



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

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

**NOTIFICATION OF PROVISIONAL REFUSAL BASED ON AN OPPOSITION**

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: + 372 627 7947**

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

1196024

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

Figurative mark / verbal elements of the mark: Bossa

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

Opposition made 31/07/2020 by HUGO BOSS Trade Mark Management GmbH & Co. KG, date of the acceptance of the opposition for processing 12/08/2020, on the grounds that the company has earlier trademark registrations (copies of the registrations enclosed).

The name and the address of the opponent are:

Name: HUGO BOSS Trade Mark Management GmbH & Co. KG  
Address: Dieselstr. 12, D-72555 Metzingen, DE

V. Provision of the Estonian Trademark Act applicable on the subject (enclosed):  
Section(s) 10 subsection 1(2), 1(3), Section 41 subsections 2 and 3.

VI. The ground referred to in item IV affects all the goods in classes 23, 24, 25.

VII. The holder of the registration has right to participate in the procedure at the Board of Appeal of Intellectual Property of Estonia.

The request has to be filed through the 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/>

The request for participation in the procedure must be received by the Board of Appeal before the end of the time limit indicated by the Board of Appeal.

**The time limit expires 16/11/2020 (dd/mm/yyyy). The extension of the time limit is not possible.**

**Please note that if the holder of the registration does not request participation in the procedure, the Board of Appeal shall grant the request without justifying its decision in the part in which it is not manifestly unjustified.**

VIII. Date on which the provisional refusal was pronounced: 13/08/2020 (dd/mm/yyyy).

IX. Signature of the Office:

Signe Holm  
Senior Examiner

Number of continuation sheets: 10

## **Extract from the Estonian Trademark Act**

### **§ 10. Relative circumstances which preclude legal protection**

(1) Legal protection is not afforded to the following trade marks:

2) trade marks which are identical or similar to an earlier trade mark which has been afforded legal protection with regard to identical goods or services or goods or services of a similar kind designated by the trade mark, if there exists a likelihood of confusion on the part of the consumers, which includes association of the trade mark with the earlier trade mark;

3) trade marks which are identical or similar to an earlier registered trade mark, regardless of whether the earlier trade mark has been afforded legal protection for identical, similar types of or different types of goods or services, if the earlier Estonian trade mark has a reputation in Estonia or if the earlier EU trade mark has a reputation in the European Union and the use without due cause of the later trade mark would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark;

(2) The circumstances specified in clauses (1) 1)–8) of this section which preclude legal protection are not taken into account if the proprietor of the earlier trade mark or another earlier right consents to the grant of legal protection in writing.

### **§ 11. Earlier trade mark and other earlier rights**

(1) An “earlier trade mark” means the following:

4) a trade mark which is valid in Estonia on the basis of the Madrid Protocol if the date of international registration or date of priority is earlier;

6) an EU trade mark registered on the basis of Regulation (EU) 2017/1001 of the European Parliament and of the Council if the filing date of the application, date of priority or the seniority date afforded on the basis of the Estonian registration is earlier;

### **§ 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.

### **§ 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.

(3) In case a revocation application is granted in whole or in part, the Board of Appeal shall annul the decision of the Patent Office and make a new decision on the registration of the trade mark.

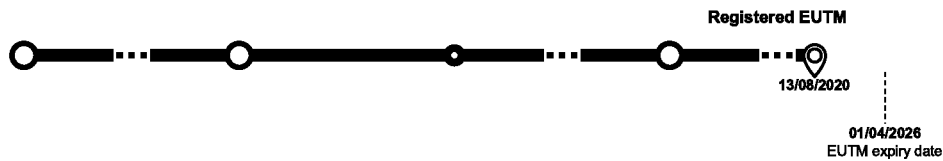
### **§ 70. Processing of international registration**

7) Decisions on international registrations made by the Patent Office and the rights of applicants can be contested pursuant to the provisions of this Act, taking account of the specifications arising from the Madrid Protocol and its Common Regulations. The Bureau shall be notified of a contestation and the decision made in the matter.


## EUTM file information

**BOSS**  
**000049221**

### Timeline



### Trade mark information

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

### 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.**Description**

No data

**Owners****HUGO BOSS Trade Mark Management GmbH & Co. KG**

ID	<b>207792</b>	Country	<b>DE - Germany</b>	Correspondence address	
Organisation	<b>HUGO BOSS Trade Mark Management GmbH &amp; Co. KG</b>	State/country	<b>n/a</b>	HUGO BOSS Trade Mark Management GmbH & Co. KG	Hidden. You can set your contact details to be publicly available via the User Area.
		Town	<b>Metzingen</b>	Dieselstr. 12	
		Post code	<b>72555</b>	D-72555 Metzingen	
Legal status	<b>Legal entity</b>	Address	<b>Dieselstr. 12</b>	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	<b>10666</b>	Country	<b>LU - Luxembourg</b>	Correspondence address	
Organisation	<b>n/a</b>	State/country	<b>n/a</b>	DENNEMEYER & ASSOCIATES	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	<b>Legal person</b>	Town	<b>Howald</b>	P.O. Box 1502	
Type	<b>Association</b>	Post code	<b>1274</b>	LUXEMBURGO	
		Address	<b>55, rue des Bruyères</b>		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.

