

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

EX OFFICIO PROVISIONAL REFUSAL

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

I. Office refusing protection:

National Board of Patents and Registration of Finland
Trademarks
P.O. Box 1170
FIN-00101 HELSINKI
Telephone: +358-9-6939500
Telefax: +358-9-69395585

II. Number of the international registration which is the subject of the refusal: 802209

III. Other information concerning the international registration which is subject of the refusal:
Verbal elements of the mark: eseT (word mark).

IV. The grounds for this refusal are the following:

The trademark is liable to be confused with the following international registration, which is accepted to be valid in Finland:

eset.eu; registered under number 881323 for identical and similar kinds of goods and services in classes 9, 16 and 42 (information on international registration designating Finland enclosed).

The trademark is liable to be confused with the following Community trademark:

ECET; registered under number 1606664 for identical and similar kinds of goods and services in classes 9 and 42. (The enclosed information of the Community trademark is a printout from the CTM-ONLINE database (Community Trade Mark Consultation Service)).

The trademark is liable to be confused with the following Community trademark:

E.set; registered under number 4848628 for identical and similar kinds of services in classes 42. (The enclosed information of the Community trademark is a printout from the CTM-ONLINE database (Community Trade Mark Consultation Service)).

V. Provisions of the Finnish Trademarks Act applicable on the subject (enclosed):

Art. 6 paragraph 1, Art. 14 paragraph 1 item 8
Art. 6 paragraph 1, Art. 14 paragraph 1 item 9

VI. Total refusal.

VII. The holder of the registration may request a review of the refusal. The request shall be received by the National Board of Patents and Registration of Finland no later than within 16 weeks from the date of the refusal. **The time limit expires 30.05.2007 (dd.mm.yyyy).**

The request, which is to be drawn up in Finnish or Swedish, has to be filed through the intermediary of a representative resident in the European Economic Area.

If the holder of the registration has not within the time limit given above requested for the review, the registration shall not take effect in Finland for the goods/services which are affected by the refusal (Art. 56 b paragraph 3).

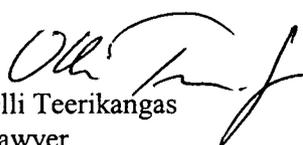
If the grounds for this refusal include Community trademarks or Community trademark applications or international registrations they can remain as grounds for this refusal even if the Community trademark or the Community trademark application is converted into a national trademark application and it leads to registration (Art. 57 a and Art. 14 paragraph 1 item 6) or if the international registration is transformed into a national trademark application and it leads to registration (Art. 56 i and Art. 14 paragraph 1 item6).

Please note that if the designation is accepted subsequent to reviewal or appeal an opposition may be filed against the mark within 2 months of the publication of the mark (Art. 56 c).

Oppositions may be filed after the end of the 18-month period (Art. 5(2)(c)(i) of the Madrid Protocol, Rule 16(1) of the Common Regulations).

VIII. Date on which the refusal was pronounced: 07.02.2007 (dd.mm.yyyy)

IX. Signature of the Office


Olli Teerikangas
Lawyer
Tel. +358-9-6939 5235





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:
List of goods and services

36
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:
List of goods and services

38
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:
List of goods and services

41
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:
List of goods and services

42
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:	No Description
	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

Representative

Name: FIELD FISHER WATERHOUSE LLP
ID No: 10683
Address: 35 Vine Street
Post code: EC3N 2AA
Town: London
Country: UNITED KINGDOM
Correspondence address: FIELD FISHER WATERHOUSE LLP 35 Vine Street
 London EC3N 2AA REINO UNIDO
Telephone: 00 44-2074814841
Fax: 00 44-2074880084
E-mail: info@ffwlaw.com

Seniority

No entry for application number: 001606664.

Exhibition priority

No entry for application number: 001606664

Priority

No entry for application number: 001606664.

Publication

Bulletin no.: 2001/107
Date of publication: 17/12/2001
Part: A.1

Bulletin no.: [2004/015](#)
Date of publication: 12/04/2004
Part: B.1

Opposition

Opposition No: 000494320
Reception date: 15/03/2002
Opponent name: BT COMMUNICATIONS IRELAND LIMITED
Opponent ID No: 42759

Cancellation

No entry for application number: 001606664

Appeals

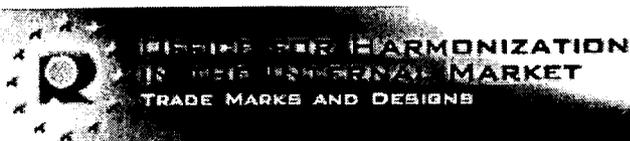
No entry for application number: 001606664.

