

X. (Title and date of the applicable national law)

Extract from the Trade Mark Law

Version of 19/10/2013, Section 96 updated

Absolute obstacles to protection

8. - (1) Signs eligible for protection as a trade mark within the meaning of section 3 which cannot be depicted graphically shall be excluded from registration.
- (2) The following trade marks shall be excluded from registration
1. those which are devoid of any distinctive character for the goods or services,
 2. which consist exclusively of signs or indications which may serve, in the course of trade, to designate the nature, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the services or to designate other characteristics of the goods or services,
 3. which consist exclusively of signs or indications which have become customary in the current usage or in the bona fide and established practices of the trade to designate the goods or services,
 4. which are of such a nature to mislead the public, in particular with regard to the nature, the quality or the geographical origin of the goods or services,
 5. which are contrary to public policy or to accepted principles of morality,
 6. which contain state coats of arms, state flags or other sovereign state symbols or coats of arms of a domestic locality or of a domestic municipal or other local authority association,
 7. which contain official certification marks or hallmarks which are excluded from registration as a trade mark in accordance with a notice made by the Federal Ministry of Justice in the Federal Law Gazette (BGBl.),
 8. which contain coats of arms, flags or other symbols, seals or designations of international intergovernmental organisations which are excluded from registration as a trade mark in accordance with a notice made by the Federal Ministry of Justice in the Federal Law Gazette,
 9. the use of which can evidently be prohibited in the public interest in accordance with other provisions, or
 10. which have been applied for in bad faith.
- (3) Subs. 2 Nos. 1, 2 and 3 shall not apply if, prior to the point in time of the decision on registration, the trade mark has become established in the trade circles involved as a result of its use for the goods or services for which the application was filed.
- (4) Subs. 2 Nos. 6, 7 and 8 shall also be applied if the trade mark contains the imitation of a sign listed there. Subs. 2 Nos. 6, 7 and 8 shall not be applied if the applicant is empowered to include in the trade mark one of the signs listed therein, even if it can be confused with one of the other signs listed therein. Subs. 2 No. 7 shall furthermore not be applied if the goods or services for which the trade mark application was filed are neither identical with nor similar to those for which the certification mark or hallmark has been introduced. Subs. 2 No. 8 shall further not be applied if the trade mark applied for is not suitable to create among the public the incorrect impression of a connection with the international intergovernmental organisation.

Trade marks that have been filed or registered as relative obstacles to protection

9. - (1) The Registration of a trade mark may be cancelled
1. if it is identical to a trade mark applied for or registered which has older seniority and the goods or services for which it was registered are identical with the goods or services for which the trade mark with older seniority was filed or registered,
 2. if the likelihood of confusion exists, including the likelihood of association between the trade marks, for the public because of its identity with or similarity to a trade mark applied for or registered with older seniority and owing to the identity or similarity of the goods or services covered by both trade marks, or
 3. if it is identical with or similar to a trade mark applied for or registered with older seniority and has been registered for goods or services which are not similar to those for which the trade mark with older seniority has been filed or registered, if the trade mark with older seniority is a trade mark which has a reputation in this country and the use of the registered trade mark would without due cause take unfair advantage of, or be detrimental to, the distinctive character or the repute of the trade mark which has a reputation.
- (2) Applications for trade marks shall only constitute an ground for refusal within the meaning of subs. 1 if they are registered.

Opposition

42. - (1) Within a three-month period after the date of the publication of the registration of the trade mark in accordance with section 41, the proprietor of a trade mark or of a commercial designation with older seniority may lodge an opposition against the registration of the trade mark.
- (2) The opposition may only invoke that the trade mark may be cancelled
1. because of a trade mark applied for or registered with older seniority in accordance with section 9,
 2. because of a well-known mark with older seniority in accordance with section 10 in conjunction with section 9,
 3. because of its registration for an agent or representative of the trade mark proprietor in accordance with section 11, or
 4. because of a trade mark not registered with older seniority in accordance with section 4 No. 2 or of a commercial designation with older seniority in accordance with section 5 in conjunction with section 12.
- (3) (repealed)

Objection of insufficient use, decision on the opposition

43. - (1) If the opposition has been lodged by the proprietor of a registered trade mark with older seniority, he/she shall, if the other party disputes the use of the trade mark, make a plausible case that he/she, within the last five years prior to the publication of the registration of the trade mark which is targeted by the opposition, has been used in accordance with section 26 insofar as it has been registered for at least five years at this point in time. If the period of five years of non-use ends after the publication of the registration, the opponent, if the other party disputes the use, must make a plausible case that the trade mark has been used in accordance with section 26 within the past five years prior to the decision on the opposition. Only those goods or services shall be taken into consideration in the decision with respect to which a plausible case has been made for use.
- (2) If the examination of the opposition reveals that the trade mark is to be cancelled for all or part of the goods or services in respect of which it is registered, the registration shall be cancelled in full or in part. If the registration of the trade mark cannot be cancelled, the opposition shall be refused.
- (3) If the registered trade mark is to be cancelled because of one or several trade marks with older seniority, the proceedings on further objections may be suspended until a decision has been handed down with legal force on the registration of the trade mark.
- (4) Section 52 subs. 2 and 3 shall be applied mutatis mutandis in the event of cancellation in accordance with subs. 2.

