

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 SECRETARIAT OF COMMERCE DIRECTION OF TRADEMARKS Address: KANINGOS SQUARE GR - 10181 ATHENS Examiner: Giagtzidis Dimitrios
II. Number of the international registration: 1446375/53378
II. Name of the holder: Lidl Stiftung & Co. KG Stiftsbergstraße 1 74172 Neckarsulm (DE)
IV. Information concerning the type of provisional refusal: <i>Please indicate the type of refusal by checking only one of the following options:</i> ☐ Total provisional refusal based on an <i>ex officio</i> examination ☒ Total provisional refusal based on an opposition ☐ Total provisional refusal based on both an <i>ex officio</i> examination and an opposition <i>Where the refusal is based on an opposition, please indicate the name and address of the opponent:</i> (i) Name of the opponent: FATTORIA LA VIALLA DI GIANNI, ANTONIO E BANDINO LO FRANCO (ii) Address of the opponent: VIA DI MELICIANO 26 AREZZO 52100 ITALIA
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)]: Opposition 62355/17.06.2020 is based on the following mark (International Trademark)

VII. Information relating to an earlier mark:

Number: **1024989**

Filing date and number, and, if any, priority date: 20.10.2009

Registration date and number (if available): 20.10.2009

Name and address of the owner:

FATTORIA LA VIALLA DI GIANNI, ANTONIO E BANDINO LO FRANCO - SOCIETA' AGRICOLA SEMPLICE

Via di Meliciano, 26

I-52100 AREZZO (IT)

Reproduction of the mark:

LA VIALLA

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 classes: 30.

VIII. Corresponding essential provisions of the applicable law:

Applied articles of Greek trademark law in case of notice of opposition (Article 25 of law 4679/2020 and Article 140 of law 4072/2012):

- 1.The examiner's decision accepting the registration of application may be opposed within a three-month period as from its publication on the website of the General Secretariat of Commerce in accordance with par. 1 of Article 25, for a registration being contrary to one or more grounds of Article 4 & 5 of law 4679/2020.
- 2.If there are absolute grounds as per Article 4, the opposition can be filed by anyone who has a legitimate interest.
- 3.If there are relative grounds as per Article 5, the opposition shall be filed by the proprietors of earlier trademarks or rights, as well as by licensees authorized by the proprietors of those trademarks, according to the terms and conditions of Article 25 par.3.
- 4.The opposition shall be filed by a document submitted to the Trademark Office and the Administrative Trademark Committee shall be responsible for taking decisions in relation to it. It shall not be treated as duly entered until the opposition fee has been paid.

IX. Information relating to the possibility to request a review or file an appeal:

Dates on which the opposition period begins and ends:

- Date on which the opposition period begins: 24.03.2020
- Date on which the opposition period ends: 12.09.2020

*Due to Covid19 time limit was suspended from 11.03.2020 – 12.06.2020

(i) Authority to which such request for review or appeal should be made:
Administrative Trademarks Committee, Address: Kanning Square – Athens Greece

(ii) Whether the request for review or appeal 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 the discussion in front of the Administrative Trade Marks Committee, which will take place on October 20th 2020, in order to answer to the opposition (information: Athens Bar Association tel: +30210 3398251, e-mail info@dsa.gr & Piraeus Bar Association tel: 210-4176251, e-mail: secretary@dspeir.gr)

(iii) 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, 18.06.2020

[End of Model Form 3A]