



REPUBLIC OF TURKEY
TURKISH PATENT AND TRADEMARK OFFICE
Trademarks Department

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

Notification of a refusal of protection not based on an opposition pursuant to Rule 17(2) of the Common Regulations.

Our Reference : 2022/082526 / SD E-71248886-130-220845445

30.11.2022

I- Name and address of the Office making the notification:

TURKISH PATENT AND TRADEMARK OFFICE
Trademarks Department
Hipodrom Caddesi No: 13
06560 Yenimahalle ANKARA
TURKEY

Telephone : +90 312 3031232
Telefax : +90 312 3031333

II- The international registration which is the subject of the refusal:
1664726

III- Name of the holder of the international registration which is the subject of the refusal:
SOLERA GLOBAL TECHNOLOGY LIMITED

IV- Industrial Property Code No: 6769: 5/1 (ç)
(The relevant provisions of the Turkish Trademarks Act are enclosed.)

V- Grounds for provision refusal:

5/1 (ç) Signs which are identical to or indistinguishably similar to a trademark, which has been registered or which has been applied for registration, relating to identical goods and services or to goods and services of the identical type.

VI- The goods and/or services subject to refusal:

Provisional refusal for some of goods and services

CLASS 9 : Computer software and application software, recorded or downloadable, for database management, vehicle fleet information, electronic logging and reporting of regulatory compliance information, vehicle and parts identification and loss valuation, vehicle repair information, damage detection, guided image capturing and image analytics, and tracking information on insurance coverage, claims, and management, all for use in connection with automotive and other motorized

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Gazi Mahallesi Hipodrom Caddesi No:13 (06560)

Yenimahalle / ANKARA

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vehicles, and transportation and distribution industries; computer software and application software, recorded or downloadable, for customer data management and analysis, sales and pricing data management and analysis, accounting and inventory management, website and digital marketing tools, relating to marketing and advertising in connection with automotive or other motorized vehicles, and transportation and distribution industries.

All services in CLASS 35, CLASS 36, CLASS 37 and CLASS 42.

VII-General information:

Appeals may be lodged against the refusals of the Office.

The holder of the international registration may lodge an appeal against this refusal. The appeal has to be lodged through the intermediary of a representative who must be registered as a trademark agent at Turkish Patent and Trademark Office and who is domiciled in Turkey. The appeal must be received by the Turkish Patent and Trademark Office no later than 2 months after the notification date of this refusal by WIPO to the applicant or his representative. If no appeal is received within this time limit, the designation will be considered as refused protection in Turkey accordance with this refusal.

If the designation is accepted subsequent to an appeal, the designation will be published in Turkish Official Trademark Bulletin. This allows -2 months from the date of publication – a party to file an opposition, which means that the designation may be the subject of a further refusal.

Regarding oppositions filed in the scope of the first paragraph of Article 6, (An application for trademark registration shall be refused upon opposition if there exists a likelihood of confusion on the part of the public, including the likelihood of association with the earlier trademark, due to identity with, or similarity to, the earlier trademark and the identity or similarity of the goods or services covered.) provided that the trademark, which is the ground for opposition, has been registered for at least five years at the date of application or date of priority of the application for which the opposition is filed, upon the request of the applicant, it shall be requested from the opponent to submit evidence proving that he had genuinely used his trademark on the goods and services relating to the opposition during the five-years period before the date of application or the date of priority of the latter application or whether he has a proper reason for not using his trademark during that period. In case the opponent fails to prove the aforesaid, opposition shall be refused. If it is proven that the trademark, which is the ground for opposition, has been used only for some of the goods or services which are covered by registration, then the opposition shall be examined taking into account the goods or services whose use is proven.