Domestic representative

96. - (1) Any person who has neither their residence nor principal place of business nor an establishment in Germany may participate in the proceedings before the German Patent and Trade Mark Office or the Federal Patent Court which are regulated under this Act and assert the rights deriving from a trade mark only if he has appointed as his representative a lawyer or patent attorney who is authorised and empowered to represent him in proceedings before the German Patent and Trade Mark Office, before the Federal Patent Court and in civil litigation affecting this trade mark, as well as to file motions for criminal prosecution.
- (2) The place where a representative appointed pursuant to subsection (1) has his commercial premises shall be deemed, within the meaning of section 23 of the Code of Civil Procedure, to be the place where the asset is located; if there are no such commercial premises, the place where the representative is residing in Germany shall be decisive or, if there is no such place, the place where the German Patent and Trade Mark Office has its seat.
- (3) The legal termination of the appointment of a representative in accordance with subsection (1) shall not become effective until the German Patent and Trade Mark Office or the Federal Patent Court has been informed of both the termination of this appointment and the appointment of another representative.

Application of the provisions of this Act; language

107. (1) The provisions of this Act shall be applied mutatis mutandis to the international registration of trade marks in accordance with the Madrid Agreement Concerning the International Registration of Marks (Madrid Agreement on Marks) carried out through the intermediary of the Patent Office or whose protection covers the territory of the Federal Republic of Germany unless provided otherwise in this Chapter or in the Madrid Agreement on Marks.
- (2) All and any applications, as well as other communications in the proceedings for international registration and the list of goods and services, shall be submitted in either French or English, at the choice of the applicant.

Opposition

114. - (1) The publication of the registration (section 41) for internationally-registered trade marks shall be substituted by publication in the Information Notice published by the International Bureau of the World Intellectual Property Organisation.
- (2) The time limit to lodge the opposition (section 42 subs. 1) against the granting of protection for internationally-registered trade marks shall commence on the first day of the month following the month stated as the issue month of the edition of the Information Notice containing the publication of the internationally-registered trade mark.
- (3) Refusal of protection shall take the place of the cancellation of the registration (section 43 subs. 2).

Extract from the Trade Mark Ordinance version of 11 May 2004

Section 46 Refusal of Protection

(1) Where protection is, in full or in part, refused to an international registration the protection of which has been extended to the territory of the Federal Republic of Germany under Article 3ter of the Madrid Agreement or under Article 3ter of the Protocol Relating to the Madrid Agreement, and where this refusal is communicated to the International Bureau of the World Intellectual Property Organization to be transmitted to the proprietor of the international registration, the time limit for appointing a representative in Germany shall, to avoid final refusal, be fixed to four months from the date on which notification of refusal was dispatched by the International Bureau of the World Intellectual Property Organization.

(2) Where the refusal of protection has become final because the proprietor of the international registration has failed to appoint a representative in Germany, a special motion (*Erinnerung*) or an appeal from the refusal shall be filed with the German Patent and Trade Mark Office within one further month after the time limit under subsection (1). Instructions about the proprietor's right to appeal shall be attached to the refusal. Section 61(2) of the Trade Mark Act shall apply *mutatis mutandis*.

still
X. **Supplementary box**
grounds for refusal – *item V* –

International Trade Mark **1 501 102**

The company (companies) mentioned below has (have) lodged opposition to the admission of the trade mark because of earlier national or international application or registration of its (their) trade mark(s) listed below (Sec. 119, 124, 114, 42 Trade Mark Law; Art. 5 Protocol Relating to the Madrid Agreement; Art. 6 quinquies B Paris Convention):

1 ~~VIVILA~~ Müller GmbH & Co. KG EM000023580 VIVIL

Moltkestr. 33

D-77654 Offenburg

ALEMANIA

2 ~~VIVILA~~ Müller GmbH & Co. KG 396062024 VIVIL

77654 Offenburg, DE

3 ~~FrieslandCampina Nederland B.V.~~ IR1398414 ~~VIFIT~~

Stationsplein 4

NL-3818 LE Amersfoort

Niederlande (NL)

Note:

~~If no representative has been appointed within the provisional time limit of the first four months, this fact constitutes in itself a ground for refusal after the notification concerning the refusal of protection has become final (Sec. 119, 96 Trade Mark Law).~~

XII. Annexes (crossed off below)

- ☒ 1 reproduction of 2 opposed trade marks including a figurative element or a special graphic design
- ☒ List specifying the registration number as well as the relevant goods/services in respect of each opposed trade mark
- ☐ List of professional representatives
- ☐ List of goods/services

