



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:

1393518

III. Other information concerning the international registration which is the subject of the provisional refusal
verbal elements of the mark: **Sahara PREMIUM (fig.)**

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

Opposition filed 04.03.2021 by Preduzeće za proizvodnju, promet i usluge "MAXIMA" d.o.o. on the grounds that:

1. the International registration no. 1393518 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 trademark in question is (enclosed):

Sahara (fig.), registration no 1493895, belonging to Preduzeće za proizvodnju, promet i usluge "MAXIMA" d.o.o.

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 11/06/2021 (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: 11/03/2021 (dd/mm/yyyy).

IX. Signature of the Office:

Ekke-Kristian Erilaid
Senior Examiner

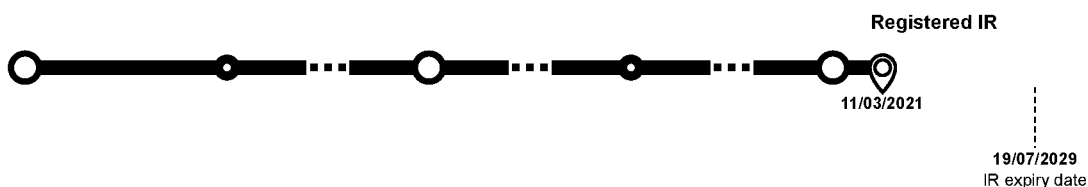
Number of continuation sheets: 5

EUTM file information


Sahara

1493895

Timeline



Trade mark information

Name	Sahara	Filing date	
Filing number	1493895	Registration date	19/07/2019
Basis	IR (Search on WIPO database)	Expiry date	19/07/2029
Date of receipt	24/10/2019	Designation date	19/07/2019
Type	Figurative	Filing language	French
Nature	Individual	Second language	English
Nice classes	2 (Nice Classification)	Application reference	
Vienna Classification	27.05.01 (Vienna Classification)	Trade mark status	IR accepted 
		Acquired distinctiveness	No

Graphic representation

Sahara

Goods and services

français (fr)



2 Peintures.

Description

No data

Owners

Preduzeće za proizvodnju, promet i usluge "MAXIMA" d.o.o.

ID	n/a	Country	RS - Serbia	Hidden. You can set your contact details to be publicly available via the User Area.
Organisation	n/a	State/county	n/a	
Legal status	n/a	Town	n/a	Hidden. You can set your contact details to be publicly available via the User Area.
		Post code	n/a	
		Address	Dragiše Mišovića 16 32240 Lučani	Hidden. You can set your contact details to be publicly available via the User Area.

Representatives

No data

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	IR	1493895	Processed	14/11/2019	
	IR	1493895	WIPO attachments	30/10/2019	
	IR	1493895	TRANGP	30/10/2019	
	IR	1493895	WIPO attachments	24/10/2019	
	IR	1493895	Birth	24/10/2019	

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IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

Country	Filing number	Date	Status
Serbia	Ž-1108/2019	19/07/2019	Claimed

Showing 1 to 1 of 1 entries

Publications

Bulletin number	Date	Section	Description
2019/204	25/10/2019	M.1	IR_M_1
2020/059	26/03/2020	M.3.1	IR_M_3_1

Showing 1 to 2 of 2 entries

Cancellation

No data

Recordals

No data

Oppositions

No data

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.