



ESTONIAN PATENT OFFICE
TRADEMARK DEPARTMENT

THE PROTOCOL RELATING TO THE MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

NOTIFICATION OF PROVISIONAL REFUSAL BASED ON AN OPPOSITION

notified to the International Bureau of the World Intellectual Property Organization (WIPO)
according to Article 5 of the Madrid Protocol

I. Name and address of the office refusing protection:

The Estonian Patent Office
Trademark Department
Toompuiestee 7
15041 Tallinn
ESTONIA
Telephone: + 372 627 7947

II. Number of the international registration which is the subject of the provisional refusal:

1446375

III. Other information concerning the international registration which is the subject of the provisional refusal

Verbal elements of the mark: Viola

IV. The grounds for this provisional refusal are the following:

Opposition No 1880 made 04/12/2019, date of the acceptance of the opposition for processing 20/12/2019, on the grounds that the opponent has earlier trademark registrations (copies of the registrations enclosed).

The name and the address of the opponent are:

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

Address: Via di Meliciano 26, I-52100 Arezzo, IT

V. Provision of the Estonian Trademark Act applicable on the subject (enclosed):
Section 10 subsection 1(2), Section 41 subsections 2 and 3.

VI. The ground referred to in item IV affects all the goods in class 30.

VII. The holder of the registration has right to participate in the procedure at the Board of Appeal of Intellectual Property of Estonia.

The request has to be filed through the patent attorney of the Republic of Estonia (section 13 subsection 2 of the Estonian Trademark Act). List of patent attorneys is available at <http://www.epa.ee/>

The request for participation in the procedure must be received by the Board of Appeal no later than within two months from the date of the acceptance of the opposition for processing.

The time limit expires 23/03/2020 (dd/mm/yyyy). The extension of the time limit is not possible.

Please note that the matter will be examined by the Board of Appeal even if the holder of the registration does not request participation in the procedure at the Board of Appeal.

VIII. Date on which the provisional refusal was pronounced: 20/12/2019 (dd/mm/yyyy).

IX. Signature of the Office:

Signe Holm
Senior Examiner

Number of continuation sheets: 8

Extract from the Estonian Trademark Act

§ 10. Relative circumstances which preclude legal protection

(1) Legal protection is not afforded to the following trade marks:

2) trade marks which are identical or similar to an earlier trade mark which has been afforded legal protection with regard to identical goods or services or goods or services of a similar kind designated by the trade mark, if there exists a likelihood of confusion on the part of the consumers, which includes association of the trade mark with the earlier trade mark;

(2) The circumstances specified in clauses (1) 1)–8) of this section which preclude legal protection are not taken into account if the proprietor of the earlier trade mark or another earlier right consents to the grant of legal protection in writing.

§ 11. Earlier trade mark and other earlier rights

(1) An “earlier trade mark” means the following:

4) a trade mark which is valid in Estonia on the basis of the Madrid Protocol if the date of international registration or date of priority is earlier;

6) an EU trade mark registered on the basis of Regulation (EU) 2017/1001 of the European Parliament and of the Council if the filing date of the application, date of priority or the seniority date afforded on the basis of the Estonian registration is earlier;

§ 13. Representative for performing acts related to legal protection of trade marks

(2) A person with no residence, seat or commercial or industrial enterprise operating in Estonia shall authorise a patent attorney as the person’s representative to perform procedures related to trade marks at the Patent Office and at the Board of Appeal, except the filing of an application.

§ 41. Adjudication of appeals and revocation applications

(2) An interested person may contest an applicant’s right to a trade mark at the Board of Appeal if any circumstances specified in subsection § 10 of this Act which preclude legal protection exist. The term for filing a revocation application is two months from the publication of the notice of the decision to register a trade mark.

(3) In case a revocation application is granted in whole or in part, the Board of Appeal shall annul the decision of the Patent Office and make a new decision on the registration of the trade mark.

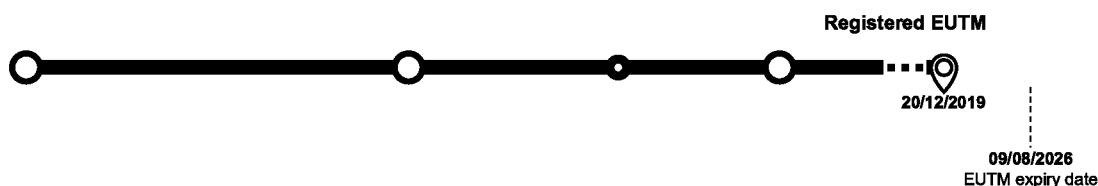
§ 70. Processing of international registration

7) Decisions on international registrations made by the Patent Office and the rights of applicants can be contested pursuant to the provisions of this Act, taking account of the specifications arising from the Madrid Protocol and its Common Regulations. The Bureau shall be notified of a contestation and the decision made in the matter.

EUTM file information

VIALLINI
005249651

Timeline



Trade mark information

Name	VIALLINI	Filing date	09/08/2006
Filing number	005249651	Registration date	21/06/2007
Basis	EUTM	Expiry date	09/08/2026
Date of receipt	09/08/2006	Designation date	
Type	Word	Filing language	Italian
Nature	Individual	Second language	English
Nice classes	30 (Nice Classification)	Application reference	
Vienna Classification		Trade mark status	Registered 
		Acquired distinctiveness	No

Goods and services

English (en) ▼

30 Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, crispbreads; pastry and confectionery; biscuits (sweet or savoury); biscuits, in particular butter biscuits, malt biscuits, honey biscuits; wafers; edible wafers; long-life bakery products; edible ices; honey; treacle; yeast, baking-powder; salt; mustard; vinegar; sauces (condiments); tomato sauce; spices; ice.