XI. Signature or official seal of the administration which pronounced the refusal



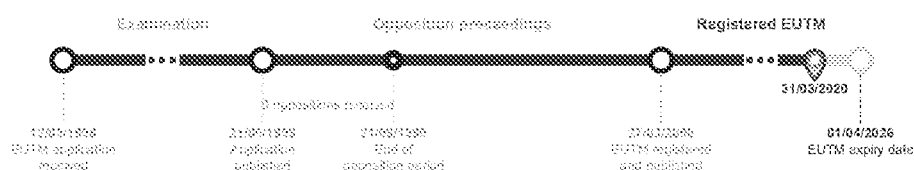


Protect your intellectual property in the European Union

EUTM file information

VIVIL
000023580

Timeline



Trade mark information

Name	VIVIL	Filing date	01/04/1996
Filing number	000023580	Registration date	10/02/2000
Basis	EUTM	Expiry date	01/04/2026
Date of receipt	12/03/1996	Designation date	
Type	Word	Filing language	German
Nature	Individual	Second language	English
Nice classes	5, 25, 30, 32, 33 (Nice Classification)	Application reference	WzAusl 48/96 ms
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)

- 5** Pharmaceutical confectionery, also made using sugar substitutes, chewing gum for medical use, also made using sugar substitutes.
- 25** Clothing.
- 30** Confectionery, also as dietetic substances not for medical use, made using sugar substitutes, especially comprimates, Chewing sweets with liquid fillings, peppermint pastilles, peppermint sweets, chocolate, goods made from chocolate, pralines, also with liquid fillings of wines, spirits or fruit preparations, chewing gum also made using sugar substitutes.
- 32** Ice tea.
- 33** Herbal bitters.

Description

No data

Owners

VIVIL A. Müller GmbH & Co. KG

ID	9634	Country	DE - Germany	Correspondence address	Hidden. You can set your contact
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X

Legal entity

Post code

77654

ALEMANIA

Address

Moltkestr. 33

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

HARMSSEN UTESCHER

ID **10478**

Country

DE - Germany**Correspondence address**

Organisation

n/a

State/country

n/a**HARMSSEN UTESCHER**
Rechtsanwalts- und
Patentanwaltspartnerschaft mbB
Neuer Wall 80
D-20354 Hamburg
ALEMANIA

Legal status

Legal person

Town

Hamburg

Type

Association

Post code

20354

Address

Neuer Wall 80

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.

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

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	EUTM	000023580	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	20/06/2018	
	Recordal	010058538	L607 - Renewal of European Union trade marks - Notification of entry in the Register	24/02/2016	
	Recordal	010058538	Application form and attachment	17/02/2016	
	Recordal	010058538	L601A — Notification of the need to renew a EUTM registration AUTOMATIC	17/10/2015	
	Recordal	006447117	T72RR - Change in the name and/or business address of a representative - notification of entry in the Register	26/04/2012	
	Recordal	006447117	Application form and attachment	26/04/2012	
	EUTM	000023580	Surveillance letter for EUTMs	30/06/2010	
	Recordal	003998542	T724M - Registration of recordal (change of name and/or professional address of a representative)	29/07/2009	
	Recordal	003998542	Copy	23/07/2009	
	Recordal	003998542	Letter to the EUIPO	23/07/2009	

Showing 1 to 10 of 31 entries

IR transformation

No data

Seniority

Country	Filing number	Registration number	Priority date	Filing date	Registration date	International code	Status
Austria		0520696			17/10/1987	Madrid	ACCEPTED
Benelux		0520696			17/10/1987	Madrid	ACCEPTED
Denmark		VR 1990 00510			02/02/1990	EU	ACCEPTED
Finland		19489			08/12/1943	EU	ACCEPTED

Country	Filing number	Registration number	Priority date	Filing date	Registration date	International code	Status
Greece		88619			02/04/1988	EU	ACCEPTED
Italy		0520696			17/10/1987	Madrid	ACCEPTED
Portugal		0520696			17/10/1987	Madrid	ACCEPTED
Spain		0520696			17/10/1987	Madrid	ACCEPTED
Showing 1 to 10 of 12 entries							

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
1999/048	21/06/1999	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2000/024	27/03/2000	B.2	Registrations with amendments since the application was published
2006/036	04/09/2006	D.1	Renewals
2009/029	03/08/2009	C.2.1	Representative - Change of name and professional address
2012/081	30/04/2012	C.2.1	Representative - Change of name and professional address
2016/037	24/02/2016	D.1	Renewals
Showing 1 to 6 of 6 entries			

Cancellation

No data

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			000195852	Representative	Change of name and professional address
2006/036	04/09/2006	D.1	001566523	Renewal	Total Renewal
2009/029	03/08/2009	C.2.1	003998542	Representative	Change of name and professional address
2012/081	30/04/2012	C.2.1	006447117	Representative	Change of name and professional address
2016/037	24/02/2016	D.1	010058538	Renewal	Total Renewal
Showing 1 to 5 of 5 entries					

