



WORLD INTELLECTUAL PROPERTY ORGANISATION
34, CHEMIN DES COLOMBETTES
PO BOX 18
1211 GENEVA 20
SWITZERLAND

Date of Notification: 05 March 2021
(By registered Mail)

Our Ref No: TMOPP3261

International Registration No: 1547225
Mark: PURE BEAUTY LADY GODIVA
Holder: HISPALCO, S.A. of Spain

**Notification of the Irish Patents Office of refusal of protection based on an
opposition**

Dear Sir/Madam,

This notification is issued pursuant to Article 5 of the Protocol relating to the Madrid Agreement concerning the International Registration of Marks and Rule 17(3) of the Common Regulations under the Agreement and Protocol and is to inform you that protection for this mark is refused for the reasons set out below. Any references to Sections are to Sections of the Trade Marks Act, 1996 and to Rules are to Rules of the Trade Marks Rules, 1996.

Opposition to the granting of protection to the mark has been filed under Section 43 and Rule 18. A copy of the Notice of Opposition is enclosed.

The following are the Opponent's details:

Name and Address: Godiva Belgium B.V./S.R.L., Veeartsenstraat 42 D, B-1070
Anderlecht, Belgium

**Address for
Service:**

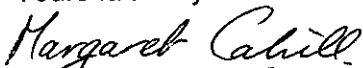
MAUREEN DALY
C/o Beauchamps Solicitors
Riverside Two
Sir John Rogerson's Quay, Dublin 2
Ireland
patentsoffice@beauchamps.ie

1. Where the Opponent has cited an earlier registration or pending application as grounds for the opposition, the details of the relevant marks are as outlined in the enclosed printouts. Please see attached printouts in respect of European Union Trade Mark Registration Numbers: 000184622, 010925303 and 1385117.
2. The refusal is in respect of all goods for which protection is sought.
3. The Holder may file a counter-statement, under Rule 19(1), in duplicate, not later than 04 June 2021.
4. If a counter-statement is not received within the time allowed, the Holder will be deemed to have withdrawn his request for protection of the mark. Under Rule 63(2) an extension of time for the purpose of filing a counter-statement is not allowed.
5. A counter-statement must be accompanied by an address for service within the European Economic Area as required by Rule 10 as amended by Statutory Instrument No. 410 of 2010; Trade Marks (Amendment) Rules 2010; failure to furnish such address will result in the Holder being deemed to have abandoned his request for protection.

Your attention is now drawn to the provisions of Section 43A of the Trade Marks Act 1996.**

All future correspondence relating to the Opposition should quote the Reference: TMOPP3261

Yours faithfully



Margaret Cahill
Trade Mark Opposition Section
Direct Line No: 00 353 56 7720185
tmopp@ipoi.gov.ie

**S.I. No. 561 of 2018 European Union (Trade Marks) Regulations 2018

TRADE MARKS ACT 1996

IN THE MATTER OF International Trade Mark Registration
No. 1547225 PURE BEAUTY LADY GODIVA in Class 31
in the name of Hispalco, S.A.
And Opposition thereto by Godiva Belgium B.V./S.R.L.

NOTICE OF OPPOSITION

We, Godiva Belgium B.V./S.R.L of Veeartsenstraat 42 D, B-1070 Anderlecht, Belgium (hereinafter referred to as '**the Opponent**') hereby gives notice of our intention to oppose the registration of the Trade Mark, PURE BEAUTY LADY GODIVA (hereinafter referred to as '**the said Mark**') advertised under the above number for Class 31 in Journal No. 2425 dated 25 November 2020 in the name of Hispalco, S.A. (hereinafter referred to as '**the Applicant**').

