


**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

I. Office making the notification of refusal <b>PATENT OFFICE OF THE REPUBLIC OF LATVIA</b> 7, Citadeles iela, PO Box 824 LV 1010, Riga LATVIA		phone 371 7027604 Fax 371 7027690
II. Number of the international registration which is the subject of refusal	<b>842 363</b>	
III. Name of the holder of the international registration concerning the subject of refusal <b>Lidl Stiftung &amp; Co. KG</b> Stiftsberstr. 1, 74167 Neckarsulm Germany		
IV. The grounds of refusal Opposition submitted by <b>E. &amp; J. GALLO WINERY (600 Yosemite Boulevard, Modesto CA 95354, US), owner of CTM No. 002817369 / SIERRA VALLEY / and national registration M 51 613 /SIERRA VALLEY/.</b>		
V. Reference to the corresponding essential provisions of the law (see materials attached) <b>ARTICLE. 18., 39. Opposition has based on Article 7.(1)2).</b>		
VI.	<input checked="" type="checkbox"/> <b>Refusal for all the goods and services</b>	
	<input type="checkbox"/> Refusal for the following goods and services:	
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		
VIII. Date on which the refusal was pronounced	<b>06.06.2005</b>	
IX. Signature and seal of the office making the notification of refusal	<b>L.Rinka</b>	



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## CTM-ONLINE - Detailed trade mark information



List of results

**Trade mark name :** SIERRA VALLEY  
**Trade mark No :** 002817369  
**Trade mark basis:** CTM  
**Number of results:** 1 of 1

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### Trade mark

**Filing date:** 19/08/2002  
**Date of registration:** 08/01/2004  
**Expiry Date:** 19/08/2012  
**Nice Classification:** 33 ( [↔](#) Nice classification )  
**Trade mark:** Individual  
**Type of mark:** Word  
**Acquired distinctiveness:** No  
**Date of last status:** 04/03/2004  
**Status of trade mark:** Registration published ( [↔](#) Glossary )  
 ( [↔](#) History of statuses )  
**Filing language:** English  
**Second language:** German

### Graphic representation

No entry for application number: 002817369.

### \* List of goods and services

**Nice Classification:** 33  
**List of goods and services:** Alcoholic beverages (except beers).

### \* Description

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

### Owner

**Name:** E. & J. Gallo Winery  
**ID No:** 4808  
**Natural or legal person:** Legal entity  
**Address:** 600 Yosemite Boulevard  
**Post code:** 95354  
**Town:** Modesto,  
**Country:** UNITED STATES  
**Correspondence address:** E. & J. Gallo Winery P.O. Box 1130 Modesto,  
 California 95354 ESTADOS UNIDOS (DE AMÉRICA)

### Representative

**Name:** LOVELLS

**ID No:** 10014  
**Address:** Bilbao, 1 - 5º Piso  
**Post code:** 03001  
**Town:** Alicante  
**Country:** SPAIN  
**Correspondence address:** LOVELLS Bilbao, 1 - 5º Piso E-03001 Alicante ESP,  
**Telephone:** 965144105  
**Fax:** 965144303  
**E-mail:** + alicante@lovels.com

#### Seniority

No entry for application number: 002817369.

#### Exhibition priority

No entry for application number: 002817369

#### Priority

No entry for application number: 002817369.

#### Publication

**Bulletin no.:** 056/2003  
**Date of publication:** 07/07/2003  
**Part:** A  
**Page:** 397

**Bulletin no.:** + 009/2004  
**Date of publication:** 01/03/2004  
**Part:** B  
**Page:** 1355

#### Opposition

No entry for application number: 002817369.

#### Cancellation

No entry for application number: 002817369

#### Appeals

No entry for application number: 002817369

#### Recordals

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Disclaimer and Copyright

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LATVIJAS REPUBLIKAS  
PATENTU VALDE

(111) M 51 613

### Latvijas preču zīmes reģistrācijas apliecība

Preču zīme reģistrēta saskaņā ar 1999. gada 16.jūnija Latvijas Republikas likuma "Par preču zīmēm un ģeogrāfiskās izcelsmes norādēm" noteikumiem

Izņēmuma tiesības uz reģistrēto preču zīmi pilnā apjomā, ieskaitot izņēmuma tiesības attiecībā pret citām personām, stājas spēkā ar dienu, kad publicēts paziņojums par preču zīmes reģistrāciju (minētais likums, 4.panta divpadsmitā daļa).

Preču zīmes reģistrācija ir spēkā 10 gadus, skaitot no pieteikuma datuma, ja tā netiek pirms šā termiņa dzēsta pēc preču zīmes īpašnieka iniciatīvas, atzīta par spēkā neesošu vai atcelta (minētais likums, 21.panta pirmā daļa).

Reģistrāciju var atjaunot (preču zīmi pārreģistrēt) ik pēc 10 gadiem, iekreiz uz jaunu 10 gadu periodu. Iesniegumu par reģistrācijas atjaunošanu preču zīmes īpašnieks iesniedz zīmes spēkā esamības pēdējā gada laikā, samaksājot attiecīgu nodevu (minētais likums, 21.panta otrā daļa).

Preču zīmes īpašnieks nekavējoties paziņo Patentu valdei par grozījumiem vai konstatētajām kļūdām ziņās, kas attiecas uz preču zīmes reģistrāciju (minētais likums, 17.panta otrā daļa).

(111) Reģ.Nr. M 51 613  
(210) Pieteik. M-02-1441

(151) Reģ.dat. 20.06.2003  
(220) Pieteik.dat. 09.09.2002

## SIERRA VALLEY

(732) Īpašn. E.& J. GALLO WINERY; 600 Yosemite Boulevard,  
Modesto CA 95354, US

(740) Pārstāvis Nīna DOLGICERE, Patentu aģentūra 'KDK'; a/k  
185, Rīga LV-1084

(511) 33 alkoholiskie dzērieni (izņemot alu)

## **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.