



REPUBLIC OF SLOVENIA  
**MINISTRY OF ECONOMIC DEVELOPMENT AND TECHNOLOGY**  
SLOVENIAN INTELLECTUAL PROPERTY OFFICE

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WIPO (World Intellectual Property Organization)  
34, chemin des Colombettes  
casse postale 18  
CH-1211 GENEVE 20  
Suisse

Ref.: 31212-181/2021-3

105SP(434)

Date: 25.08.2021

**MADRID PROTOCOL**

**Total Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)**

I. Office making the notification:

**Slovenian Intellectual Property Office**

**Kotnikova 6**

**SI-1000 Ljubljana**

**Slovenia**

II. Number of the international registration: 1579492

III. Name of the holder: F&I Beverages AG, Baarerstrasse 52 CH-6300 Zug, CH

IV. Information concerning the type of provisional refusal:

*Please indicate the type of refusal by checking only one of the following options:*

☒ **Total provisional refusal based on an opposition**

*Where the refusal is based on an opposition, please indicate the name and address of the opponent:*

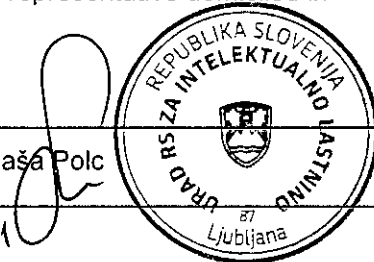
(i) **Name and address of the opponent:** Bacardi & Company Limited,,Aeulestrasse 5,FL-9490 Liechtenstein,LI

(ii) **Representative of the opponent:** ZIVKO MIJATOVIC & PARTNERS, d.o.o.,Ulica stare pravde 10,Slovenija

V. Information concerning the scope of the provisional refusal:

**Total provisional refusal affects all the goods and/or services.**

<p>VI. Grounds for refusal:</p> <p>44 (1) b, c</p>
<p>VII. Information relating to an earlier mark:</p> <p>(i) Filing or registration number: EUTM 017563801, IR 890134</p> <p>(i) Reproduction of the mark: see attached additional information</p>
<p>VIII. Information relating to the possibility to request a review or file an appeal:</p> <p>(i) Time limit for requesting review or appeal:</p> <p>The holder of the registration may request a review of the provisional refusal. The Slovenian Office must receive the request no later than 3 months * from the date of this provisional refusal (the time limit starts from the date indicated under point X). After a period the Office will issuing its final decision.</p> <p>*with the written request the deadline may be extended for 3 months</p> <p>(i) Authority to which such request for review or appeal should be made:</p> <p>Office indicated under I</p> <p>(ii) Whether the request for review or appeal has to be filed in a specific language and/or through the intermediary of a representative whose address is within the territory of the Contracting Party:</p> <p>The request for the review must be filed through the intermediary of a representative domiciled in Slovenia. The list of trademark agents is available on <a href="http://www.uil-sipo.si/sipo/addition/resources/patent-and-trademark-agents/">http://www.uil-sipo.si/sipo/addition/resources/patent-and-trademark-agents/</a></p>
<p>IX. Signature or official seal of the Office making the notification: Saša Polc</p>
<p>X. Date of the notification to the International Bureau: 25.8.2021</p>
<p>XII. Corresponding essential provisions of the applicable law:</p> <p>Article 44</p> <p>(Relative grounds for trade mark refusal)</p> <p>(1) If an opposition has been filed in accordance with Article 101 of this Act, a trade mark shall not be registered in respect of a sign:</p> <p>a) that is identical to the sign of an earlier trade mark and the goods or services for which the trade mark is applied for are identical to the goods or services for which the earlier trade mark is protected;</p> <p>b) whose identity or similarity to the sign of an earlier trade mark, and the identity or similarity of the goods or services on which the sign and the trade mark are to be used, lead to the possibility of confusion among the public, which includes the possibility of association with the earlier trade mark;</p> <p>c) that is identical to the sign of an earlier trade mark, regardless of whether the goods or</p>



services for which the trade mark is applied for are identical or similar to the goods or services for which the earlier trade mark is protected if the earlier trade mark has a reputation in the Republic of Slovenia 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 reputation of the earlier trade mark;

