

MADRID PROTOCOL

Total Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)

DT-II.IR1196024.2.amor

I. Office making the notification:

Patent Office of the Republic of Poland
Trade mark Department
Aleja Niepodległości 188/192
P.O. Box 203
00-950 Warsaw, Poland

Phone number: (+48) 22 579 05 55
Fax: (+48) 22 579 00 01

II. Number of the international registration: **1196024**

III. Name of the holder:

BOSSA TİCARET VE SANAYİ İŞLETMELERİ TÜRK ANONİM ŞİRKETİ, Güzelevler Mahallesi, Gıme Bulvarı, 7.
Km., No: 236Yüreğir/ADANA, TR

IV. Provisional refusal based on an opposition

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

VI. Grounds for refusal (see item VII)

VII. Information related to the grounds of refusal:

☐ Earlier international mark

Art.132¹), 1. 3 i 4

BOSS HUGO BOSS; 10.09.2012; No. **1141893**; Priorité: 15.03.2012,
Holder: HUGO BOSS Trade Mark Management GmbH & Co. KG; Dieselstr. 12 72555 Metzingen, DE

☐ Earlier European Union mark

Art.132¹), 1. 3 i 4

BOSS; 16.08.2001; No. **002342038**; Holder: HUGO BOSS Trade Mark Management GmbH & Co. KG; Metzingen, DE

BOSS; 1.04.1996; No. **000049221**; Holder: HUGO BOSS Trade Mark Management GmbH & Co. KG; Metzingen, DE

BOSS HUGO BOSS; 1.04.1996; No. **000049262**; Holder: HUGO BOSS Trade Mark Management GmbH & Co. KG; Metzingen, DE

Details concerning the earlier mark(s) – see appendix

VIII. Corresponding essential provisions of the applicable law (see next pages)

IX. Information related to further procedures:

- i) The Patent Office of the Republic of Poland will send the received notice of opposition relating to the international registration in question directly to the holder of that registration with information on the procedure. The cooling-off period is set to expire two months after receipt of the notice of opposition by the holder. The holder may submit comments on opposition within said two months. After the expiry of the cooling-off period The Patent Office of the Republic of Poland will invite the holder to file the observations on the opposition. The observations must be filed directly with The Patent Office of the Republic of Poland.
- ii) In proceedings before the Patent Office a patent agent, attorney, legal counsel or a person providing cross-border services within the meaning of the Act on Patent Agents may act as a representative of a party to proceedings. Any persons not having their domicile or seat in the Republic of Poland may only act by a representative. If they did not appoint a representative to conduct the proceedings who is domiciled in the Republic of Poland and do not act by the intermediary of a consul of the Republic of Poland, are obligated to designate a representative for service in the Republic of Poland. In the event of failure to designate a representative who is authorised to accept service of documents, the letters addressed to that party will be placed in the case-file and will

be deemed to have been served.

iii) The obligation shall not apply to persons having their domicile or seat in the European Union, a member state of the European Free Trade Association (EFTA) – parties to the agreement on the European Economic Area or the Swiss Confederation.

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

Anna Morawska

Expert

/document signed electronically/

XI. Date of notification to the International Bureau: 04.06.2020

Essential provisions of INDUSTRIAL PROPERTY LAW - ACT OF 30 JUNE 2000

Article 132¹

(1) After consideration of the opposition referred to in Article 152^{6a}(1) or Article 152¹⁷(1), and having deemed it justified, right of protection shall not be granted for sign:

- 1) whose use infringes third parties' personal or economic rights;
- 2) which is identical to a trade mark, which has been granted a right of protection with earlier priority to another party for identical products;
- 3) which is identical or similar to a trade mark, which has been granted a right of protection with an earlier priority to another party for identical or similar products, if there is a risk of misleading the public, which includes in particular the risk of associating the trade mark with an earlier trade mark;
- 4) which is identical or similar to a renowned trade mark for which a right of protection with an earlier priority has been granted to another person for any kind of goods, if the use of the trade mark filed without reasonable cause would bring unfair advantage to the applicant or be detrimental to the distinctive character or the repute of the earlier trade mark;
- 5) which is identical or similar to a trade mark which, prior to the date according to which the priority to obtain a right of protection is determined, has been commonly known in the Republic of Poland and used as a trade mark intended to mark products identical or similar to those of another party, if there is a risk of misleading the public, which includes in particular the risk of associating the trade mark with a commonly known trade mark;
- 6) if, pursuant to the national law or the European Union legislation providing for protection of a geographical indication or a designation of origin, a person authorised to exercise the rights arising from an earlier filing of an application for a geographical indication or a designation of origin, subject to its subsequent registration, is entitled to prohibit the use of a subsequent trade mark.