VIII- Signature by the Office :

**TURKISH PATENT AND TRADEMARK OFFICE
TRADEMARKS DEPARTMENT**

Sevgi KAPUCU DÜNDAR
Trademark Examiner

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**RELEVANT SECTIONS OF THE
INDUSTRIAL PROPERTY CODE NO: 6769**

**SECTION ONE
Trademark Right and Scope**

Signs that a trademark may consist of

ARTICLE 4- (1) Trademarks may consist of any signs like words, including personal names, figures, colors, letters, numbers, sounds and the shape of goods or their packaging, provided that such signs are capable of distinguishing the goods or services of one undertaking from those of other undertakings and being represented on the register in a manner to determine the clear and precise subject matter of the protection afforded to its proprietor.

Absolute grounds for refusal in trademark registration

ARTICLE 5- (1) The following signs set out below shall not be registered as trademark:

- a) Signs which may not be trademark according to Article 4;
 - b) Signs which are devoid of any distinctive character;
 - c) Signs which consist exclusively or includes as an essential element of signs or indications which serve in trade to designate the kind, type, characteristics, quality, quantity, intended purpose, value, geographical origin, or the time of production of goods or of rendering of the services or other characteristics of goods or services,
 - ç) Signs which are identical to or indistinguishably similar to a trademark, which has been registered or which has been applied for registration, relating to identical goods and services or to goods and services of the identical type,
 - d) Signs which consist exclusively or includes as an essential element of signs or indications used by everyone in the trade area or which serves to distinguish members of a particular professional, vocational or commercial group from others.
 - e) Signs which consist exclusively of the shape or another characteristic which results from the nature of the goods themselves or the shape or other characteristics which is mandatory to obtain a technical result or gives substantial value to the goods;
 - f) Signs which would deceive the public, for instance, as to the nature, quality or geographical origin of the goods or service;
 - g) Signs which shall be refused pursuant to Article 6ter of the Paris Convention;
 - ğ) Signs other than those covered by Article 6ter of the Paris Convention but which are of public interest, and which contain historical, cultural values, and emblems, badges or escutcheons for which the consent of the competent authority has not been given,
 - h) Signs that contain religious values or symbols;
 - ı) Signs which are contrary to public policy or to accepted principles of morality;
 - ı) Signs which consist of a registered geographical sign or which contain a registered geographical sign.
- (2) If a trademark has been used before the application, and through this use, has acquired distinctive character in respect of the goods and services subject to the application, the registration of this trademark may not be refused in accordance with subparagraphs (b), (c) and (d) of the first paragraph.

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(3) A trademark application may not be refused according to subparagraph (ç) of the first paragraph if a notarial document indicating the clear consent of the prior trademark proprietor for the registration of the application is submitted to the Office. Procedures and principles regarding the letter of consent shall be determined by regulation.

SECTION TWO **Application, Opposition and Appeals**

PART ONE **Application, Priority Right and Examination**

Application conditions, classification and division

ARTICLE 11- (1) Trademark application consists of;

(3) Goods or services for which application is filed shall be classified in accordance with Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, which was ratified pursuant to the decision of the Council of Ministers dated 12/7/1995 numbered 95/7094. The Office may perform necessary corrections on classes and class numbers belonging to goods and services in the application.

PART TWO

Observations of Third Parties, Oppositions and Appeals, and Examination of Oppositions and Appeals

Opposition against publication

ARTICLE 18- (1) Oppositions concerning a trademark application that was published in the Bulletin should not be registered in accordance with Articles 5 or 6, shall be filed by relevant persons within two months following the publication of the trademark application.

(2) The opposition shall be made to the Office in written and with justification. If the grounds for opposition are not submitted to the Office within the period set out in the first paragraph, the opposition shall be deemed as not made. In order for the examination of the opposition, it is mandatory that the opposition fee is paid within the period of the opposition and that the information regarding the payment of the fee is submitted to the Office within the same period.

Examination of the opposition against publication

ARTICLE 19- (1) The Office shall request the applicant to submit his observations concerning the oppositions within the prescribed period. The Office, if it considers necessary, may request the parties to submit additional information and documentation. If observations or requested additional information and documents are not submitted to the Office within the prescribed period, the opposition shall be examined in accordance with the existing information and documents.

