



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

EX OFFICIO PROVISIONAL TOTAL REFUSAL

notified to the International Bureau of the World Intellectual Property Organization (WIPO) according to
Art. 5 of the Madrid Protocol

I. Office refusing protection:

Finnish Patent and Registration Office
Trademarks
FI-00091 PRH
Telephone: +358-29-509 5000
Telefax: +358-29-509 5328

II. Number of the international registration which is the subject of the refusal: 1561853

III. Other information concerning the international registration which is subject of the refusal: MEDSPA
(word).

IV. The grounds for this refusal are the following:

The mark is not distinctive as it indicates the kind, the quality and the intended use of the goods and services in question, namely that the goods and services in question are provided by or are related to medical spas. Medspa is commonly used abbreviation for medical spa. Medical spa is a combination of a traditional day spa and a medical clinic. The mark is therefore not likely to distinguish the goods and services of the holder from those of others.

The trademark is in respect of part of the services in class 35 and all the services in class 44 liable to be confused with the following international registration, if it is accepted to be valid in European Union (EU): IDEAL IMAGE MEDSPA; registered under number 1523694 for identical and similar kinds of services in classes 35 and 44 (information on international registration designating the EU enclosed).

The trademark is in respect of part of the services in class 35 and all the services in class 44 liable to be confused with the following international registration, if it is accepted to be valid in European Union (EU): Ideal Image MedSpa; (figurative) registered under number 1524092 for identical and similar kinds of services in classes 35 and 44 (information on international registration designating the EU enclosed).

The trademark is in respect of all the goods in classes 3 and 5 liable to be confused with the following national trademark: MEDSPA LABORATOIRES (figurative); registered under number 267505 for identical and similar kinds of goods in classes 3 and 5 (extract from the trademark register enclosed).

The trademark is in respect of all the services in class 44 liable to be confused with the following Finnish auxiliary trade name: MEDSPA CENTER; registered 12.08.2015 (dd.mm.yyyy) for the company Saneeraus P. Randström in the Trade register under number 1387829-3. The field of activities covers identical and similar kinds of services (extract from the trade name register enclosed). The name and the address of the company (holder, address, country): Saneeraus P. Randström, Keskiuoksu 3 A, 02920 Espoo, Finland

The trademark is in respect of part the services in class 41 and all the services in class 44 liable to be confused with the following Finnish auxiliary trade name: Kauneuskeskus MedSpa; registered 02.04.2014 (dd.mm.yyyy) for the company Riitan Olkkari in the Trade register under number 2442222-4. The field of activities covers identical and similar kinds of services (extract from the trade name register enclosed). The name and the address of the company (holder, address, country): Riitan Olkkari, Abrahaminkatu 6, 00180 Helsinki, Finland

V. Provisions of the Finnish Trademarks Act applicable on the subject (enclosed):

Section 12

Section 13

VI. Total refusal.

VII. The holder of the registration may request a review of the refusal. The request shall be received by the Finnish Patent and Registration Office no later than within 2 months from the date of the refusal. **The time limit expires 01.11.2021 (dd.mm.yyyy).**

Please use the following reference number when submitting the request: W202000972

The request can be submitted through our electronic service at <https://epalvelut.prh.fi/tmposti>.

The request is to be drawn up in Finnish or Swedish. If the holder of the international registration is not a resident of the European Economic Area, the request has to be filed through the intermediary of a representative resident in the European Economic Area (Section 28, subsection 6).

The identification details of the holder and representative have to be provided in the request (Section 16). If the holder or representative is a foreign company, provide the register number. If the holder or representative is a private person, indicate the date of birth or Finnish personal identity code.

If the holder of the registration has not within the time limit given above requested for the review, the registration shall not take effect in Finland for the goods/services which are affected by the refusal (Section 92, subsection 4).

If the holder of the international registration has failed to submit a response to the refusal by the time limit, the holder may ask for a continued processing of the registration. The request for continued processing has to be filed within two months from the time limit. Within those 2 months the holder must also pay a fee of 100 € and submit arguments for overcoming the obstacles reported in the refusal (Section 22).