**Correspondence**

From	Procedure	Filing number	Subject	Date	Actions
	EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	01/07/2020	
	EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	23/06/2020	
	EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	16/06/2020	
	EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	02/04/2020	
	EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	13/02/2020	
	Recordal	015875498	Application form and attachment	04/12/2019	
	Recordal	015875498	Letter to the EUIPO	04/12/2019	
	EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	20/11/2019	
	EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	20/11/2019	
	EUTM	000049221	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	23/10/2019	

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## IR transformation

No data

## Seniority

No data

## Exhibition priority

No data

## Priority

No data

## Publications

Bulletin number	Date	Section	Description
1998/015	02/03/1998	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2007/010	12/03/2007	C.4.1	Licences granted
2007/025	18/06/2007	C.1.1	Proprietor - Total transfers
2007/040	06/08/2007	C.2.1	Representative - Change of name and professional address
2009/005	09/02/2009	B.2	Registrations with amendments since the application was published
2009/019	25/05/2009	C.9.1	Application for revocation or for a declaration of invalidity
2009/027	20/07/2009	D.1	Renewals
2009/031	17/08/2009	B.4.2	Correction of errors - Relative errors
2010/134	22/07/2010	C.3.2	Partial surrender / Declaration under Art.33(8) EUTMR
2010/149	12/08/2010	C.9.2	Decision on application for revocation or for a declaration of invalidity

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## Cancellation

Filing number	Subtitle	Status	Status date
+ 000003598	Cancellation based on invalidity	Final decision – Partially Surrendered	07/05/2010

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## Appeals

Filing number	Contested decision	Type	Date of receipt	Status date	Language
+ R0539/2002-1	Opposition 000044935	Opposition	21/06/2002	19/01/2004	English
+ R0623/2005-2	Opposition 000045569	Opposition	23/05/2005	05/09/2006	English
+ R0643/2000-1	Opposition 000046716	Opposition	09/06/2000	13/03/2003	German

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## Decisions

Case number	Type	Case	Legal status	Keywords	Status	Decision date
+ Appeal R0623/2005-1	Appeal		Rule 16 CTMIR, Rule 17 CTMIR, Rule 20 CTMIR, Rule 51 CTMIR	Right to be heard, Substantial procedural violation, Substantiation of earlier right, Translation of evidence	No decision on opposition	10/04/2006
+ Appeal R0643/2000-1	Appeal		Article 42(1) CTMR, Article 42(3) CTMR, Article 76 CTMR, Rule 22(1) CTMIR	Admissibility, Declaration, New submission on appeal, Proof of use, Request for proof of use	Opposition rejected	29/01/2003

Case number	Type	Case	Legal status	Keywords	Status	Decision date
+ Appeal R0539/2002-1	Appeal		Article 8(1)(b) CTMR,Article 42(1) CTMR,Article 43(1) CTMR,Article 85(1) CTMR,Article 85(2) CTMR	Dissimilarity of the goods and services,Restriction of the list of goods and services,Similarity of the goods and services,Similarity of the signs	Opposition partially rejected	16/07/2003
+ Opposition 000040750	Opposition		Article 8(1)(b) CTMR,Rule 22(2) CTMIR		Partially refused EUTMA/IR	24/10/2000
+ Opposition 000043093	Opposition		Article 8(1)(b) CTMR		EUTMA/IR refused	21/03/2000
+ Opposition 000043812	Opposition		Article 8(1)(b) CTMR,Article 8(5) CTMR,Article 8(4) CTMR,Rule 22(2) CTMIR		Partially refused EUTMA/IR	18/08/2000
+ Opposition 000044893	Opposition		Article 8(1)(b) CTMR		Reject opposition	27/02/2002
+ Opposition 000044935	Opposition		Article 8(1)(b) CTMR,Rule 22(2) CTMIR		Partially refused EUTMA/IR	26/04/2002
Opposition 000045569	Opposition		Rule 20(1) CTMIR		Reject opposition	12/08/2008
Opposition 000046716	Opposition		Rule 22(2) CTMIR		Reject opposition	10/04/2000

Showing 1 to 10 of 10 entries

## Renewals

Title	Filing number	Status	Status date
Renewal	002234808	Trade mark renewed	20/07/2009
Renewal	010105644	Trade mark renewed	03/02/2016