(2) Regarding oppositions filed in the scope of the first paragraph of Article 6, provided that the trademark, which is the ground for opposition, has been registered for at least five years at the date of application or date of priority of the application for which the opposition is filed, upon the request of the applicant, it shall be requested from the opponent to submit evidence proving that he had genuinely used his trademark on the goods and services relating to the opposition during the five-years period before the date of application or the date of priority of the latter application or whether he has a proper reason for not using his trademark during that period. In case the opponent fails to prove the aforesaid, opposition shall be refused. If it is proven that the trademark, which is the ground for opposition, has been used only for some of the goods

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or services which are covered by registration, then the opposition shall be examined taking into account the goods or services whose use is proven.

(3) As a result of the examination, if it is concluded that the trademark should not be registered for some or all of the goods or services for which application is filed, the application shall be refused concerning these goods or services. Otherwise, the refusal of the opposition shall be decided.

(4) If the Office considers necessary, it may encourage the parties to make a friendly settlement. For matters related to the friendly settlement, the provisions of Turkish Mediation Act on Civil Disputes dated 7/6/2012 numbered 6325 shall be applied.

(5) Procedures and principles relating to the opposition against publication shall be determined by regulation.

Appeals

ARTICLE 20- (1) Parties adversely affected from decisions taken by the Office within the context of this Book may appeal against the decisions before the Office.

(2) Appeal shall be made in written and with justification to the Office within two months from the notification date of the decision. In case the justification of the appeal is not submitted within this time, the appeal shall be deemed as not made. In order for the examination of the appeal, it is mandatory that the appeal fee is paid within the period of the appeal and that the information regarding the payment of the fee is submitted to the Office within the same period. After the expiration of the appeal period, the grounds for appeal may not be altered and new grounds may not be added.

Examination of appeals

ARTICLE 21- (1) Appeals, which do not have any formal deficiency, shall be examined by the Board.

(2) The Board shall request from the parties to submit their observations concerning the appeals within the prescribed period. If the Office considers necessary, it may request the parties to submit additional information and documentation. If requested additional information and documents or observations are not be submitted to the Office within the prescribed period, the appeal shall be examined in accordance with the existing information and documents.

(3) If the Board considers necessary, it may encourage the parties to make a friendly settlement in accordance with the fourth paragraph of the Article 19 for appeals against decisions based on the third paragraph of the Article 19.

(4) The Board shall give the final decision of the Office as a result of the examination and evaluation it shall conduct.

SECTION SEVEN Collective and Guarantee Mark

Guarantee mark and collective mark

ARTICLE 31- (1) A guarantee mark is a sign that serves for guaranteeing the common characteristics of the undertakings, production methods, geographical origin and quality of those undertakings, under the control of the proprietor of the mark.

(2) The use of a guarantee mark for goods or services of the trademark proprietor or undertakings economically linked to proprietor is prohibited.

(3) Collective mark is a sign used by a group of undertakings of producers or traders or providers of services.

(4) Collective mark serves the purpose of distinguishing the goods and services of the undertakings from those of other undertakings.

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Technical specifications for the guarantee mark or collective mark

ARTICLE 32- (1) It is mandatory to submit a technical specification indicating the procedures and principles for use of the mark when filing an application for registration of a guarantee or a collective mark.

(2) The technical specification of the guarantee mark shall indicate the common characteristics of the goods and services under guarantee, methods of using the mark, how and how often the inspections shall be made after the right concerning the use of the mark is granted and the sanctions to be imposed in case of use contrary to the technical specification.

(3) The technical specification of the collective mark shall specify the undertakings authorized to use the collective mark and the membership conditions for the community composed of these undertakings, terms of using the mark and, if available, the sanctions. All undertakings in the group shall act collectively for the registration of collective mark and the surrender from the collective mark right.

(4) Each undertaking in the group shall be authorized to file legal proceeding by itself.

(5) Amendments to be made in the technical specification shall not be applicable until they are approved by the Office.

