

**PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL
REGISTRATION OF MARKS
NOTIFICATION IN APPLICATION OF article 5 (paragraph 2) OF MADRID PROTOCOL**

NOTIFICATION of PROVISIONAL TOTALLY REFUSAL

Competent Authority, which notifies:
**HELLENIC REPUBLIC-MINISTRY OF DEVELOPMENT, GENERAL
SECRETARIAT OF COMMERCE DIRECTION OF COMMERCIAL &
INDUSTRIAL PROPERTY**
KANINGOS SQUARE, GR-10181 ATHENS
TEL:0030-210-3803187 FAX 0030-210-3821717

Number of International Registration that has been totally refused:891411
Relative Number of National Registration:27834
International Mark:SUNKITS

Owner of International Registration:

Name:SOLAR WORLD AG

Address:KURT-SCHUMACHER-STRABE 12-14 53113 BONN GERMANY

Decision number of the Provisional Totally Refusal:3253/07

Reason of refusal :Earlier Community Trademark 2088466 -SUNKIST (WORD)-FILING
DATE: 14/02/2001 -REGISTRATION DATE: 09/04/2003 -Owner: SUNKIST GROWERS
INC., 14130 RIVERSIDE DRIVE 91423-2313 SHERMAN OAKS UNITED STATES (classes
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28,
33, 34, 35, 36, 37, 38, 39, 40, 41, 42)

Relative Dispositions of Greek Trademark law 2239/94 applied on this matter (see page 2):

**Time limit of recourse for the totally refusal is 90 days from the receipt by WIPO of the
present notification and must be laid to the Administrative Court of First Instance. In this
case, a Greek lawyer needed to be appointed.**

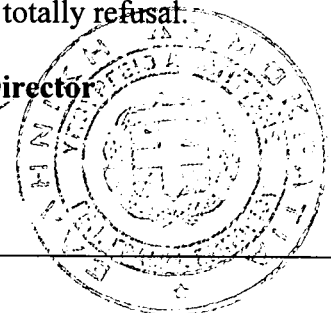
Signature and official seal of competent authority, which notifies the totally refusal:

Date

15/6/07

The Director

[Handwritten signature]



Relative Dispositions of Greek Trademark law 2239/94 applied on this matter (see page 2):

Law 2239/94-Article 4 : 1.A trade mark shall not be registered:a)if it is identical with an earlier trade mark and the goods or services for which the trade mark has been registered are identical with the goods or services for which the earlier trade mark is protected.b)if, because of its identity with the earlier trade mark and the similarity of the goods or services or the similarity with the earlier mark and the identity of the goods or services ,there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with he earlier mark.....

2. As "earlier trade mark" within the meaning of the present Law should be understood:a)trade marks, including community marks, which have been registered before the date of the trade mark , taking account of the priorities claimed in respect of those trade marks.b)earlier applications for registration of trade marks, including community trade marks, subject to their registration.c)trade marks which on the date of application for registration or, where appropriate, on the priority date claimed in respect of the application, are well-known, in the sense of article 6bis of the Paris Convention.

