

**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 TOTAL REFUSAL
(Based on an ex-officio examination)**

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 total refused:717592
Relative Number of National Registration:28780
International Mark:GTI**

Owner of International Registration:

Name:VOLKSWAGEN AKTIENGESELLSCHAFT

Address:38436 WOLFSBURG GERMANY

**Decision number of the Provisional Total Refusal:6302/07 Reason
of refusal :Earlier Community Trademark 3960581 -GTI (FIGURATIVE) -FILING DATE:
02/08/2004 -Owner: GTI N.V., HOGEWEG 35A, 5301 LJ ZALTBOMMEL NETHERLANDS
(Classes 7, 9, 11, 16, 35, 36, 37, 38, 40, 41, 42, 45)**

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

Time limit of appeal against the above mentioned decision is 90 days from the date of 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 total refusal.

Date 18/10/07



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 αριθμό 6302/2007

Η σύμφωνα με το Ν. 2239 / 1994 Διοικητική Επιτροπή Σημάτων, που αποτελείται από τους
 Γ. Σκιάκη, Πρόεδρο του Νομ. Συμβ. Κράτους, Πρόεδρο, Κ. Κόντζο, :
 Αντιπρόεδρο της Δ/σης Εμπορικής και Βιομηχανικής Ιδιοκτησίας, Αιμ. Κοντογιάννη, εκπρόσωπο
 βιομηχανιών, μέλη, σε δημόσια συνεδρίαση στο Κατάστημα της Γ. Γ. Εμπορίου,
 γραφείο 611, σήμερα την... 4... Ιουνίου... ημέρα... Δευτέρα... και ώρα
 15.00', του έτους 2007, με γραμματέα την... Α. Καστή, υπάλληλο της Γ. Γ.
 Εμπορίου, ασχολήθηκε με τον έλεγχο του με αριθμό... Δ. 28.780/26-5-06...
 σήματος... G.T.I...
 της εταιρείας... "VOLKSWAGEN... AKTIENGESELLSCHAFT"...

που εδρεύει... 38436... WOLFSBURG... GERMANY...
 να διακρίνει... προϊόντα της... 12... Αυτοκίνητα...
 οχήματα... αυτοκίνητα... κινητήρες...
 αυτοκινήτων... οχημάτων...

Ο υπεύθυνος Συμμετοχών δεν φέρει καμία ευθύνη... νόμιμα...
 Αφού... εισηγητή... Κ. Κόντζο...
 και έλαβε υπόψη όλα τα σχετικά στοιχεία.

Αφού σκέφθηκε σύμφωνα με το Νόμο

Επειδή νόμιμα έρχεται για συζήτηση η δήλωση αυτή.

Επειδή στο άρθρο 4 παρ. 1 του Ν. 2239/94 «περί σημάτων» ορίζεται ότι «σημείο
 δεν γίνεται δεκτό για καταχώριση: 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 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 ομοι-
 ότητας με το προγενέστερο σήμα και της ομοιότητας των προϊόντων ή υπηρεσιών,
 υπάρχει κίνδυνος σύγχυσης του κοινού, ο οποίος περιλαμβάνει και τον κίνδυνο
 συσχέτισής του με το προγενέστερο σήμα, γ) ...».

Επειδή το με αριθμό... Δ. 28.780/26-5-06... σήμα... G.T.I...

... που διακρίνει τα πιο πάνω αναφερόμενα
 προϊόντα ή υπηρεσίες, ταυτίζεται ή ομοιάζει με το με αριθμό... 38436/581/2-8-04...
 σήμα... G.T.I...
 που έχει κατατεθεί προγενέστερα και προστατεύεται νόμιμα, της εταιρείας...

"GTI N.V."
Αν. Εταιρία: Hogeveen 35x 530x 17. Zaltbommel
NETHERLANDS
και το οποίο διακρίνει προϊόντα των κωδ. 7, 9, 11,
16, 35, 36, 37, 38, 40, 41, 42, 45, 47
Ευρεσιδικία,

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 μνημονευθείσες διατάξεις.

Για τους λόγους αυτούς

Απορρίπτει την με αριθμό. Α 28780/26-5-06 δήλωση καταθέσεως του σήματος.
GTI

Κρίθηκε και αποφασίσθηκε την 10-7-2007
Δημοσιεύθηκε σε δημόσια συνεδρίαση την 11-7-2007