(6) In case the technical specification does not contain the requirements set out in second and third paragraphs or it is contrary to public order or accepted principles of morality, the owner of the mark shall be notified by the Office to make required amendments in technical specification. If the owner of the mark does not make the required amendments and correct the technical regulation within six months following the notification, the request for the registration of the guarantee mark or the collective mark shall be rejected.

(7) In case of application of relevant persons, public prosecutors or the relevant public institutions on the grounds that the owner does not take necessary measures in order to prevent the continuous use of the collective mark or the guarantee mark contrary to the technical specification, the mark shall be revoked unless the said contrary use is corrected within the prescribed period.

(8) Procedures and principles regarding the technical specification are specified with a regulation.

BOOK FIVE

Common and Other Provisions

SECTION ONE

Common Provisions

Authorized representatives and notification

ARTICLE 160- (1) Natural or legal entities and the registered trademark or patent attorneys authorized by those persons may perform an operation before the Office.

(3) The persons whose domiciles are situated abroad shall only be represented by trademark or patent attorneys. Any operations conducted by such legal entity without being represented by an attorney shall be deemed void.

(4) When a trademark or patent attorney is assigned; all operations shall be performed by the attorney. The notification made to the attorney shall be deemed as made to the principal.

Similar Trademark(s)

App./Reg. No	2016 18596	Protection Date	01.03.2016
Int. Reg. No			
Mark	solera		
Nice	09 / 35 / 36 / 37 / 42 / 45 /		

SOLERA

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Classification**Holder(s)**

SOLERA HOLDINGS, INC. (7 Village Circle, Suite 100, Westlake, Texas 76262 A.B.D.)

Otomotiv, taşıt, itfaiye ve sağlık sektörlerinde taşıt tanımlama için ve taşıt ve yapı kaybı değerlendirme, kıymet biçme, hasar tahmini, muayene, onarım, onarım iş akışı ve takibi ve müşteri memnuniyeti takibi için ve akıllı tahmin sistemi yazılımlarıyla etkileşimde bulunmak için kullanılmak üzere, mobil cihazlara yönelik indirilebilir bilgisayar yazılımları ve bilgisayar uygulama yazılımları; iş akışı, karlar ve iş büyümesinin analizi ve kontrolüne ve çalışan tahsisine yönelik indirilebilir bilgisayar yazılımları ve bilgisayar uygulama yazılımları; performans takibine yönelik indirilebilir bilgisayar yazılımları ve bilgisayar uygulama yazılımları; taşıt parçalarının envanterinin takibine yönelik indirilebilir bilgisayar yazılımları ve bilgisayar uygulama yazılımları; taşıt parçalarının sipariş edilmesi, müşteri verilerinin paylaşılması ve otomotiv, taşıt, itfaiye ve sağlık sektörlerindeki sigortacılar, taşıt ve yapı onarım tesisleri, değerlendirme uzmanları, kurtarma işletmeleri, geri dönüşümcüler ile taşıt ve yapı sahipleri arasındaki mali işlemlerin yapılması, denkleştirilmesi ve uzlaştırılması için veri tabanlarının yönetilmesine yönelik indirilebilir bilgisayar yazılımları ve bilgisayar uygulama yazılımları; taşıt sigortası, çarpışma onarımı ve taşıt kurtarma ve geri dönüşümü alanında haber bülteni niteliğinde indirilebilir elektronik yayınlar; otomotiv taşıt parçaları alanında indirilebilir el kitapları ve kaydedilmiş el kitapları; otomotiv taşıt onarım ve taşıt çarpışma onarımı alanlarında indirilebilir talimat el kitapları ve kaydedilmiş talimat el kitapları.

