



World Intellectual Property Organisation (WIPO)
International Bureau
34, chemin des Colombettes
1211 Geneva 20
Switzerland



The Patent Office
Trade Marks Registry
Cardiff Road
Newport
South Wales
NP10 8QQ

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Fax: 01633 811175
Minicom: 0645 222250
Website: www.patent.gov.uk

Telephone: (44) 1633 811031
Fax No. (44) 1633 811437
Our ref Opp 71249/Trade Marks Law/TB
Date 14 October 2005

Please quote our complete reference on all correspondence

The Case Work Examiner for these proceedings is Miss A Povall: 01633 811036

Dear Sirs

**NOTIFICATION OF A TOTAL REFUSAL OF PROTECTION BASED ON AN
OPPOSITION BY THE UNITED KINGDOM PATENT OFFICE IN ACCORDANCE
WITH ARTICLE 5 OF THE MADRID PROTOCOL**

RE: International Registration number :823874
For the mark :ZENRA
Holder of the International Registration :Zentiva a.s.
Opposition number :71249

I must advise you that following receipt of an opposition to the above Trade Mark, it is necessary to issue this formal provisional refusal letter. This provisional refusal covers all of the goods and services of the International Registration.

Please find attached a copy of the Form TM7 (Notice of Opposition) that was received by the United Kingdom Trade Mark Registry.

We also attach:

Copies of the marks referred to in the statement of case.
Form TM8, for any reply to this opposition to be filed.
Form TM33 for an agent/ address for service in the United Kingdom to be appointed.
A copy of an extract from the United Kingdom Trade Marks Act 1994.



If the holder of the International Registration wish to file a counterstatement, they should complete the attached form TM8 and return it together with the counterstatement within **3 months** of the date of this letter. This period cannot be extended, except in the circumstances described below. The holder should note that failure to file a form TM8 and counterstatement will result in the provisional refusal being upheld in accordance with article 10 of the Trade Marks International Registration Order 1996(as amended).

If both parties to this dispute wish to negotiate and want to enter a 'cooling off period' then the time for filing the Form TM8 can be extended for a further nine months by the filing of A Form TM9c.

The Form TM8 and counterstatement should be received on or before **14 January 2006** unless a cooling off period is entered into by the parties.

The holder of the International Registration must provide us with an address for correspondence in the United Kingdom on the attached TM33 within this 3 month period. If one is not provided within this time the refusal will be made final.

Yours faithfully

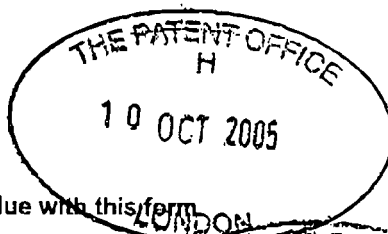
Tracey Beecham

LAW SECTION ASSISTANT CASEWORK EXAMINER



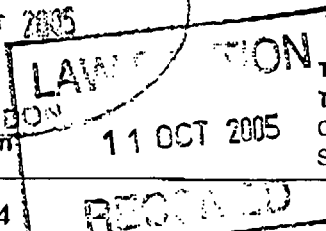
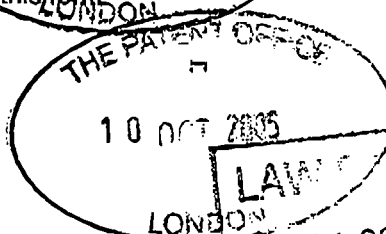
Form TM7

Official fee £200 due with this form

J139567/ 004 002890 TM7.....
11OCT05 200-00 CHEQUE

Notice of opposition and statement of grounds

Please read the guidance notes below about filling in this form

The Patent Office
Trade Marks Registry
Cardiff Road, Newport
South Wales NP10 8QQ

1. Trade mark number.	M823874	(lowest) Class
2. Full name of the applicant or registered proprietor.	Zentiva, a.s.	
3. Full name and address (including postcode) of the opponent.	Pfizer Products Inc. Eastern Point Road 06340-5146 Groton United States of America	
4. Name and address (including postcode) of the agent (if any).	Gill Jennings & Every Broadgate House 7 Eldon Street London EC2M 7LH	
5. Are there any related proceedings currently with the Registry or the courts? If so, give application, registration or opposition number.	No	
6. Under what sections of the Trade Marks Act are you opposing this application?	5(2)(b)	
7. Declaration	I believe that the facts stated in this notice and in the attached statement of grounds are true.	
Your signature.		
Your name in BLOCK CAPITALS.	PHILIP W. HARRIS	
Date.	10 October 2005	
8. Name and daytime phone number of the person we should contact in case of query.	020 7377 1377	
Your reference.	PWH11493QQ	
Number of sheets attached to this form.	This is sheet 1 of 4	

Notes You must attach a separate sheet for each earlier mark you rely on.

