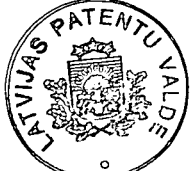



**MADRID AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF MARKS
AND PROTOCOL RELATING TO THAT AGREEMENT**

PROVISIONAL REFUSAL OF PROTECTION

notified to the World Intellectual Property Organisation (WIPO)
according to Article 5 of the Madrid Agreement and Madrid Protocol

I. Office making the notification of refusal PATENT OFFICE OF THE REPUBLIC OF LATVIA 7, Citadeles iela, PO Box 824 LV 1010, Rīga LATVIA	phone 371 67099604 Fax 371 67099650
II. Number of the international registration which is the subject of refusal 831 047	
III. Name of the holder of the international registration concerning the subject of refusal A&G CALZATURIFICIO S.P.A., Via Merloni, 20 I-60030 SERRA DE' CONTI, (Italy)	
IV. The grounds of refusal Opposition submitted by Heinrich Deichmann-Schuhe GmbH & Co. KG , Deichmannweg 9, 45359 Essen (DE) holder of WO 756 194 / Janet D./	
V. Reference to the corresponding essential provisions of the law (see materials attached) ARTICLE. 18, 39. Opposition has based on Article 7(1)2)	
VI. <input checked="" type="checkbox"/> Refusal for all the goods and services <input type="checkbox"/> Refusal for the following goods and services	
VII. Possibilities to review or appeal The holder has the right, within three months from the date of receipt of decision, to submit a substantiated appeal to the Patent Office through a professional local patent attorney. After expiration of the said period the Board of Appeal shall take a decision to satisfy the opposition, fully or in part, or to dismiss it. The decision of the Board of Appeal can be appealed, within three months from the date of receipt of the copy of the decision, to the Administrative District Court	
VIII. Date on which the refusal was pronounced 13.06.2008	
IX. Signature and seal of the office making the notification of refusal <div style="text-align: right;">L.Rinka  </div>	

Article 7. An Earlier Trademark as Grounds for Invalidation of a Registration

(1) A trademark registration may be declared invalid pursuant to the provisions of this Law in the following cases:

1) if it is identical to an earlier trademark, and the goods or services for which the trademark was registered are identical to the goods or services with respect to which the earlier trademark was registered;

2) if because of its identity or similarity to an earlier trademark belonging to another person and because of the identity or similarity of the respective goods or services, there exists a likelihood of confusion of the trademarks or a likelihood of association between the trademarks on behalf of the relevant consumers.

(2) "Earlier trademarks" within the meaning of Paragraph 1 of this Article means:

1) trademarks valid in Latvia, which have been registered under national or international registration procedures, or as European Community trademarks (hereinafter referred to as "Community trademark") under the Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (hereinafter referred to as "Council Regulation No 40/94"), if their date of application for registration is earlier than the date of application for registration of the opposed trademark, considering also the priorities accorded to those marks;

2) applications for the registration of trademarks referred to in the previous Sub-paragraph, provided that they are registered.

Article 8. A Well-Known Trademark as Grounds for Refusal or Invalidation of a Registration

(1) Notwithstanding the provisions of Article 7, a trademark registration may be refused or, if registered, the registration may be invalidated under the provisions of this Law, if the trademark constitutes a reproduction, an imitation, a translation or a transliteration, liable to create confusion, of another trademark, which, even though unregistered, was well-known in Latvia with respect to identical or similar goods or services, on the filing date of the applied for (opposed) registration of trademark (or the date of priority if priority has been accorded).

(2) In addition to the provisions of Paragraph 1 of this Article, a trademark registration may also be refused or invalidated if the goods or services, in relation to which the trademark registration is applied for, are not similar to those of a trademark that is well-known in Latvia, provided that consumers may perceive the use of the applied (opposed) trademark in relation to these goods or services as indicating a connection between these goods or services and the owner of the well-known trademark, and provided that such use may be detrimental to the interests of the owner of the well-known trademark.

