



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:

1579492

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

Figurative mark / verbal elements of the mark: FIRE & ICE

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

Opposition made 02/08/2021 by Bacardi & Company Limited, date of the acceptance of the opposition for processing 13/08/2021, on the grounds that the company has earlier trademark registrations (copies of the registrations enclosed).

The name and the address of the opponent are:

Bacardi & Company Limited

Aeulestreasse 5, FL-9490 Vaduz

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

VI. The ground referred to in item IV affects all the 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 15/11/2021. (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: 13/08/2021 (dd/mm/yyyy).

IX. Signature of the Office:

Signe Holm
Senior Examiner

Number of continuation sheets: 9

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.

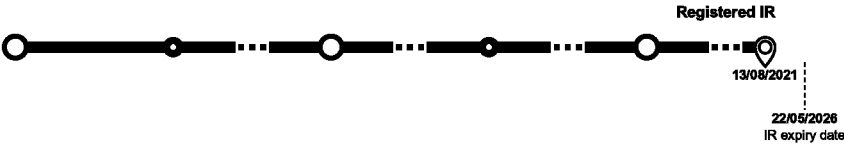
§ 70. Processing of international registration

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

GREY GOOSE
0890134

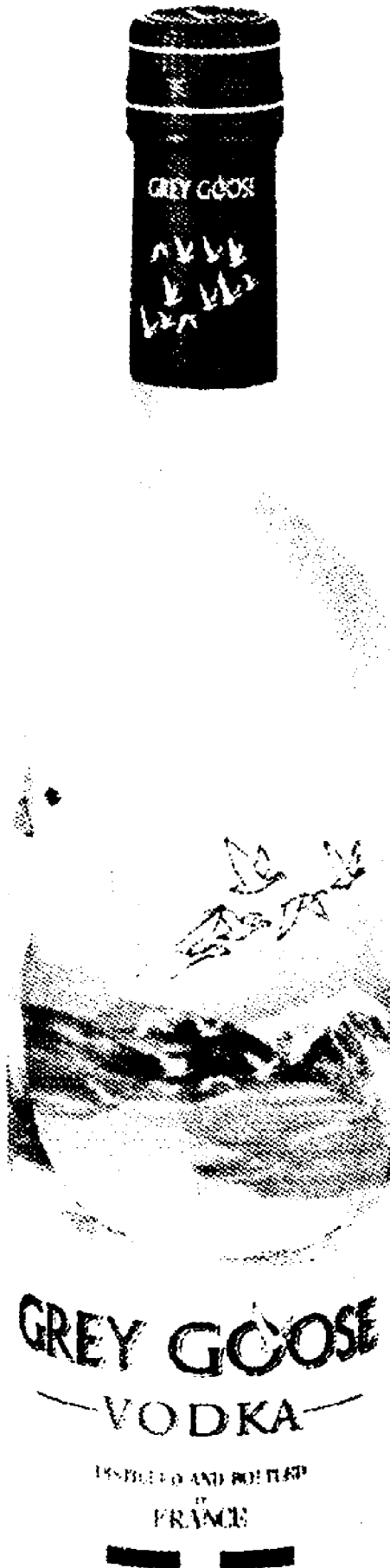
Timeline



Trade mark information

Name	GREY GOOSE	Filing date	
Filing number	0890134	Registration date	22/05/2006
Basis	IR (Search on WIPO database)	Expiry date	22/05/2026
Date of receipt	17/08/2006	Designation date	22/05/2006
Type	Figurative	Filing language	English
Nature	Individual	Second language	German
Nice classes	33 (Nice Classification)	Application reference	
Vienna Classification	03.07.06, 19.07.01 (Vienna Classification)	Trade mark status	IR accepted 
		Acquired distinctiveness	No

Graphic representation



Goods and services

English (en)	▼
33	Vodka of French origin.

Description

No data

Owners

Bacardi & Company Limited

ID	n/a	Country	LI - Liechtenstein	📞 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	
		Post code	n/a	📠 Hidden. You can set your contact details to be publicly available via the User Area.
		Address	Aeulestrasse 5 FL-9490 Vaduz	✉️ 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	0890134	New name	01/12/2016	
	IR	0890134	Prolong	09/06/2016	
	IR	0890134	MSU02 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	27/01/2014	
	IR	0890134	MSU02 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	07/01/2014	
	IR	0890134	MSU02 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	22/07/2013	
	IR	0890134	MSU02 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	08/04/2013	
	IR	0890134	MSU02 — Information to proprietors of earlier trade mark registrations or applications (Article 43(7) EUTMR)	27/06/2012	
	IR	0890134	Processed	05/07/2007	
	IR	0890134	WIPO attachments	21/06/2007	
	IR	0890134	TRANGP	21/06/2007	

Showing 1 to 10 of 15 entries

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

Country	Filing number	Date	Status
Liechtenstein	13847	19/01/2006	Claimed
Showing 1 to 1 of 1 entries			

Publications

Bulletin number	Date	Section	Description
2006/034	21/08/2006	M.1	IR_M_1
2007/030	02/07/2007	M.3.1	IR_M_3_1
Showing 1 to 2 of 2 entries			

Cancellation

No data

Recordsals

No data

Oppositions

No data

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data

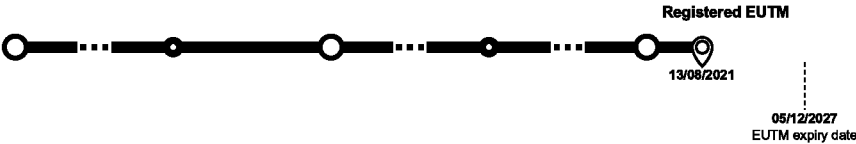
InternationalApplications

No data


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	📞 Hidden. You can set your contact details to be publicly available via the User Area.
Organisation	Bacardi & Company Limited	State/county	n/a	Bacardi & Company Limited	
Legal status	Legal entity	Town	Vaduz	267 Route de Meyrin	
		Post code	FL-9490	CH-1217 Meyrin	📠 Hidden. You can set your contact details to be publicly available via the User Area.
		Address	Aeulestrasse 5	SUIZA	✉ 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	
Organisation	n/a	State/county	n/a	BRANDSTOCK LEGAL RECHTSANWALTSGESELLSCHAFT MBH	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal person	Town	München	Rückertstr. 1	
Type	Association	Post code	80336	D-80336 München	Hidden. You can set your contact details to be publicly available via the User Area.
		Address	Rückertstr. 1	ALEMANIA	
					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

Records

No data

Oppositions

No data

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data

InternationalApplications

No data