

**Notification of provisional refusal of protection based on an opposition
(Article 5 of the Madrid Protocol and Rule 17(1) and (2) of the Regulations under the
Protocol relating to the Madrid Agreement and Article 78 EUTMDR)**

Alicante, 26/01/2023

International registration No: **1301308**
Date of notification to EUIPO: **08/09/2022**
Trade mark: **DOR**
Holder: **VINĂRIA BOSTAVAN S.R.L.,
întreprindere mixtă
Etulia, Vulcănești
MD-5352 UTA Găgăuzia
Moldova, Republic of**
Opposition number: **B 003184698**

Protection of the abovementioned mark is provisionally refused for the European Union.

The provisional refusal is based on the fact that an opposition has been filed against the international registration.

I. The grounds for opposition are as follows.

Conflict with an earlier mark because of likelihood of confusion (Article 8(1)(b) EUTMR);

II. Name and address of the opposing party:

**MAISON ANSAC
51 Rue Pierre Loti
F-16100 COGNAC
France**

III. The opposition is based on a mark which was the subject of an application or registration.

- type of mark : **EUTM Registration**
- filing date, registration date and, if applicable, priority date: **11/01/2002 - 23/05/2003**
- filing number and, if different, registration number: **EUTM 002543866**

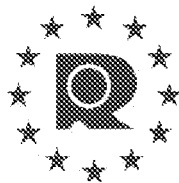
- reproduction of the mark: (see annex)
- list of goods on which the opposition is based: (see annex)

The opposition is based on more than one earlier right: (see annex)

IV. The provisional refusal relates to all the goods covered by the designation of the European Union.

The Office will notify the opposition separately to the holder of the international registration, including all evidence on which it is based, pursuant to Article 6(1) EUTMDR.

The notification will open an (extendable) cooling-off period and a further period for the opponent to substantiate the opposition. The notification will set a time limit of six months for the holder of the international registration to submit observations.



MICHAEL BRAVENBOER

Enclosures (excluding the cover letter): 6 pages.

Date of receipt (DD/MM/YYYY) 12/12/2022	Number of pages (including this one) 5
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Acknowledgement of receipt of a Notice of opposition

Your notice of opposition has been submitted successfully.
We thank you for choosing to use the online OPPOSITION form.

Opposition number:	003184698
Date of submission:	12/12/2022
Time of submission:	10:14
Number of attached files:	1
Payment method:	Current account with EUIPO
Payment ID number:	22D4PXH6

Please indicate the opposition number in any further communication with the EUIPO.

NOTICE OF OPPOSITION

Your reference: **LM019524/JFI-CBE**

Opponent(s)

Opponent EUIPO ID: **795265**

Name of legal entity or first name and surname:

MAISON ANSAC

Legal form:

Société par actions simplifiée

Type:

Legal Entity

Street address:

51 Rue Pierre Loti

City:

COGNAC

Postal Code:

16100

Country:

France

Postal address (if different):

Telephone number:

E-mail address:

Website:

Representative(s)

EUIPO representative ID: **12455**

Name or legal name:

CABINET GERMAIN & MAUREAU

Type:

Association

Street address:

12, rue Boileau

City:

Lyon

Postal Code:

69006

Country:

France

Postal address (if different):

Telephone number:

E-mail address:

Website:

Challenged entity

Challenged registration ID: **W11301308**

Type of entity

IR

Name of the owner/holder:

VINĂRIA BOSTAVAN S.R.L., întreprindere mixtă

Designation date:

12/08/2022

Representation of the trade mark

DOR

Trade mark type

Word

Language of proceedings

☒ First language: EN (English) ☐ Second language: FR (French)

Extent of the application

☒ Against all the goods and services
☐ Against some of the goods and services

Class

Goods and services

33 (EN)

Alcoholic beverages (except beers).

Grounds for opposition

Selected ground number 1

NOTICE OF OPPOSITION

Article 8(1)(b) EUTMR - There exists a likelihood of confusion on the part of the public

Basis of opposition

Type of basis	EUTM/A
Name of the owner/applicant	MAISON ANSAC
Application date	11/01/2002
Filing number	002543866
Registration number	002543866
Registration date	23/05/2003
Expiry date	11/01/2032
Trade mark type	Word
Verbal elements	A.E. DOR

☒ The opposing party accepts that the necessary information for this trade mark is imported from the relevant online official database, accessible through TMVIEW, and that this source is used for substantiation purposes without prejudice to its right or obligation to provide any additional information that may be necessary to comply with the substantiation requirements of Article 7(2) and (4) EUTMDR

Goods and services used as basis

- ☒ Based on all the goods and services
☐ Based on part of the goods and services, namely:

Class	Goods and services
33 (EN)	Cognac, alcoholic beverages containing cognac, armagnacs, rum.