Article 18. Opposition to a Trademark Registration

(1) Within three months from the date of the publication of a trademark, interested persons may, upon payment of the applicable fee, submit an opposition to the registration of a trademark. The opposition shall be filed with the Board of Appeal in writing, substantiated by appropriate arguments and references to the provisions of law. After the expiration of the said term, the opponent does not have the right to change (expand) the initial legal basis of the opposition, but may, up until the decision of the Board of Appeal is adopted, submit additional documents and materials, that confirm (specify) the facts on which the opposition is based.

Article 39. Validity of an International Registration in Latvia

(5) Opposition to the entry into effect of an international registration of a trademark in Latvia, as provided for in Article 18 of this Law, shall be filed within four months from the date of publication of a notice of trademark registration with respect to Latvia (territorial extension to Latvia) in the official gazette of international registration of trademarks.

L. Pelikums

756194

- 151 Date of the registration
03.04.2001
- 180 Expected expiration date of the registration/renewal
03.04.2011
- 270 Language of the application
English

Current Status

- 732 Name and address of the holder of the registration
Heinrich Deichmann-Schuhe
GmbH & Co. KG
Deichmannweg 9
45359 Essen (DE)
- 812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment
DE
- 740 Name and address of the representative
KLAKA Rechtsanwälte
Delpstrasse 4
81679 München (DE)
- 770 Name and address of the previous holder
Heinrich Deichmann-Schuhe
GmbH & Co. KG
Boehnertweg 9
Essen (DE)
- 540 Mark



- 531 International Classification of the Figurative Elements of Marks (Vienna Classification) - VCL(4)
26.04.02 ; 26.04.07 ; 27.05.01
- 511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(7)
- 18 Goods of leather and leather imitations, namely bags and other containers not adapted to their content as well as small leather articles especially purses, wallets, key bags, trunks and travelling bags, umbrellas, parasols and walking sticks.
Produits en cuir et en imitation cuir, à savoir sacs et autres contenants non adaptés à leur contenu, en particulier porte-monnaie, portefeuilles, pochettes porte-clés, malles et sacs de voyage, parapluies, parasols et cannes.
Productos de cuero e imitaciones del cuero, a saber, bolsos y otros estuches no diseñados para contener un producto en especial, así como pequeños artículos de cuero, en particular monederos, carteras de bolsillo, estuches para llaves, baúles y maletas; paraguas, sombrillas y bastones.
- 25 Footwear, headgear.
Chaussures, couvre-chefs.
Calzado, sombrerería.
- 822 Basic registration
DE, 22.09.1997, 397 36 221.8/25
- 350 Seniority
AT, 03.04.2001, 03.04.2001, 756 194

BX, 03.04.2001, 03.04.2001, 756 194
CZ, 03.04.2001, 03.04.2001, 756 194
DE, 31.07.1997, 397 36 221.8/25, 22.09.1997
DK, 03.04.2001, 03.04.2001, 756 194
GB, 03.04.2001, 03.04.2001, 756 194
HU, 03.04.2001, 03.04.2001, 756 194
IT, 03.04.2001, 03.04.2001, 756 194
PL, 03.04.2001, 03.04.2001, 756 194
SE, 03.04.2001, 03.04.2001, 756 194
SI, 03.04.2001, 03.04.2001, 756 194
SK, 03.04.2001, 03.04.2001, 756 194

