



W211

OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

Trade Marks Department

Alicante, 20/10/2008

Notification of provisional refusal of protection based on an opposition pursuant to Article 5 of the Madrid Protocol and Rule 17 (1), (2) of the Common Regulations under the Madrid Agreement and Protocol and to Rule 115*

International Registration No:	0929733
Date of notification to OHIM:	16-08-2007
Trade mark:	o.k.
Applicant/Holder:	MIP METRO Group Intellectual Property GmbH & Co. KG Metro-Strasse 1 40235 Düsseldorf
<i>Opposition number:</i>	B 1330176

Protection of the above-mentioned mark is provisionally refused for the European Community.

The provisional refusal is based on the fact that an opposition has been filed against the international registration.

I. The grounds for the opposition are as follows:

Conflict with an earlier mark and likelihood of confusion (Article 8(1) and (2) CTMR*).

Conflict with an earlier identical or similar trade mark registered for goods or services which are not similar to those for which the international registration is registered, where the earlier mark has a reputation and where the use without due cause of the international registration would take unfair advantage of or be detrimental to, the distinctive character or the repute of the earlier trademark (Article 8(5) CTMR*).

II. Name and address of the opposing party: **NUTMARK-GESTAO DE DIREITOS DE PROPIEDADE INTELECTUAL, LDA.**

Avda. Arriaga, 30-3º H
P-9000 Funchal (Madeira)
Portugal

III. The opposition is based on a mark which was the subject of an application or registration.

- type of mark : **Community trade mark**

- filing date, registration date and, if applicable, priority date:
01/04/1996; 21/09/1999

- filing number and, if different, registration number: **41392**

* Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark.
Commission Regulation (EC) No 2868/95 of 13 December 1995 implementing Council Regulation (EC) No 40/94 on the Community trade mark.

Regulations on the internet:

CTM (<http://oami.europa.eu/en/mark/aspects/reg.htm>)
(<http://oami.europa.eu/en/mark/madrid/default.htm>)

Madrid Protocol

- reproduction of the mark: (see annex)
- list of goods and services on which the opposition is based: (see annex)

The opposition is based on more than one earlier right : (see annex)

IV. The provisional refusal relates to

Only to the following goods and services covered by the designation of the EC

Class 29: Meat, fish, poultry and game, products made from meat, fish, poultry and game, sausage and sausage products, meat extracts, meat jellies, preparations made from meat and minced meat, all aforementioned goods also in the form of preserves or deep-frozen; convenience food and half-finished convenience food as well as ready-to-serve salads, essentially consisting of meat and/or fish and/or poultry and/or sausage and/or game; soups, soup preparations, beef tea; preserved, dried and cooked fruits and vegetables, mixed pickles, finished and half-finished goods as well as ready-to-serve salads, essentially consisting of fruits and/or vegetables, preserved pot herbs, prepared potato products, included in this class, potato dumplings, potato fritters, mashed potatoes, croquettes, French fries, fried grated potatoes; jellies, jams, stewed fruits, fruit jellies, fruit purees; eggs, milk and milk products, milk beverages (milk predominating), butter, cream, curd, yoghurt, cr?me fra?che, heavy sour cream, buttermilk, cheese, cheese products and cheese preparations; edible oils and fats, margarine; fatty spreads and spreads on vegetarian basis (except chocolate cr?me and nougat cr?me); soy dishes as meat surrogate, tofu; nibbles, included in this class, potato based products for alimentary purposes and made by extrusion, included in this class, potato chips, potato sticks, onion rings made from potatoes; dried fruits, raisins, processed nuts, hazelnuts, peanuts, macadamia nuts, cashew nuts, shelled pistachios and almonds, dried, roasted, salted, gratinated and/or spiced; dietetic food or nutritional supplements for non-medical use on the basis of egg white, fats, fatty acids, under addition of vitamins, mineral nutrients, trace elements, singly or in combination, included in this class. Meat, fish, poultry and game, products made from meat, fish, poultry and game, sausage and sausage products, meat extracts, meat jellies, preparations made from meat and minced meat, all aforementioned goods also in the form of preserves or deep-frozen; convenience food and half-finished convenience food as well as ready-to-serve salads, essentially consisting of meat and/or fish and/or poultry and/or sausage and/or game; soups, soup preparations, beef tea; preserved, dried and cooked fruits and vegetables, mixed pickles, finished and half-finished goods as well as ready-to-serve salads, essentially consisting of fruits and/or vegetables, preserved pot herbs, prepared potato products, included in this class, potato dumplings, potato fritters, mashed potatoes, croquettes, French fries, fried grated potatoes; jellies, jams, stewed fruits, fruit jellies, fruit purees; eggs, milk and milk products, milk beverages (milk predominating), butter, cream, curd, yoghurt, cr?me fra?che, heavy sour cream, buttermilk, cheese, cheese products and cheese preparations; edible oils and fats, margarine; fatty spreads and spreads on vegetarian basis (except chocolate cr?me and nougat cr?me); soy dishes as meat surrogate, tofu; nibbles, included in this class, potato based products for alimentary purposes and made by extrusion, included in this class, potato chips, potato sticks, onion rings made from potatoes; dried fruits, raisins, processed nuts, hazelnuts,

peanuts, macadamia nuts, cashew nuts, shelled pistachios and almonds, dried, roasted, salted, gratinated and/or spiced; dietetic food or nutritional supplements for non-medical use on the basis of egg white, fats, fatty acids, under addition of vitamins, mineral nutrients, trace elements, singly or in combination, included in this class.

Class 30: Coffee, coffee substitutes, coffee-based beverages, espresso, tea, tea-based beverages, iced tea, aromatic preparations of vegetable origin for use in beverages (except ethereal oils), essences for alimentary purposes (except ethereal essences and oils), cocoa, cocoa-based beverages, sugar, natural sweeteners, rice, convenience food and half-finished convenience food, essentially consisting of rice, nasi goreng (included in this class), sushi, tapioca, sago; flour and preparations made from cereals, baking-powder, oat flakes, muesli, cornflakes, cereal-based snacks, bread, bread rolls, toast, bread for sandwiches, croissants and baguettes, all filled or unfilled, crisp bread and breadcrumbs, pizza with or without topping, hamburgers, vegetable burgers, hotdogs, meat pastries; pastry and confectionery, pies, cakes, cookies, biscuits, waffles, cake mixtures (in powder form), cake dough; products on the basis of wheat, rice and corn, for alimentary purposes and made by extrusion, corn chips, onion rings made from corn, popcorn, salt sticks, savory biscuits, pretzels; candies and confectioneries, meringue products, chocolate and chocolate products, chocolate-covered marshmallows, wine gum and fruit gum, liquorice (sweets); sweet spreads, included in this class, sweets and desserts (on the basis of wheat), puddings and pudding powders, half-liquid jelly from red fruits, rice pudding; pasta, noodles of any type, gnocchi, convenience food and semi-finished convenience food, essentially consisting of pasta, tortellini, lasagna, spaghetti, ravioli, spaetzle, pasta case filled with forcemeat, cheese or vegetables, spring rolls; ice cream; honey, molasses; yeast, salt, mustard; vinegar, sauces (condiments), soy sauce, fruit sauces, salad dressings, ready-to-use sauces, tomato sauce, ketchup, mayonnaise, remoulade, spices, spice mixtures, nutmegs; ice for cooling purposes; dietetic foodstuffs or nutritional supplements for non-medical use on the basis of carbohydrates, roughage, under addition of vitamins, mineral nutrients, trace elements, singly or in combination, included in this class, meat pastries; spreads on vegetarian basis (chocolate and nougat cr?me).