ΔΙΟΙΚΗΤΙΚΗ ΕΠΙΤΡΟΠΗ ΣΗΜΑΤΩΝ

Απόφαση με αριθμ. 3253/2007

Η σύμφωνα με τον Ν.2239/1994 Διοικητική Επιτροπή Σημάτων, που αποτελείται από τον Παναγιώτη Πανάγο, Πάρεδρο του Ν.Σ.Κ., Πρόεδρο, την Καλλιόπη Ραγκούση υπάλληλο της Διεύθυνσης Εμπορικής και Βιοτεχνικής Ιδιοκτησίας του Υπουργείου Ανάπτυξης και τον Παναγιώτη Πανέτα, εκπρόσωπο ΕΒΕΑ, μέλη, σε δημόσια συνεδρίαση στο Κατάστημα του Υπουργείου Ανάπτυξης (νοαφ.611) σήμερα την 8^η Μαρτίου ημέρα Πέμπτη και ώρα 15.00, με γραμματέα την Ειρήνη Διονά, υπάλληλο του Υπουργείου Ανάπτυξης, ασχολήθηκε με τον έλεγχο του με αριθμό 27834/4-5-06 Δ. σήματος *Smilaks* αρ. εφευ. 891411 *GAZETTE OFFICIELLE N° 33/06* του διαδίδοντος *SOLAR WORLD AG* που εδρεύει *am KURT-SCHUMACHER-STRASSE 12-14 53113 BONN GERMANY* για να διακρίνει *προϊόντα 5^{ης} υπηρεσίας των μάσεων* 9,36

Αφού άκουσε τ που παραστάθηκε με τ
πληρεξούσι δικηγόρο
και την εισηγήτρια Καλλιόπη Ραγκούση και έλαβε υπόψη όλα τα σχετικά στοιχεία.

ΑΦΟΥ ΣΚΕΦΘΗΚΕ ΣΥΜΦΩΝΑ ΜΕ ΤΟ ΝΟΜΟ

Επειδή νόμιμα έρχεται για συζήτηση η κρινόμενη δήλωση βάσει της Υπουργικής απόφασης 307/01 σχετικά με τη εφαρμογή του Πρωτοκόλλου της Μαδρίτης, που κυρώθηκε με τον Ν.2783/00.

Επειδή σύμφωνα με το άρθρο 4 του Ν.2239/1994 <<περι Σημάτων>> ορίζεται ότι : << Σημείο δεν γίνεται δεκτό για καταχώρηση : α) εάν ταυτίζεται με προγενέστερο σήμα και τα προϊόντα ή οι υπηρεσίες, για τα οποία το σήμα έχει δηλωθεί, ταυτίζονται με εκείνα για τα οποία προστατεύεται το προγενέστερο σήμα, β) εάν, λόγω της ταυτότητας με το προγενέστερο σήμα και της ομοιότητας των προϊόντων ή υπηρεσιών, ή της ομοιότητας με το προγενέστερο σήμα και της ταυτότητας των προϊόντων ή υπηρεσιών ή της ομοιότητας με το προγενέστερο σήμα και της ομοιότητας των προϊόντων ή υπηρεσιών, υπάρχει κίνδυνος σύγχυσης του κοινού, ο οποίος περιλαμβάνει και τον κίνδυνο συσχέτισης του με το προγενέστερο σήμα.

Επειδή το με αριθμό 27834/4-5-06 σήμα *Smilaks* που διακρίνει τα πιο πάνω αναφερόμενα προϊόντα ή υπηρεσίες ταυτίζεται ή ομοιάζει με το με αριθμό

002088466/114-2-01
σήμα κοινωτικό *SUNKIST*, που έχει κατατεθεί προγενέστερα
και προστατεύεται νόμιμα, της εταιρείας *Sunkist Growers, Inc.*, που
εδρεύει *in 14130 Riverside Drive 91423-2313 Sherman*
Oaks, UNITED STATES
και το οποίο διακρίνει προϊόντα *κ. νημερείων* των *μάρκων*
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24,
25, 26, 27, 28, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42

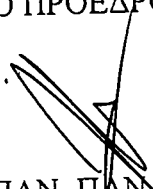
και επειδή μάλιστα τα προϊόντα που διακρίνουν τα σήματα αυτά μοιάζουν, είναι
δυνατό να δημιουργηθεί κίνδυνος σύγχυσης στο καταναλωτικό κοινό, ως προς τη
διάκριση αυτών και την επιχείρηση από την οποία προέρχονται. Κατά συνέπεια το
κρινόμενο σήμα πρέπει ν' απορριφθεί σύμφωνα με τις προαναφερθείσες διατάξεις.