Kullanılmış taşıt parçalarının konumuyla ilgili ticari bilgilerin temin edilmesi; kullanılmış ve geri dönüşümü yapılmış taşıt parçalarının konumu ve maliyetine dair bilgilendirme listelerini içeren aranabilir bir çevrimiçi veri tabanının temin edilmesi; çevrimiçi veri tabanı yönetimi; emlak ve taşıt onarımı alanında tedarikçiler ve tüketicilerin kullanım, memnuniyet, kalite ve mali ölçümlerinin temin edilmesi amacıyla nitelik ölçü verilerinin toplanması ve analizi; otomotiv, inşaat ve sigortacılık alanlarında ürünlerin satın alımı, faturalandırılması ve kurulumuna veya hizmetlerin başkalarınca verilmesine yönelik masraf kısma, yönlendirme ve denetim hizmetleri; otomotiv perakendecileri için reklamcılık, pazarlama, doğrudan posta gönderimi ve tanıtım hizmetleri, yani otomobillerin satışı, satış sonrası, servisi, bakımı ve yeniden satın alımı sırasında reklamcılık, pazarlama, doğrudan posta gönderimi ve tanıtım hizmetlerinin temin edilmesi; sigorta şirketlerine iş riski değerlendirme bilgilerinin temin edilmesi; kullanılmış ve geri dönüşümü yapılmış taşıt parçalarının başkalarınca satın alınmak üzere konumlarına ve maliyetlerine dair listeleri içeren aranabilir bir çevrimiçi veri tabanının

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temin edilmesi; elektronik ödeme verilerine ilişkin mali defter tutma; elektronik idari fatura işleme niteliğinde elektronik ödeme destek hizmetleri; başkaları için, taşıt hasarı sigorta taleplerine yönelik sigorta talebi denetimi; elektronik idari fatura işleme niteliğinde elektronik ödeme destek hizmetleri; otomotiv, inşaat ve sigortacılık alanlarındaki faturalara yönelik elektronik fatura işleme; taşıt ve yapı hasarı sigorta taleplerinin denetimi hizmetleri; tamamı otomotiv tamiri ve yapı rekonstrüksiyon ve restorasyonu alanlarındaki sigorta talepleriyle ve bu talepler uyarınca iş bitiren satıcılarla ilgili olmak üzere, küresel bir ağ vasıtasıyla oto teknisyenlerine yönelik ticari bilgilerin temin edilmesi, nitelik ölçü verilerinin toplanması ve analizi, bilgi temini şeklindeki müşteri ilişkileri yönetimi ve müşteri memnuniyet bilgilerinin temin edilmesi şeklindeki iş hayatıyla ilgili bilgi hizmetleri.

Maliyet değerlendirme hizmetleri, yani otomobil ve yapılardaki hasarın dolar değerinin tahmin edilmesi;
başkaları için, taşıt hasarı sigorta taleplerine yönelik sigorta talebi denetimi;

Otomotiv, inşaat ve sigortacılık alanlarındaki finansal hizmetler, yani taşıtlar ve yapılardaki hasara yönelik sigorta talepleri ve ödeme verilerinin elektronik olarak işleme tabi tutulması; sigorta danışmanlığı, yani taşıt çarpışması ve yapı onarımı taleplerinin işlenmesi ve yönetimi alanlarında danışmanlık; sigorta taleplerinin idaresi ve işleme tabi tutulması, yani diğerleri için taşıt ve yapı hasar sigortası taleplerinin incelenmesi, yönetilmesi ve işlenmesi; mali değerlendirme, yani taşıt ve yapı kaybı değerlendirme hizmetleri, onarım maliyeti biçme ve taşıt ve yapılardaki hasarın dolar değerinin tahmin edilmesi; otomotiv tamiri ve yapı rekonstrüksiyon ve restorasyonu alanlarındaki sigorta talepleriyle ve bu talepler uyarınca iş bitiren satıcılarla ilgili mali bilgilerin küresel bir bilgisayar ağı vasıtasıyla temin edilmesi; sigorta danışmanlık hizmetleri, yani sigortalama uygulamalarına yönelik risk değerlendirme analizinin temin edilmesi; emlak ve zarar ve hasar sigortası yapılmasıyla ilişkili sigorta risklerinin incelenmesi, değerlendirilmesi ve rapor edilmesi amacıyla yönelik bilgilerin ve çevrimiçi bilgisayar veri tabanlarının temin edilmesi; mali risk değerlendirmesi ve yönetimi hizmetleri, yani riskin yönetilmesi amacıyla kazalar, tutuklanma ve diğer sürücülük ihlalleriyle ilgili sürücülük kayıtlarına dair devlet arşivine ait bir veri tabanı temel alınarak sigortacılara öngörücü mali risk analizi ve bilgisinin temin edilmesi ve posta koduna ve coğrafi bölgelere göre

