

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

EX OFFICIO PROVISIONAL REFUSAL

notified to the International Bureau of the World Intellectual Property Organization (WIPO) according to Article
5 of the Madrid Protocol

I. Office refusing protection:

National Board of Patents and Registration of Finland
Trademarks
P.O. Box 1170
FIN-00101 HELSINKI
Telephone: +358-9-6939500
Telefax: +358-9-69395585

II. Number of the international registration which is the subject of the refusal: 827962

III. Other information concerning the international registration which is subject of the refusal:
Verbal elements of the mark: Deborah Lee (word/ figurative mark).

IV. The grounds for this refusal are the following:

The trademark is liable to be confused with the following national trademark: DEBORAH; registered under number 87028 for identical and similar kinds of goods in class 25 (extract of the register of trademarks enclosed).

The trademark is liable to be confused with the following national trademark: LEE; registered under number 70867 for identical and similar kinds of goods in class 25 (extract of the register of trademarks enclosed).

The trademark is liable to be confused with the following national trademark: LEE; registered under number 39388 for identical and similar kinds of goods in class 25 (extract of the register of trademarks enclosed).

The trademark is liable to be confused with the following Community trademark:
LEE; registered under number 164228 for identical and similar kinds of goods in class 25 (The enclosed information of the Community trademark is a printout from the CTM-ONLINE database (Community Trade Mark Consultation Service)).

V. Provisions of the Finnish Trademarks Act applicable on the subject (enclosed):
Art. 6 paragraph 1, Art. 14 paragraph 1 item 6
Art. 6 paragraph 1, Art. 14 paragraph 1 item 9

VI. Total refusal.

- VII. The holder of the registration may request a review of the refusal. The request shall be received by the National Board of Patents and Registration of Finland no later than within 16 weeks from the date of the refusal. **The time limit expires 22.06.2005 (dd.mm.yyyy).**

The request has to be filed through the intermediary of a representative resident in Finland (Article 56 f).

If the holder of the registration has not within the time limit given above requested for the review, the registration shall not take effect in Finland for the goods/services which are affected by the refusal (Article 56 b paragraph 3).

If the grounds for this refusal include Community trademarks or Community trademark applications or international registrations they can remain as grounds for this refusal even if the Community trademark or the Community trademark application is converted into a national trademark application and it leads to registration (Art. 57 a and Art. 14 paragraph 1 item 6) or if the international registration is transformed into a national trademark application and it leads to registration (Art. 56 i and Art. 14 paragraph 1 item 6).

Please note that if the designation is accepted subsequent to reviewal or appeal an opposition may be filed against the mark within 2 months of the publication of the mark (Article 56 c).

Oppositions may be filed after the end of the 18-month period (Article 5(2)(c)(i) of the Protocol, Rule 16(1)).

- VIII. Date on which the refusal was pronounced: 02.03.2005 (dd.mm.yyyy)
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- IX. Signature of the Office


Ari Tervala
Lawyer
Tel. +358-9-6939 5546



OTE TAVARAMERKKIREKISTERISTÄ
UTDRAG UR VARUMÄRKESREGISTRET
EXTRACT OF THE REGISTER OF TRADEMARKS

Rekisterinnumero	Rekisteröintipäivä	
Registernummer	Registreringsdatum	
Registration number (111) 87028	Date of registration (151)	20.10.1983
	Rekisteröinti päättyy	
	Registreringen upphör	
	Registration expires (180)	20.10.2013
Hakemusnumero	Hakemispäivä	
Ansökningsnummer	Ingivandedatum	
Application number (210) T197902697	Filing date (220)	23.05.1979

Haltija - Innehavare - Holder (732)
(Merkitty rekisteriin - Antecknad i registret - Entry in the Register)

DEBORAH COSMETICS B.V., Rotterdam, NL
(29.05.1990)

Asiamies - Ombud - Representative (740)

Berggren Oy Ab, Helsingfors

Tavaramerkki - Varumärke - Trademark (540)

DEBORAH

Tavarat/palvelut - Varor/tjänster - Goods/services (511)
(Merkitty rekisteriin - Antecknad i register - Entry in the Register)

Luokka/Klass/Class 3 Tvålar; parfymerivaror, eteriska oljor, medel för kropps- och skönhetsvård, hårvatten; tandvårdsmedel.

Luokka/Klass/Class 14 Ädla metaller och deras legeringar samt därav framställda föremål och pläterade föremål (förutom knivsmidesvaror, gafflar och skedar); modesmycken; juvelerarvaror, ädelstenar; ur och andra tidmättningsinstrument.