Class 33: alcoholic milk beverages (milk predominating).

V. The OHIM will notify the opposition separately to the holder of the international registration, including all evidence on which it is based, pursuant to Rule 18(1)*. The OHIM will set time limits for the holder. The notification will open an (extendable) cooling-off period of two months and a further period of two months for the opponent to substantiate the opposition. The notification will set a time limit of, in principle, six months for the holder of the international registration to submit observations.

GROENEVELD, Macarena

Examiner

Annex: 148 pages

19/05 '08 13:29 FAX 915226249

HERRERO Y ASOCIADOS

001



Office for Harmonization
in the Internal Market (OHIM)

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E - 03080 Alicante

Tel. + 34 - 965 138 800
Fax + 34 - 965 131 344

OHIM-Form
2 .I EN- 03/03

Notice of Opposition

This area is reserved for OHIM		For OHIM	Date of receipt	Number of pages	Opponent's /Representative's reference number
					HA 1359/2008
1 Check one of these boxes	Language Language of opposition 1 ☐ ES ☐ DE ☒ FR ☐ IT				
2 Mandatory	Opposed application Application number 2 929733 IR				
3 Mandatory	Applicant 3 MIP METRO GROUP INTELLECTUAL PROPERTY GMBH & CO. KG.				
4 Optional	Date of publication 4 20/08/2007				
5 Indicate ID number if available; if not, complete page 2	Opponent ID number of opponent 5 ☐ given				
6 Mandatory	Name of opponent 6 NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LD				
7 Mandatory; check the appropriate box	Entitlement Evidence of entitlement 7 ☒ proprietor ☐ authorised licensee ☐ person authorised under national law ☒ attached ☒ to follow				
8 Check the box if a professional representative is appointed	Professional representative Professional representative 8 ☒ appointed				
9 Indique el número ID si lo tiene; si no, rellene la página 3	ID number of professional representative 9 10005				
10 Mandatory	Name 10 HERRERO & ASOCIADOS				
11 Check the box if OHIM is already in possession of authorisation and	Authorisation Authorisation on file 11 ☐ already on file				
12 Indicate ID number of authorisation if available	ID number of authorisation 12 ☐ given				
13 Check one of these boxes if authorisation is not on file	Authorisation not on file 13 ☐ attached ☐ to follow				
14 For fees see current table of fees	Fees Opposition fee 14 350 EURO				
15 Payment will automatically be deducted from current account unless one of the following boxes is checked or a specific instruction to the contrary is provided	Payment Current account 15 ☒ current account No. 000052				
16 If payment is remitted OHIM account number and	Remittance to account of OHIM 16 ☐ OHIM account No. ☐ Banco Bilbao Vizcaya Argentaria 0182 5596 90 00922 2222 Código SWIFT (BIC): BBVAESMM ☐ La Caixa 2100 2353 01 070000888 Código SWIFT (BIC): CAIXESBB IBAN ES03 2100 2353 0107 0000 0888				
17 Indicate date of remittance of payment	Date of remittance 17 ☐ attached				
18 Optional	Signature Date of signing 18 MADRID, MAY 19, 2008.				
19 Mandatory	Signature 19				
20 Indicate name of person signing	Name 20 JOSE ANTONIO HERNANDEZ RODRIGUEZ				
21 Check as appropriate if signature is by employee, legal practitioner or professional representative	21 ☐ employee ☐ legal practitioner ☒ professional representative				
22 Total number of sheets, including attachments	Number of sheets Number of sheets 22 24				

1

Notice of Opposition**OHIM-
Form 2.2***Complete this page only when indications on page 1 are insufficient***Opponent***25 Check this box if applicable and***Nature**☒ legal person☐ natural person*26 Indicate name*

Name

25 **NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA.**

First name/s of natural person

Address

Street and house number or equivalent

26 **AVDA. ARRIAGA, 30. 3º H.**

City and postal code where available

27 **9000 FUNCHAL (MADEIRA)**

Country

28 **PORTUGAL***29 If different from above, such as P.O. Box, city and postal code*

Postal address

29

Telephone number/s

30

Telefax number/s

31

Electronic mail ID

32

Other Information

33

Multiple opponents*34 Where there is more than one opponent, check the box, and indicate on this page the required information for all additional opponents; if the space provided is not sufficient, use attachment instead. Absent any other information, the name and the address of the opponent indicated above will be used as an address for correspondence with regard to all opponents***Multiple opponents**☐ 34**Economic connections***35 If an employee of a legal person having economic connections with the opponent is appointed to act on behalf of the opponent, check the box and provide the necessary details (name and address of legal person having economic connections with opponent, basis of economic connections); if the space provided is not sufficient, use attachment instead.***Economic connections**☐ 35

Notice of Opposition**OHIM-
Form 2.4****Basis of opposition**
Opposition is based on

⁵³ Check the appropriate boxes and provide the required information hereafter. If opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 3) must be completed, if necessary, for each earlier mark or sign.

- ⁵⁴ ☒ earlier mark (registration or application)
⁵⁵ ☒ earlier registered mark with reputation
⁵⁶ ☒ earlier well-known mark
⁵⁷ ☐ earlier non-registered mark
⁵⁸ ☐ earlier other sign used in the course of trade
⁵⁹ ☐ mark filed by an agent

Earlier mark (registration or application)

⁶⁰ Check one of these boxes

Type of mark

- ⁶⁰ ☒ Community mark ☐ national mark ☐ international registration with effect in a Member State

⁶¹ If national mark or international registration, check the appropriate box

Member State/s

⁶¹ ☒ DK ☐ DE ☐ GR ☐ ES ☐ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁶² Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

⁶² OKEY

⁶³ Complete as appropriate; if priority is in voked, provide details on attachment

Filing date

⁶³ 01/04/1996

Filing No.

⁶⁴ 41392

Registration date

⁶⁵ 21/09/1999

Registration No.

⁶⁶ 41392

⁶⁷ Copy required only when earlier mark is a national mark or international registration claimed

Copy of registration/application

- ⁶⁷ ☒ attached ☐ to follow

⁶⁸ Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁶⁸ ☒ all the goods/services for which earlier mark is registered/applied for
⁶⁹ ☐ less than all the goods/services, namely:

Earlier registered mark with reputation

⁷⁰ If opposition is based on earlier registered mark with reputation, complete boxes 61-64 and box 66 and check as appropriate one of the following boxes

Reputation

- ⁷⁰ ☐ in the Community ☒ in a Member State (including Benelux)

⁷¹ Check the appropriate box

Member State

⁷¹ ☒ DK ☐ DE ☐ GR ☒ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁷² Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁷² ☒ all the goods/services for which earlier mark is registered
⁷³ ☐ less than all the goods/services, namely:

Evidence of reputation

- ⁷⁴ ☐ attached ☒ to follow

Notice of Opposition

**OHIM-
Form 2.5**
Earlier well-known mark

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment
⁷⁵ Indicate Member State/s where mark is well-known
⁷⁶ If the space provided is not sufficient, use attachment instead

Representation of the mark
 Member State/s

⁷⁴ OKEY

⁷⁵ BE DK DE GR ~~FR~~ IE IT LU NL AT PT FI SE GB

Opposition is based on the following goods/services

⁷⁶ CLASSES 28 AND 30 OF THE CTM REGISTRATION NUM. 41392

Evidence of mark being well-known

⁷⁷ ☐ attached ☒ to follow

Earlier non-registered mark

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment
⁷⁹ Indicate Member State where earlier non-registered mark is protected
⁸⁰ If the space provided is not sufficient, use attachment instead