831 Designation(s) under the Madrid Agreement

AT - BG - BX - CH - CN - CZ - ES - HR - HU - IT - PL - RO - RU - SI - SK - UA

832 Designation(s) under the Madrid Protocol

DK - EM - GB - GR - NO - SE - TR

527 Indications regarding use requirements
GB

☐ Registration

450 Publication number and date
2001/10 Gaz, 21.06.2001

831 Designation(s) under the Madrid Agreement

AT - BX - CH - CZ - HR - HU - IT - PL - SI - SK

832 Designation(s) under the Madrid Protocol

DK - GB - NO - SE

527 Indications regarding use requirements
GB

580 Date of recording (date of notification from which the time limit to notify the refusal starts)
31.05.2001

☐ Subsequent designation

450 Publication number and date
2001/13 Gaz, 02.08.2001

832 Designation(s) under the Madrid Protocol
TR

580 Date of recording (date of notification from which the time limit to notify the refusal starts)
12.07.2001

891 Date of subsequent designation (Rule 24(6) of the Common Regulations)
01.06.2001

☐ 861 Total provisional refusal of protection
GB

450 Publication number and date
2001/13 Gaz, 02.08.2001

☐ Opposition possible after the 18 months time limit
GB

450 Publication number and date
2001/17 Gaz, 27.09.2001

☐ 862 Partial provisional refusal of protection

CZ

50 Publication number and date

2002/8 Gaz, 30.05.2002

Delete from list:

18 Goods of leather and leather imitations, namely bags and other containers not adapted to their content, especially purses, wallets, key bags, trunks and travelling bags.

Produits en cuir et en imitation cuir, à savoir sacs et autres contenants non adaptés à leur contenu, en particulier porte-monnaie, portefeuilles, pochettes porte-clés, malles et sacs de voyage.

25 Footwear, headgear.

Chaussures, couvre-chefs.

☐ Grant of protection subject to opposition

NO

450 Publication number and date

2002/9 Gaz, 13.06.2002

Opposition end date

22.06.2002

☐ Grant of protection subject to opposition

TR

450 Publication number and date

2002/12 Gaz, 25.07.2002

Opposition end date

17.09.2002

☐895 Statement indicating that the mark is protected for all the goods and services requested

GB

450 Publication number and date

2002/14 Gaz, 22.08.2002

☐868 Grant of protection

NO

450 Publication number and date

2002/16 Gaz, 19.09.2002

☐861 Total provisional refusal of protection

SE

450 Publication number and date

2002/16 Gaz, 19.09.2002

☐ Opposition possible after the 18 months time limit

SE

450 Publication number and date

2002/18 Gaz, 17.10.2002

☐895 Statement indicating that the mark is protected for all the goods and services requested

CZ

450 Publication number and date

2002/21 Gaz, 28.11.2002

☐895 Statement indicating that the mark is protected for all the goods and services requested

SE

450 Publication number and date

2003/11 Gaz, 10.07.2003



Subsequent designation

450

Publication number and date

2005/18 Gaz, 09.06.2005

831

Designation(s) under the Madrid Agreement

BG - CN - RO - RU - UA

832

Designation(s) under the Madrid Protocol

GR

580

Date of recording (date of notification from which the time limit to notify the refusal starts)

19.05.2005

891

Date of subsequent designation (Rule 24(6) of the Common Regulations)

28.01.2005



861 Total provisional refusal of protection

CN

450

Publication number and date

2005/48 Gaz, 05.01.2006



862 Partial provisional refusal of protection

GR

450

Publication number and date

2006/12 Gaz, 27.04.2006

862

Partial provisional refusal of protection

As from November 14, 2005, provisional refusals indicate only whether they are total or partial, without listing the goods and services, or the classes, affected or not affected.



862 Partial provisional refusal of protection

RU

450

Publication number and date

2006/19 Gaz, 15.06.2006

862

Partial provisional refusal of protection

As from November 14, 2005, provisional refusals indicate only whether they are total or partial, without listing the goods and services, or the classes, affected or not affected.



Subsequent designation

450

Publication number and date

2006/47 Gaz, 28.12.2006

831

Designation(s) under the Madrid Agreement

ES

832

Designation(s) under the Madrid Protocol

EM

580

Date of recording (date of notification from which the time limit to notify the refusal starts)

07.12.2006

891

Date of subsequent designation (Rule 24(6) of the Common Regulations)

26.10.2006



Grant of protection subject to opposition

EM

450

Publication number and date

2007/10 Gaz, 12.04.2007

Opposition end date

18.09.2007

☒ 898 Other final decision

RU

450 Publication number and date
2007/20 Gaz, 21.06.2007

Accepted for all the goods in class 18.

Admis pour tous les produits de la classe 18.

Aceptado para todos los productos de la clase 18.

☒ 868 Grant of protection

EM

450 Publication number and date
2007/43 Gaz, 29.11.2007