Luokka/Klass/Class 18 Läder och läderimitationer samt därav framställda varor, såvitt de ej ingår i andra klasser; resväskor, portföljer och kappsäckar; paraplyer, parasoller och spatserkäppar.

Luokka/Klass/Class 25 Kläder, däri inbegripet stövlar, skor och tofflor.

Rekisterimerkintöjä
Registeranteckningar
Entries in the Register

Merkintä - Anteckning - Entry

Merkitty rekisteriin	Hakemispäivä
Antecknad i registret	Ingivandedatum
Entry in the Register	Filing date
Selitys - Förklaring - Explanation	

Luovutuspäivä
Datum för överlåtelsen
Date of assignment

Sopimuspäivä
Datum för avtalet
Date of agreement

Ändring av innehavareuppgifter
29.05.1990 31.01.1990

15.02.1989

Förnyelse
23.11.1993 26.08.1993

Förnyelse
13.08.2003

Haltijan ilmoittama osoite - Innehavarens adress enligt anmälan - Reported address of the trademark owner:

723 Weena, NL-3013 AH Rotterdam, NL

OTE TAVARAMERKKIREKISTERISTÄ
UTDRAG UR VARUMÄRKESREGISTRET
EXTRACT OF THE REGISTER OF TRADEMARKS

Rekisterinumero
Registernummer
Registration number (111) 70867

Rekisteröintipäivä
Registreringsdatum
Date of registration (151) 20.11.1979

Rekisteröinti päättyy
Registreringen upphör
Registration expires (180) 20.11.2009

Hakemusnumero
Ansökningsnummer
Application number (210) T197402876

Hakemispäivä
Ingivandedatum
Filing date (220) 25.06.1974

Haltija - Innehavare - Holder (732)
(Merkitty rekisteriin - Antecknad i registret - Entry in the Register)

THE H.D. LEE COMPANY, INC., Delaware, US

Asiamies - Ombud - Representative (740)

Berggren Oy Ab, Helsingfors

Tavaramerkki - Varumärke - Trademark (540)



Tavarat/palvelut - Varor/tjänster - Goods/services (511)
(Merkitty rekisteriin - Antecknad i register - Entry in the Register)

Luokka/Klass/Class 25 Beklädnadsvaror.

Rekisterimerkintöjä
Registeranteckningar
Entries in the Register

Merkintä - Anteckning - Entry

Merkitty rekisteriin	Hakemispäivä
Antecknad i registret	Ingivandedatum
Entry in the Register	Filing date
Selitys - Förklaring - Explanation	

Luovutuspäivä
Datum för överlåtelsen
Date of assignment

Sopimuspäivä
Datum för avtalet
Date of agreement

Förnyelse	
11.01.1990	06.11.1989

Förnyelse
06.10.1999

Haltijan ilmoittama osoite - Innehavarens adress enligt anmälan - Reported address of the trademark owner:

Concord Plaza, 3411 Silverside Road, Wilmington, Delaware, US

OTE TAVARAMERKKIREKISTERISTÄ
UTDRAG UR VARUMÄRKESREGISTRET
EXTRACT OF THE REGISTER OF TRADEMARKS

Rekisterinnumero	Rekisteröintipäivä	
Registernummer	Registreringsdatum	
Registration number (111) 39388	Date of registration (151)	31.10.1962

Rekisteröinti päättyy	
Registreringen upphör	
Registration expires (180)	31.10.2012

Hakemusnumero	Hakemispäivä	
Ansökningsnummer	Ingivandedatum	
Application number (210) T196100246	Filing date (220)	24.01.1961

Haltija - Innehavare - Holder (732)
(Merkitty rekisteriin - Antecknad i registret - Entry in the Register)

THE H.D. LEE COMPANY, INC., Delaware, US
(23.03.1970)

Asiamies - Ombud - Representative (740)

Berggren Oy Ab, Helsingfors

Tavaramerkki - Varumärke - Trademark (540)

LEE

Tavarat/palvelut - Varor/tjänster - Goods/services (511)
(Merkitty rekisteriin - Antecknad i register - Entry in the Register)

Luokka/Klass/Class 25 Ytterkläder för män, kvinnor och barn, nämligen korta och långa byxor, shorts, skjortor och blusar, rockar, jackor, handskar, mössor, jeans, skyddsoveralls, arbetskläder i ett stycke, arbets- eller skyddsuniformer, arbetsrockar (-blusar), tjänste- eller butiksrockar.
(21.01.1974)