Oppositions

No data

Appeals

No data

Decisions

No data

Renewals

Title	Filing number	Status	Status date
Showing 1 to 2 of 2 entries			

Trade mark relations

No data

International Applications

No data

Stammdatenauszug

**396 06 202.4 / 30**

Markeninformationen

	Aktenzustand	Marke eingetragen
	Anmeldung eingegangen	10.02.1996
151	Anmeldetag	10.02.1996
	Eintragung	06.08.1996
	Veröffentlichung	09.11.1996
	Schutzbeginn	01.03.2016
	Schutzzende	28.02.2026

Markenwiedergabe

550	Markenform	Wortmarke
551	Markenkatgorie	Individualmarke
541	Markentext	VIVIL
531	Bildklassen	

Zeitränge

Adressen

732 Inhaber	740 Vertreter	750 Zustelladresse
5828244	268569	136025781
VIVIL A. Müller GmbH & Co. KG 77654 Offenburg, DE	Harmsen & Utescher, Rechtsanwälte, Patentanwälte 20457 Hamburg, DE	Harmsen & Utescher Rechtsanwälte-Patentanwälte Alter Wall 55 Postfach 113444 20434 Hamburg

Lizenzen

Waren- und Dienstleistungsverzeichnis - Elsa

510 WDVZ 30 (LKL)Klassen: 3, 5, 25, **30**, 32 und 33

Ungruppierte Zuckerwaren, auch als diätetische Erzeugnisse für nichtmedizinische Zwecke unter Begriffen: Verwendung von Zuckeraustauschstoffen, insbesondere Komprimat, Kaubonbons mit flüssiger Füllung, Pfefferminzpastillen, Pfefferminzbonbons, Schokolade, Schokoladenwaren, Pralinen, auch mit flüssiger Füllung aus Weinen, Spirituosen oder Fruchtzubereitungen; pharmazeutische Zuckerwaren, auch unter Verwendung von Zuckeraustauschstoffen hergestellt; Kaugummi für medizinische Zwecke, auch unter Verwendung von Zuckeraustauschstoffen hergestellt; Kaugummi für nichtmedizinische Zwecke, auch unter Verwendung von Zuckeraustauschstoffen hergestellt; Mittel zur Körper- und Schönheitspflege, Parfümerien, Duftwässer; Bekleidung; Kräuterbitter; Eistee

Verfahrensdaten

Widerspruchsverfahren

Abschluss	06.08.1996 – Marke ohne Widerspruch eingetragen
Wirksamkeitsdatum	06.08.1996

Verbundene IR-Marken

IR 693 033

Registrierungsdatum	12.02.1998
Aktenzustand	Aktiv
WIPO-Status	Registriert

Romarin

**(111) IR 1 398 414**

151	Date of registration	27.03.2017
180	Expected expiration date	27.03.2027
270	Language	English

Current Status

732	Name and address of the holder of the registration	FrieslandCampina Nederland B.V. Stationsplein 4 NL-3818 LE Amersfoort Netherlands	CLID: 984131
812	Contracting state/organization of which the holder has an industrial or commercial establishment	BX – Benelux	
842	Legal nature of the holder	Limited liability company	
740	Name and address of the representative	HGF B.V. Gedempt Hamerkanaal 147 NL-1021 KP Amsterdam Netherlands	CLID: 1175953