If there is not enough space for your answers to any section, you may use extra blank sheets.

Number every extra sheet and say in question 8 above how many sheets you have used.

(REV JUL04)

Form TM7

Form TM7

Sheet 2 of 4

Use this sheet if you are basing your opposition on section 5(1) or 5(2) of the Trade Marks Act.

Tick which section you are relying on and give details of the earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

Statement of grounds for opposition based on section 5(1) or (2) of the Trade Marks Act 1994.

- ☐ 5(1) identical with an earlier mark and for identical goods or services as the earlier mark.
- ☐ 5(2)(a) identical with an earlier mark and for similar goods or services as the earlier mark.
- ☒ 5(2)(b) similar to an earlier mark and for identical or similar goods or services as the earlier mark.

Details of earlier trade mark

Number: 2563807

Is it a UK, Community or International mark? Community Trade Mark

Representation of the mark:

CENRAL

What goods or services (including their class) are covered by this mark?

Pharmaceutical and veterinary preparations and substances; all included in class 5.

State which goods or services in the application you say are identical or similar to those covered by the earlier mark.

Medicines, pharmaceutical preparations for human use.

Statement of use

If the earlier mark has been registered for five years or more before the publication of the mark you are opposing, state which goods or services the earlier mark has been used on in that time, or state why the mark has not been used in that time:

N/A

Form TM7

Form TM7

Sheet 3 of 4

Use this sheet if you are basing your opposition on section 5(1) or 5(2) of the Trade Marks Act.

Tick which section you are relying on and give details of the earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

Statement of grounds for opposition based on section 5(1) or (2) of the Trade Marks Act 1994.

- ☐ 5(1) identical with an earlier mark and for identical goods or services as the earlier mark.
- ☐ 5(2)(a) identical with an earlier mark and for similar goods or services as the earlier mark.
- ☒ 5(2)(b) similar to an earlier mark and for identical or similar goods or services as the earlier mark.

Details of earlier trade mark

Number: 2291574

Is it a UK, Community or International mark? United Kingdom

Representation of the mark:

CENRAL

What goods or services (including their class) are covered by this mark?

Human pharmaceutical preparations for the treatment of central nervous system diseases and disorders.

State which goods or services in the application you say are identical or similar to those covered by the earlier mark.

Medicines, pharmaceutical preparations for human use.

Statement of use

If the earlier mark has been registered for five years or more before the publication of the mark you are opposing, state which goods or services the earlier mark has been used on in that time, or state why the mark has not been used in that time:

N/A

Form TM7

Form TM7

Sheet 4 of 4

Use this sheet if you are basing your opposition on any other grounds and tick the appropriate box.

Statement of other grounds for opposition.

- | | | |
|-------------------------------------|------------|---|
| <input type="checkbox"/> | Section 56 | Protection of well-known trade marks. |
| <input type="checkbox"/> | Section 60 | Acts of agent or representative. |
| <input type="checkbox"/> | Rule 18(2) | Application amended after publication. |
| <input type="checkbox"/> | Rule 22 | Regulations for collective or certification marks. |
| <input type="checkbox"/> | Rule 23(4) | Amendment of regulations for collective or certification marks. |
| <input type="checkbox"/> | Rule 25(3) | Alteration of registered mark. |
| <input type="checkbox"/> | Rule 45(2) | Removal of matter from the register. |
| <input checked="" type="checkbox"/> | Rule 47(1) | Reclassification of specification. |

Give details to support your opposition:

RELIEF CLAIMED

The Opponents say that the mark applied for is confusingly similar to, and is proposed to be registered for the same or similar goods as those covered by their earlier UK registration no. 2291574 and CTM registration no. 2563807. Consequently, the Applicant's mark should be refused pursuant to the provisions of Section 5(2)(b) Trade Marks Act 1994. The Opponents therefore ask that the application be refused and that an award of costs be made in their favour.