The Grounds of Opposition are as follows-

1. The Opponent are manufacturers and merchants of, inter alia, chocolate and confectionery products.
2. The Opponent is the proprietor of the Trade Mark, GODIVA and of the following European and International Registrations:-

EU Trade Mark Registration No. 000184622

Mark: GODIVA

Application Date: 01 April 1996

Registration Date: 25 September 1998

(part of) Class 30: "*chocolate products, confectionery*"

EU Trade Registration No. 010925303

Mark: GODIVA

Application Date: 30 May 2012

Registration Date: 30 October 2012

(part of) Class 35: "*retail services related to confectionery*"

International Trade Mark Registration No. 1385117

Mark: GODIVA

Application Date: 5 September 2017

Registration Date: 18 September 2017

(part of) Class 30: "*confectionery, chocolate*"

(hereinafter the '**Earlier Trade Marks**').

The opposition is based on part of the goods and services indicated above in respect of which the Earlier Trade Marks are registered and is directed against all the goods for which registration is sought.

3. The Opponent has for many years extensively used the Earlier Trade Marks in connection with the aforesaid goods and services and the Earlier Trade Marks denote and have long denoted both to the trade and the public goods and services sold and supplied by it and distinguishes and has long distinguished such goods and services from the like goods and services of other traders.

4. The said Mark offends against the provisions of the Trade Marks Act 1996 and in particular, Sections 10 and 37.
5. The said Mark is similar to the Earlier Trade Marks and the goods or services for which registration is sought are similar to those for which the Earlier Trade Marks are protected to the extent that there exists a likelihood of confusion on the part of the public, which includes the likelihood of association of the said Mark with the Earlier Trade Marks and registration of the said Mark would offend against Section 10(2)(b) of the Trade Marks Act 1996.
6. The said Mark is similar to the Earlier Trade Marks and registration should be refused to the extent that the Earlier Trade Marks have a reputation in the State or the European Union and the use of the said Marks without due cause would take unfair advantage of, or be detrimental to, the distinctive character or reputation of the Earlier Trade Marks. Accordingly, registration of the said Mark would offend against Section 10(3) of the Trade Marks Act 1996.
7. The use of the said Mark in the State is liable to be prevented by virtue of any rule of law (including in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade and registration of the said Mark would offend against Section 10(4)(a) of the Trade Marks Act 1996.
8. Registration of the said Mark is contrary to Council Directive No. 2015/2436/EC to approximate the laws of the Member States relating to Trade Marks.
9. The Opponent accordingly requests that the registration of the said Mark be refused at the exercise of the Controller's discretion and costs awarded to the Opponent.

Dated this 22nd day of February 2021

BEAUCHAMPS

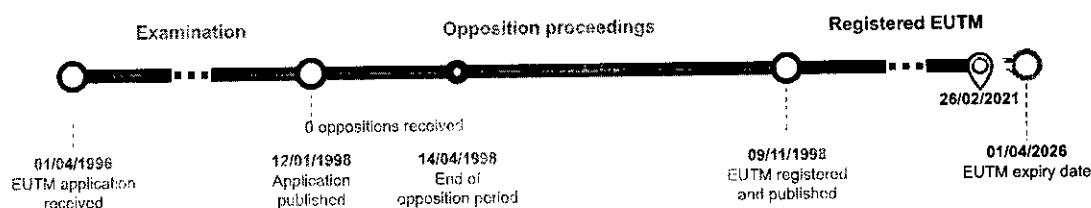
By: Maureen Daly
Maureen Daly
(Agents for the Opponent)

To: The Controller of Intellectual Property
Government Offices
Hebron Road
Kilkenny

EUTM file information

GODIVA
000184622

Timeline



Trade mark information

Name	GODIVA	Filing date	01/04/1996
Filing number	000184622	Registration date	25/09/1998
Basis	EUTM	Expiry date	01/04/2026
Date of receipt	01/04/1996	Designation date	
Type	Word	Filing language	Dutch
Nature	Individual	Second language	English
Nice classes	29, 30, 33 (Nice Classification)	Application reference	292340
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)

29 Preserved, dried and cooked fruits; jellies, jams, milk products.

30 Coffee, tea, cocoa, sugar; chocolate products, biscuits, cakes, pastry and confectionery, ice; honey, treacle, sauces (except salad dressings).

