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

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:
294792

III. Other information concerning the international registration which is the subject of the provisional refusal: Figurative mark/verbal elements of the mark: **HÄFELE**

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

1. The trade mark is identical to the following earlier Community trade mark which has been granted legal protection with regard to identical goods designated by the trade mark in classes 6, 8 and 20 (copy of the registration enclosed):

HÄFELE, filed for registration 01.04.1996 under the number 000035881.

2. The trade mark is identical to the same earlier Community trade mark which has been granted legal protection with regard to similar kind of goods designated by the trade mark and there exists a likelihood of confusion on the part of the public, which includes association of the trade mark with the earlier trade mark (copy of the registration enclosed):

HÄFELE, filed for registration 01.04.1996 under the number 000035881.

The name and the address of the owner of the mark are:
Owner - HÄFELE GMBH & CO.
Address - Freudenstädter Str. 74
72202 Nagold
Country - DE

3. The trade mark is similar to the following earlier Community trade mark which has been granted legal protection with regard to goods of a similar kind designated by the trade mark, and there exists a likelihood of confusion on the part of the public, which includes association of the trade mark with the earlier trade mark (copy of the registration enclosed):

HEFELE, filed for registration 22.08.2001 under the number 002348456.

The name and the address of the owner of the mark are:
Owner - AT PRODUKTENTWICKLUNG GMBH
Address - Am Breitenstein 3
97922 Lauda-Köningshofen
Country - DE

V. Provision of the Estonian Trademark Act applicable on the subject (enclosed):
Section 10 subsections 1(1) and 1(2) and subsection 2
Section 11 subsection 1(6)

VI. The ground referred to in item IV.1 affects following goods:
class 6: all the goods.
class 8: all the goods.
class 20: all the goods.
The ground referred to in item IV.2 affects following goods:
class 7: all the goods.
class 9: all the goods.
class 11: all the goods.
class 21: all the goods.
The ground referred to in item IV.3 affects following goods:
class 7: kitchen apparatus.
class 9: kitchen apparatus.
class 11: kitchen apparatus.
class 21: kitchen apparatus and implements.

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 30/03/2006 (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).

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Please note that if the mark is protected subsequent to reviewal of the provisional refusal an interested person may contest the owners 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: 30/11/2005 (dd/mm/yyyy).

IX. Signature of the Office:

Liisi Sokk
Senior Examiner of the First International Trademark Examination Division

Toompuiestee 7, 15041 Tallinn, tel 627 7947

Extract from the Estonian Trade Marks Act

§ 10. Relative circumstances which preclude legal protection

(1) Legal protection shall not be granted to the following trade marks:

1) trade marks which are identical with an earlier trade mark which has been granted legal protection with regard to identical goods or services designated by the trade mark;

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.

§ 11. Earlier trade mark and other earlier rights

(1) "Earlier trade mark" means the following:

6) a Community trade mark registered on the basis of the Community trade mark Regulation if the date of filing of the application, priority date or the seniority date granted on the basis of Estonian registration is earlier;

§ 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 the Industrial Property Board of Appeal, except the filing of an application.

§ 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.

§ 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 Committee 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.

§ 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.

§ 69. Effect of international registration

(1) Legal protection arising from an international registration valid in Estonia is equal to legal protection arising from a national registration and the rights and obligations arising from an internationally registered trade mark are equal to those arising from a nationally registered trade mark.

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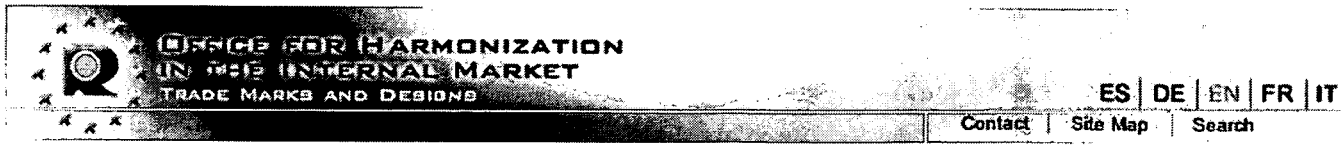

CTM-ONLINE - Detailed trade mark information

List of results

Trade mark name :	Häfele
Trade mark No :	000035881
Trade mark basis:	CTM
Number of results:	1 of 1

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Trade mark

Filing date:	01/04/1996
Date of registration:	02/09/1998
Expiry Date:	01/04/2006
Nice Classification:	6, 8, 20 (Nice classification)
Trade mark:	Individual
Type of mark:	Word
Acquired distinctiveness:	No
Date of last status:	14/10/1998
Status of trade mark:	Registration published (Glossary) (History of statuses)
Filing language:	German
Second language:	English

Graphic representation

No entry for application number: 000035881.

