

MADRID PROTOCOL

Model Form 3A: Total Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)

I. Office making the notification:



HELLENIC REPUBLIC
MINISTRY OF
DEVELOPMENT AND INVESTMENTS
GENERAL SECRETARY OF COMMERCE
AND CONSUMER'S PROTECTION
DIRECTORATE OF
TRADEMARKS

Address:
KANINGOS SQUARE
GR - 10181 ATHENS

Examiner: Giagtzidis Dimitrios

II. Number of the international registration:
1458340 / 53660

III. Name of the holder:

BBK Communication Technology Co., Ltd.
255#, BBK Road,
Wusha, Chang'An,
Dongguan
Guangdong (CN)

IV. Information concerning the type of provisional refusal:

Please indicate the type of refusal by checking only one of the following options:

- ☒ Total provisional refusal based on an *ex officio* examination
- ☐ Total provisional refusal based on an opposition
- ☐ Total provisional refusal based on both an *ex officio* examination and an opposition

Where the refusal is based on an opposition, please indicate the name and address of the opponent:

- (i) Name of the opponent:
- (ii) Address of the opponent:

V. Information concerning the scope of the provisional refusal:

Total provisional refusal affects all the goods and/or services.

VI. Grounds for refusal [(where applicable, see item VII)]:

Earlier: European Trademark

VII. Information relating to an earlier mark:

Number: **001993591**

Filing date and number, and, if any, priority date: 07/12/2000

Registration date and number (if available): 22/01/2002

Name and address of the owner:

KUTXABANK, S.A.
Gran Vía, 30-32
E-48009 Bilbao (Bizkaia)
ESPAÑA

Reproduction of the mark:



List of the relevant goods and/or services (this list may be in the language of the earlier application or registration):

All products of the following class: 9

VIII. Corresponding essential provisions of the applicable law:

Law N. 4072/2012 -Article 124 (1b):

LAW 4072/2012 -Article 124 : Relative grounds for refusal

1. A sign shall not be registered:
 - a. If it is identical to an earlier trademark and the goods or services, for which the trademark has been registered, are identical with those for which the earlier mark is protected,
 - b. If because of the identity with the earlier trademark and the similarity of goods or services, or the similarity to the earlier trademark and the identity of goods or services, or the similarity to the earlier trademark and the similarity of goods or services, there is a risk of public confusion, which also includes the likelihood of its association with the earlier trademark.
 - c. If it is identical or similar to an earlier trademark that has a reputation and the use of the later trademark would take, without due cause, unfair advantage of the distinctive character or the repute of the earlier trademark or would damage its be detrimental to the distinctive character or its reputation, regardless if the later trademark is intended to distinguish goods or services that are similar to products or services of the earlier trademark.

2. For the purpose of this Law “earlier trademarks” means:

- a. the trademarks, including the international ones protected in Greece and in the EU, which have been registered before the date of the trademark application filing, taking into account the priority or seniority rights claimed in respect of those trademarks,
- b. the earlier trademarks applications, including the above international and Community ones, subject to their registration,
- c. the trademarks which on the date of the trademark application filing or, where appropriate, of the priority claimed in respect of the application for registration of the trade mark, are well known, in the sense of Article 6bis of the Paris Convention

IX. Information relating to the possibility to request a review:

(i) Time limit for requesting review:

Time limit is 3 months from the date of receipt by WIPO of the present Notification (Art.172 par 1. L.4072/2012).

However due to Covid19 time limit is suspended from 11.03.2020-12.06.2020

(ii) Authority to which such request for review should be made:

Directorate of Trademarks, Address: Kanning Square – Athens Greece

(iii) Whether the request for review has to be filed in a specific language and/or through the intermediary of a representative whose address is within the territory of the Contracting Party:

A Greek lawyer is needed to be appointed for attending in order to answer in Greek language (information: Athens Bar Association tel: +30210 3398251 ,e-mail info@dsa.gr & Piraeus Bar Association tel: 210-4176251, e-mail: secretary@dspeir.gr)

(iv) Other requirements, if any: -

X. Signature or official seal of the Office making the notification:

Head of the Control and Admission of Trademarks Dpt.

Mrs Athanasopoulou Georgia

XI. Date of the notification to the International Bureau:

Athens, 19.05.2020

[End of Model Form 3A]



HELLENIC REPUBLIC
MINISTRY OF
DEVELOPMENT AND INVESTMENTS
GENERAL SECRETARY OF COMMERCE
AND CONSUMER'S PROTECTION
DIRECTORATE OF
TRADEMARKS

Athens, 19/05/2020
R.N. 49697

KANNING SQUARE
10181-ATHENS
HELLAS
Tel:+302103893469
Fax : 210- 3846523
E-mail: giagtzidis@gge.gr

TO:
WIPO

SUBJECT: PROVISIONAL REFUSAL OF PROTECTION

Dear sir /madam,

We send you by mail the correspondent forms of provisional refusal of protection:

1	1113772	53404	HOLALA	25
2	1447761	53409	HEATMAX	11
3	1448200	53422	ENDEMIX	3,5
4	1449337	53444	MEGATER	1,5
5	1449562	53453	COMFORT MAX	12
6	1450777	53490	TALENTOR	35
7	1451033	53493	TOOPZERO	11
8	1451825	53516	AUARITA	7
9	1452836	53538	LIVOO	9,35
10	1455236	53590	HAERTHA	42
11	1454416	53567	USHUAIA	16
12	1454635	53573	RYNO	12
13	1454678	53576	NOT TAXI	9,39
14	1456161	53607	-	33
15	1457502	53634	SUPREME	9,18,28,35
16	1457770	53650	CHOPPIES	29
17	1457878	53655	SAMO	24,25
18	1458340	53660	BBK	9
19	1458996	53677	ORION	2
20	1459014	53680	CUZCO	18,25
21	1460038	53699	-	36
22	1360647	53790	ROMIL	35
23	1462691	53770	DAC	3
24	1175021	53761	CONGA	42
25	1461910	53750	RESOURCE	29
26	1461299	53741	MAXDIVANI	20
27	1350978	53729	JOYFUL	3
28	1460225	53711	LILO	3
29	1460186	53710	17KM	14
30	1460771	53721	VETEMENTS PRETS A SORTIR	18,25,35

31	1463683	53787	-	25
32	1451119	53497	ISTANBUL	29,30,31,32,39

Yours Sincerely

Head of the Control and Admission of Trademarks Dpt.

Mrs Athanasopoulou Georgia