: 2018.11.23	
III.	Name of the holder : Shantou Chenghai Longjun Toy Factory	
IV.	Provisional refusal based on an ex officio examination <input checked="" type="checkbox"/> Provisional refusal based on an opposition Provisional refusal based on an observation	
V.	<input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services 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): <b>4.§ (1)(b),4.§ (1)(c)</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:	



VII. 2002.08.28 **002829463**  
2004.01.07  
LEGO Juris A/S (DK)  
LEGO Juris A/S Koldingvej 2 DK-7190 Billund DINAMARCA  
3,9,14,16,18,20-21,24-25,27-28,30,38,41,43

Corresponding essential provisions of the applicable law

VIII. A sign shall not be granted trade mark protection if because of its identity with, or similarity to, the earlier trade mark and the identity or similarity of the goods or services covered by the trade mark, there exists a likelihood of confusion on the part of the consumers; including the case where the likelihood of confusion is present because consumers may link the sign to the earlier trade mark by way of association. A sign shall not be granted trade mark protection if its date of priority is of a later date than that of an earlier, identical or similar trade mark which has a reputation in Hungary, or, in the case of an EU trade mark, in the European Union, irrespective of whether the goods or services for which it is applied are identical with, or similar to, those for which the earlier trade mark is registered, where use of that sign without due cause would be detrimental to, or take unfair advantage of, the distinctive character or the repute of the trade mark with a reputation.

Information relating to subsequent procedure:

(i) Time limit for replying the present provisional refusal: **2020.01.15**

(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:

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.

IX. 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.

X. Examiner: Jánosi Katalin  
Number of decision: A1453355/6  
Date: 2019.09.18

Signature or official seal of the Office sending the statement:

XI.

  
dr. Gabriella Kiss



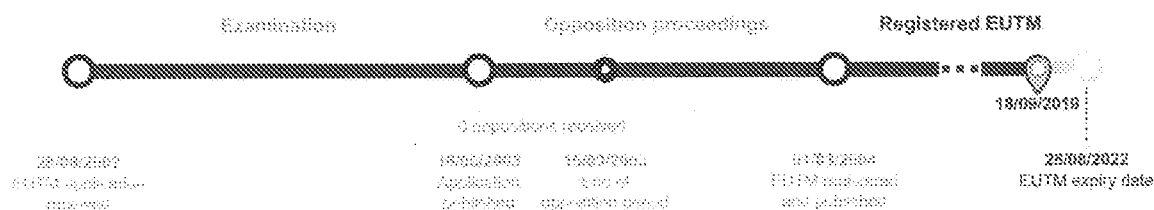
Head of the International Trademark Section