Representation of the mark
 Member State

⁷⁸
⁷⁹ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

Opposition is based on the following goods/services

Evidence of protection

⁸¹ ☐ attached ☐ to follow

Earlier sign used in the course of trade

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment
⁸³ Indicate nature of rights claimed
⁸⁴ Indicate Member State where earlier sign is protected
⁸⁵ Indicate goods/services, object of economic activity; if the space provided is not sufficient, use attachment instead

Representation of the mark
 Nature of rights

⁸²
⁸³

Member State

⁸⁴ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

Opposition is based on the following goods/services

Evidence of protection

⁸⁶ ☐ attached ☐ to follow

Mark filed by agent

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment
⁸⁸ Indicate country/ies where opponent is proprietor of mark

Representation of the mark

⁸⁷

Country/ies

⁸⁸

Evidence of ownership of mark

⁸⁹ ☐ attached ☐ to follow

Notice of Opposition

OHIM-
Form 2.4Basis of opposition
Opposition is based on

62 Check the appropriate boxes and provide the required information hereafter; if opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 5) must be completed, if necessary, for each earlier mark or sign

- 63 ☒ earlier mark (registration or application)
64 ☐ earlier registered mark with reputation
65 ☐ earlier well-known mark
66 ☐ earlier non-registered mark
67 ☐ earlier other sign used in the course of trade
68 ☐ mark filed by an agent

Earlier mark (registration or application)

69 Check one of these boxes

Type of mark

- 69 ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

70 If national mark or international registration, check the appropriate box

Member State/s

69 DK DE GR ☒ FR IE IT AT PT FI SE GB BENELUX

71 Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

61 OKEY

72 Complete as appropriate; if priority is in voked, provide details on attachment

Filing date

62 16/10/1956

Filing No.

63 312641

Registration date

64 25/10/1957

Registration No.

65 312641

73 Copy required only when earlier mark is a national mark or international registration claim

Copy of registration/application

- 73 ☐ attached ☒ to follow

74 Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 74 ☒ all the goods/services for which earlier mark is registered/applied for
75 ☐ less than all the goods/services, namely:

Earlier registered mark with reputation

76 If opposition is based on earlier registered mark with reputation, complete lines 61-64-65 and box 66 and check as appropriate one of the following boxes

Reputation

- 76 ☐ in the Community ☐ in a Member State (including Benelux)

77 Check the appropriate box

Member State

77 DK DE GR ES FR IE IT AT PT FI SE GB BENELUX

78 Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 78 ☐ all the goods/services for which earlier mark is registered
79 ☐ less than all the goods/services, namely:

Evidence of reputation

- 79 ☐ attached ☐ to follow

Notice of Opposition

OHIM-Form 2.4

Basis of opposition

Opposition is based on

53 Check the appropriate boxes and provide the required information hereafter: if opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 3) must be completed, if necessary, for each earlier mark or sign

- 53 ☒ earlier mark (registration or application)
 54 ☒ earlier registered mark with reputation
 55 ☒ earlier well-known mark
 56 ☐ earlier non-registered mark
 57 ☐ earlier other sign used in the course of trade
 58 ☐ mark filed by an agent

Earlier mark (registration or application)

60 Check one of these boxes

Type of mark

- 60 ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

61 If national mark or international registration, check the appropriate box

Member State/s

61 DK DE GR ☒ FR IE IT AT PT FI SE GB BENELUX

62 Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

62 OKEY

63-65 Complete as appropriate; if priority is in issue, provide details on attachment

Filing date

63 13/07/1982

Filing No.

64 1011486

Registration date

65 30/07/1988

Registration No.

66 1011486

67 Copy required only when earlier mark is a national mark or international registration citation

Copy of registration/application

- 67 ☐ attached ☒ to follow

68-69 Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 68 ☒ all the goods/services for which earlier mark is registered/applied for

- 69 ☐ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 1011486

Earlier registered mark with reputation

70 If opposition is based on earlier registered mark with reputation, complete this 61-63-65 and box 66 and check as appropriate one of the following boxes

Reputation

- 70 ☐ in the Community ☒ in a Member State (including Benelux)

71 Check the appropriate box

Member State

71 DK DE GR ☒ FR IE IT AT PT FI SE GB BENELUX

72-73 Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 72 ☒ all the goods/services for which earlier mark is registered

- 73 ☐ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 1011486

Evidence of reputation

- 74 ☐ attached ☒ to follow

Notice of Opposition

OHIM-
Form 2.5

Earlier well-known mark

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment
⁷⁵ Indicate Member State/s where mark is well-known

Representation of the mark ⁷⁴ OKEY

Member State/s

⁷⁵ ☐ BE ☐ DK ☐ DE ☐ GR ☒ FR ☐ IE ☐ IT ☐ LU ☐ NL ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB

⁷⁶ If the space provided is not sufficient, use attachment instead
 Opposition is based on the following goods/services

⁷⁶ CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 1011486

Evidence of mark being well-known

⁷⁷ ☐ attached ☒ to follow

Earlier non-registered mark

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment
⁷⁹ Indicate Member State where earlier non-registered mark is protected
⁸⁰ If the space provided is not sufficient, use attachment instead

Representation of the mark ⁷⁸

Member State

⁷⁹ ☐ BE ☐ DK ☐ DE ☐ GR ☐ ES ☐ FR ☐ IE ☐ IT ☐ LU ☐ NL ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB

Opposition is based on the following goods/services

Evidence of protection

⁸¹ ☐ attached ☐ to follow

Earlier sign used in the course of trade

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment
⁸³ Indicate nature of rights claimed

Representation of the mark ⁸²

Nature of rights

⁸⁴ Indicate Member State where earlier sign is protected

Member State

⁸⁵ Indicate goods/services, object of economic activity; if the space provided is not sufficient, use attachment instead
 Opposition is based on the following goods/services

Evidence of protection

⁸⁶ ☐ attached ☐ to follow

Mark filed by agent

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment
⁸⁸ Indicate country/ies where opponent is proprietor of mark

Representation of the mark ⁸⁷

Country/ies

Evidence of ownership of mark

⁸⁹ ☐ attached ☐ to follow

Notice of Opposition**OHIM-
Form 2.4****Basis of opposition**
Opposition is based on

⁵³ Check the appropriate box/es and provide the required information hereafter: if opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 5) must be completed, if necessary, for each earlier mark or sign

- ⁵³ ☒ earlier mark (registration or application)
⁵⁴ ☒ earlier registered mark with reputation
⁵⁵ ☒ earlier well-known mark
⁵⁶ ☐ earlier non-registered mark
⁵⁷ ☐ earlier other sign used in the course of trade
⁵⁸ ☐ mark filed by an agent

Earlier mark (registration or application)

⁶⁰ Check one of these boxes:

Type of mark

- ⁶⁰ ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

⁶¹ If national mark or international registration, check the appropriate box

Member State/s

⁶¹ ☒ DK ☐ DE ☐ GR ☒ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁶² Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

⁶² OKEY

⁶³⁻⁶⁵ Complete as appropriate; if priority is in voked, provide details on attachment

Filing date

⁶³ 18/05/2000

Filing No.

⁶⁴ 2315666

Registration date

⁶⁵ 06/11/2000

Registration No.