Form TM7

12-Oct-2005 10:54 From: GILL JENNINGS & EVERY

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T-253

P 003/007

F-001

OAMI-ONLINE - CTM-ONLINE - Detailed trade mark information

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CTM-ONLINE - Detailed trade mark information



List of results

Trade mark name : CENRAL
 Trade mark No : 002563807
 Trade mark basis: CTM
 Number of results: 1 of 1

<< Previous | Next >>

Trade mark

Filing date: 05/02/2002
 Date of registration: 10/10/2003
 Expiry Date: 05/02/2012
 Nice Classification: 5 (↗ Nice classification)
 Trade mark: Individual
 Type of mark: Word
 Acquired distinctiveness: No
 Date of last status: 12/11/2003
 Status of trade mark: Registration published (↗ Glossary)
 (↗ History of statuses)
 Filing language: English
 Second language: German

Graphic representation

No entry for application number: 002563807.

List of goods and services

Nice Classification: 5
 List of goods and services: Pharmaceutical and veterinary preparations and substances; all included in class 5.

Description

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

Owner

Name: PFIZER PRODUCTS INC.
 ID No: 26555
 Natural or legal person: Legal entity
 Address: Eastern Point Road
 Post code: 06340-5146
 Town: Groton,
 Country: UNITED STATES
 Correspondence address: PFIZER PRODUCTS INC. c/o Pfizer GmbH, European
 Trademark Department P.O. Box 49 49 76032
 Karlsruhe GERMANY

Representative

12-Oct-2005 10:55 From:GILL JENNINGS & EVERY

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T-253 P 004/007 F-001

OAMI-ONLINE - CTM-ONLINE - Detailed trade mark information

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Name: Maria Josefa Fernandez Marques
Company: Pfizer GmbH
ID No: 12821
Address: Pfizerstr. 1
Post code: 76139
Town: Karlsruhe
Country: GERMANY
Correspondence address: Pfizer GmbH Maria Josefa Fernandez Marques Postfach 4949 D-76032 Karlsruhe ALLEMANIA
Telephone: 00 49-72161019394
Fax: 00 49-72161019204

Name: Bettina Lauer
Company: Pfizer GmbH
ID No: 20354
Address: Pfizerstr. 1
Post code: 76139
Town: Karlsruhe
Country: GERMANY
Correspondence address: Pfizer GmbH Bettina Lauer P.O.B. 49 49 D-76032 Karlsruhe ALLEMANIA
Telephone: 00 49-72161019394
Fax: 00 49-72161019204

Seniority

No entry for application number: 002563807.

Exhibition priority

No entry for application number: 002563807

Priority

No entry for application number: 002563807.

Publication

Bulletin no.: 086/2002
Date of publication: 28/10/2002
Part: A
Pages: 553

Bulletin no.: 082/2003
Date of publication: 17/11/2003
Part: B
Pages: 1086

Opposition

Opposition No: 000573305
Reception date: 14/01/2003
Opponent name: Grether AG
Opponent ID No: 69441

Cancellation

No entry for application number: 002563807

Appeals

No entry for application number: 002563807

Records

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T-253

P.005/007 F-001

OAMI-ONLINE - CTM-ONLINE - Detailed trade mark information

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No entry for application number: 002563807

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The UK Patent Office - Trade Marks - Database Search

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Trade Mark Details as at 10.10.2005

CASE DETAILS FOR TRADE MARK 2291574

Mark Text :

CENTRAL

Status: Registered

Class: 05

[View Historical Details](#)

Relevant Dates

Filing Date: 01.02.2002
Registration Date: 01.11.2002
Next Renewal Date: 01.02.2012

Publication in Trade Marks Journal

	Journal	Page	Publication Date
First Advert	6439	12289	17.07.2002
Registration	6459		04.12.2002

List of goods and/or services

Class 05:
Human pharmaceutical preparations for the treatment of central nervous system diseases and disorders.

Names and Addresses

Proprietor: Pfizer Products Inc.
Eastern Point Road, Groton, Connecticut 06340, United States of America

<http://webdb4.patent.gov.uk/tm/number>

10/10/05

12-Oct-2005 10:55

From:GILL JENNINGS & EVERY

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T-253 P.007/007 F-001

The UK Patent Office - Trade Marks - Database Search

Page 2 of 2

Incorporated State: Connecticut
Incorporated Country: United States of America
Residence Country: United States of America
Customer's Ref: phx/CENRAL
ADP Number: 0742626001

Agent: Pfizer Limited
Ramsgate Road, Sandwich, Kent, CT13 9NJ

ADP Number: 0682062001

Other Particulars

Consent:
By Consent No. 2201887 (6926,12366) -

[View Historical Details](#)

[Click here for a glossary of terms used in the UK register details](#) or

[Click here for a glossary of terms relating to international Trade Marks.](#)

The date shown at the top of the page is the date when our records were last updated.