## EUTM file information

**LEGO**  
002829463

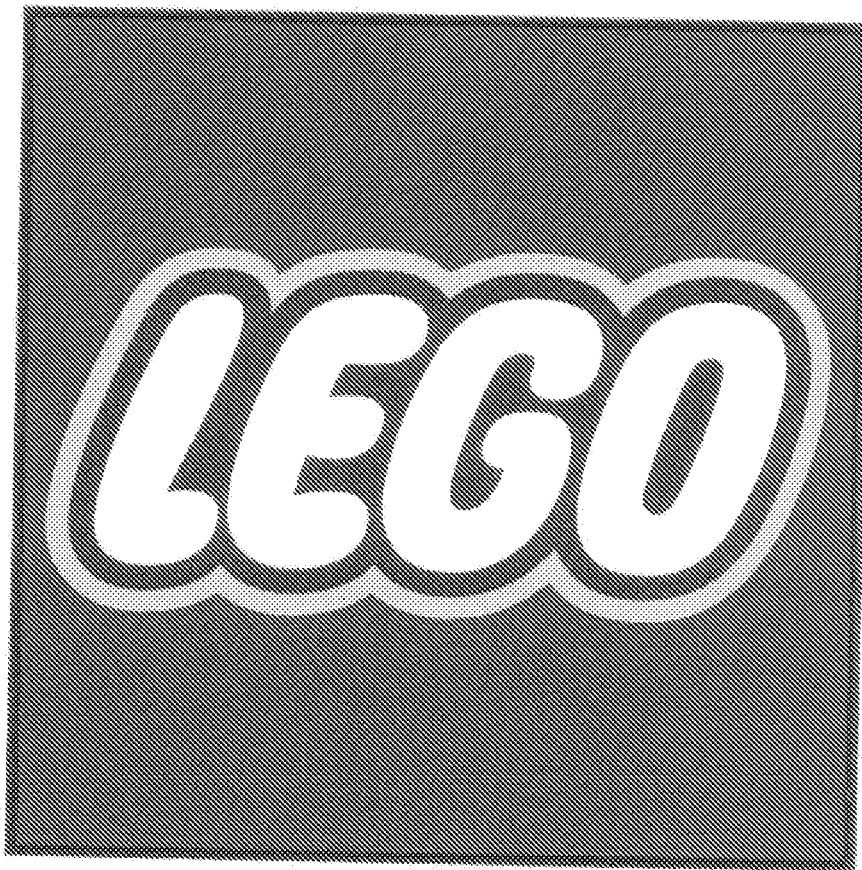
### Timeline



### Trade mark information

Name	<b>LEGO</b>	Filing date	<b>28/08/2002</b>
Filing number	<b>002829463</b>	Registration date	<b>07/01/2004</b>
Basis	<b>EUTM on which IA is based</b>	Expiry date	<b>28/08/2022</b>
Date of receipt	<b>28/08/2002</b>	Designation date	
Date of receipt of International Registra...	<b>17/06/2009</b>	Filing language	<b>English</b>
IR number	<b>1006003</b>	Second language	<b>German</b>
Type	<b>Figurative</b>	Application reference	<b>C14.63</b>
Nature	<b>Individual</b>	Trade mark status	<b>Registered</b>
Nice classes	<b>3, 9, 14, 16, 18, 20, 21, 24, 25, 27, 28, 30, 38, 41, 43 ( Nice Classification )</b>	Acquired distinctiveness	<b>No</b>
Vienna Classification	<b>26.04.01, 26.04.05, 26.04.22, 29.01.01 ( Vienna Classification )</b>		

### Graphic representation



## Goods and services

English (en)

**3** Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

**9** Scientific, nautical, surveying, electric and electronic, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments (included in class 9); 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; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; software; eyeglasses; eyeglass cases; magnets.

**14** Precious metals and their alloys and goods in precious metals or coated therewith (included in class 14); jewellery; horological and chronometric instruments; watch bands; key rings (trinkets or fobs).

**16** Paper, cardboard and goods made from these materials (included in class 16); printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (included in class 16); Bags (envelopes, pouches) of paper or plastic, for packaging; wrapping paper; money holders; bookends; boxes of cardboard or paper; boxes for pens; pen cases; binders (loose leaf); chromos; coasters of paper; erasing products; writing pads; note books; paperweights; pencil sharpeners; photograph stands; table clothes, linen, mats and napkins, all of paper.

**18** Leather and imitations of leather, and goods made of these materials (included in class 18); trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery; backpacks, rucksacks, beach bags, game bags, briefcases, handbags, pocket wallets, purses, school satchels, school bags.

**20** Furniture, mirrors, picture frames; goods (included in class 20) of wood, cork, reed, or of plastics; air mattresses; sleeping bags; bedding (except linen); cases of wood or plastic; coat hangers; drinking straws; figurines of plastic; playpens for babies; jewelry cases, not of precious metal; point of sale displays (furniture).

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- 24** Textiles and textile goods, (included in class 24); bed and table covers.
- 25** Clothing, footwear, headgear.
- 27** Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).
- 28** Games and playthings; gymnastic and sporting articles (included in class 28); decorations for Christmas trees.
- 30** Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals; bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.
- 38** Telecommunications.
- 41** Education; providing of training; entertainment; sporting and cultural activities.
- 43** Services for providing food and drink; temporary accommodation.

## Description

English (en)

### Description

**Colour** Red, white, black and yellow.

## Owners

### LEGO Juris A/S

ID	<b>206059</b>	Country	<b>DK - Denmark</b>	Correspondence address	
Organisation	<b>LEGO Juris A/S</b>	State/county	<b>n/a</b>	LEGO Juris A/S Koldingvej 2 DK-7190 Billund DINAMARCA	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	<b>Legal entity</b>	Town	<b>Billund</b>		
		Post code	<b>7190</b>		
		Address	<b>Koldingvej 2</b>		Hidden. You can set your contact details to be publicly available via the User Area.
					Hidden. You can set your contact details to be publicly available via the User Area.