540 Mark

VIFIT

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)	5. Dietary and nutritional supplements; protein supplements. <i>Compléments nutritionnels et d'apport alimentaire; compléments protéinés.</i> <i>Suplementos dietéticos y nutricionales; suplementos de proteínas.</i> 29. Dairy products; milk; milk products; milk powder; dairy-based beverages; milk shakes; flavoured milk powder for making beverages; whey, whey powder; curd; milk protein; cheese; fermented milk; fermented milk products; kefir; yoghurt; cream; dairy products for dietetic purposes (not for medical use); nutritional bars included in this class; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; edible oils and fats; prepared coconut; prepared nuts; edible seeds. <i>Produits de crèmerie; lait; laitages; lait en poudre; produits à boire à base de produits de crèmerie; milk-shakes; lait en poudre aromatisé pour la confection de produits à boire; petit-lait, petit-lait en poudre; lait caillé; protéines du lait; fromages; lait fermenté; produits laitiers fermentés; kéfir; yaourts; crème; produits de crèmerie à usage diététique (autres qu'à usage médical); barres nutritionnelles comprises dans cette classe; fruits et légumes cuits, séchés, congelés et conservés; gelées, confitures, compotes; œufs; huiles et graisses alimentaires; noix de coco préparées; fruits à coque préparés; graines comestibles.</i> <i>Productos lácteos; leche; productos lácteos; leche en polvo; bebidas a base de productos lácteos; batidos de leche; leche en polvo aromatizada para hacer bebidas; suero de leche, suero de leche en polvo; cuajada; proteínas lácteas; queso; leche fermentada; productos de leche fermentada; kéfir; yogur; nata; productos lácteos para uso dietético (que no sean para uso médico); barritas nutricionales comprendidas en esta clase; frutas y hortalizas en conserva, congeladas, secas y cocidas; jaleas, mermeladas, compotas; huevos; aceites y grasas comestibles; coco preparado; frutos secos preparados; semillas comestibles.</i> 30. Coffee, tea, cocoa and drinks based thereon; rice, cereals, corn, oats and foodstuffs based thereon; muesli; drinks in powder form containing cocoa, coffee or tea; candy bars; cereal and muesli bars; nutritional bars included in this class; sesame seeds; chocolate; chocolate coated foodstuffs; chocolate based foodstuffs; pastry; confectionery; desserts, namely mousses, blancmanges, pudding, frozen yoghurt, ice cream; powder for making ice cream. <i>Café, thé, cacao et boissons qui s'en composent; riz, céréales, maïs, avoine et produits alimentaires qui s'en composent; muesli; boissons sous forme de poudre contenant du cacao, café ou thé; sucreries sous forme de barres; céréales et barres de muesli; barres nutritionnelles comprises dans cette classe; graines de sésame; chocolat; produits alimentaires enrobés de chocolat; produits alimentaires à base de chocolat; pâtisseries; confiseries; desserts, à savoir mousses, blancs-mangers, poudings, yaourts glacés, crèmes glacées; poudres pour la confection de crèmes glacées.</i> <i>Café, té, cacao y bebidas a base de los mismos; arroz, cereales, maíz, avena y productos comestibles a base de los mismos; muesli; bebidas</i>

en polvo que contienen cacao, café o té; barritas dulces; cereales y barritas de muesli; barritas nutricionales comprendidas en esta clase; semillas de sésamo; chocolate; productos comestibles recubiertos de chocolate; productos comestibles a base de chocolate; masa para productos de pastelería; productos de confitería; postres, a saber, mousses, manjar blanco, pudines, yogur helado, helados cremosos; polvos para hacer helados.

32. Mineral and aerated waters and other non-alcoholic beverages; fruit beverages and fruit juices; powders and other preparations for making beverages; sports drinks; sports beverages; isotonic beverages; energy drinks; whey beverages; smoothies.

Eaux minérales et gazéifiées et autres produits à boire sans alcool; produits à boire aux fruits et jus de fruits; poudres et autres préparations pour la fabrication de produits à boire; boissons pour sportifs; produits à boire pour sportifs; produits à boire isotoniques; boissons énergisantes; produits à boire à base de lactosérum; smoothies.

Aguas minerales, aguas gaseosas y otras bebidas sin alcohol; bebidas de frutas y zumos de frutas; polvos y otras preparaciones para elaborar productos para beber; bebidas para deportistas; bebidas para deportistas; bebidas isotónicas; bebidas energéticas; bebidas a base de suero de leche; batidos.

821	Basic application	BX – Benelux 04.01.2017, 01345994
822	Basic registration	BX – Benelux 22.03.2017, 1007725
300	Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin	BX – Benelux 04.01.2017, 1345994
832	Designations under the Madrid Protocol	• EM – Office for Harmonization in the Internal Market • GB – United Kingdom • PH – Philippines • SG – Singapore • US – United States of America
834	Designations under the Madrid Protocol by virtue of Article 9sexies	• CN – China • RU – Russian Federation • VN – Viet Nam
527	Indications regarding use requirements	• GB – United Kingdom • SG – Singapore • US – United States of America

Registration

450	Publication number	2018/15 Gaz, 26.04.2018
832	Designations under the Madrid Protocol	• EM – Office for Harmonization in the Internal Market

		• GB – United Kingdom • PH – Philippines • SG – Singapore • US – United States of America
834	Designations under the Madrid Protocol by virtue of Article 9sexies	• CN – China • RU – Russian Federation • VN – Viet Nam
527	Indications regarding use requirements	• GB – United Kingdom • SG – Singapore • US – United States of America
580	Date of recording	26.04.2018

Partial ceasing of effect of basic registration

		BX – Benelux
450	Publication number	2018/23 Gaz, 21.06.2018
		Delete from list:
		32. Mineral and aerated waters and other non-alcoholic beverages; fruit beverages and fruit juices. <i>Eaux minérales et gazéifiées et autres produits à boire sans alcool; produits à boire aux fruits et jus de fruits.</i> <i>Aguas minerales, aguas gaseosas y otras bebidas sin alcohol; bebidas de frutas y zumos de frutas.</i>
		The other classes remain unchanged.
		<i>Les autres classes ne sont pas modifiées.</i>
		<i>No se han introducido cambios en las demás clases.</i>
	Facts and decisions	The basic registration 1007725 has been the subject of a partial ceasing of effect. The effective date is 15/01/2018. <i>L'enregistrement de base 1007725 a fait l'objet d'une cessation des effets partielle. La date d'effet en est le 15/01/2018</i> <i>El registro de base n.º 1007725 ha sido objeto de una cesación parcial de los efectos. La cesación surte efectos desde el 15/01/2018</i>

Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1)

		EM – Office for Harmonization in the Internal Market
450	Publication number	2018/18 Gaz, 17.05.2018
	Opposition end date	27.08.2018

Total provisional refusal

		US – United States of America
450	Publication number	2018/23 Gaz, 21.06.2018
	Our date of reception	10.05.2018
	Notification to holder	07.06.2018

Partial provisional refusal

		SG – Singapore
450	Publication number	2018/35 Gaz, 13.09.2018
	Our date of reception	14.08.2018
	Notification to holder	31.08.2018
		As from November 14, 2005, provisional refusals indicate only whether they are total or partial, without listing the goods and services, or the classes, affected or not affected.

Statement of grant of protection made under Rule 18ter(1)

		EM – Office for Harmonization in the Internal Market
450	Publication number	2018/40 Gaz, 18.10.2018
	Our date of reception	28.09.2018
	Notification to holder	03.10.2018

Statement of grant of protection made under Rule 18ter(1)

		GB – United Kingdom
450	Publication number	2018/43 Gaz, 08.11.2018
	Our date of reception	24.10.2018
	Notification to holder	25.10.2018

Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1)

		US – United States of America
450	Publication number	2018/43 Gaz, 08.11.2018

Statement of grant of protection made under Rule 18ter(1)

		RU – Russian Federation
450	Publication number	2018/48 Gaz, 13.12.2018
	Our date of reception	22.11.2018
	Notification to holder	28.11.2018

Partial provisional refusal

		CN – China
450	Publication number	2019/6 Gaz, 21.02.2019
	Our date of reception	12.12.2018
	Notification to holder	21.02.2019
		Delete from list:
		29. Milk; milk products; milk powder; milk protein. <i>Lait; laitages; lait en poudre; protéines du lait.</i> <i>Leche; productos lácteos; leche en polvo; proteínas lácteas.</i>
		Refused for all the goods in class 5. <i>Refusé pour tous les produits de la classe 5.</i>

Denegado para todos los productos de la clase 5.

Statement of grant of protection made under Rule 18ter(1)

	PH – Philippines
450 Publication number	2019/2 Gaz, 24.01.2019
Our date of reception	10.01.2019
Notification to holder	14.01.2019

Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1)

	SG – Singapore
450 Publication number	2019/25 Gaz, 04.07.2019
Opposition end date	26.06.2019

Statement indicating the goods and services for which protection of the mark is granted under Rule 18ter(2)(ii)

	US – United States of America
450 Publication number	2019/23 Gaz, 20.06.2019
Our date of reception	06.05.2019
Notification to holder	20.06.2019

List limited to:

5. Dietary and nutritional supplements; protein supplements.

Compléments nutritionnels et d'apport alimentaire; compléments protéinés.

Suplementos dietéticos y nutricionales; suplementos proteínicos.

29. Dairy products, namely, yoghurt and yogurt drinks; milk; milk products, namely, protein enriched milk drinks, yoghurt and yogurt drinks; milk powder; dairy based beverages; milk shakes; flavored milk protein powder for making beverages; whey, whey powder; curd; protein enriched milk drinks; cheese; fermented milk; fermented milk products, namely, yoghurt and yogurt drinks; kefir; yoghurt; cream; dairy products, namely, protein enriched milk drinks, yoghurt and yogurt drinks for dietetic purposes not for medical use; nutritional bars, namely, fruit-based and nut-based meal replacement bars containing nuts, seeds, coconut, and dried fruits; preserved, frozen, dried and cooked fruits and vegetables; edible oils and fats; prepared coconut; prepared nuts; processed edible seeds, not being seasonings or flavorings.

À savoir produits laitiers, yaourts et boissons à base d'yaourt; lait; produits laitiers, à savoir protéines enrichis yaourt et boissons lactées, boissons à base d'yaourt; lait en poudre; produits à boire à base de produits de crèmerie; milk-shakes; lait aromatisé protéines en poudre pour faire des boissons; petit-lait, petit-lait en poudre; lait caillé; boissons lactées enrichies en protéines; fromages; lait fermenté; produits laitiers fermentés, à savoir yaourts et boissons à base d'yaourt; képhir; yaourts; crème; produits laitiers, à savoir

boissons lactées enrichies en protéines, yaourts diététiques et boissons à base d'yaourt diététique non à usage médical; à savoir barres nutritionnelles à base de fruits à base de fruits à coque et barres alimentaires utilisées comme substituts de repas contenant des fruits à coque, graines et fruits secs, noix de coco; fruits et légumes cuits, séchés, congelés et conservés; huiles et graisses alimentaires; noix de coco préparées; fruits à coque préparés; Graines comestibles transformées, autres qu'en tant qu'assaisonnements ou aromatisants.