[New Case Enquiry](#) [New Text Enquiry](#) [New Proprietor Enquiry](#) [New Refused Enquiry](#)

**Form TM8****Nil Fee****Notice of defence and counterstatement**

The Patent Office
Trade Marks Registry
 Cardiff Road, Newport
 South Wales NP10 8QQ

Please read the guidance note about filling in this form.

1. Trade mark number.	(Lowest) Class
2. Full name of the applicant or registered proprietor.	
3. Opposition, invalidation, revocation, or rectification number.	
4. Name and address (including postcode) of the agent (if any).	
5. If a statement of use of any earlier trade marks has been given in support of the opposition or invalidation action, do you accept this statement?	
6. If you answered "No" to question 5, do you want the other side to provide proof of use of the earlier marks? If you want the other side to provide proof of use you must state in your counterstatement for which earlier marks and for which goods and services you require that proof.	
7. Counterstatement	

(REV JUL04)**Form TM8**

Counterstatement (continued from previous sheet)

8.	Declaration	I believe that the facts stated in this notice of defence and counterstatement are true.
	Your signature.	
	Your name in BLOCK CAPITALS.	
	Date.	
9.	Name and daytime phone number of the person we should contact in case of query.	
	Your reference.	
	Number of sheets attached to this form.	This is sheet 1 of

Note If you need more space for your counterstatement you may attach separate sheets. Number each one and say in question 9 how many sheets you have used.

Form TM8

**Form TM33**

Nil Fee

Appointment or change of agent or contact address

The Patent Office
Trade Marks Registry
 Cardiff Road, Newport
 South Wales NP10 8QQ

Please read the guidance note below about filling in this form.

1 Trade mark numbers affected. (Please put an 'M' in front of Madrid marks). (List on a separate sheet if there is not enough space on this form).	(Lowest) Class
2. Full name of the a) proprietor; or b) opponent as now shown on our records.	
3. Name and address (including postcode) of the new agent or contact address Trade Marks ADP number (if you know it).	
4. Declaration. Signature. Name in BLOCK CAPITALS. Date.	We have been appointed by the above proprietor or opponent.
5. Name and daytime phone number of the person we should contact in case of query.	
Your reference	
Number of sheets attached to this form.	

Note We suggest you check the proprietor's name and the marks they own by doing a proprietor search on our website www.patent.gov.uk before you fill in the form.



RELEVANT SECTIONS OF THE UNITED KINGDOM TRADE MARKS ACT 1994



SECTION 1

(1) In this Act a "trade mark" means any sign capable of being represented graphically which is capable of distinguishing goods or services of one undertaking from those of other undertakings.

A trade mark may, in particular, consist of words (including personal names), designs, letters, numerals or the shape of goods or their packaging.

(2) References in this Act to a trade mark include, unless the context otherwise requires, references to a collective mark (see Section 49) or certification mark (see Section 50).

SECTION 3

(1) The following shall not be registered-

(a) signs which do not satisfy the requirements of Section 1(1),

(b) trade marks which are devoid of any distinctive character;

(c) trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or of rendering of services, or other characteristics of goods or services,

(d) trade marks which consist exclusively of signs or indications which have become customary in the current language or in the *bona fide* and established practices of the trade;

Provided that, a trade mark shall not be refused registration by virtue of paragraph (b), (c) or (d) above if, before the date of application for registration, it has in fact acquired a distinctive character as a result of the use made of it.

(2) A sign shall not be registered as a trade mark if it consists exclusively of-

(a) the shape which results from the nature of the goods themselves,

(b) the shape of goods which is necessary to obtain a technical result, or

(c) the shape which gives substantial value to the goods.

(3) A trade mark shall not be registered if it is-

(a) contrary to public policy or to accepted principles of morality, or

(b) of such a nature as to deceive the public (for instance as to the nature, quality or geographical origin of the goods or service).

(4) A trade mark shall not be registered if or to the extent that its use is prohibited in the United Kingdom by any enactment or rule of law or by any provision of Community Law.

(5) A trade mark shall not be registered in the cases specified, or referred to, in Section 4 (specially protected emblems).

(6) A trade mark shall not be registered if or to the extent that the application is made in bad faith.

SECTION 4

(1) A trade mark which consists of or contains-

(a) the Royal arms, or any of the principal armorial bearings of the Royal arms, or any insignia or device so nearly resembling the Royal arms or any such armorial bearing as to be likely to be mistaken for them or it,

(b) a representation of the Royal crown or any of the Royal flags,

(c) a representation of Her Majesty or any member of the Royal family, or any colourable imitation thereof, or

(d) words, letters or devices likely to lead persons to think that the applicant either has or recently has had Royal patronage or authorisation,

shall not be given unless it appears to the registrar that consent has been given by or on behalf of Her Majesty or, as the case may be, the relevant member of the Royal family.