(2) The ground for the opposition referred to in Article 152^{6a}(1) or Article 152¹⁷(1) may also be trade mark applications with earlier priority, referred to in paragraph (1)(2)-(4), provided that they are granted the right of protection. Until final termination of earlier granting procedures, the opposition proceedings shall be suspended.

(3) Where an earlier trade mark has been applied for protection or registered according to the procedure provided for in Article 4, provisions of paragraph (1) and (2) shall apply accordingly.

(4) The protection of a trade mark containing signs referred to in Article 129¹(1)(8)-(11), or signs relating to the origin of the goods shall not exclude the possibility of obtaining the right of protection by another party for a trade mark containing the same elements for identical or similar goods if such trade marks can be easily distinguished in the course of trade.

Article 133

If the holder of the earlier trade mark or the holder of the earlier personal or economic right express written consent to the grant of a right of protection for later trade mark, the opposition referred to in Article 152^{6a}(1) or Article 152¹⁷(1) shall be dismissed.

Article 152^{6a}

(1) Within three months from the date of publication of the information on the designation of the Republic of Poland for the extension of the protection for an international trade mark, the holder of the right to an earlier trade mark or to an earlier personal or economic rights may file an opposition against the grant of the protection for an international trade mark in the territory of the Republic of Poland for the reasons referred to in Article 132¹(1)-(3). The said time limit shall be non-restorable.

(2) If an opposition against designation of the Republic of Poland for the extension of the protection of an international trade mark is filed, the Patent Office shall, when applying the procedure, form and language as provided for in the Agreement or the Protocol, notify the International Bureau of a statement of grounds which may prevent the protection of the international trade mark in whole or in part (provisional refusal of protection based on an opposition).

(3) The provisions of Article 152¹⁷(2)-(7) and Articles 152¹⁸-152²³ shall apply accordingly to the proceedings relating to the opposition against the designation of the Republic of Poland for the extension of the protection for an international trade mark.

Article 152⁷

The decision regarding grant of protection shall be liable to a party's request for re-examination of the matter. A time limit for submitting the request shall be 3 months from the date of service of the decision on the right holder. The provisions of Article 244 paragraphs (1¹) to (1⁴), and (5), Article 244¹ and Article 245 shall apply accordingly.

Article 152^{7a}

Following a final termination of the proceeding concerning the extension of protection of an international trade mark to the territory of the Republic of Poland, the Patent Office shall transmit to the International Bureau a notification of the decision issued as a result of the said proceedings, unless the decision along with notification, were transmitted under Article 152^{6b}(1).

Article 152¹⁹

(1) Patent Office shall, without delay, notify the applicant of an opposition and inform parties of the possibility of an amicable settlement of the dispute within two months of the date of delivery of the information.

(2) The time limit referred to in paragraph (1) may be extended to six months upon joint request of the parties.

(3) After the expiry of the time limit referred to in paragraph (1), the Patent Office shall invite the applicant to comment on the opposition within a fixed time limit. In the comments to the opposition the applicant shall include objections and cite all factual circumstances and supporting evidence.

(4) Within the time limit referred to in paragraph (3) the applicant may raise an objection of the lack of actual use of an earlier trade mark during an uninterrupted period of five years prior to the filing date of a trade mark being the subject of opposition for goods included in the opposition unless there are significant reasons for the lack of use or the period of five years from the registration of an earlier trade mark has not expired. If the objection is found to be justified, the Patent Office shall dismiss the opposition.

(5) Patent Office shall submit the comments on the opposition to the party filing the opposition and shall fix a time limit for him to react and to complete evidence. The provision of Article 169(6) shall apply accordingly.

(6) The applicant may make comments on the evidence and claims presented pursuant to paragraph (5) by the party filing the opposition within the time limit fixed by the Patent Office.

(7) Patent Office may invite the party to the proceedings to present within a fixed time limit, its position in respect of the materials presented by the other party or the Patent Office.

