



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: 1 (2)

The Estonian Patent Office
Trademark Department
Toompuiestee 7
15041 Tallinn
ESTONIA
Telephone: + 372 627 7927

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

1532355

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

verbal elements of the mark: **DIKLOFARM DICLOPHARM**

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

Opposition filed 26.10.2020 by DICOFARM S.p.A. on the grounds that:

1. the International registration no. 1532355 is 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.

The earlier trademarks in question are (enclosed):

DICOFARM, registration no 017880948, belonging to DICOFARM S.p.A.

DICOFARM (fig.), registration no 017880950, belonging to DICOFARM S.p.A.

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

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

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 12/02/2021 (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: 11/11/2020 (dd/mm/yyyy).

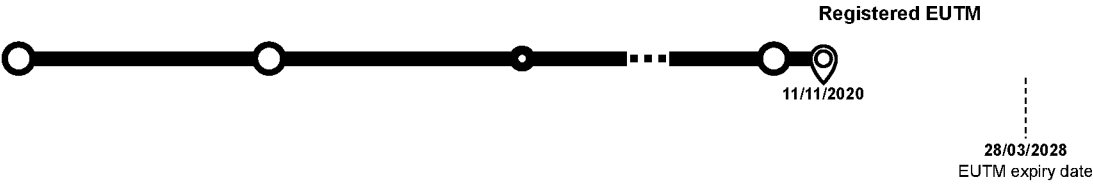
IX. Signature of the Office:

Ekke-Kristian Erilaid
Senior Examiner


EUTM file information

DICOFARM
017880948

Timeline



Trade mark information

Name	□□□□□□□□	Filing date	28/03/2018
Filing number	017880948	Registration date	04/05/2020
Basis	□□□□	Expiry date	28/03/2028
Date of receipt	28/03/2018	Designation date	
Type	□□□□	Filing language	□□□□□□□□
Nature	□□□□□□□□□□	Second language	□□□□□□□□
Nice classes	3, 5, 29, 30, 40, 42 (□□□□ □□□□□□□□□□□□)	Application reference	0295378 □□□□□□
Vienna Classification		Trade mark status	□□□□□□□□□□ 
		Acquired distinctiveness	□□

Goods and services

English (en) ▼

- 3** Pomades, creams, ointments, lotions, gels and other preparations, all for cosmetic use intended for babies and young children; Cleaning preparations for personal use intended for babies and young children; Deodorants for body care; Non-medicated cosmetics and toiletry preparations; Non-medicated dentifrices; Perfumery, essential oils.
- 5** Medical preparations (so-called medical devices) in accordance with Regulation (EU) 2017/745; Medical preparations; Medicinal herbs; Medicinal mixed herbs; Mixtures of medicinal herbs and natural substances; Mixtures of molecular complexes based on fibres, monosaccharides, polysaccharides, peptides and proteins for medical and dietetic purposes; Royal jelly for pharmaceutical purposes; Herbal teas and infusions for medical purposes; Mineral, dietetic, vitamin and nutritional supplements; Almond milk for pharmaceutical purposes; milk and powdered milk for infants; Malted milk beverages for medical purposes; Milk sugar for pharmaceutical purposes; Propolis for medical or therapeutic purposes; Bee pollen for use as dietetic supplements and supplements for medical purposes; Foodstuffs for specialist medical purposes; Pharmaceuticals, medical and veterinary preparations; Sanitary preparations for medical purposes; Dietetic food and substances adapted for medical or veterinary use, food for babies; Food supplements for humans and animals.
- 29** Pollen prepared as foodstuff; Processed edible sedes; Meat, fish, poultry and game; Meat extracts; Preserved, frozen, dried and cooked fruits and vegetables; Jellies, jams, compotes; Eggs; Milk and milk products; Oils and fats for food.
- 30** Honey; Bee glue; Bee glue (propolis) for human consumption; Royal jelly; Non-medical herbal teas; Herb teas, other than for medicinal use; Infusions, not medicinal; Tea extracts; Processed herbs; Coffee, tea, cocoa and artificial coffee; Rice; Tapioca and sago; Flour and preparations made from cereals; Bread, pastry and confectionery; Edible ices; Sugar, honey; Yeast, baking-powder.

40 Custom manufacture of pharmaceuticals; Custom manufacture of biopharmaceuticals; Treatment of biopharmaceutical materials.

