

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

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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**

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II. Number of the international registration which is the subject of the refusal: 833818

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

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IV. The grounds for this refusal are the following:

The trademark is composed of the word NASH which is a surname which is in use in Finland.  
Therefore the trademark is likely to give the impression of being the name of another person.

The trademark is liable to be confused with the following national trademark: NASH (figurative mark); registered under number 10996 for identical and similar kinds of goods in class 7 (extract of the register of trademarks enclosed).

The trademark is liable to be confused with the following national trademark: NASH 904; registered under number 96934 for identical and similar kinds of goods in class 7 (extract of the register of trademarks enclosed).

The trademark is liable to be confused with the following Community trademark application, if it leads to registration or if the Community trademark application is converted into a national trademark application and it leads to registration:

NASH; application number 3324662, applied for identical and similar kinds of goods in classes 7, 9 and 11. (The enclosed information of the Community trademark application is a printout from the CTM-ONLINE database (Community Trade Mark Consultation Service)).

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V. Provisions of the Finnish Trademarks Act applicable on the subject (enclosed):

Art. 14 paragraph 1 item 4  
Art. 6 paragraph 1, Art. 14 paragraph 1 item 6  
Art. 6 paragraph 1, Art. 14 paragraph 1 item 9

VI. Total refusal.

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- 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 02.11.2005 (dd.mm.yyyy).**

The request, which is to be drawn up in Finnish or Swedish, has to be filed through the intermediary of a representative resident in the European Economic Area.

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).

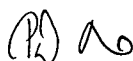
**Please note** that if the designation is accepted subsequent to reviewal or appeal an opposition may be filed against the mark within 2 months of the publication of the mark (Article 56 c).

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

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- VIII. Date on which the refusal was pronounced: 13.07.2005 (dd.mm.yyyy)
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IX. Signature of the Office



Pirjo Aro  
Lawyer  
Tel. +358-9-6939 5524



**OTE TAVARAMERKKIREKISTERISTÄ**  
**UTDRAG UR VARUMÄRKESREGISTRET**  
**EXTRACT OF THE REGISTER OF TRADEMARKS**

Rekisterinnumero  
Registernummer  
Registration number (111) 10996

Rekisteröintipäivä  
Registreringsdatum  
Date of registration (151) 21.05.1929

Rekisteröinti päättyy  
Registreringen upphör  
Registration expires (180) 21.05.2009

Hakemusnumero  
Ansökningsnummer  
Application number (210) T192900367

Hakemispäivä  
Ingivandedatum  
Filing date (220) 11.05.1929

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

NASH ELMO INDUSTRIES, L.L.C., Delaware, US  
(19.10.2004)

Asiamies - Ombud - Representative (740)  
(Merkitty rekisteriin - Antecknad i registret - Entry in the Register 19.10.2004)

Berggren Oy Ab, Helsingfors

Tavaramerkki - Varumärke - Trademark (540)

**NASH**

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

Luokka/Klass/Class 7 Pumpsilar, kloakvattenejektorer, kölvattenpumpar, sumppumpar, vakuumpumpar, vakuumupphettningpumpar, luftkompressorer, gaskompressorer, ångpannematarpumpar, bakslagsventiler använda som delar av pumpar, turbiner och turbomaskiner, centrifugalpumpar, böjliga kopplingar för maskiner, flatboxpumpar.  
(04.11.1969)

**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  
04.07.1939

Förnyelse  
07.09.1949

Förnyelse  
15.08.1959

Ändring av varu-/tjänsteförteckning  
04.11.1969

Förnyelse  
04.11.1969 08.04.1969

Förnyelse  
09.11.1979 10.09.1979

Förnyelse  
16.03.1989 03.02.1989

Ändring av ombud  
07.03.1997 26.07.1996

Förnyelse  
17.12.1998

Överlåtelse  
19.10.2004 28.05.2004 15.03.2002

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

9 Trefoil Drive, Trumbull, Connecticut, 06611-1330, US

**OTE TAVARAMERKKIREKISTERISTÄ**  
**UTDRAG UR VARUMÄRKESREGISTRET**  
**EXTRACT OF THE REGISTER OF TRADEMARKS**

Rekisterinnumero  
Registernummer  
Registration number (111) 96934

Rekisteröintipäivä  
Registreringsdatum  
Date of registration (151) 05.11.1986

Rekisteröinti päättyy  
Registreringen upphör  
Registration expires (180) 05.11.2006

Hakemusnumero  
Ansökningsnummer  
Application number (210) T198405148

Hakemispäivä  
Ingivandedatum  
Filing date (220) 13.09.1984

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

NASH ELMO INDUSTRIES, L.L.C., Delaware, US  
(19.10.2004)

Asiamies - Ombud - Representative (740)  
(Merkitty rekisteriin - Antecknad i registret - Entry in the Register 19.10.2004)

Berggren Oy Ab, Helsingfors

Tavaramerkki - Varumärke - Trademark (540)

NASH 904

Erottamislause - Disclaimer - Disclaimer (526)

Registreringen medför inte ensamrätt till talet 904.

