



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: 1 (2)

The Estonian Patent Office
Trademark Department
Toompuiestee 7
15041 Tallinn
ESTONIA
Telephone: + 372 627 7927

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

1478300

III. Other information concerning the international registration which is the subject of the provisional refusal
verbal elements of the mark: **elis**

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

Opposition filed 20.04.2020 by M.A.J. on the grounds that:

1. the International registration no. 1478300 is 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.

The earlier trademark in question is (enclosed):

elis (fig.), EU trademark no. 017988306, belonging to M.A.J.

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

VI. The ground referred to in item IV affects **all goods**.

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 before the end of the time limit indicated by the Board of Appeal.

The time limit expires 23/07/2020 (dd/mm/yyyy). The extension of the time limit is not possible.

Please note that if the holder of the registration does not request participation in the procedure, the Board of Appeal shall grant the request without justifying its decision in the part in which it is not manifestly unjustified.

VIII. Date on which the provisional refusal was pronounced: 23/04/2020 (dd/mm/yyyy).

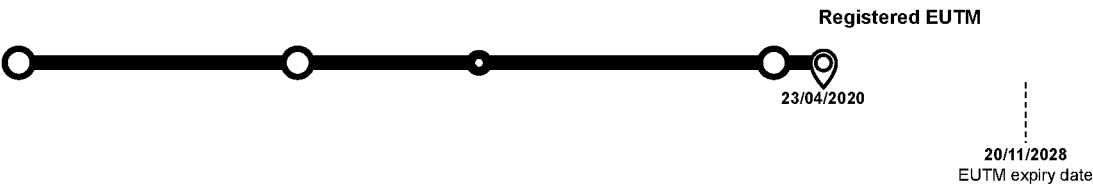
IX. Signature of the Office:

Ekke-Kristian Erilaid
Senior Examiner


EUTM file information

elis
017988306

Timeline



Trade mark information

Name	elis	Filing date	20/11/2018
Filing number	017988306	Registration date	02/12/2019
Basis	lis	Expiry date	20/11/2028
Date of receipt	20/11/2018	Designation date	
Type	Text mark	Filing language	English
Nature	Ordinary	Second language	English
Nice classes	1, 3, 5, 6, 7, 9, 10, 11, 16, 20, 21, 22, 24, 25, 27, 35, 37, 39, 40, 42, 43, 44, 45 (lis)	Application reference	18-5653
		Trade mark status	Registered 
Vienna Classification	24.15.02, 24.15.21 (lis)	Acquired distinctiveness	Yes

Graphic representation



Goods and services

English (en) ▼

- 1** Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; Synthetic resins, unprocessed; Unprocessed plastics; Manures; Fire extinguishing compositions; Tempering and soldering preparations; Chemical substances for preserving foodstuffs; Tanning substances; Adhesives used in industry.
- 3** Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Soap, except for shaving preparations and preparations for beard grooming; Perfumery, essential oils, cosmetics, hair lotions, except for shaving preparations and preparations for beard grooming; Dentifrices.
- 5** Veterinary and sanitary preparations; Dietetic substances adapted for medical use; Baby food; Plasters, materials for dressings; Material for stopping teeth, dental wax; Disinfectants; Preparations for destroying noxious animals; Fungicides; Herbicides.
- 6** Common metals and their alloys; Metal building materials; Transportable buildings of metal; Materials of metal for railway tracks; Non-electric cables and wires of common metal; Ironmongery and metal hardware, non-electric; Pipes and tubes of metal; Safes; Ores; Containers of metal, other than for household use; Fixed dispensers of metal for towels, hand towels, household linen and toilet linen.
- 7** Automatic vending machines.
- 9** Scientific (other than for medical purposes), nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; Apparatus for recording, transmission or reproduction of sound or images; Recording substrates [magnetic]; Phonograph records; Mechanisms for coin-operated apparatus; Cash registers; Calculators; Data processing equipment and computers; Fire-extinguishing apparatus; Protective clothing, in particular high-visibility clothing.
- 10** Surgical, medical, dental and veterinary apparatus and instruments; Artificial limbs, eyes and teeth; Orthopedic articles; Suture materials; Clothing especially for operating rooms, Operating gloves, Surgical cloths, Surgical drapes, Bed linen for incontinents, including draw-sheets for sick beds.
- 11** Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, Perfume and deodorant diffusers, not for personal use, disinfectant dispensers for toilets, Toilet bowls, Disposable toilet seat covers, Water fountains.
- 16** Paper and cardboard (untreated, semi-finished or for stationery or printing), 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 (not included in other classes); Printers' type; Printing blocks; Sanitary articles of paper; Paper towels; Hygienic paper.
- 20** Furniture, mirrors, frames (except for building); Fixed dispensers, not of metal, for towels, hand towels, household linen and toilet linen.
- 21** Household or kitchen utensils and containers (not of precious metal or coated therewith); Combs and sponges; Brushes (except for paint brushes and shaving brushes); Brush-making materials; Articles for cleaning purposes; Steelwool; Unworked or semi-worked glass (except glass used in building); Tableware, except forks, knives and spoons, of glass, porcelain and earthenware, toilet paper, soap and perfume dispensers for household purposes, soap boxes, dispensing containers for hand towels and towels.
- 22** Ropes (not of rubber and not for rackets or musical instruments), string, fishing nets, nets for camouflage, tents, tarpaulins (neither safety tarpaulins nor pushchair covers), sails; Padding and stuffing materials (except of rubber or plastics); Raw fibrous textile materials, sacks for the packaging, transport and storage of linen.
- 24** Fabrics for textile use, household linen and table linen, not of paper; Bed and table covers, Textile articles, other than clothing, for household and kitchen purposes.