If the grounds for this refusal include EU trademarks, EU trademark applications or international registrations designating Finland or the European Union, they can remain as grounds for refusal also in cases where they are transformed into national applications or, specifically in the case of designations concerning the European Union, the designations are transformed either into designations concerning Finland or into EU trademark applications, and the said applications or designations are ultimately accepted.

Please note that if the designation is accepted subsequent to reviewal or appeal an opposition may be filed against the mark within 2 months of the publication of the mark (Section 32). **Oppositions may be filed after the end of the 18-month period** (Art. 5(2)(c)(i) of the Madrid Protocol, Rule 16(1) of the Common Regulations).

VIII. Date on which the refusal was pronounced: 01.09.2021 (dd.mm.yyyy)

IX. Signature of the Office: 01.09.2021 Finnish Patent and Registration Office

Kari Juusela
Senior Legal Officer
+358295095527

This document has been electronically signed.

EUTM file information

IDEAL IMAGE MEDSPA

1523694

Trade mark information

Name	IDEAL IMAGE MEDSPA	Filing date	
Filing number	1523694	Registration date	13/02/2020
Basis	IR (Search on WIPO database)	Expiry date	13/02/2030
Date of receipt	02/04/2020	Designation date	13/02/2020
Type	Word	Filing language	English
Nature	Individual	Second language	French
Nice classes	35, 44 (Nice Classification)	Application reference	A0094226 88577377 0000000
Vienna Classification		Trade mark status	Opposition pending
		Acquired distinctiveness	No

Goods and services

English (en)

35 Retail store services in relation to skincare products, medspa cosmetic treatments and related goods.

44 Health spa services, namely, cosmetic body care services, and massage, facial and body treatment services; health spa services for the health and wellness of the body and spirit; cosmetic procedures, namely, laser treatments for acne, skin, tattoos, scars, hair removal and veins; cosmetic procedures, namely, minimally invasive cosmetic and body fitness therapies; medical services, namely, performing lipoplasty techniques and procedures on patients for purposes of body sculpting and shaping; injectable filler treatments; wrinkle reduction services, namely, wrinkle reduction injections and laser wrinkle reduction services; laser skin rejuvenation and resurfacing; providing weight loss program services; healthcare services, namely, wellness programs and consulting in the field of wellness to bring about personal happiness; skin treatments, namely, the injection of neuromuscular blocking agents to reduce the appearance of facial lines and wrinkles; body treatment services, namely, procedures and services in the nature of tissue contouring, tissue cooling, fat cell destruction, and cellulite improvement; body treatment services, namely, the injection of fat absorption and destruction agents to reduce localized fat deposits; non-invasive cosmetic ultrasound procedures, namely, treatment of damaged tissue and for healing of such tissue, and for skin tightening, skin firming, and skin lifting; medical spa services, namely, minimally and non-invasive cosmetic and body fitness therapies.

Description

No data

Owners

I.I. IP, LLC

ID	n/a	Country	US - United States	
Organisation	n/a	State/county	n/a	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	LTD LIABILITY COMPANY	Town	n/a	
		Post code	n/a	Hidden. You can set your contact details to be publicly available via the User Area.
		Address	Suite 1200, 1 N. Dale Mabry Hwy Tampa FL 33609	Hidden. You can set your contact details to be publicly available via the User Area.

Representatives

BOULT WADE, S.L.

ID	89833	Country	ES - Spain	Correspondence address	
Organisation	n/a	State/county	n/a	Boult Wade, S.L.	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	Legal person	Town	Pozuelo de Alarcón (MADRID)	Avda. de Europa, 26	
Type	Association	Post code	28224	Edif. ÁTICA 5, Planta 2	Hidden. You can set your contact details to be publicly available via the User Area.
		Address	Avda. de Europa, 26 Edif. ÁTICA 5, Planta 2	E-28224 POZUELO DE ALARCÓN (MADRID) ESPAÑA	Hidden. You can set your contact details to be publicly available via the User Area.