ΓΙΑ ΤΟΥΣ ΛΟΓΟΥΣ ΑΥΤΟΥΣ

Απορρίπτει την με αριθμό *27834/4-5-06* δήλωση κατάθεσης του σήματος
Sunkits

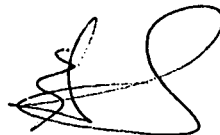
Κρίθηκε και αποφασίσθηκε την *4-4-2007*.
Δημοσιεύθηκε σε δημόσια συνεδρίαση *5-4-2007*.

Ο ΠΡΟΕΔΡΟΣ

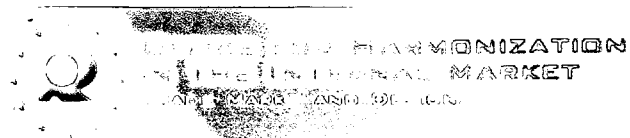


ΠΑΝ. ΠΑΝΑΓΟΣ

Η ΓΡΑΜΜΑΤΕΑΣ



ΕΙΡΗΝΗ ΔΙΟΝΑ



ES DE
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Overview

Trade mark

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Download trade mark details

Link to CTM Bulletin On-line

CTM-ONLINE - Detailed trade mark information



Trade mark name : SUNKIST
Trade mark No : 002088466
Trade mark basis: CTM
Number of results: 8 of 13



Trade mark

Filing date: 14/02/2001
Date of registration: 09/04/2003
Expiry Date: 14/02/2011
Nice Classification: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 36, 37, 38, 39, 40, 41, 42 (⇒ Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Your reference: T10299CT:KG
Status of trade mark: Registration published (⇒ Glossary)
 (⇒ History of statuses)
Filing language: English
Second language: Italian

Graphic representation

No entry for application number: 002088466.

List of goods and services

Nice Classification: 1
List of goods and services Chemicals used in industry, science and photography as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; temper and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

Nice Classification: 2
List of goods and services Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

Nice Classification: 3
List of goods and services Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

Nice Classification: 4
List of goods and services Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.

Nice Classification: List of goods and services	5 Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food additives; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides; vitamin tablets, vitamin supplements, vitamin preparations in the nature of food supplements, vitamin preparations in tablet form, vitamin C preparations, vitamin drinks, effervescent vitamin tablets for making a lemon-flavoured drink, effervescent vitamin tablets, health food supplements made principally of vitamins, multi-vitamin enriched fruit juice beverages for medical use, multi-vitamin fruit juice beverages for medical use, multi-vitamin fruit nectar for medical use, pharmaceutical preparations containing vitamins, preparations consisting of mixtures of vitamins and minerals, preparations for food for human consumption (principally of vitamins).
Nice Classification: List of goods and services	6 Common metals and their alloys; metal building materials; transportable buildings of metal; material of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes.
Nice Classification: List of goods and services	7 Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated incubators for eggs.
Nice Classification: List of goods and services	8 Hand tools and implements (hand-operated); cutlery; side arms; razors.
Nice Classification: List of goods and services	9 Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.
Nice Classification: List of goods and services	10 Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopaedic articles; suture materials.
Nice Classification: List of goods and services	11 Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
Nice Classification: List of goods and services	12 Vehicles; apparatus for locomotion by land, air or water.
Nice Classification: List of goods and services	13 Firearms; ammunition and projectiles; explosives; fireworks.
Nice Classification: List of goods and services	14 Precious metals and their alloys and goods in precious metal.

	metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.
Nice Classification:	15
List of goods and services	Musical instruments.
Nice Classification:	16
List of goods and services	Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typew and office requisites (except furniture); instructor and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks.
Nice Classification:	17
List of goods and services	Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.
Nice Classification:	18
List of goods and services	Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.
Nice Classification:	19
List of goods and services	Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.
Nice Classification:	20
List of goods and services	Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother of pearl, meerschaum and substitutes for all these materials, or of plastics.
Nice Classification:	21
List of goods and services	Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.
Nice Classification:	22
List of goods and services	Ropes, string, nets, tents, awnings, tarpaulins, sails and sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastic); raw fibrous textile materials.
Nice Classification:	23
List of goods and services	Yarns and threads, for textile use.
Nice Classification:	24
List of goods and services	Textiles and textile goods, not included in other classes; bed and table covers.
Nice Classification:	25
List of goods and services	Clothing, footwear, headgear.
Nice Classification:	26
List of goods and services	Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

Nice Classification: List of goods and services	27 Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).
Nice Classification: List of goods and services	28 Games and playthings; gymnastics and sporting articles not included in other classes; decorations Christmas trees.
Nice Classification: List of goods and services	33 Alcoholic beverages (except beers).
Nice Classification: List of goods and services	34 Tobacco; smokers' articles; matches.
Nice Classification: List of goods and services	35 Advertising; business management; business administration; office functions; retail, wholesale and marketing services, the aforesaid services being in relation to fruit and fruit products, food products, juices, beverages, machines and equipment used in sizing, handling, sorting, grading, checking, labelling and processing fruit and fruit products.
Nice Classification: List of goods and services	36 Insurance; financial affairs; monetary affairs; real estate affairs.
Nice Classification: List of goods and services	37 Building construction; repair; installation services.
Nice Classification: List of goods and services	38 Telecommunications.
Nice Classification: List of goods and services	39 Transport; packaging and storage of goods; travel arrangement; distribution services in relation to fruit and fruit products, food products, juices, beverages, machines and equipment used in sizing, handling, sorting, grading, checking, labelling and processing fruit and fruit products.
Nice Classification: List of goods and services	40 Treatment of materials.
Nice Classification: List of goods and services	41 Education; providing of training; entertainment; sporting and cultural activities.
Nice Classification: List of goods and services	42 Providing of food and drink; temporary accommodation; medical, hygienic and beauty care; veterinary and agricultural services; legal services; scientific and industrial research; computer programming; design of building facilities and machinery to the order and/or specification of other advisory services as to the growth of agricultural products, prevention of crop diseases and pest control and treatment of crop products during processing; consultation services, namely technical consultation in relation to the production and marketing of fruit; consultation and advisory services in the field of agriculture.

Description**Description of the mark:**

No Description

Owner

Name: Sunkist Growers, Inc.
ID No: 109113
Natural or legal person: Legal entity
Address: 14130 Riverside Drive
Post code: 91423-2313
Town: Sherman Oaks,
Country: UNITED STATES
Correspondence address: Sunkist Growers, Inc. 14130 Riverside Drive Sher
Oaks, California 91423-2313 ESTADOS UNIDOS (AMÉRICA)

Representative

Name: SAUNDERS & DOLLEYMORE
ID No: 10733
Address: 9 Rickmansworth Road
Post code: WD18 0JU
Town: Watford,
Country: UNITED KINGDOM
Correspondence address: SAUNDERS & DOLLEYMORE 9 Rickmansworth Roa
Watford, Hertfordshire WD18 0JU REINO UNIDO
Telephone: 00 44-1923238311
Fax: 00 44-1923246491
E-mail: info@dolleymores.com

Seniority

No entry for application number: 002088466.

Exhibition priority

No entry for application number: 002088466

Priority

No entry for application number: 002088466.

Publication

Bulletin no.: 2002/025
Date of publication: 02/04/2002
Part: A.1

Bulletin no.: 2002/088
Date of publication: 04/11/2002
Part: A.2.1.1

Bulletin no.: 2003/043
Date of publication: 26/05/2003
Part: B.1

Opposition

No entry for application number: 002088466.

Cancellation

No entry for application number: 002088466

Appeals

No entry for application number: 002088466.

Recordals

No entry for application number: 002088466

Renewals

No entry for application number: 002088466.



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