- 25 Clothing, footwear (except orthopaedic) and headgear.
- 27 Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors, except tiling and floor paints; Wall hangings (non-textile).
- 35 Rental of vending machines; Advertising of all kinds; Business management assistance, business management and organisation consultancy, business management consultancy, business expertise, research and planning in the field of advertising, and rental of advertising space and time; Business information and business enquiries; Consultancy in the field of marketing, advertising and communications; Business management; Sales promotion of goods and services; Promotion and publicity; Dissemination of advertising matter; Arranging of subscriptions to all kinds of information media and telecommunications services, for others; Direct marketing, database marketing, telemarketing; Analysis and reports relating to statistics; Computerized file management; Business information; Processing and analysis of statistics; Advertising, sales promotion, marketing and direct marketing on all kinds of carriers and media; Advertising and marketing relating to the development of new products; Business consultancy relating to the development of new products; Organisation of promotional activities, competitions, tombolas, prize draws for commercial or advertising purposes; Management and development of commercial and advertising events; Business consulting services in the field of electronic commerce; Setting up and management of computer files; Organisation of loyalty programmes; Compilation of statistics; Market studies, Opinion polling, Panels, Opinion polling; Collection of data via computer-based forms or questionnaires; Compilation of information into computer databases; Systemization of information into computer databases; Computerised file management and database services; Computerised file management relating to consumer behaviour; Operation of databases and databanks in the field of advertising, sales promotion (for others) and consumer behaviour; Entry, formatting, compilation and processing of data; Indexing of computer data and indexing of databases; Management consultancy services relating to information technology, in particular relating to databases; Administration, invoicing and settlement of accounts for others; Commercial intermediation services; Placement online and management of catalogues of goods and services for consumers, in particular of online catalogues; Accounting; Presentation on all kinds of communications media of goods and services for sale, rental and maintenance in the following sectors: clothing: bed linen, bath linen, table linen, sanitary, hygiene and cleaning services, treatment of materials and services for providing good and drink.
- 37 Building construction; Installation and repair of machinery; Repair of tools; Clothing repair; Installation and repair of electrical apparatus and equipment; Repair of sanitary installations; Installation of sanitary equipment; Installation and repair of industrial machinery; Installation and repair of office machines; Installation and repair of drying and lighting apparatus; Cleaning of clothing and other textile articles, laundry, dyeing.
- 39 Transport, collection, packaging, delivery and storage of goods; Travel arrangement.
- 40 Treatment of toxic material; Treatment [reclamation] of material from waste; Treatment [reclamation] of material from hazardous products; Cloth treating; Cloth treating.
- 42 Scientific and industrial research; Computer programming; Online data storage on the internet; Electronic storage and recovery of data.
- 43 Providing of food and drink and temporary accommodation; Temporary accommodation; Rental of linen and water dispensers.
- 44 Medical, hygienic and beauty care; Veterinary and agricultural services; Rental of sanitary and hygiene articles.
- 45 Legal services; Rental of clothing.