Productos lácteos, a saber, yogur y bebidas a base de yogur; leche; productos lácteos, a saber, proteínas enriquecidos bebidas a base de leche, yogur y bebidas a base de yogur; leche en polvo; bebidas a base de productos lácteos; batidos de leche; leche aromatizada proteínas en polvo para elaborar bebidas; suero de leche, suero de leche en polvo; cuajada; leche enriquecida con proteínas bebidas; queso; leche fermentada; productos de leche fermentada, a saber, yogur y bebidas a base de yogur; kéfir; yogur; nata; productos lácteos, a saber, leche enriquecida con proteínas bebidas, yogur y bebidas a base de yogur para uso dietético que no sean para uso médico; barras nutricionales, a saber, a base de frutas y frutos secos a base de barritas utilizadas como sustitutos de comidas que contienen frutos secos, semillas, coco y frutas secas; frutas y hortalizas en conserva, congeladas, secas y cocidas; aceites y grasas comestibles; Coco preparado; frutos secos preparados; Semillas comestibles procesadas, que no sean condimentos ni aromatizantes.

30. Coffee, tea, cocoa and drinks based thereon; rice, processed cereals, processed corn, processed oats and foodstuffs based thereon, namely, rice, cereal, corn, and oat based snack food; muesli; drinks in powder form containing cocoa, coffee and tea; candy bars; cereal and muesli bars; nutritional bars, namely, high protein energy and recovery bars, sports bars and meal replacement bars containing muesli, cereal, flour, and chocolate; roasted and ground sesame seeds for use as seasonings; chocolate; chocolate coated nuts and chocolate-based meal replacement bars and biscuits; chocolate based beverages and powders for making these beverages; pastry; confectionery made of sugar; desserts, namely, mousses, blancmanges, pudding, frozen yoghurt, ice cream; powder for making ice cream.

Café, thé, cacao et boissons qui s'en composent; riz, céréales transformées, maïs transformé, avoine transformée et produits alimentaires qui en sont constitués, à savoir maïs, riz, céréales et aliments à grignoter, à base d'avoine; muesli; boissons en poudre contenant du cacao, café et thé; sucreries sous forme de barres; céréales et barres de muesli; barres nutritionnelles, à savoir barres hyperprotéinées et de récupération d'énergie, de sport et barres substituts de repas sous forme de barres à base de farine, céréales, muesli, chocolat; graines de sésame grillées et moulues utilisées comme assaisonnements; chocolat; fruits à coque enrobés de chocolat et barres alimentaires utilisées comme substituts de repas à base de chocolat et biscuits; boissons à base de chocolat et poudres pour faire ces boissons; pâtisseries; sucreries; desserts, à savoir mousses, blancs-mangers, poudings, yaourts glacés, crèmes glacées; poudres pour la confection de crèmes glacées.

Café, té, cacao y bebidas a base de los mismos; arroz, cereales procesados, cereales procesados, avena procesada y productos alimenticios basados en los mismos, a saber, arroz, cereales, maíz, refrigerios a base de avena; muesli; bebidas en polvo que contienen cacao, de café y de té; barritas dulces; cereales y barritas de muesli; barras nutricionales, a saber, barras proteicas y recuperación de

energía, barras de deporte y barritas utilizadas como sustitutos de comidas que contienen muesli, cereales, harinas y chocolate; semillas de sésamo tostadas y molidas utilizadas como condimentos; chocolate; frutos secos recubiertos de chocolate y chocolate a base de galletas y barritas sustitutivas de comidas; bebidas a base de chocolate y polvos para hacer estas bebidas; masa para productos de pastelería; golosinas; postres, a saber, mousses, manjar blanco, púdines, yogur helado, helados cremosos; polvos para hacer helados.

32. Non-alcoholic beverages, namely, smoothies; sports drinks; protein-enriched sports beverages; isotonic beverages; energy drinks; whey beverages; smoothies.

Produits à boire sans alcool, à savoir smoothies; boissons pour sportifs; produits à boire enrichis en protéines pour sportifs; produits à boire isotoniques; boissons énergisantes; produits à boire à base de lactosérum; smoothies.

Bebidas sin alcohol, a saber, batidos de frutas; bebidas para deportistas; bebidas enriquecidas con proteínas para deportistas; bebidas isotónicas; bebidas energéticas; bebidas a base de suero de leche; batidos.