33 Alcoholic beverages (except beer).

Description

No data

Owners

GODIVA BELGIUM B.V./S.R.L.

Legal status	B.V./S.R.L. Legal entity	Town	Anderlecht	GODIVA BELGIUM B.V./S.R.L. Veeartsenstraat 42 D B-1070 Anderlecht BÉLGICA	available via the User Area.
		Post code	1070		Hidden. You can set your contact details to be publicly available via the User Area.
		Address	Veeartsenstra 42 D		Hidden. You can set your contact details to be publicly available via the User Area.

Representatives

Württembergischer Rechtsanwälte

ID	95623	Country	DE - Germany	Correspondence address	
Organisation	n/a	State/country	n/a	Württembergischer Rechtsanwälte Maximiliansplatz 12b D-80333 München ALEMANIA	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal person	Town	München		
Type	Association	Post code	80333		Hidden. You can set your contact details to be publicly available via the User Area.
		Address	Maximilianspl 12b		Hidden. You can set your contact details to be publicly available via the User Area.

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Recordal	018331226	T72RW - Change in the name and/or address of the applicant/proprietor - notification of entry in the Register	14/08/2020	
	Recordal	018331226	Application form and attachment	11/08/2020	
	Recordal	018331226	Letter to the EUIPO	11/08/2020	
	Recordal	017697668	H726A - Notification of entry of a change of representative in the Office - Register and database	10/04/2020	
	Recordal	017697668	H726A - Notification of entry of a change of representative in the Office - Register and database	10/04/2020	
	Recordal	017697668	Application form and attachment	09/04/2020	
	EUTM	000184622	LSU02 — Information to proprietors of earlier trade mark registrations or applications (Article 195(4) EUTMR)	24/01/2018	
	EUTM	000184622	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	09/01/2018	
	EUTM	000184622	LSU02 — Information to proprietors of earlier trade mark registrations or applications (Article 195(4) EUTMR)	11/10/2016	
	EUTM	000184622	LSU02 — Information to proprietors of earlier trade mark registrations or applications (Article 195(4) EUTMR)	11/10/2016	

Showing 1 to 10 of 83 entries

IR transformation

No data

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Country	Filing number	Registration number	Priority date	Filing date	Registration date	International code	Status
Benelux		516642			26/05/1992	EU	ACCEPTED
Showing 1 to 1 of 1 entries							

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
1998/004	12/01/1998	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
1998/085	09/11/1998	B.2	Registrations with amendments since the application was published
2006/024	12/06/2006	D.1	Renewals
2007/043	20/08/2007	C.2.2	Representative - Appointment / Replacement of representative
2007/043	20/08/2007	C.2.1	Representative - Change of name and professional address
2007/045	27/08/2007	C.2.1	Representative - Change of name and professional address
2007/047	03/09/2007	C.2.2	Representative - Appointment / Replacement of representative
2008/045	10/11/2008	C.2.2	Representative - Appointment / Replacement of representative
2008/045	10/11/2008	C.2.2	Representative - Appointment / Replacement of representative
2009/004	02/02/2009	C.1.3	Proprietor - Change of name and address
Showing 1 to 10 of 16 entries			

Cancellation

No data

Records

Bulletin number	Date	Section	Filing number	Title	Subtitle
2006/024	12/06/2006	D.1	001441701	Renewal	Total Renewal
2007/043	20/08/2007	C.2.2	000723067	Representative	Appointment / Replacement of representative
2007/043	20/08/2007	C.2.1	001706756	Representative	Change of name and professional address
2007/045	27/08/2007	C.2.1	002285206	Representative	Change of name and professional address
2007/047	03/09/2007	C.2.2	001001026	Representative	Appointment / Replacement of representative
2008/045	10/11/2008	C.2.2	003478669	Representative	Appointment / Replacement of representative
2008/045	10/11/2008	C.2.2	003478933	Representative	Appointment / Replacement of representative
2009/004	02/02/2009	C.1.3	003640722	Proprietor	Change of name and address
2009/005	09/02/2009	C.2.2	003657551	Representative	Appointment / Replacement of representative
2012/007	11/01/2012	C.2.2	006192671	Representative	Appointment / Replacement of representative