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

Country	Filing number	Date	Status
United States	88577377	13/08/2019	To determine

Showing 1 to 1 of 1 entries

Cancellation

No data

Recordals

No data

Oppositions**Appeals**

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data

International Applications

No data

EUTM file information

Ideal Image MedSpa
1524092

Trade mark information

Name	Ideal Image MedSpa	Filing date	
Filing number	1524092	Registration date	13/02/2020
Basis	IR (Search on WIPO database)	Expiry date	13/02/2030
Date of receipt	09/04/2020	Designation date	13/02/2020
Type	Figurative	Filing language	English
Nature	Individual	Second language	French
Nice classes	35, 44 (Nice Classification)	Application reference	T215524EM00
Vienna Classification	27.05.01 (Vienna Classification)	Trade mark status	Opposition pending
		Acquired distinctiveness	No

Graphic representation

Ideal Image
MedSpa

Goods and services

English (en)

35 Retail store services in relation to skincare products, medspa cosmetic treatments and related goods, namely, soaps, perfumery, essential oils, cosmetics, hair lotions, suntan lotions and sunblock lotions.

44 Health spa services, namely, cosmetic body care services, and massage, facial and body treatment services; health spa services for the health and wellness of the body and spirit; cosmetic procedures, namely, laser treatments for acne, skin, tattoos, scars, hair removal and veins; cosmetic procedures, namely, minimally invasive cosmetic and body fitness therapies; medical services, namely, performing lipoplasty techniques and procedures on patients for purposes of body sculpting and shaping; injectable filler treatments; wrinkle reduction services, namely, wrinkle reduction injections and laser wrinkle reduction services; laser skin rejuvenation and resurfacing; providing weight loss program services; healthcare services, namely, wellness programs and consulting in the field of wellness to bring about personal happiness; skin treatments, namely, the injection of neuromuscular blocking agents to reduce the appearance of facial lines and wrinkles; body treatment services, namely, procedures and services in the nature of tissue contouring, tissue cooling, fat cell destruction, and cellulite improvement; body treatment services, namely, the injection of fat absorption and destruction agents to reduce localized fat deposits; non-invasive cosmetic ultrasound procedures, namely, treatment of damaged tissue and for healing of such tissue, and for skin tightening, skin firming, and skin lifting; medical spa services, namely, minimally and non-invasive cosmetic and body fitness therapies.

Description

English (en)

Description The mark consists of the words "IDEAL IMAGE" in stylized lettering above the word "MEDSPA" in stylized lettering.
Colour

Owners

J.I. IP, LLC

Organisation

Legal status

n/a

n/a

**LTD LIABILITY
COMPANY**

Country

State/country

Town

Post code

Address

**US - United
States**

n/a

n/a

n/a

**1 N. Dale Mabry
Hwy, Suite 1200
Tampa FL 33609**

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.

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

Representatives**BOULT WADE, S.L.**

ID

89833

Organisation

n/a

Legal status

Legal person

Type

Association

Country

State/country

Town

Post code

Address

ES - Spain

n/a

**Pozuelo de
Alarcón
(MADRID)****28224****Avda. de Europa,
26 Edif. ÁTICA 5,
Planta 2****Correspondence address****Boult Wade, S.L.
Avda. de Europa, 26
Edif. ÁTICA 5, Planta 2
E-28224 POZUELO DE ALARCÓN
(MADRID)
ESPAÑA**

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.

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

IR transformation

No data

Seniority

No data

Exhibition priority

No data

Priority

Country

Filing number

Date

Status

United States

88577383

13/08/2019

To determine

Showing 1 to 1 of 1 entries

Cancellation

No data

Recordals

No data

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations

No data

International Applications

No data

OTE TAVARAMERKKIREKISTERISTÄ

UTDRAG UR VARUMÄRKESREGISTRET

EXTRACT OF THE REGISTER OF TRADEMARKS

Rekisterinumero		Rekisteröintipäivä	
Registernummer		Registreringsdatum	
Registration number (111)	267505	Date of registration (151)	30.09.2016

Rekisteröinti päättyy	
Registreringen upphör	
Registration expires (180)	30.09.2026