Rekisterimerkintöjä
Registeranteckningar
Entries in the Register

Merkintä - Anteckning - Entry

Merkitty rekisteriin	Hakemispäivä
Antecknad i registret	Ingivandedatum
Entry in the Register	Filing date
Selitys - Förklaring - Explanation	

Luovutuspäivä
Datum för överlåtelsen
Date of assignment

Sopimuspäivä
Datum för avtalet
Date of agreement

Ändring av varu-/tjänsteförteckning
20.06.1963

Ändring av innehavareuppgifter		
23.03.1970	11.11.1969	06.08.1969

Ändring av varu-/tjänsteförteckning
23.03.1970

Ändring av varu-/tjänsteförteckning
21.01.1974

Förnyelse	
21.01.1974	06.09.1972

Förnyelse	
26.10.1982	03.08.1982

Förnyelse	
30.10.1992	07.07.1992

Förnyelse	
04.10.2002	

Haltijan ilmoittama osoite - Innehavarens adress enligt anmälan - Reported address of the trademark owner:

Concord Plaza, 3411 Silverside Road, Wilmington, Delaware, US



CTM-ONLINE - Detailed trade mark information



List of results

Trade mark name : LEE
Trade mark No : 000164228
Trade mark basis: CTM
Number of results: 1 of 1

<< Previous | Next >>

Trade mark

Filing date: 01/04/1996
Date of registration: 27/11/1998
Expiry Date: 01/04/2006
Nice Classification: 25 ([⇒](#) Nice classification)
Trade mark: Individual
Type of mark: Figurative
Vienna Classification: 27.5.1 ([⇒](#) Vienna Classification)
Acquired distinctiveness: No
Date of last status: 24/02/1999
Status of trade mark: Registration published ([⇒](#) Glossary)
 ([⇒](#) History of statuses)
Filing language: Dutch
Second language: English

Graphic representation


[+](#) List of goods and services

Nice Classification: 25
List of goods and services Clothing, footwear and headgear.

[+](#) Description

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

Owner

Name: The H. D. Lee Company, Inc.
ID No: 4387
Natural or legal person: Legal entity
Address: 3411 Silverside Road
Post code: 19810
Town: Wilmington
Country: UNITED STATES
Correspondence address: The H. D. Lee Company, Inc. 3411 Silverside Road
Wilmington, DE 19810 ESTADOS UNIDOS (EE UU)

Representative

Name: BUREAU GEVERS
ID No: 10580
Address: Brussels Airport Business Park Holidaystraat, 5
Post code: 1831
Town: Diegem
Country: BELGIUM
Correspondence address: BUREAU GEVERS Brussels Airport Business Park
Holidaystraat, 5 B-1831 Diegem BELGICA
Telephone: 00 32-27153711
Fax: 00 32-27200518
E-mail: trademarks@gevers.com

Seniority

Country: AUSTRIA
Registration number: 136467
Status: Accepted

Country: BENELUX
Registration number: 015518
Status: Accepted

Country: GERMANY
Registration number: 933706
Status: Accepted

Country: GERMANY
Registration number: DD642913
Status: Accepted

Country: DENMARK
Registration number: 1078/75
Status: Accepted

Country: SPAIN
Registration number: 745954
Status: Accepted

Country: FINLAND
Registration number: 70867
Status: Accepted

Country: FRANCE
Registration number: 1272120
Status: Accepted

Country: UNITED KINGDOM
Registration number: 1031551
Status: Accepted

Country: UNITED KINGDOM
Registration number: 1372151
Status: Accepted

Country: GREECE
Registration number: 102904
Status: Accepted

Country: IRELAND
Registration number: 116976
Status: Accepted

Country: ITALY
Registration number: 304067
Status: Accepted

Country: ITALY
Registration number: 505139
Status: Accepted

Country: PORTUGAL
Registration number: 187757
Status: Accepted

Country: SWEDEN
Registration number: 127016
Status: Accepted

Country: PORTUGAL
Registration number: 235639
Status: Accepted

Exhibition priority



No entry for application number: 000164228

Priority



No entry for application number: 000164228.

Publication



Bulletin no.: 014/1998
Date of publication: 02/03/1998
Part: A
Page: 136

Bulletin no.: 014/1999
Date of publication: 01/03/1999
Part: B
Page: 637

Opposition



No entry for application number: 000164228.

Cancellation



No entry for application number: 000164228

Appeals



No entry for application number: 000164228

Recordals



No entry for application number: 000164228

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

Disclaimer and Copyright Notice

Extract from the Finnish Trademarks Act

Art. 6.

