

**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, 04/06/2025

International registration No: **1089415A**

Date of notification to EUIPO: **05/12/2024**

Trade mark: **ALBASTRELE**

Holder: **Ducates Grup Srl.
Budai village
Telenesti district
Moldova, Republic of**

Opposition number: **B 003237219**

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.

The Office has notified 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 sets a time limit of two months (including relevant notification offset) starting on the day the Office issues the notification, that is until **14/08/2025** for the holder to appoint a representative within the meaning of Article 120(1) EUTMR. Protection of the international registration designating the European Union will be refused in its entirety if the holder fails to appoint a representative within the time limit. In addition, the notification opens an (extendable) cooling-off period, a further period for the opponent to substantiate the opposition and a period for the holder of the international registration to submit observations.

I. The grounds for opposition are as follows.

Conflict with an earlier mark because of identity or similarity of the goods and identity or similarity of the marks concerned, and likelihood of confusion (Article 8(1)(a) and (b) EUTMR).

II. Name and address of the opposing party:

**Direct Wines Limited
One Waterside Drive, Arlington Business Park
Theale Berkshire RG7 4SW
United Kingdom**

Name and address of the representative:

CMS CAMERON MCKENNA NABARRO OLSWANG POSNIAK I BEJM SP.K.
Varso Tower Chmielna 69
00-801 Warsaw
Poland

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: **20/12/2011 - 02/05/2012**
- filing number and, if different, registration number: **EUTM 010511905**
- reproduction of the mark: (see annex)
- list of goods on which the opposition is based: (see annex)

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



Letizia CACCIATORI

Enclosures

Date of receipt (DD/MM/YYYY) 10/04/2025	Number of pages (including this one) 5
--	---

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:	003237219
Date of submission:	10/04/2025
Time of submission:	15:37
Number of attached files:	0
Payment method:	Current account with EUIPO
Payment ID number:	25FFEGA3

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

NOTICE OF OPPOSITION

Your reference: O22776.00474

Opponent(s)	Opponent EUIPO ID: 26460
Name of legal entity or first name and surname:	Direct Wines Limited
Legal form:	Limited Company
Type:	Legal Entity
Street address:	One Waterside Drive, Arlington Business Park
City:	Theale
Postal Code:	RG7 4SW
Country:	United Kingdom
Postal address (if different):	Direct Wines Limited One Waterside Drive, Arlington Business Park Theale Berkshire RG7 4SW United Kingdom
Telephone number:	
E-mail address:	
Website:	
Representative(s)	EUIPO representative ID: 84076
Name or legal name:	CMS CAMERON MCKENNA NABARRO OLSWANG POSNIAK I BEJM SP.K.
Type:	Association
Street address:	Varso Tower Chmielna 69
City:	Warsaw
Postal Code:	00-801
Country:	Poland
Postal address (if different):	CMS CAMERON MCKENNA NABARRO OLSWANG POSNIAK I BEJM SP.K. Varso Tower Chmielna 69 00-801 Warsaw Poland
Telephone number:	00 48-225205555
E-mail address:	PLtrademarks@cms-cmno.com
Website:	http://www.cms.law/en/POL/Office/Warsaw
Challenged entity	Challenged registration ID: W11089415A
Type of entity	IR
Name of the owner/holder:	Ducates Grup Srl.
Designation date:	04/10/2024
Representation of the trade mark	ALBASTRELE
Trade mark type	Word
Language of proceedings	<input checked="" type="checkbox"/> First language: EN (English) <input type="checkbox"/> Second language: FR (French)
Extent of the application	<input checked="" type="checkbox"/> Against all the goods and services <input type="checkbox"/> Against some of the goods and services
Class	Goods and services
33 (EN)	Alcoholic beverages (except beers); digesters; alcoholic beverages containing fruit; aperitifs; brandy; vermouth;

NOTICE OF OPPOSITION

wines; flavored wines; white wines; red wines; table grape wines; dessert wines; sparkling wines; liqueur wines; vintage wines; strong wines; muscat wines; semisweet wines; semidry wines; ordinary wines; carbonated wines; berry wines; fruit wines; pink wines; table wines; dry wines; bitters; vodka; cocktails; liqueurs; distilled beverages; alcoholic grape beverages, carbonated; low-alcohol grape beverages, carbonated; piquette; low-alcohol beverages; spirits.

Grounds for opposition

Selected ground number 1

Article 8(1)(a) EUTMR - The contested mark is identical to the earlier trade mark and covers identical goods and/or services

Basis of opposition

Type of basis	EUTM/A
Name of the owner/applicant	Direct Wines Limited
Application date	20/12/2011
Filing number	010511905
Registration number	010511905
Registration date	02/05/2012
Expiry date	20/12/2031
Trade mark type	Word
Verbal elements	ALBASTRELE

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)	Alcoholic beverages (except beers); wines; sherry.

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	EUTM/A
Name of the owner/applicant	Direct Wines Limited
Application date	20/12/2011
Filing number	010511905
Registration number	010511905
Registration date	02/05/2012
Expiry date	20/12/2031
Trade mark type	Word

NOTICE OF OPPOSITION

Verbal elements	ALBASTRELE
<input checked="" type="checkbox"/> 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 <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)	Alcoholic beverages (except beers); wines; sherry.
Class	Goods and services
35 (EN)	The bringing together, for the benefit of others, of wines, spirits and other alcoholic beverages, enabling customers to conveniently view and purchase those goods by mail order or telecommunications or from an Internet web site; marketing of wines, spirits and other alcoholic beverages; promotion services including arranging exhibitions and tasting events in respect of wines, spirits and other alcoholic beverages for commercial or advertising purposes; advertising and promotional services in respect of wine clubs and wine societies; advertising and promotion of services and benefits to wine club members and wine society members including advertising and promotion of incentive schemes and loyalty programmes; direct mail advertising, dissemination of advertising material and provision of commercial information in relation to wine, spirits and other alcoholic beverages and to wine clubs and wine societies.
Class	Goods and services
39 (EN)	Cellarage services for wines; transportation of goods by land, air and/or sea; arranging of transportation of goods by land, air and/or sea; delivery of goods by land, air and/or sea; warehousing and storage; warehousing services; information and advisory services relating to all the aforesaid services; including such services as provided on line or via the Internet.
Entitlement	<input checked="" type="checkbox"/> Owner/Co-owner <input type="checkbox"/> Person authorised under the applicable law <input type="checkbox"/> Authorised licensee
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
Alicja Zalewska-Orabona	Legal practitioner

Annexes:

Selected ground number 1
No attachments

NOTICE OF OPPOSITION

Selected ground number 2
No attachments
Arguments
No attachments
Annexes to Arguments (Evidence)
No attachments