Hakemusnumero		Hakemispäivä	
Ansökningsnummer		Ingivandedatum	
Application number (210)	T201651436	Filing date (220)	06.06.2016

Haltija - Innehavare - Holder (732)

MedSPA Laboratoires, Pariisi, FR

Tavaramerkki - Varumärke - Trademark (540)

MEDSPA
L A B O R A T O I R E S

Tavarat/palvelut - Varor/tjänster - Goods/services (511)

Luokka/Klass/Class 1

Kemialliset valmisteet tieteellisiin tarkoituksiin [muuhun kuin lääkinälliseen tai eläinlääkinälliseen käyttöön]; Mikro-organismit (Valmisteet), muuhun kuin lääkinälliseen ja eläinlääkinälliseen käyttöön; Biologiset valmisteet [muihin kuin lääkinällisiin tai eläinlääkinällisiin tarkoituksiin]; Mikro-organismit (Viljelmät), muuhun kuin lääkinälliseen ja eläinlääkinälliseen käyttöön; Biologiset kudosviljelmät muihin kuin lääkinällisiin tai eläinlääkinällisiin tarkoituksiin; Biokemialliset katalyytit; Antioksidantit kosmeettisten tuotteiden valmistukseen; Vitamiinit kosmeettisten tuotteiden valmistukseen; Suodatusaineet (kemikaalit); Hiilihydraatit.

Luokka/Klass/Class 3

Kosmetiikka; Pumpuli kosmeettisiin tarkoituksiin; Palasaippua; Hiusvedet; Lakka (Kynsi-); Kosmeettiset naamiot; Parfyymit; Huulipuikot; Kosmeettiset valmisteet laihdutustarkoituksiin; Kylpykosmetiikka.

Luokka/Klass/Class 5

Ihonhoitoaineet lääketieteellisiin tarkoituksiin; Lääkinnällinen kollageeni; Kemialliset valmisteet lääkitieteellisiin tarkoituksiin; Lääkinnälliset sidontatarvikkeet; Lääkeaineet lääkitieteellisiin tarkoituksiin; Vanu lääkitieteellisiin tarkoituksiin; Biologiset valmisteet farmaseuttisiin tarkoituksiin; Antibiootit; Kantasolut lääkitieteellisiin tarkoituksiin; Luusementti kirurgisiin ja ortopedisiin tarkoituksiin.

Luokitus NCL(10):n mukaan - Klassificering enligt NCL(10) - Classified in accordance with NCL(10)

Haltijan ilmoittama osoite - Innehavarens adress enligt anmälan - Reported address of the trademark owner:

rue du Faubourg St. Honore 68, 75008, Pariisi, FR

REKISTERIOTTEEN TIEDOT

Toiminimi: Saneeraus P. Randström
Y-tunnus: 1387829-3
Yritys rekisteröity: 12.08.1987
Yritysmuoto: Yksityinen elinkeinonharjoittaja
Kotipaikka: Raasepori
Otteen sisältö: 25.08.2021 13:42:03 rekisterissä olleet tiedot.

Yhteystiedot:
Postiosoite: Keskijuoksu 3 A 02920 Espoo
Käyntiosoite: Keskijuoksu 3 02920 Espoo
Puhelin: 019236616, 0405009866
Faksi: 019236616

Rekisterimerkinnät:

TOIMINIMI (Rekisteröity 21.12.2016 09:22:10)
Saneeraus P. Randström

TOIMIALA (Rekisteröity 22.03.2016 13:49:21)
Saneeraus ja maalaustyöt, rakennustyöt, aliurakointi,
kauneuspalvelut ja siihen liittyvä konsultointi.

APUTOIMINIMI (Rekisteröity 12.08.2015 11:16:41)
MEDSPA CENTER

APUTOIMINIMEN TOIMIALA (Rekisteröity 12.08.2015 11:16:41)
Konsultointi, kauneudenhoito, ravitseminen ja liikunta palvelut.

KOTIPAikka (Rekisteröity 08.01.2009)
Kunta, josta toimintaa johdetaan: Raasepori.