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

Luokka/Klass/Class 7 Alla varor, särskilt vakuumpumpar.

**Rekisterimerkintöjä**  
**Registeranteckningar**  
**Entries in the Register**

Merkintä - Anteckning - Entry

Merkitty rekisteriin

Hakemispäivä

Luovutuspäivä

Sopimuspäivä

Antecknad i registret

Ingivandedatum

Datum för överlåtelsen

Datum för avtalet

Entry in the Register

Filing date

Date of assignment

Date of agreement

Selitys - Förklaring - Explanation

Förnyelse

07.01.1997

30.05.1996

Överlåtelse

19.10.2004

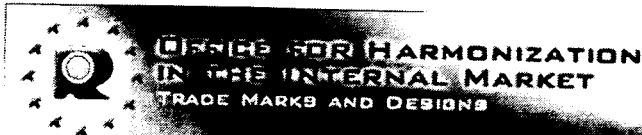
28.05.2004

15.03.2002

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

9 Trefoil Drive, Trumbull, Connecticut, 06611-1330, US



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## CTM-ONLINE - Detailed trade mark information



List of results

**Trade mark name :** NASH  
**Trade mark No :** 003324662  
**Trade mark basis:** CTM  
**Number of results:** 1 of 1

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### Trade mark

**Filing date:** 21/08/2003  
**Nice Classification:** 7, 9, 11 ( [↗](#) Nice classification)  
**Trade mark:** Individual  
**Type of mark:** Word  
**Acquired distinctiveness:** No  
**Date of last status:** 05/07/2005  
**Status of trade mark:** Application published ( [↗](#) Glossary)  
 ( [↗](#) History of statuses)  
**Filing language:** Danish  
**Second language:** English

### Graphic representation

No entry for application number: 003324662.

### [+](#) List of goods and services

**Nice Classification:** 7  
**List of goods and services** Food processors (electric), vacuum cleaners.  
**Nice Classification:** 9  
**List of goods and services** Apparatus for recording, transmission and reproduction of sound and/or images, loudspeakers, amplifiers, and CD players.  
**Nice Classification:** 11  
**List of goods and services** Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

### [+](#) Description

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

### Owner

**Name:** Stockshop Holding ApS  
**ID No:** 169358  
**Natural or legal person:** Legal entity  
**Address:** Høyrups Allé 9  
**Post code:** 2900  
**Town:** Hellerup  
**Country:** DENMARK



**Correspondence address:**

Stockshop Holding ApS Høyrups Allé 9 DK-2900  
Hellerup DINAMARCA

**Representative**

**Name:** CHAS. HUDE A/S  
**ID No:** 10707  
**Address:** H. C. Andersens Boulevard 33  
**Post code:** 1780  
**Town:** København V  
**Country:** DENMARK  
**Correspondence address:** CHAS. HUDE A/S H. C. Andersens Boulevard 33 DK-1780 København V DINAMARCA  
**Telephone:** 00 45-33154514  
**Fax:** 00 45-33155108  
**E-mail:** [chashude@chashude.dk](mailto:chashude@chashude.dk)

**Seniority**

**Country:** DENMARK  
**Registration number:** VR 2003 01445  
**Status:** Accepted

**Exhibition priority**

No entry for application number: 003324662

**Priority**

**Country:** DENMARK  
**Number of basic application:** VA 2003 00790  
**Filing date of basic application:** 26/02/2003  
**Trade mark status:** Accepted

**Publication**

**Bulletin no.:** [035/2004](#)  
**Date of publication:** 30/08/2004  
**Part:** A  
**Page:** 1384

**Opposition**

**Opposition No:** 000763500  
**Reception date:** 30/11/2004  
**Opponent name:** KRIPA INTERNATIONAL FZCO  
**Opponent ID No:** 211373

**Cancellation**

No entry for application number: 003324662

**Appeals**

No entry for application number: 003324662

**Recordals**

No entry for application number: 003324662

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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.