⁶⁶ 2315666

⁶⁶ Copy required only when earlier mark is a national mark or international registration

Copy of registration/application

- ⁶⁶ ☐ attached ☒ to follow

⁶⁷⁻⁶⁸ Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁶⁷ ☒ all the goods/services for which earlier mark is registered/applied for
⁶⁸ ☐ less than all the goods/services, namely:
CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315666

Earlier registered mark with reputation

⁶⁹ If opposition is based on earlier registered mark with reputation, complete max 61-64-65 and box 69 and check as appropriate one of the following boxes

Reputation

- ⁶⁹ ☐ in the Community ☒ in a Member State (including Benelux)

⁷⁰ Check the appropriate box:

Member State

⁷⁰ ☒ DK ☐ DE ☐ GR ☒ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁷¹⁻⁷² Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁷¹ ☐ all the goods/services for which earlier mark is registered

- ⁷² ☒ less than all the goods/services, namely:
CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315666

Evidence of reputation

- ⁷³ ☐ attached ☒ to follow

Notice of Opposition

OHIM-
Form 2.5

Earlier well-known mark

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

⁷⁴ OKEY

⁷⁵ Indicate Member State/s where mark is well-known

Member State/s

⁷⁵ BE DK DE GR ☒ FR IE IT LU NL AT PT FI SE GB

⁷⁶ If the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

⁷⁶ CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM 2315686

Evidence of mark being well-known

⁷⁷ ☐ attached ☒ to follow

Earlier non-registered mark

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

⁷⁸

⁷⁹ Indicate Member State where earlier non-registered mark is protected

Member State

⁷⁹ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁸⁰ If the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

Evidence of protection

⁸¹ ☐ attached ☐ to follow

Earlier sign used in the course of trade

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment

Representation of the mark

⁸²

⁸³ Indicate nature of rights claimed

Nature of rights

⁸³

⁸⁴ Indicate Member State where earlier sign is protected

Member State

⁸⁴ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁸⁵ Indicate goods/services, object of economic activity; if the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

Evidence of protection

⁸⁶ ☐ attached ☐ to follow

Mark filed by agent

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

⁸⁷

⁸⁸ Indicate country/ies where opponent is proprietor of mark

Country/ies

⁸⁸

Evidence of ownership of mark

⁸⁹ ☐ attached ☐ to follow

Notice of Opposition**OHIM-
Form 2.4**

Basis of opposition Opposition is based on		53 ☒ earlier mark (registration or application)
		54 ☒ earlier registered mark with reputation
		55 ☒ earlier well-known mark
		56 ☐ earlier non-registered mark
		57 ☐ earlier other sign used in the course of trade
		58 ☐ mark filed by an agent
Earlier mark (registration or application)		
59 ☐ Community mark	Type of mark	☒ national mark
		☐ international registration with effect in a Member State
60 DK DE GR ☒ FR IE IT AT PT FI SE GB BENELUX	Member State/s	
61 OKEY	Representation of the mark	
62 16/05/2000	Filing date	
63 2315667	Filing No.	
64 06/11/2000	Registration date	
65 2315667	Registration No.	
66 ☐ attached	Copy of registration/application	☒ to follow
Opposition is based on		67 ☒ all the goods/services for which earlier mark is registered/applied for
		68 ☐ less than all the goods/services, namely:
		CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315667
Earlier registered mark with reputation		
69 ☐ in the Community	Reputation	☒ in a Member State (including Benelux)
70 DK DE GR ☒ FR IE IT AT PT FI SE GB BENELUX	Member State	
71 ☐ all the goods/services for which earlier mark is registered	Opposition is based on	72 ☒ less than all the goods/services, namely:
		CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315667
Evidence of reputation		73 ☐ attached
		☒ to follow

Notice of Opposition

OHIM-
Form 2.5

Earlier well-known mark

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment
Representation of the mark ⁷⁴ OKEY

⁷⁵ Indicate Member State/s where mark is well-known
Member State/s

⁷⁶ If the space provided is not sufficient, use attachment instead
Opposition is based on the following goods/services

⁷⁶ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁷⁸ CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM 2315667

Evidence of mark being well-known

⁷⁷ ☐ attached ☒ to follow

Earlier non-registered mark

⁷⁹ Indicate word mark; if other type of mark, provide representation on attachment
Representation of the mark

⁸⁰ Indicate Member State where earlier non-registered mark is protected
Member State

⁸¹ If the space provided is not sufficient, use attachment instead
Opposition is based on the following goods/services

⁷⁹ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

Evidence of protection

⁸¹ ☐ attached ☐ to follow

Earlier sign used in the course of trade

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment
Representation of the mark

⁸³ Indicate nature of rights claimed
Nature of rights

⁸⁴ Indicate Member State where earlier sign is protected
Member State

⁸⁵ Indicate goods/services, object of economic activity; if the space provided is not sufficient, use attachment instead
Opposition is based on the following goods/services

⁸⁴ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

Evidence of protection

⁸⁶ ☐ attached ☐ to follow

Mark filed by agent

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment
Representation of the mark

⁸⁸ Indicate country/ies where opponent is proprietor of mark
Country/ies

Evidence of ownership of mark

⁸⁹ ☐ attached ☐ to follow

Notice of Opposition

OHIM-
Form 2.4

Basis of opposition

Opposition is based on

⁵³ Check the appropriate boxes and provide the required information hereafter. If opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 5) must be completed, if necessary, for each earlier mark or sign.

- ⁵³ ☒ earlier mark (registration or application)
⁵⁴ ☒ earlier registered mark with reputation
⁵⁵ ☒ earlier well-known mark
⁵⁶ ☐ earlier non-registered mark
⁵⁷ ☐ earlier other sign used in the course of trade
⁵⁸ ☐ mark filed by an agent

Earlier mark (registration or application)

⁵⁹ Check one of these boxes

Type of mark

- ⁵⁹ ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

⁶⁰ If national mark or international registration, check the appropriate box

Member State/s

⁶⁰ ☒ DK ☐ DE ☐ GR ☒ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁶¹ Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

⁶¹ OKEY

⁶²⁻⁶³ Complete as appropriate; if priority is invoked, provide details on attachment

Filing date

⁶² 16/05/2000

Filing No.

⁶³ 2315668

Registration date

⁶⁴ 06/11/2001

Registration No.

⁶⁵ 2315668

⁶⁶ Copy required only when earlier mark is a national mark or international registration cloned

Copy of registration/application

- ⁶⁶ ☐ attached ☒ to follow

⁶⁷⁻⁶⁸ Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁶⁷ ☒ all the goods/services for which earlier mark is registered/applied for
⁶⁸ ☐ less than all the goods/services, namely:
CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315668

Earlier registered mark with reputation

⁶⁹ If opposition is based on earlier registered mark with reputation, complete boxes 61-64-65 and box 66 and check as appropriate one of the following boxes

Reputation

- ⁶⁹ ☐ in the Community ☒ in a Member State (including Benelux)

⁷⁰ Check the appropriate box

Member State

⁷⁰ ☒ DK ☐ DE ☐ GR ☒ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁷¹⁻⁷² Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁷¹ ☐ all the goods/services for which earlier mark is registered
⁷² ☒ less than all the goods/services, namely:
CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315668

Evidence of reputation

- ⁷³ ☐ attached ☒ to follow

Notice of Opposition

OHIM-
Form 2.5

Earlier well-known mark

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

74 OKEY

⁷⁵ Indicate Member State/s where mark is well-known

Member State/s

75 BE DK DE GR ☒ FR IE IT LU NL AT PT FI SE GB

⁷⁶ If the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

76 CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315868:

Evidence of mark being well-known

77 ☐ attached ☒ to follow

Earlier non-registered mark

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

78

⁷⁹ Indicate Member State where earlier non-registered mark is protected

Member State

79 BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁸⁰ If the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

80

Evidence of protection

81 ☐ attached ☐ to follow

Earlier sign used in the course of trade

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment

Representation of the mark

82

⁸³ Indicate nature of rights claimed

Nature of rights

83

⁸⁴ Indicate Member State where earlier sign is protected

Member State

84 BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁸⁵ Indicate goods/services; object of economic activity; if the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