ELINKEINONHARJOITTAJA (Rekisteröity 04.06.2001)
27.07.1964 Randström Peter Mikael

VOIMASSAOLEVAT HENKILÖTIEDOT

27.07.1964 Randström Peter Mikael, Suomen kansalainen, Espoo

TOIMINIMIHISTORIA

Saneeraus P. Randström 21.12.2016 09:22:10 -

Tmi Med Hjelp 22.03.2016 13:49:21 - 21.12.2016 09:22:10

Saneraus P.Randström 12.08.1987 - 22.03.2016 13:49:21

Tietolähde: Patentti- ja rekisterihallitus

REKISTERIOTTEEN TIEDOT

Toiminimi: Riitan Olkkari
Y-tunnus: 2442222-4
Yritys rekisteröity: 30.11.2011
Yritysmuoto: Yksityinen elinkeinonharjoittaja
Kotipaikka: Siuntio
Otteen sisältö: 25.08.2021 13:43:07 rekisterissä olleet tiedot.

Yhteystiedot:
Postiosoite: Abrahaminkatu 6 00180 HELSINKI
Käyntiosoite: Abrahaminkatu 6 00180 HELSINKI
Puhelin: 096211126 040 5604571
Sähköposti: thelook.helsinki@yahoo.com

Rekisterimerkinnät:

TOIMINIMI (Rekisteröity 30.11.2011)
Riitan Olkkari.

TOIMIALA (Rekisteröity 30.11.2011)
Kauneus, liikunta ja stailauspalvelut. Rakennus ja saneeraus.

APUTOIMINIMI (Rekisteröity 30.11.2011)
PR RAKSU TEAM.

APUTOIMINIMEN TOIMIALA (Rekisteröity 30.11.2011)
Rakennus ja saneeraus.

APUTOIMINIMI (Rekisteröity 24.02.2014)
The Look Hki.

APUTOIMINIMEN TOIMIALA (Rekisteröity 24.02.2014)
Esteettiset kauneuspalvelut.

APUTOIMINIMI (Rekisteröity 02.04.2014)
Kauneuskeskus MedSpa.

APUTOIMINIMEN TOIMIALA (Rekisteröity 02.04.2014)
Esteettinen kauneushoito, konsultointi, koulutukset.

KOTIPAikka (Rekisteröity 30.11.2011)

Kunta, josta toimintaa johdetaan: Siuntio.

ELINKEINONHARJOITTAJA (Rekisteröity 30.11.2011)

23.03.1969 Randström Riitta Marita

KONKURSSIN LOPETTAMINEN (Rekisteröity 05.11.2018 08:52:57)

Lähtävä viranomais: Helsingin käräjäoikeus

Päätöspäivä: 02.11.2018

Tiedonannon sisältö: konkurssi on rauennut varojen vähyyden vuoksi

VOIMASSAOLEVAT HENKILÖTIEDOT

23.03.1969 Sinkkonen-Saarela Riitta Marita, Suomen kansalainen, Helsinki

LISÄTIETOJA

Konkurssin loppuminen on rekisteröity 05.11.2018

Konkurssin alkaminen on rekisteröity 23.03.2018

TOIMINIMIHISTORIA

Riitan Olkkari 30.11.2011 -

Tietolähde: Patentti- ja rekisterihallitus

Extract from the Finnish Trademarks Act (544/2019)
(Unofficial translation)

Article 11

Signs of which a trade mark may consist

Any sign may be registered as a trade mark when:

- 1) it is capable in trade of distinguishing the goods or services of the proprietor of the trade mark from those of other parties; and
- 2) it is capable of being represented on the Register of Trademarks in a manner which enables the authorities and the public to determine the clear and precise subject matter of the protection afforded to its proprietor.

The following shall be considered to be devoid of distinctive character:

- 1) trade marks that may describe the kind, quality, quantity, intended purpose, value or geographical origin of goods or services, or the time of production of the goods or of rendering of the service, or other characteristics of the goods or services;
- 2) trade marks which have become a generic name in trade for the good or service; or
- 3) trade marks which cannot in other respects be used to distinguish the goods or services of the proprietor of the trade mark from those of another party.