No data

Appeals

No data

Decisions

No data

Renewals

Title	Filing number	Status	Status date
Renewal	001441701	Trade mark renewed	12/06/2006
Renewal	010039603	Trade mark renewed	11/05/2016
Showing 1 to 2 of 2 entries			

Trade mark relations

No data

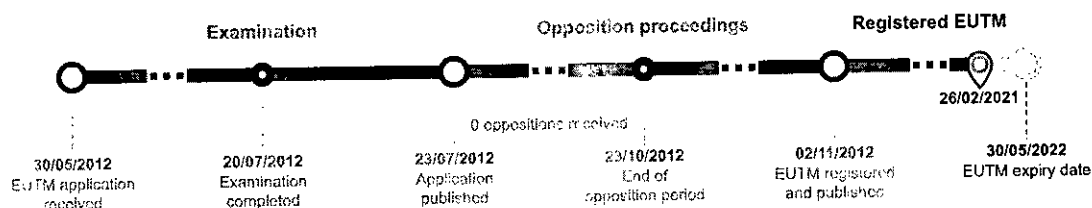
International Applications

No data

EUTM file information

GODIVA
010925303

Timeline



Trade mark information

Name	GODIVA	Filing date	30/05/2012
Filing number	010925303	Registration date	30/10/2012
Basis	EUTM	Expiry date	30/05/2022
Date of receipt	30/05/2012	Designation date	
Type	Word	Filing language	English
Nature	Individual	Second language	French
Nice classes	35, 43 (Nice Classification)	Application reference	LAB/CTM12-0742
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)

- 35** Retail services related to food, confectionery and beverage products; advertising and publicity services in relation to gifts; advertising, promotional and publicity services, all employing gifts.
- 43** Restaurant, bar, coffee shop, café, catering and snack bar services; services for providing food and drink.

Description

No data

Owners

GODIVA BELGIUM B.V./S.R.L.

Legal status	Legal entity	Post code	1070	B-1070 Anderlecht	Hidden. You can set your contact details to be publicly available via the User Area.
		Address	Veeartsenstrai 42 D	BÉLGICA	

Hidden. You can set your contact details to be publicly available via the User Area.

Representatives

Württembergischer Rechtsanwälte

ID	95623	Country	DE - Germany	Correspondence address	Hidden. You can set your contact details to be publicly available via the User Area.
Organisation	n/a	State/county	n/a	Württembergischer Rechtsanwälte Maximiliansplatz 12b D-80333 München	
Legal status	Legal person	Town	München	ALEMANIA	Hidden. You can set your contact details to be publicly available via the User Area.
Type	Association	Post code	80333		
		Address	Maximilianspl: 12b		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
Recordal	018112493	T72RW - Change in the name and/or address of the applicant/proprietor - notification of entry in the Register	09/07/2020		
Recordal	018112493	Application form and attachment	02/07/2020		
Recordal	017697668	H726A - Notification of entry of a change of representative in the Office - Register and database	10/04/2020		
Recordal	017697668	H726A - Notification of entry of a change of representative in the Office - Register and database	10/04/2020		
Recordal	017697668	Application form and attachment	09/04/2020		
Recordal	010860800	T725M - Registration of recordal C.2.2 / B.9.2	22/04/2016		
Recordal	010860800	Application form and attachment	22/04/2016		
EUTM	010925303	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	04/03/2014		
EUTM	010925303	LSU01 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	04/03/2014		
Recordal	008064456	T724M - Registration of recordal (change of name and/or professional address of a representative)	17/12/2013		
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IR transformation

