



Oifig Na bPaitinní

Patents Office

Oifigí an Rialtais
Bóthar Hebron
Cill Chainnigh
Éireann

Government Buildings
Hebron Road
Kilkenny
Ireland

Tel: (00-353-56) 7720111
Lo-Call: 1890-220223

Fax: (00-353-56) 7720100
Lo-Call Fax: 1890-220120

E-mail: patlib@entemp.ie
Website: www.patentsoffice.ie

World Intellectual Property Organisation
34, Chemin de Colombettes
PO Box 18
1211 Geneva 20
Switzerland

Date of Notification: 18 January 2005
Our Reference: TMOPP 1847

International Registration No.: 0755909
Mark: GOLDPRINCE
Holder: Lidl Stiftung & Co. KG

**Notification of the Irish Patents Office of refusal of protection
based on 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: HOUSE OF PRINCE A/S

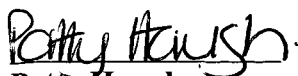
Address: Tobaksvejen 4, DK-2860 Soborg, Denmark

Address for Service: MacLachlan & Donaldson, 47 Merrion Square, Dublin 2, Ireland

1. Where the Opponent has cited an earlier registration or pending application as grounds for the opposition, the details of the relevant mark(s) are as outlined in the enclosed printout(s). ***Please see attached printouts in respect of International Trade Mark Registration No. 0776384, Community Trade Mark No. 002075281 and National Trade Mark No(s). 220784, 224288 and 224289.***
2. The refusal is in respect of all the goods/services for which protection is sought.
3. The holder may file a counter-statement, under Rule 19(1), in duplicate, not later than 17 April 2005.
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 If a counter-statement is not received within the time allowed, the holder will be deemed to have withdrawn his request for protection of the mark.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 State as required by Rule 10; failure to furnish such address will result in the holder being deemed to have abandoned his request for protection.

Please quote our reference in all future correspondence.

Yours faithfully,



Patty Haugh

Trade Marks Opposition

Ext No: 4181

Direct Line No: (00 353 56) 7720181

TRADE MARKS ACT, 1996

**IN THE MATTER OF an Opposition
by HOUSE OF PRINCE A/S to
International Trade Mark
Registration No 0755909
GOLDPRINCE in the name
LIDL STIFTUNG & CO. KG**

NOTICE OF OPPOSITION

HOUSE OF PRINCE A/S (hereinafter referred to as the Opponent), of Tobaksvejen 4, DK-2860 Søborg, Denmark, hereby gives notice of its intention to oppose the granting of protection in Ireland to the Trade Mark GOLDPRINCE the subject of International Trade Mark Registration No. 0755909 advertised in the Patents Office Journal No. 2007 in the name of LIDL STIFTUNG & CO. KG (hereinafter referred to as the Holder). The grounds of opposition are as follows:

1. The Opponent is the proprietor of the Trade Marks PRINCE, PRINCE GOLD and a number of label trade marks which incorporate the trade mark PRINCE (hereinafter referred to collectively as the Opponent's PRINCE trade marks). The Opponent's trade mark PRINCE GOLD together with a number of label trade marks which incorporate the trade mark PRINCE enjoy registered protection in the State and full particulars of each registration are given in the Register extracts which form "Attachment 1" to this Notice of Opposition. The Opponent's PRINCE trade marks have for many years been used both in the Republic of Ireland and Internationally in relation to cigarettes and tobacco products and as a consequence of that use the Opponent has acquired a substantial reputation in the State under each trade mark.

2. The mark GOLDPRINCE (hereinafter referred to as the Holder's mark) for which the Holder is seeking protection in the Republic of Ireland under International Registration No. 0755909 falls naturally into the two separate words GOLD and PRINCE. It is common practice in the tobacco industry for manufacturers to add colour designations such as GOLD, SILVER, RED or BLUE to their core trade marks and the Holder's mark GOLDPRINCE would therefore be viewed by the purchasing public as a variant of the Opponent's well known trade mark PRINCE. Since the goods covered by Registration No. 0755909 are identical and/or similar to the goods for which the Opponent's prior PRINCE trade marks have been used and are registered, there exists a likelihood of confusion, including a likelihood of association on the part of the public between the Holder's mark and the Opponent's prior PRINCE trade marks. Consequently, the extension of protection in the State to the Holder's mark would be contrary to Section 10(2)(b) of the Trade Marks Act, 1996.
3. The extension of protection in the State to the Holder's mark would also offend against the provisions of Sections 10(4) (a) of the Trade Marks Act, 1996 to the extent that the Opponent's prior PRINCE trade marks enjoy unregistered rights in the State sufficient to enable the Opponent to prohibit the use of the Holder's mark in the State.
4. The Holder's mark was adopted in bad faith with the intention of trading on and taking advantage of the reputation and goodwill enjoyed under the Opponent's PRINCE trade marks. Consequently, the extension of protection in the State to the Holder's mark would be contrary to the provisions of Section 8(4)(b) of the Trade Marks Act, 1996.