42 Scientific research; Consultancy in relation to scientific research; Provision of scientific information; Biological research; Chemical research and analysis services; Genetic research and analysis; Cosmetic research; Research in the field of nutrition; Research relating to food; Pharmaceutical research; Research and development in the field of biotechnology; Product research and development; Scientific and technological services and research and design relating thereto; Industrial analysis and research services; Design and development of computer hardware and software.

Description

No data

Owners

DICOFARM S.p.A.

ID	822373	Country	IT - ITALY	REGISTRATION NUMBER 00000000	Hidden. You can set your contact details to be publicly available via the User Area.
Organisation	000000000 S.p.A.	State/county	IT/IT	DICOFARM S.p.A. VIA DEL CASALE DELLA MARCIGLIANA 29	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	000000 00000000	Town	00000	I-00138 ROMA ITALIA	Hidden. You can set your contact details to be publicly available via the User Area.
		Post code	00138		
		Address	0000 0000 000000 000000 000000000000 29		

Representatives

CALVANI, SALVI & VERONELLI S.R.L.

ID	14756	Country	IT - ITALY	REGISTRATION NUMBER 00000000	00 39-026693822
Organisation	IT/IT	State/county	IT/IT	CALVANI, SALVI & VERONELLI S.R.L.	00 39-0266982942
Legal status	000000 00000000	Town	0000000	Piazza Luigi di Savoia, 2 I-20124 Milano	info@calvanipat.com
Type	00000000000000	Post code	20124	ITALIA	
		Address	000000 000000 00 000000, 2		

Correspondence

NO	TYPE	REGISTRATION NUMBER	REGISTRATION NUMBER	REGISTRATION NUMBER	DATE	STATUS
	EUTM	017880948	L304 – Cover letter for registration certificate		07/05/2020	
	EUTM	017880948	Certificate		06/05/2020	
	Opposition	003065446	B254B - Notification to the applicant/holder of conclusion of the opposition proceedings following withdrawal of the opposition before the commencement of the adversarial part of the proceedings		04/05/2020	
	Opposition	003065446	B254A - Notification to the opponent of conclusion of the opposition proceedings following the withdrawal of the opposition before the commencement of the adversarial part of the proceedings		04/05/2020	
	Opposition	003065446	Letter to the EUIPO		27/04/2020	

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1

No data

1

No data

1

No data

No data

Showing 1 to 2 of 2 entries Springer

No data

1

Showing 1 to 2 of 2 entries

1

Application Number	Priority Date	Mark	Applicant	Class	Language	IPC Class	Status	Description
003065446	01/10/2018	Likelihood of confusion	DinoPharm Gesellschaft für pharmazeutische und kosmetische Produkte mbH	SPIEKER & JAEGER	English	T295378PTGnf	Withdrawn	Class 3 Pomades, creams, ointments, lotions, gels and other preparations, all the aforesaid for cosmetic purposes; Detergent preparations for personal use; Scented room fragrances; Deodorants for body care; Non-medicated cosmetics and toiletry preparations; Non-medicated dentifrices; Perfumery, essential oils. Class 5 Medical preparations (so-called medical devices) in accordance with Regulation (EU) 2017/745; Medical preparations; Medicinal herbs; Medicinal mixed herbs; Mixtures of medicinal herbs and natural substances; Mixtures of molecular complexes based on fibres, monosaccharides polysaccharides, peptides and proteins for medical and dietetic purposes; Royal jelly for pharmaceutical purposes; Herbal teas and Infusions for medicinal purposes; Mineral, dietetic, vitamin and nutritional supplements; Almond milk for pharmaceutical purposes; milk and powdered milk for infants; Malted milk beverages for medical purposes; Milk sugar for pharmaceutical purposes; Propolis for medical or therapeutic purposes; Bee pollen for use as dietetic supplements and

CLASSIFICATION	CLASS	CLASSIFICATION	CLASSIFICATION	CLASSIFICATION	CLASSIFICATION	CLASSIFICATION	CLASSIFICATION	CLASSIFICATION
								supplements for medical purposes; Foodstuffs for specialist medical purposes; Air deodorising preparations; Pharmaceuticals, medical and veterinary preparations; Sanitary preparations for medical purposes; Dietetic food and substances adapted for medical or veterinary use, food for babies; Food supplements for humans and animals; Plasters, materials for dressings; Disinfectants.