Recordals

No entry for application number: 001606664

Renewals

No entry for application number: 001606664.



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CTM-ONLINE - Detailed trade mark information



Trade mark name : E.set
 Trade mark No : 004848628
 Trade mark basis: CTM
 Number of results: 1 of 1



	Trade mark
Filing date:	13/01/2006
Date of registration:	10/01/2007
Expiry Date:	13/01/2016
Nice Classification:	9, 42 (↗ Nice classification)
Trade mark:	Individual
Type of mark:	Figurative
Vienna Classification:	25.5.99, 29.1.1, 29.1.8, 29.1.13, 29.1.96 (↗ Vienna Classification)
Acquired distinctiveness:	No
Your reference:	ESET
Status of trade mark:	Registration published (↗ Glossary) (↗ History of statuses)
Filing language:	French
Second language:	English

Graphic representation



E.set

List of goods and services

Nice Classification: 9
List of goods and services: Apparatus and instruments for the supply, distribution, transformation, accumulation, regulation or control of

electric current.

Nice Classification:

42

List of goods and services

Design, installation and maintenance of configuration programs for electrical measuring apparatus.

Description**Description of the mark:**

Typography: delta Jaeger medium bold..

Indication of colour :

Black 100%; black 50%, magenta 100%, yellow 100%..

Owner**Name:**

ENERDIS (Société par actions simplifiée)

ID No:

225565

Natural or legal person:

Legal entity

Address:

1-9 rue d'Arcueil

Post code:

92120

Town:

Montrouge

Country:

FRANCE

Correspondence address:ENERDIS c/o CHAUVIN ARNOUX direction juridique
190 rue Championnet 75876 PARIS CEDEX 18**Telephone:**

00 33-144854589

Fax:

00 33-144854590

Representative

No entry for application number: 004848628.

Seniority

No entry for application number: 004848628.

Exhibition priority

No entry for application number: 004848628

Priority

No entry for application number: 004848628.

Publication**Bulletin no.:**

2006/031

Date of publication:

31/07/2006

Part:

A.1

Bulletin no.:

2007/003

Date of publication:

22/01/2007

Part:

B.2

Opposition

No entry for application number: 004848628.

Cancellation

No entry for application number: 004848628

Appeals

No entry for application number: 004848628.

Recordals

No entry for application number: 004848628

Renewals

No entry for application number: 004848628.



Disclaimer and Copyright I

TIETOJA SUOMEEN KOHDISTETUSTA KANSAINVÄLISESTÄ REKISTERÖINNISTÄ
UPPGIFTER OM INTERNATIONELL REGISTRERING VARI FINLAND HAR DESIGNERATS
INFORMATION ON INTERNATIONAL REGISTRATION DESIGNATING FINLAND

Kansainvälinen rekisterinumero - Internationell registernummer - International registration number (111)

881323

Kansainvälinen rekisteröintipvm/myöhemmän laajentamisen pvm - Registreringsdag/dagen för efterföljande designering -
Date of international registration/subsequent designation (151)

05.10.2005

Rekisteröinti päättyy - Registreringen upphör - Registration expires (180)

05.10.2015

Etuoikeus - Prioritet - Priority

(320)	(330)	(310)
06.04.2005	SK	5490-2005

Haltija - Innehavare - Holder (732)

ESET, SPOL. S R.O., Bratislava, SK

Tavaramerkki - Varumärke - Trademark (540)

eset.eu

Tavarat/palvelut - Varor/tjänster - Goods/services (511)

Luokka/Klass/Class 9 Recorded computer software; data protection software.

Luokka/Klass/Class 16 Printed matter for advertising and information; manuals for software users.

Luokka/Klass/Class 42 Software design and development especially data protection software; software provision; consulting, consultancy services and expert reports with regard to software.

Luokitus NCL(8):n mukaan - Klassificering enligt NCL(8) -
Classified in accordance with NCL(8)

Rekisteröinti kuulutettu: - Registreringen kungjorts: - Registration published:

29.09.2006

Rekisteröinti voimassa Suomessa - Registreringen är giltig i Finland - Registration is valid in Finland

Haltijan ilmoittama osoite - Innehavarens adress enligt anmälan - Reported address of the trademark owner:

Pionierska 9/A, SK-831 02 Bratislava, SK

Extract from the Finnish Trademarks Act

Art. 6.

