



**ESTONIAN PATENT OFFICE
TRADEMARK DEPARTMENT**

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

NOTIFICATION OF *EX OFFICIO* PROVISIONAL REFUSAL

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

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- I. Name and address of the office refusing protection: 1 (2)
- The Estonian Patent Office
Trademark Department
Toompuiestee 7
15041 Tallinn
ESTONIA
Telephone: + 372 62 77 931
Telefax: + 372 62 77 912**
-
- II. Number of the international registration which is the subject of the provisional refusal:
755909
-
- III. Other information concerning the international registration which is the subject of the provisional refusal: Verbal elements of the mark: **GOLDPRINCE**
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- IV. The grounds for this provisional refusal are the following:
- The trademark is similar with the following EU trademark, which is registered for similar kind of goods in class 34 (copy of the registration enclosed):
- PRINCE GOLD**, registered 01.08.2002, trade mark number 002075281. The name and the address of the owner of the mark are:
Owner: HOUSE OF PRINCE A/S
Address: Tobaksvejen 4
2860 Soborg
Country: DK
-
- V. Provision of the Estonian Trademark Act applicable on the subject (enclosed):
Section 10 subsection 1(2) and subsection 2.
-
- VI. The ground referred to in item IV affects **all goods**.

VII. The owner of the registration may request a review of the provisional refusal. The request shall be received by Estonian Patent Office no later than within 4 months from the date of the provisional refusal.

The time limit expires **31/10/2005** (dd/mm/yyyy).

The request has to be filed through the authorized patent attorney of the Republic of Estonia (section 13 subsection 2 of the Estonian Trademark Act). List of patent attorneys is available at <http://www.epa.ee/eng/14attorn.htm>.

Please note that if the owner of the registration fails to respond by the due date, the registration shall be deemed to be withdrawn for goods and services mentioned in item VI (section 38 subsection 2 of the Estonian Trademark Act). The owner may request that processing be resumed if the owner failed to perform the acts due to force majeure or some other impediment independent of the owner or the representative of the owner (section 47 subsection 3 of the Estonian Trademark Act).

Please note that if the mark is protected subsequent to review of the provisional refusal an interested person may contest the owner's right to a trade mark within two months as of the publication of the trade mark (section 41 subsection 2 of the Estonian Trademark Act).

VIII. Date on which the provisional refusal was pronounced: **29/06/2005** (dd/mm/yyyy).

IX. Signature of the Office:



Ekke-Kristian Erilaid

Senior Examiner of The First International Trademark Examination Division

**Overview**

Trade mark

Graphic representation

List of goods and services

Description of the mark

Owner

Representative

Seniority

Exhibition priority

Priority

Publication

Opposition

Cancellation

Appeals

Recordals

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

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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

Extract from the Estonian Trademark Act

§ 10. Relative circumstances which preclude legal protection

- (1) Legal protection shall not be granted to the following trade marks:
- 2) trade marks which are identical or similar to an earlier trade mark which has been granted legal protection with regard to identical goods or services or goods or services of a similar kind designated by the trade mark, if there exists a likelihood of confusion on the part of the public, which includes association of the trade mark with the earlier trade mark;
- (2) Circumstances specified in clauses (1) 2)-6) of this section which preclude legal protection are not taken into account if the proprietor of the earlier trade mark or another earlier right consents to the registration of the later trade mark in writing.

§ 13. Representative for performing acts related to legal protection of trade marks

- (2) A person with no residence, seat or commercial or industrial enterprise operating in Estonia shall authorise a patent agent as the person's representative to perform acts related to trade marks in the Patent Office and Board of Appeal, except the filing of an application.

§ 41. Adjudication of appeals and revocation applications

- (2) An interested person may contest an applicant's right to a trade mark in the Industrial Property Board of Appeal if circumstances specified in subsection 9 (1) or § 10 of this Act which preclude legal protection exist. The term for the filing of a revocation application is two months as of the publication of the notice of the decision to register a trade mark.

§ 38. Examination of trade marks

- (2) If an examination reveals circumstances which preclude the legal protection of a trade mark, the Patent Office shall notify the applicant thereof and set a term of at least two months for the elimination of the said circumstances or the provision of explanations. If the applicant fails to respond by the due date, the application shall be deemed to be withdrawn.

§ 47. Withdrawal of applications, termination and resumption of processing

- (3) An applicant may request that processing be resumed if the Patent Office terminated processing having deemed the application to be withdrawn pursuant to §§ 37, 38 or 46 of this Act and if the applicant failed to perform the acts due to force majeure or some other impediment independent of the applicant or the representative of the applicant.