## Representatives

### BOMHARD IP, S.L.

ID	<b>72210</b>	Country	<b>ES - Spain</b>	Correspondence address	
Organisation	<b>n/a</b>	State/county	<b>n/a</b>	Bomhard IP, S.L. C/Bilbao, 1, 5º E-03001 Alicante ESPAÑA	965129470
Legal status	<b>Legal person</b>	Town	<b>Alicante</b>		965129475
Type	<b>Association</b>	Post code	<b>03001</b>		
		Address	<b>C/Bilbao, 1, 5º</b>		mail@bomhardip.com

## Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	EUTM	002829463	LSU01 - Information to proprietors of earlier trade mark registrations or applications	27/02/2019	

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From	Procedure	Filing number	Subject	Date	Actions
	Inspection request	002589859	D123-Legalizar documentos (NB: ES only)	05/12/2018	
	Inspection request	002589859	D113 - Certified copy	05/12/2018	
	Inspection request	002589859	D108m - Request for inspection - issue of copies, extracts or communication of information	05/12/2018	
	Inspection request	002589859	Application form and attachment	05/12/2018	
	EUTM	002829463	LSU01 - Information to proprietors of earlier trade mark registrations or applications	28/06/2018	
	Recordal	010776063	T65XA	19/06/2017	
	Recordal	010776063	T5EMF - Communication on a recordal application of a registered European Union trade mark	02/06/2017	
	Recordal	010776063	Application form and attachment	06/04/2017	

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## IR transformation

No data

## Seniority

Country	Filing number	Registration number	Priority date	Filing date	Registration date	International code	Status
Bulgaria		00035281		05/08/1998		EU	ACCEPTED
Croatia		0869258		11/11/2005		Madrid	ACCEPTED
Croatia		1006003		17/06/2009		Madrid	ACCEPTED
Czech Republic		225353		31/07/1998		EU	ACCEPTED
Estonia		30547		14/07/1998		EU	ACCEPTED
Finland		128254		07/10/1992		EU	ACCEPTED
Hungary		156357		23/06/1998		EU	ACCEPTED
Latvia		M 44 076		18/06/1998		EU	ACCEPTED
Latvia		M 52 658		27/01/2003		EU	ACCEPTED
Lithuania		37911		26/06/1998		EU	ACCEPTED

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## Exhibition priority

No data

## Priority

No data

## Publications

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Bulletin number	Date	Section	Description
2004/009	01/03/2004	B.1	Registrations with no amendments since the application was published
2005/052	26/12/2005	C.3.6	International trade marks
2007/025	18/06/2007	C.1.1	Proprietor - Total transfers
2007/061	05/11/2007	C.1.3	Proprietor - Change of name and address
2007/064	26/11/2007	C.2.1	Representative - Change of name and professional address
2008/017	28/04/2008	C.8.1	Claims of seniority
2009/039	13/10/2009	C.3.6	International trade marks
2010/039	01/03/2010	C.8.1	Claims of seniority
2010/084	10/05/2010	C.2.1	Representative - Change of name and professional address

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## Cancellation

No data

## Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2005/052	26/12/2005	C.3.6	001729345	Trade mark	International trade mark
2007/025	18/06/2007	C.1.1	001162778	Proprietor	Total transfers
2007/061	05/11/2007	C.1.3	002827973	Proprietor	Change of name and address
2007/064	26/11/2007	C.2.1	002862814	Representative	Change of name and professional address
2008/017	28/04/2008	C.8.1	003045740	Seniority	Claims of seniority
2009/039	13/10/2009	C.3.6	004201300	Trade mark	International trade mark
2010/039	01/03/2010	C.8.1	004467307	Seniority	Claims of seniority
2010/084	10/05/2010	C.2.1	004747690	Representative	Change of name and professional address
2011/181	23/09/2011	C.8.1	005923555	Seniority	Claims of seniority
2011/201	24/10/2011	C.8.1	005924470	Seniority	Claims of seniority

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## Oppositions

No data

## Appeals

No data

## Decisions

No data

## Renewals

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Title	Filing number	Status	Status date
Renewal	006243631	Trade mark renewed	18/04/2012

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## 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.