- d) if its use may be prohibited on the basis of the right to an unregistered sign used in trade that was obtained before the filing date of the trade mark application or the date of priority if priority is claimed;
- e) that an agent or representative of the holder of the trade mark has registered as a trade mark in their own name without the holder's consent, unless the agent or representative justifies their action;
- f) if its use may be prohibited on the basis of a registered designation of origin or geographical indication for which an application has been filed in accordance with the legislation of the Republic of Slovenia or the European Union concerning the protection of designations of origin or geographical indications before the filing date of the trade mark application or the date of priority if priority is claimed;
- g) if its use may be prohibited on the basis of an earlier right to a name, personal portrayal, copyright or other industrial property right, unless the holder of the earlier right has given express consent to the registration of such a trade mark.

(2) An earlier trade mark shall mean:

- a) a trade mark that was registered in the Republic of Slovenia on the basis of a national application before the filing date of the application for the later trade mark or, if priority is claimed, the date of priority;
- b) a European Union trade mark (hereinafter: EU trade mark) that was registered before the filing date of the application for the later trade mark or, if priority is claimed, the date of priority;
- c) a trade mark that was registered on the basis of international treaties that are binding on the Republic of Slovenia before the filing date of the application for the later trade mark or, if priority is claimed, the date of priority;
- d) trade mark applications referred to in points a), b) and c) of this paragraph that were filed before the filing date of the application for the later trade mark or, if priority is claimed, the date of priority, provided they are registered;
- e) an unregistered sign that, on the filing date of the trade mark application or, if priority is claimed, the date of priority, is a known trade mark in the Republic of Slovenia under Article 6bis of the Paris Convention.

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

**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

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**Transaction History**

**EXPAND**      none

Contracting Parties above which have issued the document:

*International Trademark*

**WIPO | MADRID**

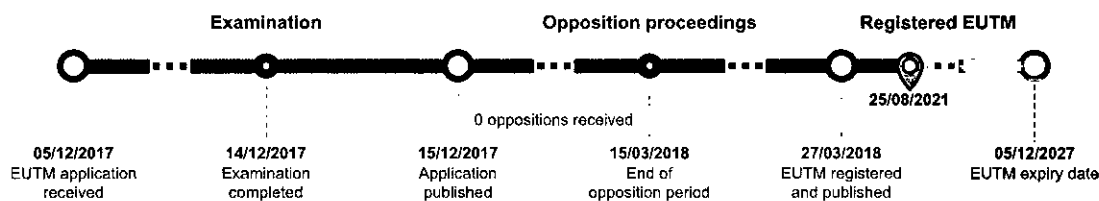
Disclaimer: The registration of a mark in the International Register does not imply the expression of any opinion whatsoever on the part of the International Bureau of WIPO concerning the substance of the entitlement claim under the Madrid Protocol and its Common Regulations.

## 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



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## Goods and services

English (en) ▾

**33** Alcoholic beverages (except beers).

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## Description

No data

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## Owners

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Organisation	<b>Bacardi &amp; Company Limited</b>	Country	<b>LI - Liechtenstein</b>	Correspondence address	Hidden. You can set your contact details to be publicly available via the User Area.
Legal status	<b>Legal entity</b>	State/county	<b>n/a</b>	Bacardi & Company Limited 267 Route de Meyrin CH-1217 Meyrin SUIZA	
		Town	<b>Vaduz</b>		Hidden. You can set your contact details to be publicly available via the User Area.
		Post code	<b>FL-9490</b>		
		Address	<b>Aeulestrasse 5</b>		Hidden. You can set your contact details to be publicly available via the User Area.

## Representatives

### BRANDSTOCK LEGAL RECHTSANWALTSGESELLSCHAFT MBH

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

## 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