

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

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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**

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II. Number of the international registration which is the subject of the refusal: 802208

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

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

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

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

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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 06.06.2007 (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 item 6).

**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).

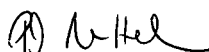
**Oppositions may be filed after the end of the 18-month period** (Art. 5(2)(c)(i) of the Madrid Protocol, Rule 16(1) of the Common Regulations).

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VIII. Date on which the refusal was pronounced: 14.02.2007 (dd.mm.yyyy)

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IX. Signature of the Office



Pirjo Aro-Helander  
Lawyer  
Tel. +358-9-6939 5524



**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

Etuoiikeus - 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

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

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



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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:****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](mailto: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:

### Indication of colour :

Typography: delta Jaeger medium bold..  
Black 100%; black 50%, magenta 100%, yellow 100%..

## Owner

### Name:

### ID No:

### Natural or legal person:

### Address:

### Post code:

### Town:

### Country:

### Correspondence address:

### Telephone:

### Fax:

ENERDIS (Société par actions simplifiée)  
225565  
Legal entity  
1-9 rue d' Arcueil  
92120  
Montrouge  
FRANCE  
ENERDIS c/o CHAUVIN ARNOUX direction juridique  
190 rue Championnet 75876 PARIS CEDEX 18  
00 33-144854589  
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.:

### Date of publication:

### Part:

IF 2006/031

31/07/2006

A.1

### Bulletin no.:

### Date of publication:

### Part:

IF 2007/003

22/01/2007

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 Notice

**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.