Showing 1 to 1 of 1 entries

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data

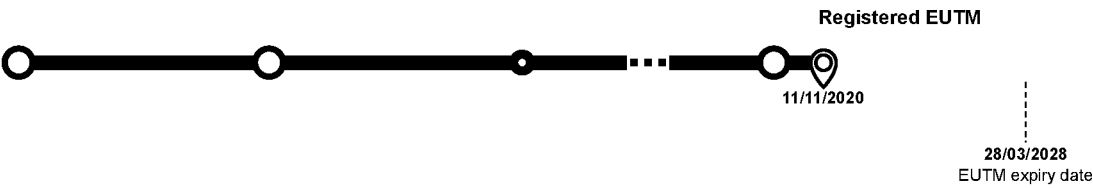
International Applications

No data


EUTM file information

DICOFARM
017880950

Timeline



Trade mark information

Name	□□□□□□□□	Filing date	28/03/2018
Filing number	017880950	Registration date	12/05/2020
Basis	□□□□	Expiry date	28/03/2028
Date of receipt	28/03/2018	Designation date	
Type	□□□□□□□□□□	Filing language	□□□□□□□□
Nature	□□□□□□□□□□	Second language	□□□□□□□□
Nice classes	3, 5, 29, 30, 40, 42 (□□□□ □□□□□□□□□□□□)	Application reference	□295384□□□□□□
Vienna Classification	24.17.25, 26.03.01, 27.05.05 (□□□□□□ □□□□□□□□□□□□)	Trade mark status	□□□□□□□□□□ 
		Acquired distinctiveness	□□

Graphic representation

Dicofarm

Goods and services

English (en) ▼

3 Pomades, creams, ointments, lotions, gels and other preparations, all for cosmetic use intended for babies and young children; Cleaning preparations for personal use intended for babies and young children; Deodorants for body care; Non-medicated cosmetics and toiletry preparations; Non-medicated dentifrices; Perfumery, essential oils.

5 Medical preparations (so-called medical devices) in accordance with Regulation (EU) 2017/745; Medical preparations; Medicinal herbs; Medicinal mixed herbs; Mixtures of medicinal herbs and natural substances; Mixtures of molecular complexes based on fibres, monosaccharides, polysaccharides, peptides and proteins for medical and dietetic purposes; Royal jelly for pharmaceutical purposes; Herbal teas and infusions for medical purposes; Mineral, dietetic, vitamin and nutritional supplements; Almond milk for pharmaceutical purposes; milk and powdered milk for infants; Malted milk beverages for medical purposes; Milk sugar for pharmaceutical purposes; Propolis for medical or therapeutic purposes; Bee pollen for use as dietetic supplements and supplements for medical purposes; Foodstuffs for specialist medical purposes; Pharmaceuticals, medical and veterinary preparations; Sanitary preparations for medical purposes; Dietetic food and substances adapted for medical or veterinary use, food for babies; Food supplements for humans and animals.

29 Pollen prepared as foodstuff; Processed edible seeds; Meat, fish, poultry and game; Meat extracts; Preserved, frozen, dried and cooked fruits and vegetables; Jellies, jams, compotes; Eggs; Milk and milk products; Oils and fats for food.

30 Honey; Bee glue; Bee glue (propolis) for human consumption; Royal jelly; Non-medical herbal teas; Herb teas, other than for medicinal use; Infusions, not medicinal; Tea extracts; Processed herbs; Coffee, tea, cocoa and artificial coffee; Rice; Tapioca and sago; Flour and preparations made from cereals; Bread, pastry and confectionery; Edible ices; Sugar, honey; Yeast, baking-powder.

40 Custom manufacture of pharmaceuticals; Custom manufacture of biopharmaceuticals; Treatment of biopharmaceutical materials.

42 Scientific research; Consultancy in relation to scientific research; Provision of scientific information; Biological research; Chemical research and analysis services; Genetic research and analysis; Cosmetic research; Research in the field of nutrition; Research relating to food; Pharmaceutical research; Research and development in the field of biotechnology; Product research and development; Scientific and technological services and research and design relating thereto; Industrial analysis and research services; Design and development of computer hardware and software.

Description

No data

Owners

DICOFARM S.p.A.

