


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

PROVISIONAL REFUSAL OF PROTECTION

Notified to the World Intellectual Property Organisation (WIPO)
according to Article 5 of the Madrid Agreement and Madrid Protocol

I.	Office making the notification: PATENT OFFICE OF THE REPUBLIC OF LATVIA Citadeles iela 7/70 LV 1010, Riga LATVIA Phone: +371 67099605 Fax: +371 67099650 e-mail: dzintra.medne@lrpv.gov.lv
II.	Number of the international registration: 1579492
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): F&I Beverages AG Baarerstrasse 52 CH-6300 Zug CH
IV.	The grounds of refusal: Provisional refusal based on an opposition: Opposition submitted by Bacardi & Company Limited, Aeulestrasse 5 FL-9490 Vaduz (LI) holder of EUTM 017563801 /fig./ and WO 890134 /fig./ Information about earlier rights (if any) is enclosed.
V.	Reference to the corresponding essential provisions of the Trade Mark Law (PZL) and/or any other applicable laws or regulations: Section PZL 7.(1)2; PZL 8.(1); PZL 8.(2); PZL 9.; PZL 6.(3)
VI.	Provisional refusal for all the goods and/or services
VII.	Possibilities to review or appeal The holder is entitled, within three months from the date on which the International Bureau has notified of the Provisional Refusal, to submit a substantiated appeal to the Patent Office through a professional local patent attorney (Trade Mark Law, Section 81; Law on Industrial Property Institutions and Procedures, Section 58). After expiration of the said period the Board of Appeal shall take a decision to satisfy the opposition, fully or in part, or to dismiss it. The Case can be reviewed, within three months from the date of notification of the Board of Appeal's decision, by a civil action initiated before the Riga City Vidzeme Suburb Court.
VIII.	Date of the notification of provisional refusal: 29.06.2021
IX.	Signature or official seal of the Office making the notification:  Dzintra Medne

X. Corresponding essential provisions of the applicable law:

Section 6. Absolute Grounds for Refusal and Invalidation of Trade Mark Registration

(1) The following sign shall not be registered as a trade mark or, if registered, shall be liable to be declared invalid, if:

- 1) it does not comply with the provisions of the Section 4, Paragraph one, Clause 2 of this Law;
- 2) it is devoid of any distinctive character with respect to the goods or services applied for;
- 3) it consists solely of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose (functional task), value, geographical origin, or the time of production of the goods or of providing the services, or other characteristics of the goods or services;
- 4) it consists exclusively of signs or indications (general signs) which have become customary in the current language or in fair and established practices of the trade to designate the goods or services applied for;
- 5) it consists exclusively of the shape or another characteristic:
 - a) which results from the nature of the goods themselves;
 - b) is necessary to obtain a technical result;
 - c) gives substantial value to the goods;
- 6) it is contrary to public policy or to accepted principles of morality;
- 7) it is of such a nature as to deceive the public, including, as to the nature, quality or geographical origin of the goods or service;
- 8) it contains a sign, which would be refused or invalidated pursuant to Article 6-ter of the Paris Convention, including coats of arms and flags of the member countries of the Paris Union, their official hallmarks (assay marks), control and warranty marks, as well as the emblems, flags, and names of international organisations and the abbreviations thereof, without authorization;
- 9) it contains symbols, which are of public interest, national decorations, Official Service insignia, as well as signs for official hallmarks (assay marks), control, quality, warranty, and safety of using goods which are used with respect to identical or similar goods or services in Latvia or the European Union, without authorization;
- 10) it contains other sign of high symbolic value, including, religious symbol, if it has a meaning to the public in Latvia;
- 11) it is excluded from registration pursuant to European Union legislation, to the national law of Latvia, or to international agreements to which the European Union or Latvia is a party, providing for the protection of designations of origin and geographical indications;
- 12) it is excluded from registration pursuant to European Union legislation or to international agreements to which the European Union or Latvia is party, providing for the protection of traditional terms for wine;
- 13) it is excluded from registration pursuant to European Union legislation or international agreements to which the European Union or Latvia is party, providing for the protection of traditional specialities guaranteed;
- 14) it consists of, or reproduces in its essential elements, an earlier plant variety denomination registered in accordance with European Union legislation or the national law of Latvia, or international agreements to which the European Union or Latvia is party, providing protection for plant variety rights, and which are in respect of plant varieties of the same or closely related species.

(2) A trade mark shall not be registered or, if registered, may be liable to be declared invalid if the applicant (proprietor of the trade mark) does not comply with the provisions of the Section 13, Paragraph one of this Law.

(3) A trade mark shall not be registered or, if registered, may be liable to be declared invalid if the application for registration of the trade mark was made in bad faith by the applicant.

