



**ESTONIAN PATENT OFFICE**  
**TRADEMARK DEPARTMENT**

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

**NOTIFICATION OF *EX OFFICIO* PROVISIONAL REFUSAL**

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: + 372 715 1735**

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

**1513287**

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

Figurative mark / verbal elements of the mark: HANYUANHUAJIAO

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

It is indicated in the notification of registration that the mark in question is a collective, certification or guarantee mark. In order to protect the mark in Estonia it has to be specified whether it is a collective or a guarantee mark. There are no regulations for certification mark in Estonian Trademark Act.

The applicant must also submit the regulations of the collective mark or guarantee mark.

In the case of a guarantee mark, the regulations must include a list of the required common features of goods designated with the guarantee mark which can be used as the basis for quality control.

In the case of a collective mark, the regulations must have a list of members of the association whose goods are designated with the collective mark and include the conditions of and procedure for becoming a member of the association. If the applicant does not provide specifications and regulations listed above, IR 1513287 can not be registered in Estonia.

V. Provision of the Estonian Trademark Act applicable on the subject (enclosed):  
Sections 61 and 62.

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

VII. The owner of the registration may request a review of the provisional refusal. The request shall be received by Estonian Patent Office no later than within 4 months from the date of the provisional refusal.

The time limit expires **05/10/2020** (dd/mm/yyyy).

**The request has to be filed through the authorized 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/>

**Please note** that if the owner of the registration fails to respond by the due date, the registration shall be deemed to be withdrawn for goods and services mentioned in item VI (section 38 subsection 2 of the Estonian Trademark Act). The owner may request that processing be resumed (section 47 subsection 3 of the Estonian Trademark Act).

**Please note** that if the mark is protected subsequent to reviewal of the provisional refusal an interested person may contest the owners right to a trade mark within two months as of the publication of the trade mark (section 41 subsection 2 of the Estonian Trademark Act).

VIII. Date on which the provisional refusal was pronounced: 03/06/2020 (dd/mm/yyyy).

IX. Signature of the Office:

Jana Redkin  
Senior Examiner

Number of continuation sheets: 1

## **Extract from the Trade Marks Act**

### **§ 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.

[RT I 2004, 20, 141 - entry into force 01.05.2004]

### **§ 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.

[RT I, 19.03.2019, 5 – entry into force 01.04.2019]

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

(3) An applicant may request that processing be resumed if the Patent Office terminated processing having deemed the application to be partially or fully withdrawn pursuant to subsection 37 (3) or 38 (2) of this Act.

[RT I, 19.03.2019, 4 – entry into force 29.03.2019]

### **§ 61. Collective mark and certification mark**

[RT I, 19.03.2019, 5 – entry into force 01.04.2019]

(1) A collective mark is a trade mark which is described as such when the mark is applied for and is capable of distinguishing the goods or services of the members of the association which is the proprietor of the mark from those of other undertakings.

(2) A certification mark is a trade mark which is described as such when the mark is applied for and is capable of distinguishing goods or services which are certified by the proprietor of the mark in respect of material, mode of manufacture of goods or performance of services, quality, accuracy or other characteristics from goods and services which are not so certified.

[RT I, 19.03.2019, 5 – entry into force 01.04.2019]

### **§ 62. Regulations of collective mark or certification mark**

[RT I, 19.03.2019, 5 – entry into force 01.04.2019]

(1) An application for the registration of a collective mark or certification mark shall include the regulations of the collective mark or certification mark (hereinafter regulations).

[RT I, 19.03.2019, 5 – entry into force 01.04.2019]

(1<sup>1</sup>) The regulations of a collective mark shall specify a list of the members of the association whose goods or services are designated by the collective mark, the terms of and procedure for becoming a member of the association and the conditions of use of the mark, including sanctions. The regulations of a collective mark which may designate the geographical origin of goods and services in the course of trade shall enable any person whose goods or services originate from the same geographical region to become a member of the association if they conform to other conditions set out in the regulations.

[RT I, 19.03.2019, 5 – entry into force 01.04.2019]

(1<sup>2</sup>) The regulations of a certification mark shall specify the persons authorised to use the mark, the characteristics to be certified by the mark, how the certifying body is to test those characteristics and to supervise the use of the mark, as well as the conditions of use of the mark, including sanctions.

[RT I, 19.03.2019, 5 – entry into force 01.04.2019]

(1<sup>3</sup>) The regulations shall not be contrary to public order or accepted principles of morality.

[RT I, 19.03.2019, 5 – entry into force 01.04.2019]

(1<sup>4</sup>) Specified requirements for the regulations shall be established by the regulation on trade marks.

[RT I, 19.03.2019, 5 – entry into force 01.04.2019]

(2) [Repealed – RT I, 19.03.2019, 5 – entry into force 01.04.2019]

(3) If the regulations are amended, the amended regulations shall be submitted to the Patent Office. Amendments to regulations are effective as of the entry of the amendments in the register. Amendments to the regulations are entered in the register only if the amended regulations conform to the requirements specified in subsection 62<sup>1</sup> (1) of this Act.

[RT I, 19.03.2019, 5 – entry into force 01.04.2019]