(8) Patent Office shall disregard claims and evidence which were not presented within the fixed time limit unless the party proves that they could not have been put forward or that the need to present them arose later. Further claims and supporting evidence shall be admitted within a month from the date on which the possibility or the need of presenting them arose.

Article 152²⁰

Patent Office shall consider the opposition within its limits and shall be bound by the legal basis indicated by the party submitting the opposition.

Article 152²¹

After the consideration of the opposition the Patent Office shall take a decision on dismissing the opposition or on finding it justified in whole or in part.

Article 236

(1¹) In proceedings before the Patent Office in matters relating to filing and processing of applications and maintaining the protection of trade marks a patent agent, attorney, legal counsel or a person providing cross-border services within the meaning of the Act on Patent Agents may act as a representative of a party to proceedings.

(3) In the matters referred to in paragraph (1) and (1¹), any persons not having their domicile or seat in the Republic of Poland may only act when represented by a patent agent, attorney or a legal counsel. The obligation shall not apply to persons having their domicile or seat in the European Union a member state of the European Free Trade Association (EFTA) – parties to the agreement on the European Economic Area or the Swiss Confederation.

	Madrid Monitor	International Trademark
1141893- BOSS HUGO BOSS		Printed: 2020-06-10 07:13

1141893- BOSS HUGO BOSS

Full details / English

Current Status

- 180** Expected expiration date of the registration/renewal
10.09.2022
- 151** Date of the registration
10.09.2012
- 270** Language of the application
English
- 732** Name and address of the holder of the registration
HUGO BOSS Trade Mark Management GmbH & Co. KG
Dieselstr. 12
72555 Metzingen (DE)
- 812** Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment
DE
- 842** Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized
GmbH & Co. KG, Germany
- 740** Name and address of the representative
Hoeger, Stellrecht & Partner Patentanwälte
Uhlandstrasse 14c
70182 Stuttgart (DE)
- 540** Mark
BOSS HUGO BOSS
- 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) - NCL(10)
- 24 Woven fabrics and textile goods (included in class 24), in particular, handkerchiefs and towels; bed linen; table linen, not made of paper; bath linen [except clothing]; blankets; bed clothes [bed linen]; covers for cushions; shower curtains made of textile material or plastic foil; eiderdowns; linings for shoes; household linen; pillowcases; mattress covers; furniture coverings made of plastic; upholstery fabrics; furniture coverings made of textiles; travelling rugs; duvets, bed covers; tablecloths; table runners; table napkins made of cloth; tablecloths [not made of paper]; sheets [bed sheets]; curtains made of textiles or plastic; wall coverings made of textile material; oilcloth.
 - 26 Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers; badges [buttons]; patches [haberdashery]; bands and cords for clothing; brooches [clothing accessories]; snap fasteners; iron-on patches for mending textiles; belt clasps; collar stays; zip fasteners; zip fasteners for bags; shoe laces; shoe eyelets; shoe buckles.
 - 27 Bath mats; floor coverings (upper floors); door mats; linoleum; mats; wallpaper made of paper; wallpaper (not made of textile material); carpets; rugs; wall hangings and coverings, not made of textile material; car mats; floorings [upper floors]; gymnastic mats; carpet runners; textile wallpaper; exercise mats.
- 822** Basic registration
DE, 03.05.2012, 30 2012 003 522.1/24
- 300** Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin
DE, 15.03.2012, 30 2012 003 522.1/24
- 832** Designation(s) under the Madrid Protocol
AU - EM - JP - NO - US

	Madrid Monitor	International Trademark
1141893- BOSS HUGO BOSS		Printed: 2020-06-10 07:13

- 834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies
CH - CN - RU
- 527 Indications regarding use requirements
US

Transaction History

expand
EM

Registration : 2012/51 Gaz, 10.01.2013, AU, CH, CN, EM, JP, NO, RU, US

- 450 Publication number and date
2012/51 Gaz, 10.01.2013
- 832 Designation(s) under the Madrid Protocol
AU - EM - JP - NO - US
- 834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies
CH - CN - RU
- 527 Indications regarding use requirements
US
- 580 Date of recording (date of notification from which the time limit to notify the refusal starts)
03.01.2013

Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1) : 2013/2 Gaz, 31.01.2013, EM

- EM
- 450 Publication number and date
2013/2 Gaz, 31.01.2013
- Opposition end date
07.10.2013