Trade symbols shall be regarded under this Act as liable to cause confusion only if they apply to goods of identical or similar type. Notwithstanding the foregoing, the confusability of trade symbols may be judged in favor of a symbol that has a reputation in Finland where the use of another's trade symbol without due cause would constitute unfair exploitation of, or action detrimental to, the distinctive character or fame of the earlier trade symbol.

The second paragraph of this Article shall apply also to the auxiliary trade names and secondary symbols referred to in the third paragraph of Article 3.

Art. 13.

To be eligible for registration, a trademark must be capable of distinguishing its proprietor's goods from those of others. A mark that denotes either alone or with only few alterations or additions, the kind, quality, quantity, use, price or place or time of manufacture of the goods shall not, as such, be regarded as distinctive. Neither shall a mark be regarded as distinctive, if it is solely composed of a form that is characteristic of the goods, necessary for achieving a technical result or that substantially increases the value of the goods. In assessing whether a trademark possesses distinguishing power, all the factual circumstances shall be borne in mind, particularly the length of time and extent to which the mark has been used.

Art. 14.

A trademark shall not be registered:

- (1) if it is contrary to law and order, or to morality;
- (2) if it is liable to mislead the public;
- (3) if, without proper permission, it incorporates national armorial bearings, a national flag or other emblem, a sign or hallmark indicating control and warranty used by the State for goods of the same type as those for which the trademark is sought or a similar type, the armorial bearings of a Finnish commune, or the flag, armorial bearings or other emblem, name or abbreviated name of an international organization or any device or emblem, name or abbreviated name liable to be confused with the symbols or emblems, marks, names or abbreviations referred to in this item;
- (4) if it is composed of or contains anything likely to give the impression of being the protected trade name of another or the auxiliary trade name or secondary symbol of another as referred to in the third paragraph of Article 3, or of being the name or likeness of another person, unless such name or likeness plainly relates to a person long dead;
- (5) if it is composed of or contains anything likely to give the impression of being the title of another's protected literary or artistic work, such title being original in character, or if it constitutes an infringement of another's copyright in such a work or of his rights in a photographic illustration or a protected design;
- (6) if it is liable to be confused with the name or protected trade name of another trade, with an auxiliary trade name or secondary symbol of the kind referred to in the third paragraph of Article 3, with the trademark of another which has been registered on the basis of an earlier application or with the trade symbol of another party that is already established when registration is sought;
- (7) if it is liable to be confused with a trade symbol being used by another party for his goods at the time of the application, and if the applicant was aware of that use at the time of his application and had not used his own mark before the other trade symbol came into use;
- (8) if it is liable to be confused with a trademark protected by an international registration valid in Finland or European Community that on basis of this registration enjoys an earlier right in Finland or European Community;
- (9) if it is liable to be confused with a Community trade mark within the meaning of Article 57 that has been registered on the basis of an earlier application or that has seniority from Finland under Article 34 or 35 of the Council Regulation referred to in Article 57;
- (10) if it is liable to be confused with a registered name of a plant variety; or
- (11) if there is an obstacle to registration within the meaning of Council Regulation (EEC) No. 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

In the cases referred to in items (4) to (9), registration may be granted if the person whose right is concerned agrees thereto, and provided that the registration does not contravene any of the other provisions of the first paragraph of this Article.

Art. 15.

The exclusive rights in a trademark acquired by registration do not cover any part of the mark that cannot be registered as such.

If the trademark contains any such part and there are special reasons to believe that its registration may cause uncertainty regarding the extent of the exclusive rights granted, protection of the part may be specifically disclaimed when the registration is made.

If a part of a trademark excluded from protection later becomes registrable, a new registration may be made to cover that part or the entire trademark without the exclusion of the part from protection.

Art. 56b paragraph 3.

If the proprietor of an international registration has not within the given time limit submitted his statement commenting on the registration authority's notification referred to in paragraph 1, the international registration shall not take effect in Finland. If the said notification only concerned some of the goods in the international registration, the international registration shall take effect in Finland in respect of those of the goods that the notification did not concern.

Art. 56c.

If no obstacle to registration is found, the registration authority shall give public notice of the International Bureau notification referred to in Article 56a as laid down in the first paragraph of Article 20. The public notice shall specify the date accorded to the international registration by the International Bureau.

Any opposition to an international registration in Finland shall be filed in writing with the registration authority within two months of the date of the public notice.