5. The Opponent accordingly requests that the extension of protection in the State to the Holder's mark be refused and that a substantial award of costs be made in favour of the Opponent.

Dated this 13th day of January 2005

By:



MACLACHLAN & DONALDSON
Opponent's Agents
47 Merrion Square
Dublin 2

ATTACHMENT 1



PATENTS OFFICE REGISTER & DATABASE SEARCH




REGISTER OF TRADE MARKS

Database
Home

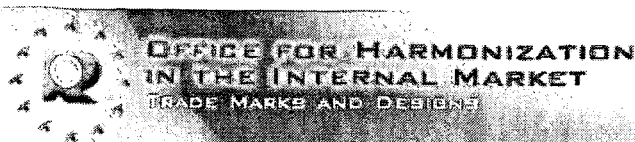
Status: **Protected**

Registration No. **0776384**

Name & Address of Holder	House of Prince A/S Tobaksvejen 4 DK-2860 Soborg DENMARK corporation organised and existing under the laws of Denmark
Representation of Mark	
Goods & Services	Class 34 Tobacco, cigarettes, smokers' articles, matches.
Designation Date	08/02/2002
Priority Date	28/01/2002
Registration Renewed	
Date of Notification from International Bureau	04/04/2002
Date of Publication of	29/10/2003

Protection	
Expiry Date	08/02/2012
Address for Service WIPO	House of Prince A/S Tobaksvejen 4 DK-2860 Soborg DENMARK corporation organised and existing under the laws of Denmark
Name and Address of WIPO Representative	Hofman-Bang Zacco A/S Hans Bekkevolds Allé 7 DK-2900 Hellerup DENMARK
Name and Address for Service within the State	MACLACHLAN & DONALDSON 47 Merrion Square Dublin 2 IRELAND
Colour Claimed	
Notings	
27/05/2002	IR Application provisionally refused on 27/05/2002.

[View Trademark](#)[Go
Back](#)[Top of
Page](#)[Database
Home](#)[Go to Trademark
Query](#)



ES DE FR
Contact Site Map Search

Overview

Trade mark

Graphic representation

List of goods and services

Description of the mark

Owner

Representative

Seniority

Exhibition priority

Priority

Publication

Opposition

Cancellation

Appeals

Records

Download trade mark details

Link to CTM Bulletin On-line

CTM-ONLINE - Detailed trade mark information



List of results

Trade mark name : PRINCE GOLD
Trade mark No : 002075281
Trade mark basis: CTM
Number of results: 1 of 1

<< Previous | Next >>

Trade mark

Filing date: 09/02/2001
Date of registration: 01/08/2002
Expiry Date: 09/02/2011
Nice Classification: 34 ([↗](#) Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Date of last status: 11/09/2002
Status of trade mark: Registration published ([↗](#) Glossary)
([↗](#) History of statuses)
Filing language: Danish
Second language: English

Graphic representation

No entry for application number: 002075281.

List of goods and services

Nice Classification: 34
List of goods and services Tobacco, cigarettes, smokers' articles, matches.

Description

Description of the mark: Description is not available in this language

Owner

Name: HOUSE OF PRINCE A/S
ID No: 20450
Natural or legal person: Legal entity
Address: Tobaksvejen 4
Post code: 2860
Town: Søborg
Country: DENMARK
Correspondence address: HOUSE OF PRINCE A/S Tobaksvejen 4 DK-2860 Søborg DINAMARCA

Representative

Name: ZACCO DENMARK A/S

ID No: 10068
Address: Hans Bekkevolds Allé 7
Post code: 2900
Town: Hellerup
Country: DENMARK
Correspondence address: ZACCO DENMARK A/S Hans Bekkevolds Allé 7 DK-2900 Hellerup DINAMARCA
Telephone: 00 45-39488000
Fax: 00 45-39488080
E-mail:  info@zacco.dk

Seniority

No entry for application number: 002075281.

Exhibition priority

No entry for application number: 002075281

Priority

No entry for application number: 002075281.

Publication

Bulletin no.: 015/2002
Date of publication: 25/02/2002
Part: A
Page: 375

Bulletin no.: 072/2002
Date of publication: 09/09/2002
Part: B
Page: 743

Opposition

No entry for application number: 002075281.