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 - SOCIETA' AGRICOLA SEMPLICE	State/county	n/a	FATTORIA LA VIALLA DI GIANNI, ANTONIO E BANDINO LO FRANCO - SOCIETA' AGRICOLA SEMPLICE
		Town	AREZZO	Via di Meliciano, 26
		Post code	52100	I-52100 AREZZO
		Address	Via di Meliciano, 26	ITALIA
Legal status	Legal entity			



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Representatives

BUGNION S.P.A.

ID	10647	Country	IT - Italy	Correspondence address
Organisation	n/a	State/county	n/a	BUGNION S.P.A.
Legal status	Legal person	Town	Milano	Viale Lancetti, 17
Type	Association	Post code	20158	I-20158 Milano
		Address	Viale Lancetti, 17	ITALIA



00 39-02693031



00 39-0269303501



milano@bugnion.eu

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
2007/003	22/01/2007	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2007/030	02/07/2007	B.1	Registrations with no amendments since the application was published
2016/062	04/04/2016	D.1	Renewals

Showing 1 to 3 of 3 entries

Cancellation

No data

Appeals

No data

Decisions

No data

Renewals

Title	Filing number	Status	Status date
Renewal	010460247	Trade mark renewed	04/04/2016

Showing 1 to 1 of 1 entries

Trade mark relations

No data

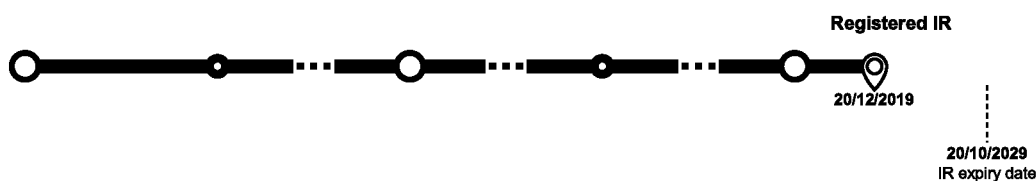
InternationalApplications

No data

EUTM file information

LA VIALLA
1024989

Timeline



Trade mark information

Name	LA VIALLA	Filing date	
Filing number	1024989	Registration date	20/10/2009
Basis	IR (Search on WIPO database)	Expiry date	20/10/2029
Date of receipt	21/01/2010	Designation date	20/10/2009
Type	Word	Filing language	English
Nature	Individual	Second language	Italian
Nice classes	29, 30, 31, 32 (Nice Classification)	Application reference	
Vienna Classification		Trade mark status	IR accepted 
		Acquired distinctiveness	No

Goods and services

English (en) ▼

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.

Description

No data

Owners

No data

Representatives

No data

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

Country	Filing number	Date	Status
Italy	MI2009C009910	13/10/2009	Accepted

Showing 1 to 1 of 1 entries

Publications

Bulletin number	Date	Section	Description
2010/014	25/01/2010	M.1	IR_M_1
2013/020	29/01/2013	M.3.1	IR_M_3_1

Showing 1 to 2 of 2 entries

Cancellation

No data

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data

InternationalApplications

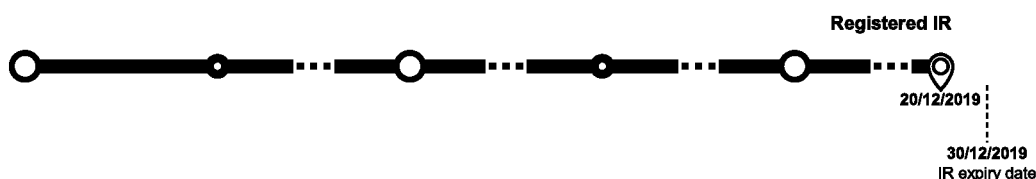
No data

EUTM file information

FATTORIA LA VIALLA

1036645

Timeline



Trade mark information

Name	FATTORIA LA VIALLA	Filing date	
Filing number	1036645	Registration date	30/12/2009
Basis	IR (Search on WIPO database)	Expiry date	30/12/2019
Date of receipt	13/05/2010	Designation date	30/12/2009
Type	Word	Filing language	English
Nature	Individual	Second language	Italian
Nice classes	29, 30, 31, 32, 33 (Nice Classification)	Application reference	
Vienna Classification		Trade mark status	IR accepted 
		Acquired distinctiveness	No

Goods and services

English (en) ▼

29 Preserves, butter, preserved fruit and vegetables, cheeses, jams, edible olive oil, cooked and raw ham, delicatessen products, pickles.

30 Vinegar, confectionery products, sweets, biscuits, bread, pizza, pasta, sauces (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.

Description

No data

Owners

No data

Representatives

No data

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

Country	Filing number	Date	Status
Italy	MI2009C011647	27/11/2009	Accepted

Showing 1 to 1 of 1 entries

Publications

Bulletin number	Date	Section	Description
2010/088	17/05/2010	M.1	IR_M_1
2011/054	18/03/2011	M.3.1	IR_M_3_1

Showing 1 to 2 of 2 entries

Cancellation

No data

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data

InternationalApplications

No data