Statement of grant of protection made under Rule 18ter(1) : 2013/46 Gaz, 05.12.2013, EM

- EM
- 450 Publication number and date
2013/46 Gaz, 05.12.2013
- Date of receipt by the International Bureau
08.11.2013



Protect your intellectual property in the European Union

EUTM file information

BOSS
002342038

Timeline

Trade mark information

Name	BOSS	Filing date	16/08/2001
Filing number	002342038	Registration date	08/06/2006
Basis	EUTM	Expiry date	16/08/2021
Date of receipt	16/08/2001	Designation date	
Type	Word	Filing language	German
Nature	Individual	Second language	English
Nice classes	23, 24, 26 (Nice Classification)	Application reference	A 10421 u
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)

- 23 Yarns and threads, for textile use.
- 24 Textile goods, namely fabric, curtains; blinds, household linen, table and bed linen, bath linen, travelling rugs, handkerchiefs.
- 26 Haberdashery, included in class 26; lace and embroidery, ribbons and braid; velcro; buttons, hooks and eyelets, snap buttons, belt clasps, fastenings for clothing; zips and buckles; needles; collar supports, shoulder pads, pins, brooches being clothing accessories.

Owners

HUGO BOSS Trade Mark Management GmbH & Co. KG

ID	207792	Country	DE - Germany	Correspondence address	
Organisation	HUGO BOSS Trade Mark Management GmbH & Co. KG	State/county	n/a	HUGO BOSS Trade Mark Management GmbH & Co. KG D eselstr. 12 D-72555 Metzingen ALEMANIA	Hidden. You can set your contact details to be publicly available via the User Area.
		Town	Metzingen		
		Post code	72555		Hidden. You can set your

Legal status	Legal entity	Address	Dieselstr. 12	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

DENNEMEYER & ASSOCIATES

ID	10666	Country	LU - Luxembourg	Correspondence address	
Organisation	n/a	State/country	n/a	DENNEMEYER & ASSOCIATES	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal person	Town	Howald	P.O. Box 1502	
Type	Association	Post code	1274	1015 Luxembourg	Hidden. You can set your contact details to be publicly available via the User Area.
		Address	55, rue des Bruyères	LUXEMBURGO	Hidden. You can set your contact details to be publicly available via the User Area.



Protect your intellectual property in the European Union

EUTM file information

BOSS
000049221

Trade mark information

Name	BOSS	Filing date	01/04/1996
Filing number	000049221	Registration date	29/01/2009
Basic	EUTM	Expiry date	01/04/2026
Date of receipt	22/03/1996	Designation date	
Type	Word	Filing language	German
Nature	Individual	Second language	English
Nice classes	3, 9, 10, 12, 14, 16, 18, 20, 24, 25, 27, 28, 29, 30, 31, 32, 35, 42 (Nice Classification)	Application reference	HGBTM-056/EM
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)

- 3** Essential oils, bleaching preparations and other substances for laundry use; fragrant sprays; Perfumery, deodorising preparations for personal use; soaps; cosmetics; hair care preparations including hair lotions; dentifrices, oral hygiene preparations, not for medical purposes.
- 9** Spectacles and parts therefor.
- 10** Condoms.
- 12** Bicycles.
- 14** Precious metals and their alloys and goods of precious metals or coated therewith (included in class 14); jewellery; clocks and watches.
- 16** Paper, cardboard and goods made from these materials (included in class 16); printed matter; containers of plastic, paper or cardboard for packaging; stickers; playing cards.
- 18** Leather and imitations of leather, and goods made of these materials (included in class 18), in particular small leather goods; trunks and travelling bags; bags; umbrellas and parasols.
- 20** Furniture, mirrors, picture frames; clothes hangers; protective covers of plastic for clothing.
- 24** Woven fabrics and textile goods, included in class 24, in particular handkerchiefs and hand towels, Bed and table linen, wall hangings of textile.
- 25** Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes, belts; belts of leather; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes.
- 27** Carpets; non-textile wall hangings.
- 28** Gymnastic and sporting articles, namely skis, snow boards, surf boards, golf clubs and tennis rackets.
- 29** Jams, fruit sauces; eggs, milk; edible oils and fats.