⊞ List of goods and services

Nice Classification:	6
List of goods and services	Fittings for buildings, fittings for furniture and for house and kitchen equipment, door locks, furniture, parts of furniture, household and kitchen equipment, baskets, devices for repairing furniture, all aforesaid goods of metal, small items of metal hardware, all aforesaid goods included in class 6.
Nice Classification:	8
List of goods and services	Hand tools.
Nice Classification:	20
List of goods and services	Fittings for buildings, fittings for furniture and for house and kitchen equipment, door locks, furniture, parts of furniture, household and kitchen equipment, baskets, devices for repairing furniture, all aforesaid goods not of metal and included in class 20.

⊞ Description

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

Owner

Name:	Häfele GmbH & Co.
ID No:	4873
Natural or legal person:	Legal entity
Address:	Freudenstädter Str. 74
Post code:	72202
Town:	Nagold
Country:	GERMANY
Correspondence address:	Häfele GmbH & Co. Freudenstädter Str. 74 D-72202 Nagold ALEMANIA

Representative

Name:	KOHLER SCHMID MÖBUS PATENTANWÄLTE
ID No:	10669
Address:	Ruppmannstr. 27
Post code:	70565
Town:	Stuttgart
Country:	GERMANY
Correspondence address:	KOHLER SCHMID MÖBUS PATENTANWÄLTE Postfach 80 07 40 D-70507 Stuttgart ALEMANIA
Telephone:	00 49-711784730
Fax:	00 49-7117800996
E-mail:	**stuttgart@ksmpatent.de**

Seniority

Country:	UNITED KINGDOM
Registration number:	1 132 921
Status:	Accepted
Country:	UNITED KINGDOM
Registration number:	1 132 923
Status:	Accepted
Country:	UNITED KINGDOM
Registration number:	1 132 927
Status:	Accepted

Exhibition priority

No entry for application number: 000035881

Priority

No entry for application number: 000035881.

Publication

Bulletin no.:	006/1998
Date of publication:	19/01/1998
Part:	A
Page:	47
Bulletin no.:	084/1998
Date of publication:	02/11/1998
Part:	B
Page:	669

CTM-ONLINE - Detailed trade mark information

List of results

Trade mark name :	Hefele
Trade mark No :	002348456
Trade mark basis:	CTM
Number of results:	1 of 1

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Trade mark

Filing date:	22/08/2001
Date of registration:	21/10/2002
Expiry Date:	22/08/2011
Nice Classification:	7, 11 (Nice classification)
Trade mark:	Individual
Type of mark:	Word
Acquired distinctiveness:	No
Date of last status:	03/02/2003
Status of trade mark:	Registration published (Glossary) (History of statuses)
Filing language:	German
Second language:	English

Graphic representation

No entry for application number: 002348456.

List of goods and services

Nice Classification:	7
List of goods and services	Baking and milling machines and equipment and other milling requisites, included in class 7.
Nice Classification:	11
List of goods and services	Baking installations and equipment, included in class 11.

Description

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

Owner

Name:	AT Produktentwicklung GmbH
ID No:	118640
Natural or legal person:	Legal entity

Address:	Am Breitenstein 3
Post code:	97922
Town:	Lauda-Köningshofen
Country:	GERMANY
Correspondence address:	AT Produktentwicklung GmbH Am Breitenstein 3 D-97922 Lauda-Köningshofen ALEMANIA

Representative

Name:	LUTHER MENOLD RECHTSANWALTSGESELLSCHAFT MBH
ID No:	13837
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Post code:	60322
Town:	Frankfurt am Main
Country:	GERMANY
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Seniority

No entry for application number: 002348456.

Exhibition priority

No entry for application number: 002348456

Priority

No entry for application number: 002348456.

Publication

Bulletin no.:	018/2002
Date of publication:	04/03/2002
Part:	A
Page:	723
Bulletin no.:	004/2003
Date of publication:	06/01/2003
Part:	B
Page:	689

Opposition

No entry for application number: 002348456.

Cancellation

No entry for application number: 002348456

Appeals

No entry for application number: 002348456