Entitlement

- ☒ Owner/Co-owner ☐ Authorised licensee
☐ Person authorised under the applicable law

Selected ground number 2

Article 8(1)(b) EUTMR - There exists a likelihood of confusion on the part of the public

Basis of opposition

Type of basis	National trade mark application/registration
Territory(ies)	France
Name of the owner/applicant	Maison A.E. DOR, Société par Actions Simplifiée
Application date	06/10/2016
Filing number	4305108
Registration number	4305108
Registration date	27/01/2017
Trade mark type	Word
Representation of the earlier right	MAISON A.E. DOR
Verbal elements	MAISON A.E. DOR

☒ The opposing party accepts that the necessary information for this trade mark is imported from the relevant online official database, accessible through TMVIEW, and that this source is used for substantiation purposes without prejudice to its right or obligation to provide any additional information that may be necessary to comply with the substantiation requirements of Article 7(2) and (4) EUTMDR

NOTICE OF OPPOSITION

Goods and services used as basis <input checked="" type="checkbox"/> Based on all the goods and services <input type="checkbox"/> Based on part of the goods and services, namely:	
Class	Goods and services
33 (EN)	Boissons alcoolisées (à l'exception des bières) ; vins ; eaux-de-vie ; spiritueux, vodka, rhum, cognac et brandies
Entitlement <input checked="" type="checkbox"/> Owner/Co-owner <input type="checkbox"/> Authorised licensee <input type="checkbox"/> Person authorised under the applicable law	
Evidence in support and <input type="checkbox"/> Attached <input checked="" type="checkbox"/> To follow	

Selected ground number 3	
Article 8(4) EUTMR - The earlier non-registered trade mark or other sign is used in the course of trade of more than mere local significance and, pursuant to the law governing it, confers on the opponent the right to prohibit the use of a subsequent trade mark	
Basis of opposition	
Type of basis	Other sign used in the course of trade
Details	Other Domain name aedor.com
Territory(ies)	France ; European Union
Trade mark type	Other
Representation of the earlier right	aedor.comjpg.jpg <input type="checkbox"/> Colour(s) claimed
Goods and services/Business activities	Manufacturing and selling of alcoholic beverages, including spirits and cognac

Entitlement <input checked="" type="checkbox"/> Owner/Co-owner <input type="checkbox"/> Authorised licensee <input type="checkbox"/> Person authorised under the applicable law	
Evidence in support and <input type="checkbox"/> Attached <input checked="" type="checkbox"/> To follow	

Fees	
Payment method	Current account
Opposition of EUTM fee	320.00 €
Total amount	320.00 €
Current account with EUIPO	

Signature	
First name and Surname	Capacity of the signatory
JULIEN FIALLETOUT	Professional representative

Annexes:

NOTICE OF OPPOSITION

Selected ground number 1
No attachments
Selected ground number 2
No attachments
Selected ground number 3
No attachments
ipef_pdf_receipt_section_statements_grounds_uploaded_files_arguments_annexes_title
No attachments
ipef_pdf_receipt_section_statements_grounds_uploaded_files_evidences_annexes_title
No attachments

Annexes

aedor.comjpg.jpg

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domain name: aedor.com
informational: domain name:
registry domain id: 369903412_domain.com-wnp
registry whois server: whois.eurowhois.net
registry url: http://www.namesfield.com
registry date: 2002-07-06T00:00:00+02:00
creation date: 2003-07-16T00:00:00+02:00
registry registration expiration date: 2005-07-16T00:00:00+02:00
registry: namesfield.com
registry id: 4251
registry whois contact email: whois@namesfield.net
registry whois contact phone: +33-243300028
domain status: clientDeleteProhibited
https://icann.org/ipeds/deleteProhibited
domain status: clientUpdateProhibited
https://icann.org/ipeds/updateProhibited
domain status: clientTransferProhibited
https://icann.org/ipeds/transferProhibited
registry registration id:
registry name:
registry organization: netion anac
registry state:
registry city:
registry state/province: n/t
registry postal code:
registry country: fr
registry phone:
registry whois ext:
registry fax:
registry url: http://secure.namesfield.net/contact/aedor.com/owner
registry whois id:
domain name:
domain organization:
domain street:
domain city:
domain state/province:
domain postal code:
domain country:
domain phone:
domain phone ext:
domain fax:
domain fax ext:
domain email: https://secure.namesfield.net/contact/aedor.com/owner
registry whois id:
tech name:
tech organization:
tech street:
tech city:
tech state/province:
tech postal code:
tech country:
tech whois:
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