No data

Seniority

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Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
2012/138	23/07/2012	A.1	Applications published under Article 44 EUTMR (Article 39 EUTMR before 01/10/2017)
2012/162	27/08/2012	C.2.1	Representative - Change of name and professional address
2012/209	02/11/2012	B.2	Registrations with amendments since the application was published
2013/240	18/12/2013	C.2.1	Representative - Change of name and professional address
2013/240	18/12/2013	C.2.1	Representative - Change of name and professional address
2016/077	26/04/2016	C.2.2	Representative - Appointment / Replacement of representative
2020/071	15/04/2020	C.2.2	Representative - Appointment / Replacement of representative
2020/129	10/07/2020	C.1.3	Proprietor - Change of name and address
Showing 1 to 8 of 8 entries			

Cancellation

No data

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2012/162	27/08/2012	C.2.1	006734233	Representative	Change of name and professional address
2013/240	18/12/2013	C.2.1	008064456	Representative	Change of name and professional address
2013/240	18/12/2013	C.2.1	008063276	Representative	Change of name and professional address
2016/077	26/04/2016	C.2.2	010860800	Representative	Appointment / Replacement of representative
2020/071	15/04/2020	C.2.2	017697668	Representative	Appointment / Replacement of representative
2020/129	10/07/2020	C.1.3	018112493	Proprietor	Change of name and address
Showing 1 to 6 of 6 entries					

Oppositions

No data

Appeals

No data

Decisions

No data

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No data

Trade mark relations

No data

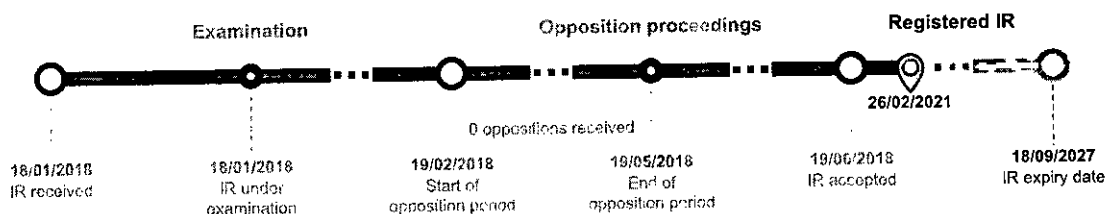
International Applications

No data

EUTM file information

GODIVA
1385117

Timeline



Trade mark information

Name	GODIVA	Filing date	
Filing number	1385117	Registration date	18/09/2017
Basis	IR (Search on WIPO database)	Expiry date	18/09/2027
Date of receipt	18/01/2018	Designation date	18/09/2017
Type	Figurative	Filing language	English
Nature	Individual	Second language	German
Nice classes	30 (Nice Classification)	Application reference	
Vienna Classification	27.05.01 (Vienna Classification)	Trade mark status	IR accepted
		Acquired distinctiveness	No

Graphic representation

GODIVA

Goods and services

English (en) ▼

30 Coffee, tea, cocoa and artificial coffee, confectionery, chocolate, biscuits, crackers, wafers, cakes.

Description

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Owners

GODIVA BELGIUM B.V./S.R.L.

ID	n/a	Country	BE - Belgium	Hidden. You can set your contact details to be publicly available via the User Area.
Organisation	n/a	State/county	n/a	
Legal status	Private Limited Company	Town	n/a	Hidden. You can set your contact details to be publicly available via the User Area.
		Post code	n/a	
		Address	Veeartsenstra 42D B-1070 Anderlecht	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	1385117	Processed	05/07/2018	
	IR	1385117	WIPO attachments	20/06/2018	
	IR	1385117	TRANGP	20/06/2018	
	IR	1385117	Processed	08/02/2018	
	IR	1385117	WIPO attachments	22/01/2018	
	IR	1385117	TRANGP	22/01/2018	
	IR	1385117	WIPO attachments	18/01/2018	
	IR	1385117	Birth	18/01/2018	
Showing 1 to 8 of 8 entries					

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

Bulletin number	Date	Section	Description
2018/013	19/01/2018	M.1	IR_M_1
2018/115	20/06/2018	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

International Applications

No data