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aranabilen ve riskin yönetilmesi ve bedelinin belirlenmesi amacıyla risk değişkenlerinin değerlendirilmesinde kullanılan verileri içeren bir veri tabanı temel alınarak sigortacılara öngörücü mali risk analizi ve bilgisinin temin edilmesi; sigorta hizmetleri, yani bir şahıs veya işletmenin mevcut sigortasının olup olmadığının ya da belirli bir tarihte sigortasının olup olmadığının belirlenmesine yönelik sigorta poliçesi doğrulama; sigortalama uygulamaları için mali risk değerlendirme analizinin temin edilmesi; yangın ve araba sigortası yapma hizmetleri; sigorta risklerinin incelenmesi, değerlendirilmesi ve rapor edilmesi amacıyla emlak ve zarar ve hasar sigortası yapılmasıyla ilgili bilgi temin edilmesi ve emlak ve zarar ve hasar sigortası yapılması alanında bir çevrimiçi bilgisayar veri tabanının temin edilmesi; sigortacıların mali riskinin belirlenmesinde kullanılmak üzere sürücülük kayıtları, taşıt bilgisi ve motorlu taşıt sürücüleriyle ilgili bilgi şeklindeki verilerin analiz edilmesi ve derlenmesi; fatura ödeme hizmetleri ve fatura ödeme verilerine ilişkin elektronik ödeme işlemi hizmetleri.

Taşıt hasarı tanılama, onarım ve bakım alanında oto teknisyenlerince kullanılmak üzere bir çevrimiçi bilgisayar veri tabanının temin edilmesi.

Otomotiv, taşıt, itfaiye ve sağlık sektörlerinde taşıt tanımlama için ve taşıt ve yapı kaybı değerlendirme, kıymet biçme, hasar tahmini, muayene, onarım, onarım iş akışı ve takibi ve müşteri memnuniyeti takibi için ve otomotiv, taşıt, itfaiye ve sağlık sektörlerindeki sigortacılar, taşıt ve yapı onarım tesisleri, değerlendirme uzmanları, kurtarma işletmeleri, geri dönüşümcüler ile taşıt ve yapı sahipleri arasındaki mali işlemlerin yapılması, denkleştirilmesi ve uzlaştırılması için kullanılmak üzere, indirilemez bilgisayar yazılımları; otomobil sigortası ve otomobil tamiri alanlarında, çalışanların verimliliğinin artırılması ve genel performans ve karlılığın iyileştirilmesi amacıyla kritik iş performansı göstergelerine dair verilerin toplanması ve analiz edilmesi için indirilemez çevrimiçi bilgisayar yazılımlarının geçici kullanımının temin edilmesi; taşıt tamir hizmeti sağlayıcıları ile taşıt sahipleri arasında taşıt tamirlerinin durumunun takip edilmesi ve rapor edilmesi amacıyla çevrimiçi indirilemez yazılımların temin edilmesi; taşıt tamir hizmeti sağlayıcıları ile taşıt sahipleri arasında taşıt tamirlerinin durumuyla ilgili raporların takip edilmesi, güncellenmesi ve üretilmesi amacıyla bilgisayar yazılımı platformlarını içeren, hizmet sunma platformu (PAAS); kullanıcıların motorlu taşıtlar, motorlu taşıt sürücüleri ve yolcuları, sürücülük kayıtları ve taşıt bilgileriyle ilgili bilgilere erişmesini sağlayan teknolojiye sahip bir web sitesinin temin edilmesi; bilgisayar hizmetleri, yani motorlu taşıtlar, motorlu taşıt sürücüleri ve sürücülük kayıtları hakkındaki bilgilerin elektronik olarak depolanması.

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