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

PROVISIONAL REFUSAL OF PROTECTION BASED ON AN OPPOSITION ACCORDING TO RULE 17 (3)

I. Name and address of the Office that notifies:
The Swedish Patent and Registration Office
Department of Trademarks & Designs
Box 530, S-826 27 SÖDERHAMN, Sweden

Telephone: int + 46 8 782 25 00
Telefax: int + 46 270 173 51

II. Number and wording of the international registration subject to the opposition: 823874, ZENRA.

III. Name and address of the holder of the international registration subject to the opposition:
Zentiva, a.s.
U Kabelovny 130
CZ-102 37 Praha 10 - Dolní Mecholupy
Czech republic

IV. Name and address of the opponent(s): Pfizer Products Inc., Eastern Point Road, GROTON, CT 06340, USA

V. Grounds for opposition:

- ☐ The mark is not distinctive.
- ☐ Confusingly similar to the national mark(s):
- ☐ Confusingly similar to the international mark(s):
- ☒ Confusingly similar to the Community Trademark(s): Reg no. 2563807 CENRAL.
- ☐ Other grounds:

VI. Provisions of the Swedish Trademarks Act (enclosed): Article 14, paragraph 1, item 9.

VII. The scope of the opposition:

(1) ☒ Refusal for all the goods and services.

VIII. A response to the opposition shall be received by the Swedish Patent and Registration Office no later than 2 (two) months from the date of this notification of refusal (VII) i.e. 27-12-2006. The Swedish Patent and Registration Office will not decide in the matter regarding the opposition until after the said period of time. The response must be filed in Swedish.

IX. Date of the notification of the provisional refusal: 27-10-2006

X. Signature by the Office: Herman Pettersson

Herman Pettersson
THE SWEDISH PATENT AND REGISTRATION OFFICE

Our reference: 823874/001

Number of continuation sheets: 5

According to Article 5(2)(c) and Rule 16(b) the Swedish Patent and Registration Office, Trademark Section, hereby informs the International Bureau of the dates on which the opposition period regarding International registration No. 823874 begins and ends. The dates are from 25 August 2006 to 25 October 2006.

Extract from the Swedish Trademarks Act

Article 2. An exclusive right in a trademark is acquired also without registration when the mark has been established on the market.

Article 6. Symbols shall be deemed to be confusingly similar under this Act only if they relate to goods of the same kind or a similar kind.

Confusing similarity may be invoked also for the benefit of a symbol, which has a reputation in this country if the use of another similar symbol would take unfair advantage of, or would be detrimental to, the distinctive character or reputation of the symbol having the reputation.

Article 13. A trademark may be registered only if it is distinctive. A mark which, exclusively or with only minor changes or additions, indicates the kind, quality , quantity, use, price or geographical origin of the goods or the date of their production shall not in itself be deemed to be distinctive. In the assessment of whether a mark is distinctive consideration shall be given to all circumstances and in particular to the scale and the time of the use of the mark.
A symbol consisting exclusively of a shape which results from the nature of the goods or of a shape which is necessary to obtain a technical result or of a sign which gives a substantial value to the goods may not be registered as a trademark.

Article 14. A trademark may not be registered:
1) if the mark contains such a State emblem or international emblem or such a local authority coat of arms which under existing laws or regulations may not be used, without permission, as a trademark, or anything that may be easily confused therewith;
2) if the mark is likely to deceive the public;
3) if the mark is otherwise contrary to laws or regulations or public order or is likely to cause offence;
4) if the mark contains or consists of elements which are likely to convey the impression of being another person's trade name or the family name, artistic name or similar name of another person, or another person's portrait, unless the name or the portrait obviously relates to a person who is long deceased;
5) if the mark contains an element which is likely to convey the impression of being the title of another person's protected literary or artistic work, where the title is distinctive, or which would violate another person's copyright in a literary or artistic work or another person's right in a photographic picture or in a design;
6) if the mark is confusingly similar to a name or a trade name which is being used in the course of another person's business activities or to another person's trademark which is registered on the basis of an earlier application, or to another person's trade symbol which is established on the market when the application for registration is filed;
7) if the mark is confusingly similar to a trade symbol which, at the time of the application, is being used by another person and the applicant had knowledge about that use at the time of the application and had not used the mark before the other symbol was first used;
8) if the mark is confusingly similar to a trademark covered by an international registration with effect in Sweden and for which the date referred to in Article 55, second paragraph, precedes the date of the application.