Description

No data

Owners

M.A.J.

ID	115094	Country	FR - FRANCE	REGISTRATION NUMBER	Hidden. You can set your contact details to be publicly available via the User Area.
Organisation	M.A.J.	State/county	FR	M.A.J.	
Legal status	PERSONA JURIDICA	Town	PARIS	31 CHEMON LATOTAL AU CHEMON DE FER F-93500 PANTON FRANCE	Hidden. You can set your contact details to be publicly available via the User Area.
		Post code	93500		
		Address	31 RUE DE LA LIBERTE 75001 PARIS 01 FR		Hidden. You can set your contact details to be publicly available via the User Area.

Representatives

CASALONGA ALICANTE, S.L.

ID	10513	Country	ES - España	Comunidad Autónoma de Alicante	☎ 965131795
Organisation	CA/CA	State/county	CA/CA	CASALONGA ALICANTE, S.L.	
Legal status	Comunidad Autónoma	Town	Comunidad Autónoma	Avenida Maisonnave, 41-6C	✉ 965131689
Type	Comunidad Autónoma	Post code	03003	E-03003 Alicante	
		Address	Comunidad Autónoma, Comunidad Autónoma, 41-6C	ESPAÑA	✉ alicante@casalonga.com

Correspondence

ID	Comunidad Autónoma	Comunidad Autónoma	Comunidad Autónoma	Comunidad Autónoma	Comunidad Autónoma
	EUTM	017988306	LSU01 - Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)		17/12/2019
	EUTM	017988306	L304 - Cover letter for registration certificate		05/12/2019
	EUTM	017988306	Certificate		04/12/2019
	Opposition	003088509	B254B - Notification to the applicant/holder of conclusion of the opposition proceedings following withdrawal of the opposition before the commencement of the adversarial part of the proceedings		03/12/2019
	Opposition	003088509	B254A - Notification to the opponent of conclusion of the opposition proceedings following the withdrawal of the opposition before the commencement of the adversarial part of the proceedings		03/12/2019
	Opposition	003088509	Letter to the EUPO		20/11/2019
	Opposition	003088509	B222B		31/10/2019
	Opposition	003088509	B222A - Communication to the opponent of a restriction of the opposed trade mark before the commencement of the adversarial part of the proceedings		31/10/2019
	EUTM	017988306	L167 - Confirmation of a restriction of the list of goods or services in a European Union trade mark application		31/10/2019
	Opposition	003088509	Letter to the EUPO		08/10/2019

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R transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

Comunidad Autónoma	Comunidad Autónoma	Comunidad Autónoma	Comunidad Autónoma
France	4500719	16/11/2018	Claimed

Showing 1 to 1 of 1 entries

Publications

Publication number	Publication date	Class	Description
2019/069	09/04/2019	A.1	Applications published under Article 44 EUTMR
2019/231	04/12/2019	B.2	Registrations with amendments since the application was published

Showing 1 to 2 of 2 entries

Cancellation

No data

Recordals

No data

Oppositions

Opposition number	Opposition date	Opposition type	Opponent	Applicant	Language	Applicant ID	Status	Class
003088509	09/07/2019	Likelihood of confusion	Nuova Lama Bolzano s.r.l.	PATENTSCHUTZENGE	English	AVM18-5653EM	Withdrawn	Class 3 Soaps;perfumary;Esse oils;Cosmetics;Hair lotionClass 21 Brushes (except paintbrushes)

Showing 1 to 1 of 1 entries

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data

InternationalApplications

No data

Extract from the Estonian Trademark Act

§ 10. Relative circumstances which preclude legal protection

(1) Legal protection shall not be granted 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.

§ 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.

§ 47. Withdrawal of applications, termination and resumption of processing

(2) If an application is withdrawn in the manner specified in subsection (1) of this section or deemed to be partially or fully withdrawn in the cases specified in subsections 37 (3) and 38 (2) of this Act, processing of the respective part is terminated and the applicant is notified thereof. If processing is terminated, the application documents are not returned and the state fee is not refunded.