85

Evidence of protection

86 ☐ attached ☐ to follow

Mark filed by agent

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

87

⁸⁸ Indicate country/ies where opponent is proprietor of mark

Country/ies

88

Evidence of ownership of mark

89 ☐ attached ☐ to follow

Notice of Opposition

OHIM-
Form 2.4Basis of opposition
Opposition is based on

⁵³ Check the appropriate boxes and provide the required information hereafter; if opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 3) must be completed, if necessary, for each earlier mark or sign

- ⁵³ ☒ earlier mark (registration or application)
⁵⁴ ☐ earlier registered mark with reputation
⁵⁵ ☐ earlier well-known mark
⁵⁶ ☐ earlier non-registered mark
⁵⁷ ☐ earlier other sign used in the course of trade
⁵⁸ ☐ mark filed by an agent

Earlier mark (registration or application)

⁵⁹ Check one of these boxes:

Type of mark

- ⁵⁹ ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

⁶⁰ If national mark or international registration, check the appropriate box

Member State/s

⁶⁰ DK DE GR ES FR IE IT AT PT FI SE GB BENELUX

⁶¹ Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

⁶¹ BIOKEY

⁶² Complete as appropriate; if priority is invoked, provide details on attachment

Filing date

⁶² 03/10/2003

Filing No.

⁶³ 2560444

Registration date

⁶⁴ 26/02/2004

Registration No.

⁶⁵ 2560444

⁶⁶ Copy required only when earlier mark is a national mark or international registration clonal

Copy of registration/application

- ⁶⁶ ☐ attached ☒ to follow

⁶⁷ Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁶⁷ ☒ all the goods/services for which earlier mark is registered/applied for

⁶⁸ ☐ less than all the goods/services, namely:

CLASSES 29 AND 32 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2560444

Earlier registered mark with reputation

⁶⁹ If opposition is based on earlier registered mark with reputation, complete lines 61-64 and box 66 and check as appropriate one of the following boxes

Reputation

- ⁶⁹ ☐ in the Community ☐ in a Member State (including Benelux)

⁷⁰ Check the appropriate box

Member State

⁷⁰ DK DE GR ES FR IE IT AT PT FI SE GB BENELUX

⁷¹⁻⁷² Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁷¹ ☐ all the goods/services for which earlier mark is registered

⁷² ☐ less than all the goods/services, namely:

Evidence of reputation

- ⁷³ ☐ attached ☐ to follow

Notice of Opposition

**OHIM-
Form 2.4**
Basis of opposition
Opposition is based on

63 Check the appropriate boxes and provide the required information hereafter. If opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 5) must be completed, if necessary, for each earlier mark or sign.

- 63 ☒ earlier mark (registration or application)
64 ☒ earlier registered mark with reputation
65 ☒ earlier well-known mark
66 ☐ earlier non-registered mark
67 ☐ earlier other sign used in the course of trade
68 ☐ mark filed by an agent

Earlier mark (registration or application)

69 Check one of these boxes

Type of mark

- 69 ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

70 If national mark or international registration, check the appropriate box

Member State/s

70 ☒ DK ☐ DE ☐ GR ☒ SE ☐ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

71 Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

71 OKEY

72-75 Complete as appropriate; if priority is in voked, provide details on attachment

Filing date

72 28/12/2004

Filing No.

73 2629483

Registration date

74 14/12/2005

Registration No.

75 2629483

76 Copy required only when earlier mark is a national mark or international registration claim

Copy of registration/application

- 76 ☐ attached ☒ to follow

77-78 Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 77 ☒ all the goods/services for which earlier mark is registered/applied for
78 ☐ less than all the goods/services, namely:
CLASSES 29 AND 30 OF THE SPANISH TRADEMARK REGISTRATION NUM
2629483

Earlier registered mark with reputation

79 If opposition is based on earlier registered mark with reputation, complete this 61-64-65 and box 66 and check as appropriate one of the following boxes

Reputation

- 79 ☐ In the Community ☒ In a Member State (including Benelux)

80 Check the appropriate box

Member State

80 ☒ DK ☐ DE ☐ GR ☒ SE ☐ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

81-84 Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 81 ☒ all the goods/services for which earlier mark is registered
82 ☐ less than all the goods/services, namely:
CLASSES 29 AND 30 OF THE SPANISH TRADEMARK REGISTRATION NUM
2629483

Evidence of reputation

- 83 ☐ attached ☒ to follow

Notice of Opposition

**OHIM-
Form 2.5**

Earlier well-known mark

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment ⁷⁵ Indicate Member State/s where mark is well-known ⁷⁶ If the space provided is not sufficient, use attachment instead	Representation of the mark Member State/s Opposition is based on the following goods/services Evidence of mark being well-known	⁷⁴ OKEY ⁷⁵ BE DK DE GR ☒ FR IE IT LU NL AT PT FI SE GB ⁷⁶ CLASSES 29 AND 30 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2629483 ⁷⁷ ☐ attached ☒ to follow
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Earlier non-registered mark

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment ⁷⁹ Indicate Member State where earlier non-registered mark is protected ⁸⁰ If the space provided is not sufficient, use attachment instead	Representation of the mark Member State Opposition is based on the following goods/services Evidence of protection	⁷⁸ ⁷⁹ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB ⁸⁰ ⁸¹ ☐ attached ☐ to follow
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Earlier sign used in the course of trade

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment ⁸³ Indicate nature of rights claimed ⁸⁴ Indicate Member State where earlier sign is protected ⁸⁵ Indicate goods/services; subject of economic activity; if the space provided is not sufficient, use attachment instead	Representation of the mark Nature of rights Member State Opposition is based on the following goods/services Evidence of protection	⁸² ⁸³ ⁸⁴ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB ⁸⁵ ⁸⁶ ☐ attached ☐ to follow
---	--	--

Mark filed by agent

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment ⁸⁸ Indicate country/ies where opponent is proprietor of mark	Representation of the mark Country/ies Evidence of ownership of mark	⁸⁷ ⁸⁸ ⁸⁹ ☐ attached ☐ to follow
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Notice of Opposition**OHIM-
Form 2.6****Extent of opposition**⁹⁰⁻⁹¹ Check one of these boxes

Opposition is directed

⁹² Specify goods/services against which opposition is directed; if the space provided is not sufficient, use attachment instead⁹⁰ ☐ against all goods/services in the application⁹¹ ☒ against part of goods/services in the application, namely:⁹² CLASSES 29, 30 AND 32 OF THE IR NUM. 929733.
PART OF THE GOODS IN CLASS 33 OF THE IR NUM. 929733: "...milk
non-alcoholic beverages (milk predominating)..." ACCORDING TO SPANISH
VERSION.**Grounds of opposition**⁹³⁻⁹⁴ Check the appropriate box when opposition is based on earlier mark (registered or application) or earlier well-known markOpposition is based on
earlier mark
and⁹³ ☐ identity of marks and goods/services⁹⁴ ☒ likelihood of confusion⁹⁵ Check the box when opposition is based on earlier registered mark with reputationOpposition is based on
earlier registered mark
and⁹⁵ ☒ unfair advantage/
detriment to distinctiveness or repute⁹⁶ Check the box when opposition is based on earlier non-registered markOpposition is based on
earlier non-registered mark
and⁹⁶ ☐ right to prohibit use of later mark under national law⁹⁷ Check the box when opposition is based on earlier sign used in the course of tradeOpposition is based on
earlier sign
and⁹⁷ ☐ right to prohibit use of later mark under national law⁹⁸ Check the box when opposition is based on mark filed by an agentOpposition is based on mark
filed by an agent
and⁹⁸ ☐ mark was filed without authorisation of proprietor⁹⁹ If the space provided is not sufficient, use attachment instead

Explanations of grounds

⁹⁹ TO FOLLOWCheck that form has been
signed on page 1



CTM-ONLINE - Detailed trade mark information



Trade mark name : OKEY
 Trade mark No : 000041392
 Trade mark basis : CTM
 Number of results : 1 of 1



Trade mark

Filing date: 01/04/1996
 Date of registration: 21/09/1999
 Expiry Date: 01/04/2016
 Nice Classification: 29, 30 (→ Nice classification)
 Trade mark: Individual
 Type of mark: Word
 Acquired distinctiveness: No
 Status of trade mark: CTM registered (→ Glossary)
 (→ History of statuses)
 Filing language: Spanish
 Second language: French

Graphic representation

No entry for application number: 000041392.

