



**ESTONIAN PATENT OFFICE  
TRADEMARK DEPARTMENT**

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

**NOTIFICATION OF PROVISIONAL REFUSAL BASED ON AN OPPOSITION**

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

I. Name and address of the office refusing protection:

**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:

**823874**

III. Other information concerning the international registration which is the subject of the provisional refusal: Verbal elements of the mark: **ZENRA**

IV. The grounds for this provisional refusal are the following:

Opposition made 10.10.2005 by Pfizer Products Inc. on the ground that the trademark ZENRA is liable to be associated with the company's earlier trademark CENRAL which is registered for the same kind of goods in class 5 (copy of the registration enclosed).

The name and the address of the opponent are:

Name - Pfizer Products Inc., a Connecticut Corporation  
Address - Eastern Point Road  
06340 Groton Connecticut  
Country - US

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 in class 5.

VII. The holder of the registration has right to participate in the procedure at the Board of Appeal of Intellectual Property of Estonia.

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

The request for participation in the procedure, written observations and the power of attorney must be received by the Board of Appeal no later than within 3 months from the date of the acceptance of the opposition for processing.

Name and address of the Board of Appeal:

**Board of Appeal of Intellectual Property**

**Ministry of Economic Affairs and Communications**

**Harju str. 11**

**15072 Tallinn**

**ESTONIA**

**The time limit expires 11/01/2006 (dd/mm/yyyy). The extension of the time limit is not possible.**

**Please note** that the matter will be examined by the Board of Appeal even if the holder of the registration does not request participation in the procedure at the Board of Appeal.

VIII. Date on which the refusal was pronounced: 26/10/2005 (dd/mm/yyyy).

IX. Signature of the Office:



Maris Verbiaš

Senior Examiner of the Second International Trademark Examination Group

## **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.

### **§ 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.

(3) In case an appeal or revocation application is allowed in whole or in part, the Board of Appeal shall annul the decision of the Patent Office and require the Patent Office to continue proceedings taking into account the facts set out in the decision of the Board of Appeal.



26.10.2005

## Estonian Patent Office

210	<b>Application No:</b>	M200201154	220	<b>Application Date:</b>	01.08.2002
111	<b>Registration No:</b>	38103	151	<b>Registration Date:</b>	21.08.2003
300	<b>Priority:</b>	01.02.2002, 2291574, GB	551	<b>Ordinary</b>	
			566	<b>Verbal</b>	

732 **Owner:**  
  
Pfizer Products Inc., a Connecticut Corporation  
Eastern Point Road  
Groton, Connecticut 06340, US

740 **Agent:**  
  
Heinu Koitel  
Patendi- & Kaubamärgibüroo Koitel OÜ  
Tartu mnt 65  
10115 Tallinn, EE

526 **Disclaimer:**

591 **Colour Claim:**

**Legal Status:** Registrisse kantud

511 **Classes and List of Goods and Services:**

540 CENRAL

5 farmaatsiapreparaadid, mis on mõeldud inimeste kesknärvisüsteemi haiguste ja häirete raviks.