Statement indicating the goods and services for which protection of the mark is granted under Rule 18ter(2)(ii)

		SG – Singapore
450	Publication number	2019/32 Gaz, 22.08.2019
	Our date of reception	05.07.2019
	Notification to holder	22.08.2019
		List limited to:
	29.	Dairy products; milk; milk products; milk powder; dairy-based beverages; milk shakes; flavoured milk powder for making beverages; whey, whey powder; curd; protein enriched milk drinks; cheese; fermented milk; fermented milk products; kefir; yoghurt; cream; dairy products for dietetic purposes (not for medical use); nutritional bars, namely, high protein energy and recovery bars, sports bars and meal replacement bars containing principally nuts, seeds, dried/prepared coconut or dried fruits; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; edible oils and fats; prepared coconut; prepared nuts; edible seeds. <i>Produits de crèmerie; lait; laitages; lait en poudre; Produits à boire à base de produits laitiers; milk-shakes; lait en poudre aromatisé pour la confection de produits à boire; petit-lait, petit-lait en poudre; lait caillé; boissons lactées enrichies en protéines; fromages; lait fermenté; produits laitiers fermentés; képhir; yaourts; crème; produits de crèmerie à usage diététique (autres qu'à usage médical); barres nutritionnelles, à savoir barres hyperprotéinées et de récupération d'énergie, barres de sport et barres substituts de repas essentiellement à base de noix, semences, séchés ou fruits séchés, noix de coco préparée; fruits et légumes cuits, séchés, congelés et conservés; gelées, confitures, compotes; œufs; huiles et graisses alimentaires; noix de coco préparées; fruits à coque préparés; graines comestibles.</i> <i>Productos lácteos; leche; productos lácteos; leche en polvo; bebidas a base de productos lácteos; batidos de leche; leche en polvo</i>

aromatizada para hacer bebidas; suero de leche, suero de leche en polvo; cuajada; leche enriquecida con proteínas bebidas; queso; leche fermentada; productos de leche fermentada; kéfir; yogur; nata; productos lácteos para uso dietético (que no sean para uso médico); barras nutricionales, a saber, barras proteicas y recuperación de energía, barras de deporte y barritas utilizadas como sustitutos de comidas que contienen principalmente tuercas, semillas, secas y preparadas o frutas secas de coco; frutas y hortalizas en conserva, congeladas, secas y cocidas; jaleas, mermeladas, compotas; huevos; aceites y grasas comestibles; coco preparado; frutos secos preparados; semillas comestibles.

30. Coffee, tea, cocoa and drinks based thereon; rice, cereals, corn, oats and foodstuffs based thereon; muesli; drinks in powder form containing principally cocoa, coffee or tea; candy bars; cereal and muesli bars; nutritional bars, namely, high protein energy and recovery bars, sports bars and meal replacement bars containing principally muesli, cereal, flour or chocolate; sesame seeds (seasonings); chocolate; chocolate coated foodstuffs, namely chocolate coated bars and biscuits, containing principally cereals, nuts or oats; chocolate based foodstuffs; pastry; confectionery; desserts, namely mousses (confectionery), pudding, frozen yoghurt, ice cream; powder for making ice cream.

Café, thé, cacao et boissons qui s'en composent; riz, céréales, maïs, avoine et produits alimentaires qui s'en composent; muesli; boissons en poudre contenant principalement du cacao, de café ou de thé; sucreries sous forme de barres; céréales et barres de muesli; barres nutritionnelles, à savoir barres hyperprotéinées et de récupération d'énergie, barres de sport et barres substituts de repas muesli, contenant principalement du chocolat, farine ou de céréales; graines de sésame (assaisonnements); chocolat; produits alimentaires enrobés de chocolat, à savoir barres enrobées de chocolat et biscuits, contenant essentiellement des céréales, fruits oléagineux ou d'avoine; produits alimentaires à base de chocolat; Pâtisseries; confiseries; desserts, à savoir mousses (confiserie), poudings, yaourts glacés, crèmes glacées; poudres pour la confection de crèmes glacées.

Café, té, cacao y bebidas a base de los mismos; arroz, cereales, maíz, avena y productos comestibles a base de los mismos; muesli; bebidas en polvo que contienen principalmente cacao, café o té; barritas dulces; cereales y barritas de muesli; barras nutricionales, a saber, barras proteicas y recuperación de energía, barras de deporte y barritas utilizadas como sustitutos de comidas que contienen principalmente muesli, cereales, harinas o chocolate; semillas de sésamo (condimentos); chocolate; alimentos recubiertos de chocolate, a saber, galletas y barritas recubiertas de chocolate, que contienen principalmente cereales, frutos secos o avena; productos comestibles a base de chocolate; masa para productos de pastelería; productos de confitería; postres, a saber, mousses (productos de confitería), púdines, yogur helado, helados cremosos; polvos para hacer helados.

32. Powders and other preparations for making beverages; sports drinks; sports beverages; isotonic beverages; energy drinks; whey beverages; smoothies.

Poudres et autres préparations pour la fabrication de produits à boire; boissons pour sportifs; produits à boire pour sportifs; produits à boire isotoniques; boissons énergisantes; produits à boire à base de lactosérum; smoothies.

Polvos y otras preparaciones para elaborar bebidas; bebidas para deportistas; bebidas para deportistas; bebidas isotónicas; bebidas energéticas; bebidas a base de suero de leche; batidos.

Accepted for all the goods in class 5.

Admis pour tous les produits de la classe 5.

Aceptado para todos los productos de la clase 5.