List of goods and services

Nice Classification: 29
List of goods and services: Meat, fish, poultry and game; meat extracts; eggs, milk and milk products; edible oils and fats.

Nice Classification: 30
List of goods and services: Coffee, tea, cocoa, chocolate, chocolate, cocoa or coffee-based beverages and preparations; sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, biscuits, cakes, pastry and confectionery, ices; honey, golden syrup; yeast, baking-powder; salt, mustard; vinegar, sauces; spices.

Description of the mark: **Description**
 No Description

Owner

Name: NUTMARK - Gestão de Direitos de Propriedade Intelectual, Lda.
 ID No: 70210
 Natural or legal person: Legal entity
 Address: Av. Arriaga, 30, 3º Andar, letra H
 Post code: 9000
 Town: Funchal, Madeira
 Country: PORTUGAL
 Correspondence address: NUTMARK - Gestão de Direitos de Propriedade Intelectual, Lda. Av. Arriaga, 30, 3º Andar, letra H P-9000 Funchal, Madeira PORTUGAL

Representative

Name: HERRERO & ASOCIADOS
 ID No: 10005
 Address: Alcalá, 35
 Post code: 28014
 Town: Madrid

19/05 '08 13:31 FAX 915226249

OAMI-ONLINE - CTM-ONLINE - Detailed trade mark information

Página 2 de 3

Country:	SPAIN
Correspondence address:	HERRERO & ASOCIADOS Alcalá, 35 E-28014 Madrid
Telephone:	915227420
Fax:	915226249
E-mail:	info@herreroasociados.es

Seniority

Country:	SPAIN
Registration number:	231993
Status:	Accepted
Country:	SPAIN
Registration number:	1589532
Status:	Accepted
Country:	FRANCE
Registration number:	495933
Status:	Accepted
Country:	AUSTRIA
Registration number:	495933
Status:	Accepted
Country:	BENELUX
Registration number:	495933
Status:	Accepted
Country:	ITALY
Registration number:	495933
Status:	Accepted
Country:	PORTUGAL
Registration number:	495933
Status:	Accepted

Exhibition priority

No entry for application number: 000041392

Priority

No entry for application number: 000041392.

Publication

Bulletin no.:	1998/047
Date of publication:	29/06/1998
Part:	A.1
Bulletin no.:	1999/088
Date of publication:	08/11/1999
Part:	B.2
Bulletin no.:	2006/028
Date of publication:	10/07/2006
Part:	D.1

Opposition

Opposition No:	000083263
Reception date:	21/09/1998
Opponent name:	Sunkist Growers, Inc.
Opponent ID No:	2089

Cancellation

No entry for application number: 000041392

Appeals

No entry for application number: 000041392.

Records

http://oami.europa.eu/CTMOnline/RequestManager/en_ResultsDetailed_NoReg

13/05/2008 19

Title:
Sub-title:
ID No:

Representative:
Replacement of representative
000410939

Title:
Sub-title:
ID No:

Owners:
Change of name and address of owner
000433576

Renewals

Expiry Date:
Status of renewal:
Type of renewal:

01/04/2016
Renewed
Total

History of status ([Glossary](#))

Renewed
Renewal fee paid
Renewal request received
Need to renew communicated

Status date
07/05/2006
30/04/2006
15/03/2006
04/09/2005



Disclaimer, and Copyright Notice

ATTACHED I

HA 1359/2008

Trademark Registration number 312641 OKEY in international classes 30 and 32, in the name of NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA., in SPAIN.

List of goods:

- class 29: Artificial ice.
- Class 30: Aerated and effervescing beverages, soda water, lemonades, orangeades, fruit soft-drinks except nut milk.

Filing date: October 16, 1956

Registration date: October 25, 1957

Trademark Registration number 1011486 OKEY figurative, in international class 29, in the name of NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA., in SPAIN.

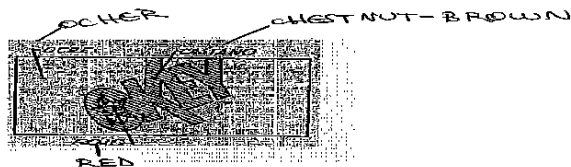
List of goods:

All kind of foodstuffs, preserved of fish, seafood and salted products, and especially milk based beverages.

Filing date: JULY 13, 1982

Registration date: JULY 30, 1988

Representation of the mark:



Trademark Registration number 2315666 OKEY figurative, in international class 29, in the name of NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA., in SPAIN.

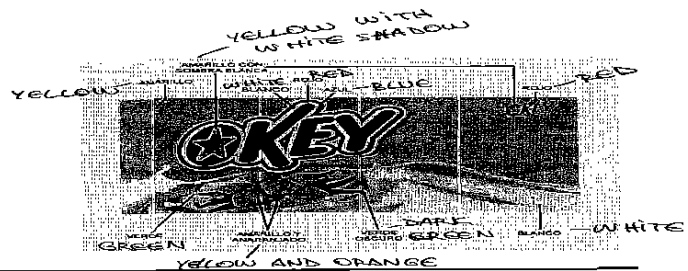
List of goods:

Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products, especially milk based beverages; edible oils and fats.

Filing date: May 16, 2000

Registration date: November 6, 2000

Representation of the mark:



Trademark Registration number 2315667 OKEY figurative, in international class 29, in the name of NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA., in SPAIN.

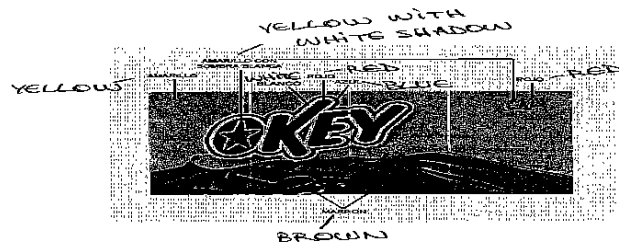
List of goods:

Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products, especially milk based beverages; edible oils and fats.

Filing date: May 16, 2000

Registration date: November 6, 2000

Representation of the mark:



Trademark Registration number 2315668 OKEY figurative, in international class 29, in the name of NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA., in SPAIN.

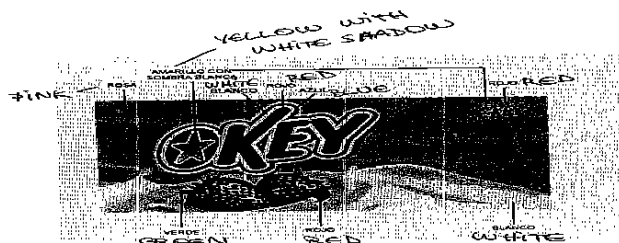
List of goods:

Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products, especially milk based beverages; edible oils and fats.

Filing date: May 16, 2000

Registration date: November 6, 2001

Representation of the mark:



Trademark Registration number 2560444 BI-OKEY figurative, in international classes 29 and 32, in the name of NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA., in SPAIN.