ΠΡΟΕΔΡΟΣ

Η ΓΡΑΜΜΑΤΕΑΣ

Π. ΚΑΣΤΗ

Γ. ΣΚΙΑΝΗ



OFFICE FOR HARMONIZATION
IN THE INTERNAL MARKET
TRADE MARKS AND DESIGNS

ES DE FR

Contact Site Map Search

Overview

Trade mark

Graphic representation

List of goods and services

Description of the mark

Owner

Representative

Seniority

Exhibition priority

Priority

Publication

Opposition

Cancellation

Appeals

Recordals

Renewals

Download trade mark details

Link to CTM Bulletin On-line

CTM-ONLINE - Detailed trade mark information



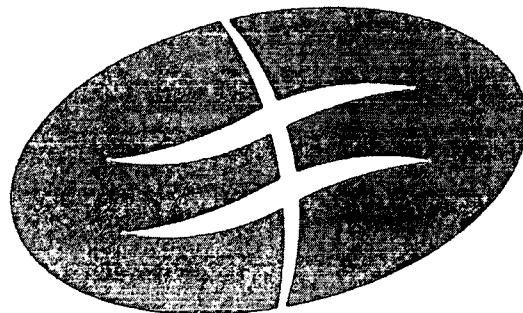
Trade mark name : GTI
Trade mark No : 003960581
Trade mark basis: CTM
Number of results: 6 of 19



Trade mark

Filing date: 02/08/2004
Nice Classification: 7, 9, 11, 16, 35, 36, 37, 38, 40, 41, 42, 45 (⇒ classification)
Trade mark: Individual
Type of mark: Figurative
Vienna Classification: 25.5.1, 26.11.6, 26.11.12, 26.11.13, 26.11.99, 26.99.3, 26.99.99 (⇒ Vienna Classification)
Acquired distinctiveness: No
Your reference: GM1110678T/CTM
Status of trade mark: Opposition pending (⇒ Glossary)
(⇒ History of statuses)
Filing language: Dutch
Second language: English

Graphic representation



GTI

List of goods and services

Nice Classification: 7
List of goods and services: 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.
Nice Classification: 9

List of goods and services	Scientific and electric apparatus and instruments, including electrotechnical installation and switchin equipment, included in this class; measuring, controlling and analysing apparatus; computers, computer peripheral devices, computer terminals, processors, apparatus and equipment for the stori and reproduction of data; office machines, product including data carriers, in the form of tapes, discs similar products, not included in other classes, for with the aforesaid apparatus and equipment, inclu recorded computer programs.
Nice Classification:	11
List of goods and services	Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water s and sanitary purposes.
Nice Classification:	16
List of goods and services	Paper, cardboard and goods made from these materials, not included in other classes; printed matter.
Nice Classification:	35
List of goods and services	Advertising and business; advertising; market prospecting, research and analysis.
Nice Classification:	36
List of goods and services	Real estate management; holding company service
Nice Classification:	37
List of goods and services	Insulating services; construction, maintenance and assembly of manure treatment installations, water purification installations, electrical installations, lig installations, lightning-protection devices, earthing telecommunications equipment, apparatus for hea ventilation and air-conditioning, industrial installat apparatus for refrigerating, machinery installation; apparatus and equipment for sanitary purposes; la of pipelines; repair of electrotechnical products and tools; rental of tools and machine tools; the assembl electrotechnical installations, in particular 'power electronics'; maintenance and repair of hardware.
Nice Classification:	38
List of goods and services	Telecommunications and telematics services.
Nice Classification:	40
List of goods and services	Treatment of materials.
Nice Classification:	41
List of goods and services	Education; providing of training; entertainment; sporting and cultural activities.
Nice Classification:	42
List of goods and services	Services of an engineer; drawing up of technical e reports; computerisation services, computer programming, consultancy in the field of computerisation, computer programming and automatic data processing; updating and adapting computer software.
Nice Classification:	45
List of goods and services	Personal and social services rendered by others to meet the needs of individuals; security services for protection of property and individuals.

Description

Description of the mark:	Description is available in another language
Indication of colour :	White, blue (PMS 662 C) and red (PMS 485 C)..

Owner

Name: GTI N.V.
ID No: 200229
Natural or legal person: Legal entity
Address: Hogeweg 35a
Post code: 5301 LJ
Town: Zaltbommel
Country: NETHERLANDS
Correspondence address: GTI N.V. Hogeweg 35a NL-5301 LJ Zaltbommel
PAÍSES BAJOS

Representative

Name: NOVAGRAAF NEDERLAND B.V.
ID No: 10752
Address: Hogehilweg 3
Post code: 1101 CA
Town: Amsterdam
Country: NETHERLANDS
Correspondence address: NOVAGRAAF NEDERLAND B.V. P.O. Box 22722 NL
1100 DE Amsterdam PAÍSES BAJOS
Telephone: 00 31-205641411
Fax: 00 31-206962303
E-mail:  Info@novagraaf.nl

Seniority

No entry for application number: 003960581.

Exhibition priority

No entry for application number: 003960581

Priority

No entry for application number: 003960581.

Publication

Bulletin no.:  **2005/039**
Date of publication: 26/09/2005
Part: A.1

 **Opposition**

Opposition No: 000951758
Reception date: 26/12/2005
Opponent name: ERNST & YOUNG SERVICIOS CORPORATIVOS, S.L
(SOCIEDAD UNIPERSONAL)
Opponent ID No: 137817

Cancellation

No entry for application number: 003960581

Appeals

No entry for application number: 003960581.

Recordals

No entry for application number: 003960581

Renewals