Exclusive rights also to a sign other than referred to in paragraph 1 may be obtained through establishment.

Even on the basis of establishment, a trade mark may not consist of a sign which consists exclusively of a shape or another characteristic that:

- 1) results from the nature of the good or service;
- 2) is necessary to obtain a technical result; or
- 3) gives substantial value to the good or service.

Article 12

Absolute grounds for refusal and invalidity

A trade mark shall not be registered or, if registered, shall be invalidated if:

- 1) trade marks which are not capable of being represented on the Register of Trademarks in the manner laid down in article 11, paragraph 1, item 2;
- 2) trade marks which cannot constitute a trade mark under article 11, paragraph 4;
- 3) trade marks which are devoid of any distinctive character as provided in article 11, paragraph 1, item 1, and article 11, paragraph 2;
- 4) trade marks which are contrary to law, public policy or accepted principles of morality;
- 5) trade marks which are of such a nature as to deceive the public;
- 6) trade marks which, without proper consent, include a state escutcheon, state flag or other state emblem, the escutcheon of a Finnish municipality, or the flag, escutcheon or other badge or emblem of an international intergovernmental organisation, or some other protected badge based on an international treaty that is binding on Finland;
- 7) trade marks which, without the proper consent, include an official certification or guarantee mark, or official sign or hallmark, for goods for which the mark is to be registered or for goods similar to them;
- 8) trade marks which, without the proper consent, include something, the inclusion of which in the mark may cause a risk of the public confusing the trade mark with the sign, flag, escutcheon, badge, emblem or hallmark referred to in items 6 or 7;
- 9) trade marks which are excluded from registration in Finland or in the European Union pursuant to a provision concerning protection of designations of origin and geographical indications, traditional terms for wine, or traditional specialties guaranteed;
- 10) trade marks which consist of, or reproduce in their essential elements, an earlier plant variety denomination protected in Finland or in the European Union, and the goods or services covered by the trade mark application or trade mark registration are of the same or closely related species with the plant variety;
- 11) trade marks for which an earlier collective mark application or collective mark registration concerning the identical sign already exists in the Register of Trademarks for identical goods or services;
- 12) trade marks for which an earlier certification mark application or certification mark registration concerning the identical sign already exists in the Register of Trademarks for identical goods or services or such a certification mark registration, the validity of which has expired due to lack of renewal, has existed in the Register of Trademarks.

A trade mark shall also be invalidated when the application for registration of the trade mark was filed in bad faith by the proprietor of the trade mark.

The registration of a trade mark may not be foregone pursuant to paragraph 1, item 3 when the trade mark, prior to the date of filing, has acquired a distinctive character in use among its relevant class of persons as the sign of the goods or services of the applicant for the trade mark. A trade mark may not be invalidated pursuant to paragraph 1, item 3 when the trade mark, prior to the date of filing of an application or action for invalidation, has acquired a distinctive character in use in a corresponding manner.

Article 13

Relative grounds for refusal and invalidation

A trade mark may not be registered or, if registered, shall be invalidated if:

- 1) the trade mark is identical with an earlier trade mark that has been registered or become established for identical goods or services;
- 2) the trade mark causes a likelihood of confusion on the part of the public because of its identity with, or similarity to, the earlier trade mark that has been registered or become established for identical or similar goods or services;
- 3) the trade mark is identical with or similar to an earlier trade mark that has a reputation in Finland or in the European Union regardless of whether used for identical or similar goods or services if:
 - a) the use of the trade mark without due cause would take unfair advantage of the distinctive character or the repute of the trade mark that has a reputation; or
 - b) the use of the trade mark without due cause would be detrimental to the distinctive character or the repute of the trade mark that has a reputation;
- 4) the trade mark creates a likelihood of confusion on the part of the public with an earlier protected company name, auxiliary company name, translation of company name or secondary symbol of another trader:
 - a) whose line of business is identical with or similar to the goods or services included in the list of goods or services;
 - b) who is very well established and well-known, and the use of a similar trade mark would constitute improper exploitation of the goodwill associated with the company name; or
 - c) who is established and, relative to the particular nature of the activities, the use of a similar trade mark would be liable to diminish the goodwill associated with the company name;
- 5) the use of the trademark would infringe an earlier copyright as referred to in article 1 of the Copyright Act (404/1961) or an earlier right to control a photographic picture as referred to in article 49a of the Copyright Act;
- 6) the use of the trade mark would infringe the earlier design right of another;
- 7) the trade mark is likely to give the impression that it is the name or likeness of another person, unless the name or likeness is evidently that of someone deceased a long time ago;
- 8) the agent of the proprietor of the trade mark applies for registration of the trade mark in its own name without the consent of the proprietor, unless there is a proper reason for the registration;
- 9) an application for a designation of origin or a geographical indication under the legislation of Finland or the European Union has been submitted prior to the date of filing or the date of priority of the trade mark, provided that the said designation or indication is subsequently registered and the registration confers the right to prohibit the use of the later trade mark.

