



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

Date of Notification: 02 November 2021
(By registered Mail)

Our Ref No: TMOPP3301

International Registration No: 1579492
Mark: FIRE & ICE
Holder: F&I Beverages AG of Switzerland

**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: Bacardi & Company Limited, Aeulestrasse 5, FL-9490 Vaduz,
Liechtenstein

**Address for
Service:**

FRKelly
27 Clyde Road
Ballsbridge
Dublin 4 D04 F838
Ireland
docketing@frkelly.com

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: 017563801 and 0890134.
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 01 February 2022.
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 If a counter-statement is not received within the time allowed, the Holder will be deemed to have withdrawn his request for protection of the mark.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.

All future correspondence relating to the Opposition should quote the Reference:
TMOPP3301

Yours faithfully

Margaret Cahill

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

**IN THE MATTER OF International
Registration No. 1579492
FIRE & ICE bottle
in Class 33
in the name of F&I Beverages AG
and designating Ireland
- Opposition thereto by Bacardi &
Company Limited**

We, Bacardi & Company Limited, of Aeulestrasse 5, FL-9490 Vaduz, Liechtenstein (hereinafter "the Opponent"), hereby give notice of its intention to oppose the registration of the Trade Mark advertised under the above number in Class 33 in Journal No. 2444 dated 18 August 2021.

1. The Opponent has for many years carried on business at the above address as producers and merchants of, inter alia, alcoholic beverages and vodka.
2. The Opponent is the Proprietor of:

European Union Trade Mark	International Registration No. 0890134
Registration No. 017563801	designating the EU



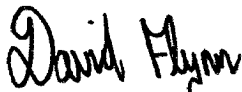
Full particulars of the Opponent's Trade Marks are attached at Annex 1. These Trade Mark rights are collectively referred to as the "said Trade Marks".

3. The Opponent has for many years extensively used its said Trade Marks in connection with the aforesaid goods and the said Trade Marks denote and have long denoted both to the trade and the public goods of the Opponent and distinguishes and has long distinguished such goods from the like goods of other traders. The Opponent has built up significant goodwill and reputation in the said Trade Marks in the State.
4. The Mark applied for offends against the provisions of Section 10 of the Trade Marks Act, 1996.
5. The Mark applied for is similar to the Opponent's said Trade Marks and the goods for which registration is sought are identical or similar to those for which the Opponent's said 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. The Application offends against Section 10(2)(b) of the Trade Marks Act, 1996
6. The Mark applied for is similar to the Opponent's said Trade Marks and registration should be refused to the extent that the said earlier Trade Marks have a reputation in the EU and use of the Mark applied for without due cause would take unfair advantage of, or be detrimental to, the distinctive character or reputation of the said earlier Trade Marks. The Application offends against Section 10(3) of the Trade Marks Act, 1996.

7. The Mark applied for should be refused if, or to the extent that, its use in the State is liable to be prevented by virtue of the law of passing off having regard to our reputation/goodwill in the said Trade Marks acquired as a consequence of their use in the course of trade. The Application offends against Section 10(4)(a) of the Trade Marks Act, 1996.
8. Registration of the said Mark is contrary to Council Directive No. 89/104 EEC to approximate the laws of the Member States relating to Trade Marks.
10. The Application in respect of the said Trade Mark which the Applicant has applied to register ought in the discretion of the Controller of Intellectual Property to be refused and costs awarded to the Opponents.

Dated this 22 day of October 2021

FRKelly

A handwritten signature in black ink that reads "David Flynn". The signature is written in a cursive, slightly slanted style.

BY: _____

Agents for the Opponent.

Annex 1

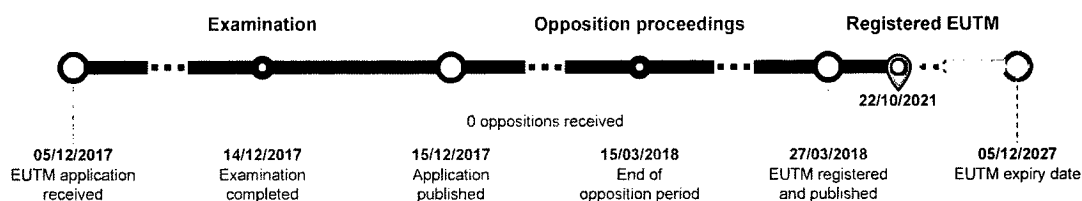


Protect your intellectual property in the European Union

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

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						

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.

Owners

Bacardi & Company Limited

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

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

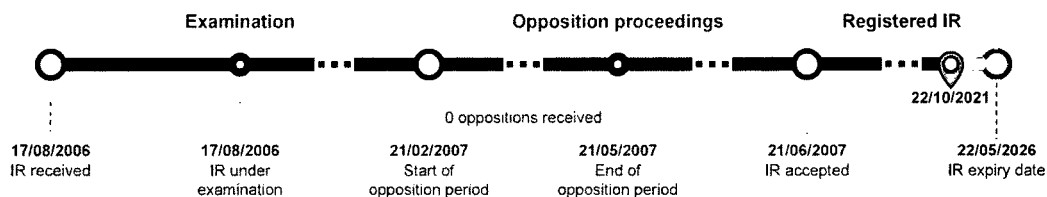
International Applications

No data

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

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

Representatives

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.

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

Recordals

No data

Oppositions

No data

Appeals

No data

Decisions

No data

Renewals

No data

Trade mark relations