(2) A trade mark which consists of or contains a representation of-

(a) the national flag of the United Kingdom (commonly known as the Union Jack), or

(b) the flag of England, Wales, Scotland, Northern Ireland or the Isle of Man,

shall not be registered if it appears to the registrar that the use of the trade mark would be misleading or grossly offensive.

Provision may be made by rules identifying the flags to which paragraph (b) applies.

(3) A trade mark shall not be registered in the cases specified in-

Section 57 (national emblems &c of Convention countries), or

Section 58 (emblems &c of certain international organisations).

(4) Provision may be made by rules prohibiting in such cases as may be prescribed the registration of a trade mark which consists of or contains-

(a) arms to which a person is entitled by virtue of a grant of arms by the Crown, or

(b) insignia so nearly resembling such arms as to be likely to be mistaken for them, unless it appears to the registrar that consent has been given by or on behalf of that person.

Where such a mark is registered, nothing in this Act shall be construed as authorising its use in any way contrary to the laws of arms.

(5) A trade mark which consists of or contains a controlled representation within the meaning of the Olympic Symbol etc (Protection) Act 1995 shall not be registered unless it appears to the registrar-

(a) that the application is made by the person for the time being appointed under Section 1(2) of the Olympic Symbol etc (Protection) Act 1995 (power of Secretary of State to appoint a person as the proprietor of the Olympics Association Right), or

(b) that consent has been given by or on behalf of the person mentioned in paragraph (a) above.

SECTION 5

(1) A trade mark shall not be registered if it is identical with an earlier trade mark and the goods or services for which the trade mark is applied for are identical with the goods or services for which the earlier trade mark is protected.

(2) A trade mark shall not be registered if because-

(a) it is identical with an earlier trade mark and is to be registered for goods or services similar to those for which the earlier trade mark is protected, or

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected,

there exists a likelihood of confusion on the part of the public, which includes the likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.

(3) A trade mark which-

(a) is identical with or similar to an earlier trade mark, and

(b) is to be registered for goods or services which are not similar to those for which the earlier trade mark is protected,

shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom (or, in the case of a Community trade mark, in the European Community) and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark.

(4) A trade mark shall not be registered if, or to the extent that, its use in the United Kingdom is liable to be prevented-

(a) by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade, or

(b) by virtue of an earlier right other than those referred to in subsections (1) to (3) or paragraph (a) above, in particular by virtue of the law of copyright, design right or registered designs.

A person thus entitled to prevent the use of a trade mark is referred to in this Act as a proprietor of an "earlier right" in relation to the trade mark.

(5) Nothing in this section prevents the registration of a trade mark where the proprietor of the earlier trade mark or other earlier right consents to the registration.

SECTION 6

(1) In this Act an "earlier trade mark" means-

(a) a registered trade mark, international trade mark (UK) or Community trade mark which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks,

(b) a Community trade mark which has a valid claim to seniority from an earlier registered trade mark or international trade mark (UK), or

(c) a trade mark which, at the date of application for registration of the trade mark in question or (where appropriate) of the priority claimed in respect of the application, was entitled to protection under the Paris Convention or the World Trade Organization Agreement as a well known trade mark.

(2) References in this Act to an earlier trade mark include a trade mark in respect of which an application for registration has been made and which, if registered, would be an earlier trade mark by virtue of subsection (1)(a) or (b), subject to its being so registered.

(3) A trade mark within subsection (1)(a) or (b) whose registration expires shall continue to be taken into account in determining the registrability of a later mark for a period of one year after the expiry unless the registrar is satisfied that there was no *bona fide* use of the mark during the two years immediately preceding the expiry.

SOURCES OF PROFESSIONAL HELP AND ADVICE

You may obtain details of where to get independent professional help/advice from either of the following:

♦ The Institute of Trade Mark Attorneys
Canterbury House
2-6 Sydenham Road
CROYDON
Surrey CR0 9XE

tel : +44(0) 20 8686 2052
fax : +44(0) 20 8680 5723

♦ The Chartered Institute of Patent Agents
Staple Inn Buildings
High Holborn
LONDON WC1V 7PZ

tel : +44(0) 20 7405 9450
telex : +44(0) 20 7430 0471

Trade Marks International Unit
June 2000