9) if the mark is confusingly similar to a Community trademark owned by another person which is registered on the basis of an earlier application.

In cases referred to in items 4), 5), 6), 7) 8) and 9) the registration may nevertheless be effected if the person whose right is involved gives his consent and there are no other obstacles according to the provisions of the first paragraph. ---

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Article 15. An exclusive right in a trademark acquired through registration does not include such elements of the mark, which can not by them be registered.

Article 21. Following an opposition, the Registration Authority shall invalidate the registration if there is an obstacle to it. If there is an obstacle only in respect of part of the goods listed in the registration, the Registration Authority shall, instead, if the trademark owner so desires, invalidate the registration only as regards those goods.

The Registration Authority shall refuse the opposition if there is no obstacle to the registration.

A notice shall be published when the decision of the Registration Authority concerning the opposition has taken legal force. If the decision implies that the registration is invalidated wholly or in part, this fact shall be recorded in the register.

Article 54. If the National Trademark Authority receives a notification from the International Bureau to the effect that a person other than one referred to in Article 51 has requested an extension of the territorial effect of an international registration of a mark to Sweden, the Authority shall examine whether there is an obstacle to admitting such an effect.

Such an obstacle exists if the trademark referred to in the international registration does not fulfil the requirements under Article 13 or if an obstacle to a national registration would have existed according to Article 14.

Article 55. If there is an obstacle to the registration according to Article 54, second paragraph, the National Trademark Authority shall, within 18 months from the date of the notification referred to in Article 54, first paragraph, notify the International Bureau that the international registration can not have effect in Sweden and state the grounds therefore.

Article 56. After the expiry of the time limit indicated in Article 55, third paragraph, the National Trademark Authority shall, if there is no obstacle to it, decide that the international registration shall have effect in Sweden. When that decision has taken legal effect, the trademark shall be entered into the register and a notice of this fact be published.
If there is an obstacle to admitting the effect in Sweden of the international registration, the National Trademark authority shall decide that the international registration shall not have any effect in this country. The decision shall indicate the grounds which have determined the result. If the National Trademark Authority has not previously transmitted a notification under Article 55, first paragraph, it shall communicate the decision to the International Bureau within 18 months from the date of the notification referred to in Article 54, first paragraph, or, if the time period indicated in Article 55, third paragraph, expires later, within one month from the expiry of that period. In the latter case, the National Trademark Authority shall, within 18 months from the date of the notification referred to in Article 54, first paragraph, notify the International Bureau that a decision as just referred to may be communicated later. When the decision that the international registration shall not have any effect in Sweden has taken legal force, a notice of this fact shall be published.

OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
TRADE MARKS AND DESIGNS

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CTM-ONLINE - Detailed trade mark information

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

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
Your reference:	PHR/CENRAL/bl
Status of trade mark:	Registration published (Glossary) (History of statuses)
Filing language:	####
Second language:	####

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
Telephone:	00 1-8604414100
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Representative

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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.:	2002/086
Date of publication:	28/10/2002
Part:	A.1

Bulletin no.:	2003/082
Date of publication:	17/11/2003
Part:	B.2

⊞ 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.

Recordals

No entry for application number: 002563807

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THE INTERNATIONAL REGISTRATION OF MARKS

Regarding international registration: 823874, ZEBRA

An opposition has been filed against your registration. If you want copies of the opposition documents, sent to the Swedish Patent and Registration Office by the opponent, please return this note and we will immediately send the copies to you.

Please note that the Swedish Patent and Registration Office has not yet come to a decision regarding the opposition against your registration.

Yes, I would like to have the copies of the opposition sent to me

_____

Name

_____

Address

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S-826 32 Söderhamn

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