30 Coffee, tea, cocoa, sugar, tapioca, sago, artificial coffee; flour, bread, pastry and confectionery; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces (condiments), spices, chocolate and chocolate goods, sugar confectionary.

31 Agricultural, horticultural and forestry products as well as grains (as far as contained in class 31); fresh fruits and vegetables; natural plants and flowers.

32 Mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages

35 Advertising, business management, business administration, sales consultancy.

42 Planning of offices.

Owners

HUGO BOSS Trade Mark Management GmbH & Co. KG

ID	207792	Country	DE - Germany	Correspondence address	
Organisation	HUGO BOSS Trade Mark Management GmbH & Co. KG	State/country	n/a	HUGO BOSS Trade Mark Management GmbH & Co. KG Dieselstr. 12 D-72555 Metzingen ALEMANIA	Hidden. You can set your contact details to be publicly available via the User Area.
		Town	Metzingen		
		Post code	72555		
Legal status	Legal entity	Address	Dieselstr. 12		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

DENNEMEYER & ASSOCIATES

ID	10666	Country	LU - Luxembourg	Correspondence address	
Organisation	n/a	State/country	n/a	DENNEMEYER & ASSOCIATES P.O. Box 1502 1015 Luxembourg LUXEMBURGO	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal person	Town	Howald		
Type	Association	Post code	1274		Hidden. You can set your contact details to be publicly available via the User Area.
		Address	55, rue des Bruyères		Hidden. You can set your contact details to be publicly available via the User Area.

EUTM file information

BOSS HUGO BOSS

000049262

Trade mark information

Name	BOSS HUGO BOSS	Filing date	01/04/1996
Filing number	000049262	Registration date	06/07/2007
Basis	EUTM	Expiry date	01/04/2026
Date of receipt	22/03/1996	Designation date	
Type	Figurative	Filing language	German
Nature	Individual	Second language	English
Nice classes	9, 14, 18, 24, 25, 28, 29, 30, 31, 32, 33, 35, 42 (Nice Classification)	Application reference	A 10041 u
Vienna Classification	27.05.01 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Graphic representation



Goods and services

English (en)

9 Spectacles and parts therefor.

- 14** Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery; clocks.
- 18** Leather and imitations of leather, and goods made of these materials (included in class 18), in particular small leather goods; trunks and travelling bags; bags; umbrellas and parasols.
- 24** Woven fabrics and textile goods, included in class 24, in particular handkerchiefs and hand towels, bed and table linen, wall hangings of textile.
- 25** Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; shawls; accessories, namely headscarves, scarves, shawls, dress handkerchiefs; ties; gloves; shoes; belts of leather.
- 28** Games and playthings, gymnastic and sporting articles, in particular skis, golf clubs and tennis racquets; balls; gymnastic and sports articles (included in class 28).
- 29** Jams, fruit sauces; eggs, milk; edible oils and fats.
- 30** Coffee, tea, cocoa, sugar, tapioca, sago, artificial coffee; flour, bread, pastry and confectionery; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; chocolate and chocolate products; confectionery products.
- 31** Agricultural, horticultural and forestry products as well as grains (as far as contained in class 31); fresh fruits and vegetables; natural plants and flowers.
- 32** Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.
- 33** Alcoholic beverages (except beers).
- 35** Advertising, business management, business administration, sales consultancy.
- 42** Planning of offices.

Owners

HUGO BOSS Trade Mark Management GmbH & Co. KG

ID	207792	Country	DE - Germany	Correspondence address	
Organisation	HUGO BOSS Trade Mark Management GmbH & Co. KG	State/country	n/a	HUGO BOSS Trade Mark Management GmbH & Co. KG	Hidden. You can set your contact details to be publicly available via the User Area.
		Town	Metzingen	Dieselstr. 12	
		Post code	72555	D-72555 Metzingen	
Legal status	Legal entity	Address	Dieselstr. 12	ALEMANIA	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

DENNEMEYER & ASSOCIATES

ID	47517	Country	DE - Germany	Correspondence address	
Organisation	n/a	State/county	n/a	DENNEMEYER & ASSOCIATES	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal person	Town	München	P. O. Box 700425	
Type	Association	Post code	81373	D-81304 Munchen	Hidden. You can set your contact details to be publicly available via the User Area.
		Address	Landaubogen 1-3	ALEMANIA	Hidden. You can set your contact details to be publicly available via the User Area.

