



**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: 1 (2)
- 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:
802208
- III. Other information concerning the international registration which is the subject of the provisional refusal: Verbal elements of the mark: **ESET**
- IV. The grounds for this provisional refusal are the following:
- The trademark is similar with the following trademark, which is registered for similar kind of goods and services in classes 9 and 42 (copy of the registration enclosed):
- ECET**, registration date 23.02.2004, OHIM trademark number 001606664. The name and the address of the owner of the mark are:
Owner: ECET International Ltd.
Address: 10 Bristol Road The Metropolitan Centre
UB6 8UW Greenford
Country: GB
- 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 and services in classes 9 and 42 and following goods in class 16: Handbooks for software users.**

- 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 **29/01/2007** (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note that if the owner of the registration fails to respond by the due date, the registration shall be deemed to be withdrawn for goods and services mentioned in item VI (section 38 subsection 2 of the Estonian Trademark Act).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).

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).

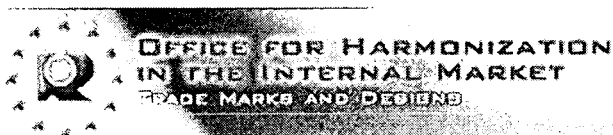
- VIII. Date on which the provisional refusal was pronounced: **27/09/2006** (dd/mm/yyyy).

- IX. Signature of the Office:

E k E. Q. l

Ekke-Kristian Erilaid

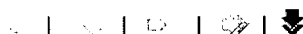
Senior Examiner of The First International Trademark Examination Division


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CTM-ONLINE - Detailed trade mark information



Trade mark name : ECET
 Trade mark No : 001606664
 Trade mark basis: CTM
 Number of results: 1 of 1



Trade mark



Filing date: 12/04/2000
 Date of registration: 23/02/2004
 Expiry Date: 12/04/2010
 Nice Classification: 9, 35, 36, 38, 41, 42 ([⇒](#) Nice classification)
 Trade mark: Individual
 Type of mark: Word
 Acquired distinctiveness: No
 Your reference: JRO/30496-00006
 Status of trade mark: Registration published ([⇒](#) Glossary)
 ([⇒](#) History of statuses)
 Filing language: English
 Second language: French

Graphic representation



No entry for application number: 001606664.

List of goods and services



Nice Classification: 9
 List of goods and services: Computer software; computer software development tools; computer programs and computer databases; computer software for application in the field of network and system management as well as for the development of further software; computer software for entering and retrieving information into and from the Internet and the world wide web; computer programs for using the Internet and world wide web; computer software for access to Internet systems and for the use of said systems; computer software operating systems; graphic user interface routines, graphic user interfaces for computer circuits; data stored on data carriers and computer software encoders and decoders for electronic, magnetic and optical memorisation data; data protection apparatus; computer programs and operating systems stored on machine-readable data carriers; data carriers of all kinds with machine-readable computer programs; portable computer systems comprising operating system, network software and utility programs; operating and user instructions stored in digital form for computers and computer software; sales units of computer programs; parts and fittings for the aforesaid; on-line electronic publications (downloadable); interactive entertainment.

Nice Classification: 35

List of goods and services

Advertising and promotion services; business management; business development; business administration; marketing and business research; office functions; marketing; advertising and promotional services and information services relating to business management, business development, business administration; business information services; business services provided on-line from a computer database or the Internet; compilation of advertisements for use as web pages on the Internet; consultancy, advisory and information services for retail outlets carried out via a global computer network, on-line from a computer database or the Internet; consultancy, advisory and information services related to business management, providing start-up activities for businesses of others; business consultation services; business marketing consultation services; operation of customer loyalty and reward schemes.

Nice Classification:

36

List of goods and services

Banking and financial services available via the Internet and the world wide web; customer inducements for viewing advertising, in the form of credits and payments; organisation, operation and supervision of customer award and reward schemes.

Nice Classification:

38

List of goods and services

Electronic data transmission over a global remote data processing network or the Internet; on-line services relating to electronic data transmission, provision of access to data and communications networks, electronic mail services and telecommunications including on-line services relating to ancillary computer software; electronic transmission of computer programs via the Internet; provision of access to data networks, in particular to the Internet, to Internet forums, to the world wide web and to server services; electronic mail services; telecommunications; collection and delivery of messages by electronic mail; telephone services; communication by telephone; telecommunication services.

Nice Classification:

41

List of goods and services

Education and entertainment; information relating to education, provided on-line from a computer database or the Internet; providing on-line electronic publications (not downloadable); publication of electronic books and journals on-line; providing of video conferences on-line to a global computer network.

Nice Classification:

42

List of goods and services

Consultancy; new product and service development services; graphic design; graphic design for the compilation of web pages on the Internet; creating and maintaining web sites; hosting the web sites of others; installation and maintenance of computer software; leasing access time to a computer database; computer software design for others and computer consultation services; information provided on-line from a computer database or from the Internet relating to the foregoing services.

Description



Description of the mark:

Description is not available in this language

Owner



Name:

ECET International Ltd.

ID No:

84856

Natural or legal person:

Legal entity

Address:

10 Bristol Road The Metropolitan Centre

Post code:

UB6 8UW

Town:

Greenford,

Country:

UNITED KINGDOM

County:

Middlesex

Correspondence address:

ECET International Ltd. 10 Bristol Road The Metropolitan Centre
Greenford, Middlesex UB6 8UW REINO UNIDO

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.

§ 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.

§ 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.

§ 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.