List of goods:

- Class 29: Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats; precooked dishes made from meat and fish, gazpacho; milky drinks with milk predominating.

- Class 32: Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages; drinks made from whey; isotonic drinks; refreshing non-alcoholic drinks with fruit juice with milk and ginseng predominating; fruit juice; fruit nectar.

Filing date: OCTOBER 3, 2003

Registration date: FEBRUARY 26, 2004

Representation of the mark:



Trademark Registration number 2629483 OKEY figurative, in international classes 29 and 30, in the name of NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA., in SPAIN.

List of goods:

- Class 29: Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats; milky drinks with milk predominating.

- Class 30: Coffee, tea, cocoa, chocolate, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice; beverages based on cocoa; beverages based on coffee; beverages based on chocolate; beverages based on tea; plant flavouring for beverages other than essential oils.

Filing date: December 28, 2004

Registration date: December 14, 2005

Representation of the mark:





Office for Harmonization
in the Internal Market (OHIM)

Avenida de Europa, 4
Apartado de Correos 77
E - 03080 Alicante

Tel. + 34 - 965 138 800
Fax + 34 - 965 131 344

OHIM-Form
2.1 EN-03/03

Notice of Opposition

Ref - 2194447

This area is reserved for OHIM		For OHIM	Date of receipt	Number of pages	Opponent's / Representative's reference number
					HA 1359/2008
1 Check one of these boxes 2 Mandatory 3 Mandatory 4 Optional		Language Language of opposition ☐ ES ☐ DE ☒ FR ☐ IT Opposed application Application number 929733 IR Applicant 2 MIP METRO GROUP INTELLECTUAL PROPERTY GMBH & CO. KG. Date of publication 4 20/08/2007			
5 Indicate ID number if available; if not, complete page 2 6 Mandatory; check the appropriate box		Opponent ID number of opponent 5 ☐ given Name of opponent 6 NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LD Entitlement Evidence of entitlement 7 ☒ proprietor ☐ authorised licensee ☐ person authorised under national law ☒ attached ☒ to follow			
8 Check the box if a professional representative is appointed 9 Indique el número ID si lo tiene; si no, rellene la página 2 10 Mandatory		Professional representative Professional representative 8 ☒ appointed ID number of professional representative 9 ☒ given 10005 Name 11 HERRERO & ASOCIADOS			
12 Check this box if OHIM is already in possession of authorisation 13 Indicate ID number of authorisation if available 14 Check one of these boxes if authorisation is not on file		Authorisation Authorisation on file 12 ☐ already on file ID number of authorisation 13 ☐ given Authorisation not on file 14 ☐ attached ☐ to follow			
15 For fees see current table of fees 16 Payment will automatically be deducted from current account unless one of the following boxes is checked or a specific instruction to the contrary is provided		Fees Opposition fee 15 350 EURO Payment 16 ☒ current account No. 000052			
17 If payment is remitted, OHIM account number and 18 Indicate date of remittance of payment		Remittance to account of OHIM 17 ☐ OHIM account No. ☐ Banco Bilbao Vizcaya Argentaria 0182 5596 90 0092222222 Código SWIFT (BIC): BBVAESMM IBAN ES88 0182 5596 9000 9222 2222 ☐ La Caixa 2100 2353 01 0700000888 Código SWIFT (BIC): CAIXESBB IBAN ES03 2100 2353 0107 0000 0888 18 ☐ attached			
19 Optional 20 Mandatory		Signature Date of signing 19 MADRID, MAY 19, 2008. Signature 20			
21 Indicate name of person signing 22 Check as appropriate if signature is by employee representative or professional representative		Name 21 JOSE ANTONIO HERNANDEZ RODRIGUEZ 22 ☐ employee ☐ legal practitioner ☒ professional representative			
23 Total number of sheets, including attachments		Number of sheets Number of sheets 23 24			

Notice of Opposition**OHIM-
Form 2.2**

Complete this page only when
indications on page 1 are insufficient

Opponent

²³ Check this box if applicable
and

²⁴ indicate name

Nature

Name

First name/s of natural person

Address

Street and house number or equivalent

City and postal code where available

Country

³¹ If different from above, such as
P.O. Box, city and postal code

Telephone number/s

Telefax number/s

Electronic mail ID

Other Information

²⁶ ☒ legal person

☐ natural person

²⁵ NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA.

²⁷

²⁸ AVDA. ARRIAGA, 30. 3º H.

²⁹ 9000 FUNCHAL (MADEIRA)

³⁰ PORTUGAL

³¹

³²

³³

³⁴

³⁵

Multiple opponents

³⁶ Where there is more than one
opponent, check the
and indicate on this page
required information for
additional opponents; if
space provided is not
sufficient, use attachment instead.
Absent any other information, the
name and the address of the
opponent indicated above
will be used as an address for
correspondence with regard to all
opponents

Multiple opponents

³⁶ ☐

Economic connections

³⁷ If an employee of a legal person
having economic connections with
the opponent is appointed to act on
behalf of the opponent, check the
box and provide the necessary
details (name and address of legal
person having economic connections
with opponent, basis of economic
connections); if the space provided
is not sufficient, use attachment
instead.

Economic connections

³⁷ ☐

Notice of Opposition

OHIM-
Form 2.4

Basis of opposition

Opposition is based on

⁵³ Check the appropriate boxes and provide the required information hereafter. If opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 5) must be completed, if necessary, for each earlier mark or sign.

- ⁵³ ☒ earlier mark (registration or application)
⁵⁴ ☒ earlier registered mark with reputation
⁵⁵ ☒ earlier well-known mark
⁵⁶ ☐ earlier non-registered mark
⁵⁷ ☐ earlier other sign used in the course of trade
⁵⁸ ☐ mark filed by an agent

Earlier mark (registration or application)

⁵⁹ Check one of these boxes:

Type of mark

- ⁵⁹ ☒ Community mark ☐ national mark ☐ international registration with effect in a Member State

⁶⁰ If national mark or international registration, check the appropriate box

Member State/s

⁶⁰ ☒ DK ☒ DE ☒ GR ☒ ES ☒ FR ☒ IE ☒ IT ☒ AT ☒ PT ☒ FI ☒ SE ☒ GB ☒ BENELUX

⁶¹ Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

⁶¹ OKEY

⁶²⁻⁶⁵ Complete as appropriate; if priority is invoked, provide details on attachment

Filing date

⁶² 01/04/1995

Filing No.

⁶³ 41392

Registration date

⁶⁴ 21/09/1999

Registration No.