(4) A trade mark registration may not be refused on the basis of the provisions of the Paragraph one, Clauses 2, 3 or 4 of this Section, following the use which has been made of it, it has acquired a distinctive character in the perception of the relevant consumers in Latvia to the goods and services for which registration has been applied prior to the date of application for registration of the trade mark.

(5) A trade mark shall not be declared invalid on the basis of the provisions of the Paragraph one, Clauses 2, 3 or 4 of this Section, if it has acquired a distinctive character prior to the date of submitting the respective application to the Industrial Property Board of Appeal or a statement of claim to the court.

Section 7. Earlier Trade Mark as a Relative Ground for Invalidation of Trade Mark Registration

(1) A trade mark registration may be declared invalid if:

- 1) it is identical with an earlier trade mark, and the goods or services for which the trade mark is registered are identical to the goods or services for which the earlier trade mark is registered;
- 2) due to its identity with, or similarity to, the earlier trade mark belonging to another person and the identity or similarity of the respective goods or services, there exists a likelihood of confusion of the trade marks or a likelihood of association between the trade marks on behalf of the relevant consumers.

(2) Earlier trade marks within the meaning of the Paragraph one of this Section is:

- 1) trade mark registered in Latvia under national or international registration procedures, or as European Union trade marks if the date of application for registration thereof is earlier than the date of application for registration of the contested trade mark, also taking into account the priority accorded to those trade marks;

2) The European Union trade mark with a later filing date, but with a seniority date which is earlier than the date of application for registration of the contested mark, if the seniority of a trade mark registered in Latvia or registered internationally and extended to Latvia is validly claimed, even when the latter trade mark has been surrendered or allowed to lapse;

3) applications for the registration of trade marks referred to in the Paragraph 1 and 2 of this Section, provided that they are registered.

Section 8. Well-known Trade Mark as an Absolute and a Relative Ground for Refusal or Invalidation of Trade Mark Registration

(1) A trade mark registration may be refused or, if registered, the registration may be invalidated, if the trade mark constitutes a reproduction, an imitation, a translation or a transliteration, liable to create confusion, of another trade mark, which, even though unregistered, was well-known in Latvia with respect to identical or similar goods or services, on the date of filing of application of the applied for (contested) registration of trade mark or the date of priority if the priority has been validly claimed.

(2) The registration of a trade mark may be refused or invalidated even if the goods or services regarding which trade mark registration has been applied for are not similar to the goods or services covered by a well-known trade mark in Latvia, provided that the use of the trade mark applied for (contested) in relation to such goods or services may be perceived by consumers as an indication of a connection between such goods and services, and the owner of the well-known trade mark, and that such use may be detrimental to the interests of the owner of the well-known trade mark.

(3) In determining whether a trade mark is well-known, the knowledge of this trade mark in the relevant sector of consumers in Latvia shall be taken into account, including such knowledge that has been obtained as a result of the advertising of this mark or any other promotional activity.

(4) In determining in which cases the provisions of the Paragraphs one and two of this Section are applicable to a sign regarding which registration has been applied for or to a registered trade mark, the provisions of Article 6-bis of the Paris Convention regarding a well-known trade mark shall be taken into account, including the provision which provides for the prohibition of the reproduction or the imitation of a well-known trade mark in an essential part of another trade mark; these provisions shall also apply, mutatis mutandis, to service marks.

(5) The provisions of the Paragraphs one and two of this Section regarding refusal of registration during the expert-examination procedure shall not apply if the application for trade mark registration has been filed with the consent of the owner of the well-known trade mark.

Section 9. Trade Mark which has a Reputation as a Relative Ground for Refusal or Invalidation of Trade Mark Registration

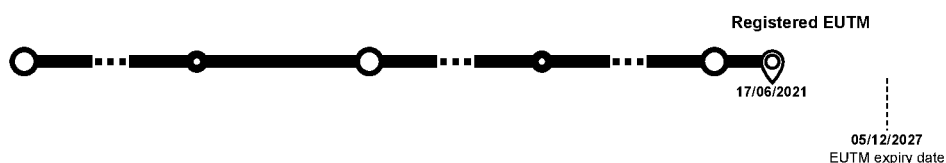
A trade mark registration may be invalidated, if the trade mark is identical with or similar to an earlier trade mark within the meaning of the Paragraph two of the Section 7 of this Law irrespective of whether the goods or services for which it is registered are identical with, similar to or not similar to those for which the earlier trade mark is registered, where the earlier trade mark prior to the date of filing of the contested trade mark or the date of priority, if priority has been validly claimed, has a reputation in Latvia or, in the case of the European Union trade mark, has a reputation in the European Union and the use of the later trade mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark.

