
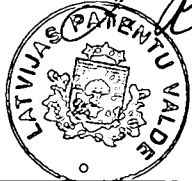


**MADRID AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF MARKS
AND PROTOCOL RELATING TO THAT AGREEMENT**

PROVISIONAL REFUSAL OF PROTECTION

notified to the World Intellectual Property Organisation (WIPO)
according to Article 5 of the Madrid Agreement and Madrid Protocol

<p>I. Office making the notification of refusal PATENT OFFICE OF THE REPUBLIC OF LATVIA 7, Citadeles iela, PO Box 824 LV 1010, Riga LATVIA</p>	<p>phone 371 7027604 Fax 371 7027690</p>
<p>II. Number of the international registration which is the subject of refusal 837 541</p>	
<p>III. Name of the holder of the international registration concerning the subject of refusal OBCHTCHESTVO S OGRANITCHENNOY OTVETSTVENNOSTYU "EVRA" d. 1/12 per. B. Kislovsky RU-103009 MOSKVA Russian Federation</p>	
<p>IV. The grounds of refusal Opposition submitted by Lidl Stiftung & Co.KG [Stiftsbergstrasse 1 74167 Neckarsulm (DE)], owner of international registration 610 993 /PRIMADONNA/</p>	
<p>V. Reference to the corresponding essential provisions of the law (see materials attached) ARTICLE. 18., 39. Opposition has based on Article 7(1)2.</p>	
<p>VI. <input checked="" type="checkbox"/> Refusal for all the goods and services</p> <p> <input type="checkbox"/> Refusal for the following goods and services:</p>	
<p>VII. Possibilities to review or appeal The holder has the right, within three months from the date of receipt of decision and upon payment of a fee, to submit a substantiated appeal to the Patent Office through a professional local patent attorney. After expiration of the said period the Board of Appeal shall take a decision to satisfy the opposition, fully or in part, or to dismiss it. The decision of the Board of Appeal can be appealed, within three months from the date of receipt of the copy of the decision, to the Administrative District Court</p>	
<p>VIII. Date on which the refusal was pronounced 17.05.2005</p>	
<p>IX. Signature and seal of the office making the notification of refusal L.Rinka</p> <div style="text-align: right;"></div>	



- (151) 10.11.1993 610993
- (180) 10.11.2013
- (171) 20
- (732) Lidl Stiftung & Co. KG
Stiftsbergstrasse 1
74167 Neckarsulm (DE)
- (811) DE
- (740) Hansmann & Vogeser,
Patent- und Rechtsanwälte
Albert-Roßhaupter-Strasse 65
81369 München (DE)
- (540) PRIMADONNA
- (566) PRIMADONNA
PRIMADONNA
- (511) 29 Viande, poisson, volaille et gibier; extraits de viande; fruits et légumes conservés, séchés et cuits; gelées de viande, de poisson, de fruits et de légumes; confitures; oeufs; lait et produits laitiers, à savoir beurre, fromage, crème, yoghourt, lait en poudre à usage alimentaire; huiles et graisses comestibles; conserves de viande, de poisson, de fruits et de légumes.
Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruit and vegetables; meat, fish, fruit and vegetable jellies; jams; eggs; milk and dairy products, namely butter, cheese, cream, yogurt, powdered milk for food; edible oils and fats; canned meat, fish, fruit and vegetables.
Carne, pescado, aves y caza; extractos de carne; frutas y legumbres en conserva, secas y cocidas; gelatinas de carne, de pescado, de frutas y de legumbres; confituras; huevos; leche y productos lácteos, a saber, mantequilla, queso, nata, yogur, leche en polvo para uso alimenticio; aceites y grasas comestibles; conservas de carne, de pescado, de frutas y de verduras.
- 30 Café, thé, cacao, sucre, riz, tapioca, sagou, succédanés du café; farines et préparations faites de céréales (à l'exception des fourrages); pâtes alimentaires; pain, pâtisserie et confiserie, glaces comestibles; miel, sirop de mélasse; levure, poudre pour faire lever; sel comestible; moutarde; vinaigre, sauces (condiments), sauces de fruits; épices.
Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals (except fodder); pasta; bread, pastry and confectionery, edible ice; honey, treacle; yeast, baking powder; edible salt; mustard; vinegar, sauces (condiments), fruit sauces; spices.
Café, té, cacao, azúcar, arroz, tapioca, sagú, sucedáneos del café; harinas y preparaciones hechas de cereales (excepto piensos); pastas alimenticias; pan, pastelería y confitería, helados comestibles; miel, jarabe de melaza; levaduras, polvos para esponjar; sal comestible; mostaza; vinagre, salsas (condimentos), salsas de frutas especias.
- 32 Bières; eaux minérales et gazeuses et autres boissons non alcooliques; boissons de fruits et jus de fruits; sirops et autres préparations pour faire des boissons.
Beers; mineral and sparkling water and other non-alcoholic beverages; fruit drinks and fruit juices; syrups and other preparations for making beverages.
Cervezas; aguas minerales y gaseosas y otras bebidas no alcohólicas; bebidas y zumos de frutas; siropes y otras preparaciones para hacer bebidas.
- (821) DE, 16.06.1993, ; 04.08.1993,
- (822) DE, 17.08.1993, 2 042 559; 17.09.1993, 2 045 252
- (300) DE, 16.06.1993, 2 042 559, pour une partie des produits de la classe 30
DE, 04.08.1993, 2 045 252
- (831) AT, BA, BG, BX, BY, CH, CZ, ES, FR, HR, HU, IT, LI, LV, MC, MK, PL, PT, RO, RU, SI, SK, UA, YU
- (832) AU, DK, EE, FI, GB, LT, NO, SE, TR