Trade symbols shall be regarded under this Act as liable to cause confusion only if they apply to goods of identical or similar type.

Notwithstanding the foregoing, the confusability of trade symbols may be judged in favor of a symbol that has a reputation in Finland where the use of another's trade symbol without due cause would constitute unfair exploitation of, or action detrimental to, the distinctive character or fame of the earlier trade symbol.

The second paragraph of this Article shall apply also to the auxiliary trade names and secondary symbols referred to in the third paragraph of Article 3.

Art. 13.

To be eligible for registration, a trademark must be capable of distinguishing its proprietor's goods from those of others. A mark that denotes either alone or with only few alterations or additions, the kind, quality, quantity, use, price or place or time of manufacture of the goods shall not, as such, be regarded as distinctive. Neither shall a mark be regarded as distinctive, if it is solely composed of a form that is characteristic of the goods, necessary for achieving a technical result or that substantially increases the value of the goods. In assessing whether a trademark possesses distinguishing power, all the factual circumstances shall be borne in mind, particularly the length of time and extent to which the mark has been used.

Art. 14.

A trademark shall not be registered:

- (1) if it is contrary to law and order, or to morality;
- (2) if it is liable to mislead the public;
- (3) if, without proper permission, it incorporates national armorial bearings, a national flag or other emblem, a sign or hallmark indicating control and warranty used by the State for goods of the same type as those for which the trademark is sought or a similar type, the armorial bearings of a Finnish commune, or the flag, armorial bearings or other emblem, name or abbreviated name of an international organization or any device or emblem, name or abbreviated name liable to be confused with the symbols or emblems, marks, names or abbreviations referred to in this item;
- (4) if it is composed of or contains anything likely to give the impression of being the protected trade name of another or the auxiliary trade name or secondary symbol of another as referred to in the third paragraph of Article 3, or of being the name or likeness of another person, unless such name or likeness plainly relates to a person long dead;
- (5) if it is composed of or contains anything likely to give the impression of being the title of another's protected literary or artistic work, such title being original in character, or if it constitutes an infringement of another's copyright in such a work or of his rights in a photographic illustration or a protected design;
- (6) if it is liable to be confused with the name or protected trade name of another trade, with an auxiliary trade name or secondary symbol of the kind referred to in the third paragraph of Article 3, with the trademark of another which has been registered on the basis of an earlier application or with the trade symbol of another party that is already established when registration is sought;
- (7) if it is liable to be confused with a trade symbol being used by another party for his goods at the time of the application, and if the applicant was aware of that use at the time of his application and had not used his own mark before the other trade symbol came into use;
- (8) if it is liable to be confused with a trademark protected by an international registration valid in Finland or European Community that on basis of this registration enjoys an earlier right in Finland or European Community;
- (9) if it is liable to be confused with a Community trade mark within the meaning of Article 57 that has been registered on the basis of an earlier application or that has seniority from Finland under Article 34 or 35 of the Council Regulation referred to in Article 57;
- (10) if it is liable to be confused with a registered name of a plant variety; or
- (11) if there is an obstacle to registration within the meaning of Council Regulation (EEC) No. 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

In the cases referred to in items (4) to (9), registration may be granted if the person whose right is concerned agrees thereto, and provided that the registration does not contravene any of the other provisions of the first paragraph of this Article.

Art. 15.

The exclusive rights in a trademark acquired by registration do not cover any part of the mark that cannot be registered as such.

If the trademark contains any such part and there are special reasons to believe that its registration may cause uncertainty regarding the extent of the exclusive rights granted, protection of the part may be specifically disclaimed when the registration is made.

If a part of a trademark excluded from protection later becomes registrable, a new registration may be made to cover that part or the entire trademark without the exclusion of the part from protection.

Art. 56b paragraph 3.

If the proprietor of an international registration has not within the given time limit submitted his statement commenting on the registration authority's notification referred to in paragraph 1, the international registration shall not take effect in Finland. If the said notification only concerned some of the goods in the international registration, the international registration shall take effect in Finland in respect of those of the goods that the notification did not concern.

Art. 56c.

If no obstacle to registration is found, the registration authority shall give public notice of the International Bureau notification referred to in Article 56a as laid down in the first paragraph of Article 20. The public notice shall specify the date accorded to the international registration by the International Bureau.

Any opposition to an international registration in Finland shall be filed in writing with the registration authority within two months of the date of the public notice.

Art. 56f.

If the proprietor of an international registration who is not domiciled in Finland wishes to submit a statement to the National Board of Patents and Registration of Finland, he shall appoint a representative resident in Finland.