

**Notification of provisional refusal of protection based on an opposition
(Article 5 of the Madrid Protocol and Rule 17(1) and (2) of the Regulations under the
Protocol relating to the Madrid Agreement and Article 78 EUTMDR)**

Alicante, 03/06/2020

International registration No: **1482377**
Date of notification to EUIPO: **15/08/2019**
Trade mark: **ONLYOU**
Holder: **CHEN HAIHUI
NO. 9, AREA C, ZHENGJIA VILLAGE,
ZEGUO TOWN,
WENLING CITY
ZHEJIANG PROVINCE
China**
Opposition number: **B 003106709**

Protection of the abovementioned mark is provisionally refused for the European Union.

The provisional refusal is based on the fact that an opposition has been filed against the international registration.

I. The grounds for opposition are as follows.

Conflict with an earlier mark because of likelihood of confusion (Article 8(1)(b) EUTMR);

II. Name and address of the opposing party:

**Aktieselskabet af 21. november 2001
Fredskovvej 5
DK-7330 Brande
Denmark**

III. The opposition is based on a mark which was the subject of an application or registration.

- type of mark : **EUTM Registration**
- filing date, registration date and, if applicable, priority date: **24/06/2016 - 14/11/2016**
- filing number and, if different, registration number: **EUTM 015574791**

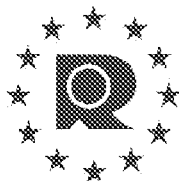
- reproduction of the mark: (see annex)
- list of goods on which the opposition is based: (see annex)

IV. The provisional refusal relates to,

all the goods covered by the designation of the European Union.

The Office will notify the opposition separately to the holder of the international registration, including all evidence on which it is based, pursuant to Article 6(1) EUTMDR. The Office will set time limits for the holder. The notification will open an (extendable) cooling-off period of two months and a further period of two months for the opponent to substantiate the opposition. The notification will set a time limit of, in principle, six months for the holder of the international registration to submit observations.

The Office will also set a time limit of two months for the holder to appoint a representative within the meaning of Article 120(1) EUTMR. Protection of the international registration for the European Union will be refused in whole if the holder fails to appoint a representative within the time limit.



Elif AYKURT

Enclosures (excluding the cover letter): 04 pages.

Date of receipt (DD/MM/YYYY) 19/12/2019	Number of pages (including this one) 4
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Acknowledgement of receipt of a Notice of opposition

Your notice of opposition has been submitted successfully.
We thank you for choosing to use the online OPPOSITION form.

Opposition number:	003106709
Date of submission:	19/12/2019
Time of submission:	11:07
Number of attached files:	0
Payment method:	Current account with EUIPO
Payment ID number:	197AYD37
Account No:	0000001250

Please indicate the opposition number in any further communication with the EUIPO.

NOTICE OF OPPOSITION

Your reference: 038243-5164

Opponent(s)

Opponent EUIPO ID: 155504

Name of legal entity or first name and surname: Aktieselskabet af 21. november 2001

Type: Legal Entity

Street address: Fredskovvej 5

City: Brande

Postal Code: 7330

Country: Denmark

Postal address (if different):

Telephone number:

Fax number:

E-mail address:

Website:

Representative(s)

EUIPO representative ID: 18184

Name or legal name: BECH-BRUUN LAW FIRM

Type: Association

Street address: Værkmestergade 2

City: Århus C

Postal Code: 8000

Country: Denmark

Postal address (if different):

Telephone number:

Fax number:

E-mail address:

Website:

Challenged entity

Challenged registration ID: W01482377

Type of entity: IR

Name of the owner/holder: CHEN HAIHUI

Designation date: 09/07/2019

Representation of the trade mark: ONLYOU

Trade mark type: Figurative

Representation of mark



Language of proceedings

☒ First language: EN (English)

☐ Second language: ES (Spanish)

NOTICE OF OPPOSITION

Extent of the application <input checked="" type="checkbox"/> Against all the goods and services <input type="checkbox"/> Against some of the goods and services	
Class	Goods and services
14 (EN)	Jewelry charms; necklaces; jewelry; clocks; wristwatches; straps for wristwatches; watch chains; watch cases [parts of watches]; presentation boxes for watches; watch pocket (cover).

Grounds for opposition	
Selected ground number 1	
Article 8(1)(b) EUTMR - There exists a likelihood of confusion on the part of the public	
Basis of opposition	
Type of basis	EUTM/A
Name of the owner/applicant	Aktieselskabet af 21. november 2001
Application date	24/06/2016
Filing number	015574791
Registration number	015574791
Registration date	14/11/2016
Expiry date	24/06/2026
Trade mark type	Word
Verbal elements	ONLY

☒ The opposing party accepts that the necessary information for this trade mark is imported from the relevant online official database, accessible through TMVIEW, and that this source is used for substantiation purposes without prejudice to its right or obligation to provide any additional information that may be necessary to comply with the substantiation requirements of Article 7(2) and (4) EUTMDR

Goods and services used as basis <input checked="" type="checkbox"/> Based on all the goods and services <input type="checkbox"/> Based on part of the goods and services, namely:	
Class	Goods and services
14 (EN)	Jewellery of precious metals and precious stones, paste jewellery, costume jewellery, cuff links, tie pins, precious stones, non-precious stones.

Entitlement	<input checked="" type="checkbox"/> Owner/Co-owner <input type="checkbox"/> Authorised licensee <input type="checkbox"/> Person authorised under the applicable law
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Statement of grounds	
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Uploaded File(s)	
Title	Confidential

File(s) linked from other proceedings			
Procedure	Filing number	Subject	Date

Fees	
Payment method	Current account
Opposition of EUTM fee	320.00 €

NOTICE OF OPPOSITION

Total amount			320.00 €
Current account with EUIPO			
Account N°	0000001250		
Signature			
First name and Surname		Capacity of the signatory	
Louise Thornemann		Legal practitioner	

Annexes:

Selected ground number 1
No attachments
Annexes:
No attachments