A trade mark shall also not be registered when the trade mark is liable to be confused with an earlier trade mark protected abroad, provided that the application for registration was submitted in bad faith by the applicant.

Earlier trade mark within the meaning of paragraph 1, items 1–2 means:

- 1) a national trade mark or application for a trade mark with an earlier date of filing or otherwise with an earlier priority;
- 2) a trade mark that has become established at the date of filing or date of priority;
- 3) an EU trade mark or application for an EU trade mark with an earlier date of filing or otherwise with an earlier priority;
- 4) an EU trade mark that has the seniority provided in Article 39 or 40 of the EU Trade Mark Regulation over a national trademark or over an international registration designating Finland; or
- 5) an international registration designating Finland or the European Union with a prior date of registration or date of filing of extension request or otherwise with an earlier priority.

Notwithstanding the provisions of paragraph 1, items 1–8 and paragraph 2, a trade mark may be registered with the consent of the person whose right is concerned. A trade mark shall not be invalidated pursuant to paragraph 1, items 1–9 when the person whose right is concerned has given consent.

Article 16

Applying for registration

The application for the registration of a trade mark shall be filed electronically with the Finnish Patent and Registration Office. For a particular reason, the Finnish Patent and Registration Office may accept the filing of an application on paper.

The application for registration shall include:

- 1) the identification details of the applicant;

Article 17

Classification of goods and services

The system of classification established by the edition and version valid at the date of filing of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957 ('the Nice Classification') shall be applied to the classification of the goods and services.

The applicant shall classify and group the goods and services for which registration is sought in accordance with the Nice Classification and with sufficient clarity and precision to enable the extent of the protection sought to be determined.

The use of general terms, including the general indications of the class headings of the Nice Classification, shall be interpreted as including all the goods or services clearly covered by the literal meaning of the indication or term.

Article 22

Continued processing of an application

If an applicant within the time period imposed for remedying a deficiency, submitting a statement and providing information fails to submit a statement, provide the information or remedy the deficiency, the processing of the application shall nonetheless be continued when the applicant, within two months of the expiry of the time period imposed:

- 1) requests continued processing of the application;
- 2) in the context of the request submits the statement, provides the information or remedies the deficiencies; and
- 3) in the context of the request pays the fee imposed for continued processing of application.

Article 28 paragraph 6

Agents

The proprietor of an international registration who is not domiciled in the European Economic Area who wishes to submit a statement to the Finnish Patent and Registration Office shall use for this purpose an agent who is domiciled in the European Economic Area.

Article 32

Filing of opposition

Opposition shall be filed within two months of the publication of the registration by notifying the Finnish Patent and Registration Office in writing of the identification information of the opponent, details of the registration and the goods or services covered by the registration against which the opposition is directed, and the grounds for the opposition, and by paying the opposition fee.

Opposition may be directed at all or some of the goods or services for which the trade mark has been registered. When the opposition is based on a prior right, the opponent shall be the proprietor of that right.

Article 92 paragraph 4

Examination of an international registration

If the proprietor of the international registration fails to submit a response within the deadline imposed, the international registration shall not take effect in Finland in respect of the parts pointed out in the notification.