Showing 1 to 2 of 2 entries

## Trade mark relations

No data

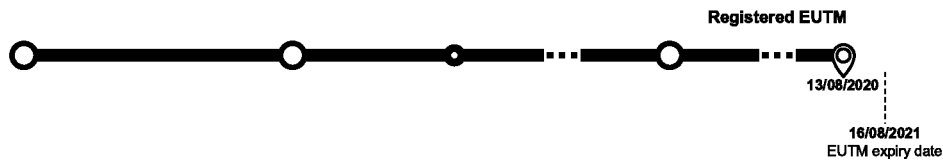
## International Applications

No data

## EUTM file information

**BOSS**  
**002342038**

### Timeline



### Trade mark information

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

### 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.

### Description

No data

### Owners




#### HUGO BOSS Trade Mark Management GmbH & Co. KG

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



## Representatives

### DENNEMEYER & ASSOCIATES

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

From	Procedure	Filing number	Subject	Date	Actions
	EUTM	002342038	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	01/07/2020	
	EUTM	002342038	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	23/06/2020	
	EUTM	002342038	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	16/06/2020	
	EUTM	002342038	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	20/11/2019	
	EUTM	002342038	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	20/11/2019	
	EUTM	002342038	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	04/09/2015	
	EUTM	002342038	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	04/09/2015	
	Recordal	008231345	Empty letter for Technical Service	22/08/2014	
	Recordal	008231345	Application form and attachment	22/08/2014	
	Recordal	008231345	T725M - Registration of recordal C.2.2 / B.9.2	18/02/2014	

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## IR transformation

No data

## Seniority

No data

## Exhibition priority

No data

## Priority

No data

## Publications

Bulletin number	Date	Section	Description
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Bulletin number	Date	Section	Description
2002/005	14/01/2002	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2006/025	19/06/2006	B.2	Registrations with amendments since the application was published
2007/025	18/06/2007	C.1.1	Proprietor - Total transfers
2007/040	06/08/2007	C.2.1	Representative - Change of name and professional address
2011/130	13/07/2011	D.1	Renewals
2011/225	28/11/2011	C.2.1	Representative - Change of name and professional address
2014/033	19/02/2014	C.2.2	Representative - Appointment / Replacement of representative

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## Cancellation

No data

## Appeals

Filing number	Contested decision	Type	Date of receipt	Status date	Language
+ R0350/2005-1	Opposition 000502007	Opposition	29/03/2005	06/03/2006	English

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## Decisions

Case number	Type	Case	Legal status	Keywords	Status	Decision date
+ Appeal R0350/2005-1	Appeal				Proceedings terminated	07/02/2006
+ Opposition 000502007	Opposition		Article 8(4) CTMR, Rule 20(1) CTMIR, Rule 17(2) CTMIR		Reject opposition	31/01/2005

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## Renewals

Title	Filing number	Status	Status date
Renewal	005338481	Trade mark renewed	13/07/2011

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## Trade mark relations

No data

## International Applications

No data

**International trademark****Registration number** 0773035**Application number** R200200618**Registration date** 16.08.2001**Expiration date** 16.08.2021**Publication date** 02.01.2008**Type** Word mark**Status** Registered**Trademark** BOSS**Owner** HUGO BOSS TRADE MARK MANAGEMENT GMBH & CO. KG  
Dieselstrasse 12, Metzingen, 72555, DE**Representative** Heinu Koitel  
Patendi- & Kaubamärgibüroo Koitel OÜ  
Tina 26, 10126 Tallinn, EE**Goods and Services class number****Class 9** Eyewear and parts thereof.**Class 14** Clocks and watches, jewellery.**Class 18** Goods made of leather and leather imitations (included in this class); belts made of textile or plastic materials, suitcases and bags, umbrellas and parasols.**Class 24** Table linen and bed linen, woven fabrics, curtains, bathroom textiles, namely towels; handkerchiefs made of textile material.**Class 25** Articles of clothing for ladies, gentlemen and children, especially suits, coats, jackets, trousers, shirts, raincoats, outer garments and underwear, socks, stockings, tricots, pullovers, knitted shirts; footwear and head coverings, ties, gloves, belts, braces, bathrobes.**Class 28** Gymnastic and sports equipment; balls.**Link to this page** <https://andmebaas.epa.ee/avalik/#!/trademarks?nr=R200200618&ln=en> (https://andmebaas.epa.ee/avalik/#!/trademarks?nr=R200200618&ln=en)

**International trademark****Registration number** 0776444**Application number** R200201228**Registration date** 30.01.2002**Expiration date** 30.01.2022**Publication date** 02.06.2003**Type** Word mark**Status** Registered**Trademark** BOSS

Priority	Date	No.	Country
	16.08.2001	301 49 064.3/23	DE

**Owner** HUGO BOSS TRADE MARK MANAGEMENT GMBH & CO. KG  
Dieselstrasse 12, Metzingen, 72555, DE

**Goods and Services class number****Class 23** Yarns and threads for textile use.**Class 24** Textile goods, namely textile fabric, curtains; blinds, household linen, table and bed linen, bath linen, travelling rugs, handkerchiefs.**Class 26** Haberdashery, included in this class; lace and embroidery, ribbons and braid; hook and pile fastening tapes; buttons, hooks and eyes, snap fasteners, belt clasps, fastenings for clothings; zip fasteners and buckles; pins and needles; collar ribs, shoulder pads, badges, brooches as clothing accessories.

**Link to this page** <https://andmebaas.epa.ee/avalik/#!/trademarks?nr=R200201228&ln=en> (https://andmebaas.epa.ee/avalik/#!/trademarks?nr=R200201228&ln=en)