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

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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:
868339

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

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

Opposition made 04.09.2006 by Akzo Nobel Coatings International B.V. on the grounds that the company has an earlier Community trademark application no 003491016 in class 2 (copy of the registration enclosed) for the similar kind of goods as the international registration nr 868339 and the two marks are likely to be confused and associated.

The name and the address of the opponent are: Akzo Nobel Coatings International B.V.
Address - Velperweg 76
6824 BM Arnhem
Country - NL

V. Provision of the Estonian Trademark Act applicable on the subject (enclosed):
Section 10 subsection 1(2) and 1(3), section 41 subsection 2 and 3.

VI. The ground referred to in item IV. affects all goods.

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

Toompuiestee 7, 15041 Tallinn, tel 627 7932

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 19/12/2006 (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: 27/09/2006 (dd/mm/yyyy).

IX. Signature of the Office:

Kati Vinter
Senior Examiner of the First International Trademark Examination Division

Toompuiestee 7, 15041 Tallinn, tel 627 7932

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;

3) trade marks which are identical or similar to an earlier registered trade mark or a trade mark which has been filed for registration or to a trade mark which is known to the majority of the Estonian population and which has been granted legal protection for different kinds of goods or services, if the use of the later trade mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark;

§ 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.

(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.

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Overview
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Download trade mark details
Link to CTM Bulletin On-line

CTM-ONLINE - Detailed trade mark information

Trade mark name :	ALPHA
Trade mark No :	003491016
Trade mark basis:	CTM
Number of results:	1 of 1

Trade mark

Filing date:	31/10/2003
Nice Classification:	2 (Nice classification)
Trade mark:	Individual
Type of mark:	Word
Acquired distinctiveness:	No
Your reference:	2899EM1ALPHA
Status of trade mark:	Opposition pending (Glossary) (History of statuses)
Filing language:	Dutch
Second language:	English

Graphic representation

No entry for application number: 003491016.

List of goods and services

Nice Classification:	2
List of goods and services	Wall paints.

Description

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

Owner

Name:	Akzo Nobel Coatings International B.V.
ID No:	7339
Natural or legal person:	Legal entity
Address:	Velperweg 76
Post code:	6824 BM
Town:	Arnhem
Country:	NETHERLANDS

Correspondence address:	Akzo Nobel Coatings International B.V. c/o Akzo Nobel Nederland B.V. Postbus 9300 6800 SB Arnhem PAÍSES BAJOS
Telephone:	00 31-263662527
Fax:	00 31-263664111

Representative

Name:	Annemiek Elizabeth Johanna Kadijk
ID No:	31894
Address:	Velperweg 76
Post code:	6824 BM
Town:	Arnhem
Country:	NETHERLANDS
Correspondence address:	Akzo Nobel N.V. Annemiek Elizabeth Johanna Kadijk P.O. Box 9300 NL-6800 SB Arnhem PAÍSES BAJOS
Telephone:	00 31-263664377
Fax:	00 31-263664111

Seniority

Country:	BENELUX
Registration number:	035063
Status:	Accepted
Filing date:	04/06/1971
Grant date:	04/06/1971
Country:	DENMARK
Registration number:	VR 1992 11284
Status:	Accepted
Filing date:	11/04/1990
Grant date:	11/12/1992
Country:	GERMANY
Registration number:	318 259
Status:	Accepted
Grant date:	15/06/1990
Country:	GREECE
Registration number:	98807
Status:	Accepted
Filing date:	27/04/1990
Grant date:	17/11/1993
Country:	ITALY
Registration number:	318 259
Status:	Accepted
Grant date:	03/08/1986
Country:	PORTUGAL
Registration number:	318 259
Status:	Accepted
Grant date:	03/02/1992
Country:	UNITED KINGDOM
Registration number:	1 106 808
Status:	Accepted
Filing date:	22/12/1978
Grant date:	22/12/1978
Country:	FRANCE
Registration number:	318 259
Status:	Accepted
Grant date:	03/08/1986

Country:	AUSTRIA
Registration number:	318 259
Status:	Accepted
Grant date:	03/08/1986

Exhibition priority

No entry for application number: 003491016

Priority

No entry for application number: 003491016.

Publication

Bulletin no.:	**2004/049**
Date of publication:	06/12/2004
Part:	A.1

Opposition

Opposition No:	000805947
Reception date:	02/03/2005
Opponent name:	BARNICES VALENTINE, S.A. Unipersonal
Opponent ID No:	218249

Cancellation

No entry for application number: 003491016

Appeals

No entry for application number: 003491016.

Recordals

No entry for application number: 003491016

Renewals

No entry for application number: 003491016.

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