(151) 29.07.2004

837541

(180) 29.07.2014

(171) 10

(732) OBCHTCHESTVO S OGRANITCHENNOY
OTVETSTVENNOSTYU "EVRA"

d.1/12 per. B.Kislovsky

RU-103009 MOSKVA (RU)

(812) RU

(842) Obschestvo s ogranichenno otvetstvennostyu

(740) Tatyana A. Vakhnina

Office 404,

dom 49, ul. B. Semenovskaya

RU-107023 MOSKVA (RU)

(540) МАДОННА

(541) Reproduction of the mark where the mark is represented in standard characters

(561) MADONNA

(511) 30 *Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.*

Café, thé, cacao, sucre, riz, tapioca, sagou, succédanés du café; farines et préparations faites de céréales, pain, pâtisserie et confiserie, glaces; miel, mélasse; levure, poudre à lever; sel, moutarde; vinaigre, sauces (condiments); épices; glace à rafraîchir.

Café, té, cacao, azúcar, arroz, tapioca, sagú, sucedáneos del café; harinas y preparaciones hechas de cereales, pan, pastelería y confitería, helados comestibles; miel, jarabe de melaza; levaduras, polvos para esponjar; sal, mostaza; vinagre, salsas (condimentos); especias; hielo.

(822) RU, 04.06.1999, 175793

(831) AM, AZ, BY, KG, KZ, LV, MD, TJ, UA, UZ

(832) EE, GE, LT, TM

Extracts of the Law of the Republic of Latvia On Trademarks and Indications of Geographical Origin.

Article 7. An Earlier Trademark as Grounds for Invalidation of a Registration

(1) A trademark registration may be declared invalid pursuant to the provisions of this Law in the following cases:

1) if it is identical to an earlier trademark, and the goods or services for which the trademark was registered are identical to the goods or services with respect to which the earlier trademark was registered;

2) if because of its identity or similarity to an earlier trademark belonging to another person and because of the identity or similarity of the respective goods or services, there exists a likelihood of confusion of the trademarks or a likelihood of association between the trademarks on behalf of the relevant consumers.

(2) "Earlier trademarks" within the meaning of Paragraph 1 of this Article means:

1) trademarks valid in Latvia, which have been registered under national or international registration procedures, or as European Community trademarks (hereinafter referred to as "Community trademark") under the Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (hereinafter referred to as "Council Regulation No 40/94"), if their date of application for registration is earlier than the date of application for registration of the opposed trademark, considering also the priorities accorded to those marks;

2) applications for the registration of trademarks referred to in the previous Sub-paragraph, provided that they are registered.

Section 18. Opposition to the Registration of Trademarks

(1) Within three months from the date of the publication of a trademark, interested persons may, upon payment of the applicable fee, submit an opposition to the registration of a trademark. The opposition shall be filed with the Board of Appeals in writing, substantiated by appropriate arguments and citations to the provisions of law. After the expiration of the previously mentioned term, the opponent does not have the right to change (expand) the initial legal basis of the opposition, but may, up until the decision of the Board of Appeals is taken, submit additional documents and materials, that confirm (detail) the facts on which the opposition is based.

(2) Any person may file an opposition, if the registered trademark does not comply with the provisions of Section 3 of this Law, or if the registration would be invalidated pursuant to the provisions of Section 6, or if the provisions of Section 9, Paragraph 3, Clause 1 are applicable.

(3) An opposition based upon the provisions of Sections 7 or 8 of this Law, or Section 9, Paragraph 1, Paragraph 2, Paragraph 3, Clause 2, 3 or 4, or Paragraph 4 may be filed by persons who are the owners of earlier trademarks, well-known trademarks, or have other earlier rights (also their successors in interest) or their representatives, as specified in the applicable provisions.

(4) An opposition based upon the provisions of Section 8 or Section 9, Paragraph 1, Paragraph 2, Paragraph 3, Clause 2, 3 or 4, in addition to the persons referred to in the previous Paragraph of this Section, may also be filed by professional associations and associations of manufacturers, traders and providers of services, whose articles of association provide for the protection of the economic interests of their associates (members), as well as by organisations and authorities, whose purpose, under their articles of association, is the protection of the rights of consumers.

(5) The Board of Appeals shall inform the owner of the opposed trademark of the opposition and set a term of three months for the submission of a reply.

Section 39. Validity of an International Registration in the Republic of Latvia

(1) An international registration of a trademark that has, pursuant to the prescribed procedure, entered into effect in the Republic of Latvia (has been extended to the Republic of Latvia), shall have the same effect as trademarks that have been entered into the Register (registered with the Patent Office pursuant to national procedures) pursuant to the procedures specified in this Law.