ID	822373	Country	IT - ITALY	REGISTRATION NUMBER	
Organisation	DICOFARM S.p.A. S.p.A.	State/county	IT/IT	DICOFARM S.p.A. VIA DEL CASALE DELLA MARCOGLIANA 29 I-00138 ROMA ITALY	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	REGULATED PRODUCT	Town	ROMA		Hidden. You can set your contact details to be publicly available via the User Area.
		Post code	00138		Hidden. You can set your contact details to be publicly available via the User Area.
		Address	00138 ROMA VIA DEL CASALE DELLA MARCOGLIANA 29		

Representatives

CALVANI, SALVI & VERONELLI S.R.L.

ID	14756	Country	IT - ITALY	REGISTRATION NUMBER	
Organisation	CALVANI, SALVI & VERONELLI S.R.L.	State/county	IT/IT	CALVANI, SALVI & VERONELLI S.R.L. Piazza Luigi di Savoia, 2 I-20124 Milano ITALY	00 39-026693822
Legal status	REGULATED PRODUCT	Town	MILANO		00 39-0266982942
Type	REGULATED PRODUCT	Post code	20124		info@calvanipat.com
		Address	20124 MILANO PIAZZA LUIGI DI SAVOIA, 2		

Correspondence

ID	DOC NO	REGISTRATION NO	DESCRIPTION	DATE	STATUS
	EUTM	017880950	L304 - Cover letter for registration certificate	15/05/2020	
	EUTM	017880950	Certificate	14/05/2020	
	Opposition	003065462	B254B - Notification to the applicant/holder of conclusion of the opposition proceedings following withdrawal of the opposition before the commencement of the adversarial part of the proceedings	12/05/2020	
	Opposition	003065462	B254A - Notification to the opponent of conclusion of the opposition proceedings following the withdrawal of the opposition before the commencement of the adversarial part of the proceedings	12/05/2020	
	Opposition	003065462	Letter to the EUIPO	27/04/2020	
	Opposition	003065462	B222B	11/03/2020	
	Opposition	003065462	B222A - Communication to the opponent of a restriction of the opposed trade mark before the commencement of the adversarial part of the proceedings	11/03/2020	
	EUTM	017880950	L167 - Confirmation of a restriction of the list of goods or services in a European Union trade mark application	11/03/2020	
	Opposition	003065462	Letter to the EUIPO	10/03/2020	
	Opposition	003065462	B200B	08/01/2020	

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IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Publication number	Publication date	Article	Description
2018/121	29/06/2018	A.1	Applications published under Article 44 EUTMR
2020/090	14/05/2020	B.2	Registrations with amendments since the application was published

Showing 1 to 2 of 2 entries

Cancellation

No data

Recordals

Recordal number	Recordal date	Recordal type	Recordal description
015309555		Representative	Appointment / Replacement of representative
017132039		Proprietor	Change of name and address

Showing 1 to 2 of 2 entries

Oppositions

Opposition number	Opposition date	Opposition type	Opposition description	Opposition language	Opposition status	Opposition outcome		
003065462	01/10/2018	Likelihood of confusion	DinoPharm Gesellschaft für pharmazeutische und kosmetische Produkte mbH	SPÖEKER & JAEGER	English	T295384PTGnf	Withdrawn	Class 3 Pomades, creams, ointments, lotions, gels and other preparations, all the aforesaid for cosmetic purposes; Detergent preparations for personal use; Scented room fragrances; Deodorants for body care; Non-medicated cosmetics and toiletry preparations; Non-medicated dentifrices;

<https://euipo.europa.eu/eSearch/#details/trademarks/017880950>

Application number	Applicant	Class	Mark	Registered trademark	Registered trademark	Registered trademark	Registered trademark	Registered trademark	Registered trademark
									supplements for humans and animals; Plasters, materials for dressings; Disinfectants.

Showing 1 to 1 of 1 entries

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data

InternationalApplications

No data

Extract from the Estonian Trademark Act

§ 10. Relative circumstances which preclude legal protection

(1) Legal protection shall not be granted 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;

(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.

§ 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.

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

(2) If an application is withdrawn in the manner specified in subsection (1) of this section or deemed to be partially or fully withdrawn in the cases specified in subsections 37 (3) and 38 (2) of this Act, processing of the respective part is terminated and the applicant is notified thereof. If processing is terminated, the application documents are not returned and the state fee is not refunded.