Cancellation

No entry for application number: 002075281

Appeals

No entry for application number: 002075281

Recordals

No entry for application number: 002075281

[<< Previous](#) | [Next >>](#) | [Top](#)

Disclaimer and Copyright Noti



PATENTS OFFICE REGISTER & DATABASE SEARCH

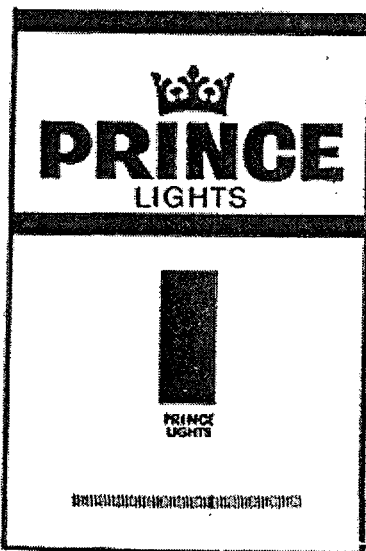


REGISTER OF TRADE MARKS

**Database
Home**

Status: Registered

Registration No. 220784

Name & Address of Proprietor	HOUSE OF PRINCE A/S Tobaksvejen 4 DK-2860 Soborg DENMARK a corporation organised and existing under the laws of Denmark
Representation of Mark	
Goods & Services	Class 34 Cigarettes.
Date of Registration	02/02/2001
Date of Publication of Registration	12/06/2002
Priority Date	
Registration Renewed	
Address for Service	MACLACHLAN & DONALDSON 47 Merrion Square Dublin 2

	IRELAND
Notings	

[View Trademark](#)[Go
Back](#)[Top of
Page](#)[Database
Home](#)[Go to Trademark
Query](#)



PATENTS OFFICE REGISTER & DATABASE SEARCH

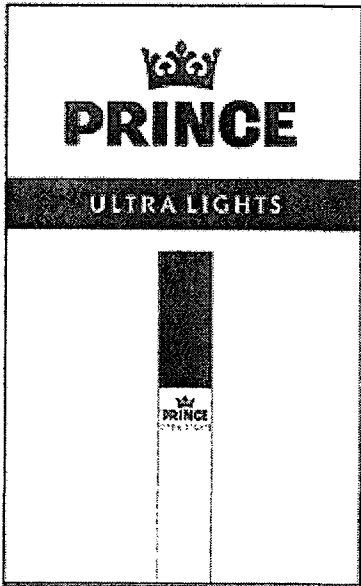


REGISTER OF TRADE MARKS

**Database
Home**

Status: **Registered**

Registration No. **224288**

Name & Address of Proprietor	HOUSE OF PRINCE A/S Tobaksvejen 4 DK-2860 Soborg DENMARK a corporation organised and existing under the laws of Denmark
Representation of Mark	
Goods & Services	Class 34 Cigarettes.
Date of Registration	02/02/2001
Date of Publication of Registration	16/04/2003
Priority Date	
Registration Renewed	
Address for Service	MACLACHLAN & DONALDSON 47 Merrion Square

	Dublin 2 IRELAND
Notings	The Mark is proceeding on the basis of prior rights in Registered Trade Mark Nos. 40822, 162920 and 166313.

[View Trademark](#)[Go
Back](#)[Top of
Page](#)[Database
Home](#)[Go to Trademark
Query](#)



PATENTS OFFICE REGISTER & DATABASE SEARCH

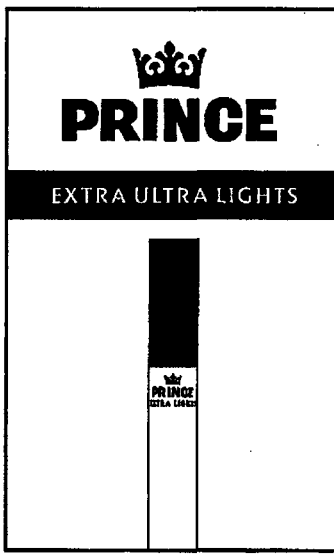


REGISTER OF TRADE MARKS

**Database
Home**

Status: **Registered**

Registration No. **224289**

Name & Address of Proprietor	HOUSE OF PRINCE A/S Tobaksvejen 4 DK-2860 Soborg DENMARK a corporation organised and existing under the laws of Denmark
Representation of Mark	
Goods & Services	Class 34 Cigarettes.
Date of Registration	02/02/2001
Date of Publication of Registration	19/02/2003
Priority Date	
Registration Renewed	
Address for Service	MACLACHLAN & DONALDSON 47 Merrion Square Dublin 2

	IRELAND
Notings	The Mark is proceeding on the basis of prior rights in Registered Trade Mark Nos. 40822, 162920 and 166313.

[View Trademark](#)[Go
Back](#)[Top of
Page](#)[Database
Home](#)[Go to Trademark
Query](#)