EUTM file information

(Trade mark without text)

017563801

Timeline



Trade mark information

Name	(Trade mark without text)	Filing date	05/12/2017
Filing number	017563801	Registration date	23/03/2018
Basis	EUTM	Expiry date	05/12/2027
Date of receipt	05/12/2017	Designation date	
Type	Figurative	Filing language	English
Nature	Individual	Second language	French
Nice classes	33 (Nice Classification)	Application reference	TM13193EU00
Vienna Classification	03.07.06, 03.07.16, 03.07.24, 03.07.26, 19.07.01, 24.07.01, 24.07.23 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Graphic representation



Goods and services

English (en) ☒

33 Alcoholic beverages (except beers).

Description

No data

Owners

Bacardi & Company Limited

ID	79581	Country	LI - Liechtenstein	Correspondence address	
Organisation	Bacardi & Company Limited	State/county	n/a	Bacardi & Company Limited 267 Route de Meyrin	Hidden. You can set your contact details to be publicly available via the User Area.
		Town	Vaduz		

Legal status	Legal entity	Post code	FL-9490	CH-1217 Meyrin SUIZA	Hidden. You can set your contact details to be publicly available via the User Area.
		Address	Aeulestrasse 5		
					Hidden. You can set your contact details to be publicly available via the User Area.

Representatives

BRANDSTOCK LEGAL RECHTSANWALTSGESELLSCHAFT MBH

ID	11068	Country	DE - Germany	Correspondence address	Hidden. You can set your contact details to be publicly available via the User Area.
Organisation	n/a	State/country	n/a	BRANDSTOCK LEGAL RECHTSANWALTSGESELLSCHAFT MBH	
Legal status	Legal person	Town	München	Rückertstr. 1	Hidden. You can set your contact details to be publicly available via the User Area.
Type	Association	Post code	80336	D-80336 München ALEMANIA	
		Address	Rückertstr. 1		Hidden. You can set your contact details to be publicly available via the User Area.

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Inspection request	002584139	D113 - Certified copy	13/08/2018	
	Inspection request	002584139	D108m - Request for inspection - issue of copies, extracts or communication of information	13/08/2018	
	Inspection request	002584139	Application form and attachment	13/08/2018	
	EUTM	017563801	L304 - Cover letter for registration certificate	28/03/2018	
	EUTM	017563801	Certificate	27/03/2018	
	EUTM	017563801	L101F - Receipt of an application for a European Union trade mark (EUTM) and notification that a provisional filing date has been accorded	05/12/2017	
	EUTM	017563801	Application form and attachment	05/12/2017	
	EUTM	017563801	Figurative	05/12/2017	

Showing 1 to 8 of 8 entries

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

No data

Publications

Bulletin number	Date	Section	Description
2017/238	15/12/2017	A.1	Applications published under Article 44 EUTMR
2018/060	27/03/2018	B.1	Registrations with no amendments since the application was published

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

890134- GREY GOOSE

Full details / English

Current Status

180 Expected expiration date of the registration/renewal

22.05.2026

151 Date of the registration

22.05.2006

270 Language of the application

English

732 Name and address of the holder of the registration

Bacardi & Company Limited

Aeulestrasse 5

FL-9490 Vaduz (LI)

812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment

LI

750 Address for correspondence

Bacardi & Company Limited

Route de Meyrin 267

CH-1217 Meyrin (CH)

740 Name and address of the representative

Brandstock Legal GmbH

Rueckertstr. 1

80336 Munich (DE)

540 Mark



531 International Classification of the Figurative Elements of Marks (Vienna Classification) - VCL(5)

03.07.06 ; 03.07.16 ; 19.07.01 ; 19.07.09 ; 29.01.15

WIPO WORLD INTELLECTUAL PROPERTY ORGANIZATION	Madrid Monitor	International Trademark
890134- GREY GOOSE		Printed: 2021-06-18 11:09

- 591 Information concerning colors claimed
Red, blue, black and white.
- 511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(8)
33 Vodka of French origin.
- 822 Basic registration
LI, 19.01.2006, 13847
- 300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin
LI, 19.01.2006, 13847
- 832 Designation(s) under the Madrid Protocol
AG - AU - BH - EM - GE - JP - KR - NO - SG - TM - TR - ZM
- 834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies
AL - AM - AZ - BA - BG - BY - CU - DZ - HR - KE - KZ - LR - LS - MA - MC - ME - MK - MN - MZ - RO - RS - SD - SL - SM - UA - VN
- 527 Indications regarding use requirements
SG

Transaction History

expand none