⁶⁵ 41392

⁶⁶ Copy required only when earlier mark is a national mark or international registration

Copy of registration/application

- ⁶⁶ ☒ attached ☐ to follow

⁶⁷⁻⁶⁹ Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁶⁷ ☒ all the goods/services for which earlier mark is registered/applied for
⁶⁸ ☐ less than all the goods/services, namely:

Earlier registered mark with reputation

⁶⁹ If opposition is based on earlier registered mark with reputation, complete items 61-64-65 and box 66 and check as appropriate one of the following boxes

Reputation

- ⁶⁹ ☐ in the Community ☒ in a Member State (including Benelux)

⁷⁰ Check the appropriate box

Member State

⁷⁰ ☒ DK ☒ DE ☒ GR ☒ ES ☒ FR ☒ IE ☒ IT ☒ AT ☒ PT ☒ FI ☒ SE ☒ GB ☒ BENELUX

⁷¹⁻⁷² Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁷¹ ☒ all the goods/services for which earlier mark is registered
⁷² ☐ less than all the goods/services, namely:

Evidence of reputation

- ⁷³ ☐ attached ☒ to follow

Notice of OppositionOHIM-
Form 2.5**Earlier well-known mark**

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment
⁷⁵ Indicate Member State/s where mark is well-known

Representation of the mark
Member State/s

⁷⁴ OKEY⁷⁵ BE DK DE GR ~~ES~~ FR IE IT LU NL AT PT FI SE GB

⁷⁶ If the space provided is not sufficient, use attachment instead
Opposition is based on the following goods/services

⁷⁶ CLASSES 29 AND 30 OF THE CTM REGISTRATION NUM. 41392

Evidence of mark being well-known

⁷⁷ ☐ attached ☒ to follow**Earlier non-registered mark**

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment
⁷⁹ Indicate Member State where earlier non-registered mark is protected
⁸⁰ If the space provided is not sufficient, use attachment instead

Representation of the mark
Member State

⁷⁸⁷⁹ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

Opposition is based on the following goods/services

⁸⁰

Evidence of protection

⁸¹ ☐ attached ☐ to follow**Earlier sign used in the course of trade**

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment
⁸³ Indicate nature of rights claimed
⁸⁴ Indicate Member State where earlier sign is protected
⁸⁵ Indicate goods/services, object of economic activity; if the space provided is not sufficient, use attachment instead

Representation of the mark
Nature of rights

⁸²⁸³⁸⁴⁸⁵ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

Opposition is based on the following goods/services

⁸⁶

Evidence of protection

⁸⁷ ☐ attached ☐ to follow**Mark filed by agent**

⁸⁸ Indicate word mark; if other type of mark, provide representation on attachment
⁸⁹ Indicate country/ies where opponent is proprietor of mark

Representation of the mark
Country/ies

⁸⁸⁸⁹

Evidence of ownership of mark

⁹⁰ ☐ attached ☐ to follow

Notice of Opposition

OHIM-
Form 2.4

Basis of opposition

Opposition is based on

⁵³ Check the appropriate boxes and provide the required information hereafter. If opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 3) must be completed, if necessary, for each earlier mark or sign

- ⁵³ ☒ earlier mark (registration or application)
⁵⁴ ☐ earlier registered mark with reputation
⁵⁵ ☐ earlier well-known mark
⁵⁶ ☐ earlier non-registered mark
⁵⁷ ☐ earlier other sign used in the course of trade
⁵⁸ ☐ mark filed by an agent

Earlier mark (registration or application)

⁵⁹ Check one of these boxes

Type of mark

- ⁵⁹ ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

⁶⁰ If national mark or international registration, check the appropriate box

Member State/s

- ⁶⁰ ☒ DK ☐ DE ☐ GR ☒ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁶¹ Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

⁶¹ OKEY

⁶²⁻⁶⁵ Complete as appropriate; if priority is invoked, provide details on attachment

Filing date

⁶² 16/10/1955

Filing No.

⁶³ 312641

Registration date

⁶⁴ 25/10/1957

Registration No.

⁶⁵ 312641

⁶⁶ Copy required only when earlier mark is a national mark or international registration

Copy of registration/application

- ⁶⁶ ☐ attached ☒ to follow

⁶⁷⁻⁶⁸ Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁶⁷ ☒ all the goods/services for which earlier mark is registered/applied for
⁶⁸ ☐ less than all the goods/services, namely:

Earlier registered mark with reputation

⁶⁹ If opposition is based on earlier registered mark with reputation, complete items 6.1-6.4-6.5 and box 6.6 and check as appropriate one of the following boxes

Reputation

- ⁶⁹ ☐ In the Community ☐ In a Member State (including Benelux)

⁷⁰ Check the appropriate box

Member State

- ⁷⁰ ☒ DK ☐ DE ☐ GR ☐ ES ☐ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁷¹⁻⁷² Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁷¹ ☐ all the goods/services for which earlier mark is registered
⁷² ☐ less than all the goods/services, namely:

Evidence of reputation

- ⁷³ ☐ attached ☐ to follow

Notice of Opposition

OHIM-
Form 2.4

Basis of opposition

Opposition is based on

52 Check the appropriate box/es and provide the required information hereafter: if opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 3) must be completed, if necessary, for each earlier mark or sign

- 53 ☒ earlier mark (registration or application)
 54 ☒ earlier registered mark with reputation
 55 ☒ earlier well-known mark
 56 ☐ earlier non-registered mark
 57 ☐ earlier other sign used in the course of trade
 58 ☐ mark filed by an agent

Earlier mark (registration or application)

59 Check one of these boxes

Type of mark

- 59 ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

60 If national mark or international registration, check the appropriate box

Member State/s

- 60 DK DE GR ☒ FR IE IT AT PT FI SE GB BENELUX

61 Indicate word mark; if other type of mark, provide a representation an attachment

Representation of the mark

61 OKEY

62-63 Complete as appropriate; if priority is invoked, provide details on attachment

Filing date

62 13/07/1982

Filing No.

63 1011486

Registration date

64 30/07/1988

Registration No.

65 1011486

64 Copy required only when earlier mark is a national mark or international registration identical

Copy of registration/application

- 64 ☐ attached ☒ to follow

65-66 Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 65 ☒ all the goods/services for which earlier mark is registered/applied for
 66 ☐ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 1011486

Earlier registered mark with reputation

67 If opposition is based on earlier registered mark with reputation, complete boxes 67-69 and box 70 and check at appropriate one of the following boxes

Reputation

- 67 ☐ in the Community ☒ in a Member State (including Benelux)

68 Check the appropriate box

Member State

- 68 DK DE GR ☒ FR IE IT AT PT FI SE GB BENELUX

69-70 Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 69 ☒ all the goods/services for which earlier mark is registered
 70 ☐ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 1011486

Evidence of reputation

- 71 ☐ attached ☒ to follow

Notice of Opposition

OHIM-
Form 2.5

Earlier well-known mark

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

⁷⁴ OKEY

⁷⁵ Indicate Member State/s where mark is well-known

Member State/s

⁷⁵ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁷⁶ If the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

⁷⁶ CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 1011486

Evidence of mark being well-known

⁷⁷ ☐ attached ☒ to follow

Earlier non-registered mark

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

⁷⁹ Indicate Member State where earlier non-registered mark is protected

Member State

⁷⁸⁷⁹ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁸⁰ If the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

⁸⁰

Evidence of protection

⁸¹ ☐ attached ☐ to follow

Earlier sign used in the course of trade

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment

Representation of the mark

⁸³ Indicate nature of rights claimed

Nature of rights

⁸⁴ Indicate Member State where earlier sign is protected

Member State

⁸²⁸³⁸⁴ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁸⁵ Indicate goods/services, object of economic activity; if the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

⁸⁵

Evidence of protection

⁸⁶ ☐ attached ☐ to follow

Mark filed by agent

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

⁸⁸ Indicate country/ies where opponent is proprietor of mark

Country/ies

⁸⁷⁸⁸

Evidence of ownership of mark

⁸⁹ ☐ attached ☐ to follow

Notice of Opposition

OHIM-Form 2.4

Basis of opposition

Opposition is based on

Check the appropriate boxes and provide the required information hereafter; if opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 5) must be completed, if necessary, for each earlier mark or sign

- 53 ☒ earlier mark (registration or application)
 54 ☒ earlier registered mark with reputation
 55 ☒ earlier well-known mark
 56 ☐ earlier non-registered mark
 57 ☐ earlier other sign used in the course of trade
 58 ☐ mark filed by an agent

Earlier mark (registration or application)

60 Check one of these boxes

Type of mark

- 59 ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

60 If national mark or international registration, check the appropriate box

Member State/s

60 DK DE GR ~~ES~~ FR IE IT AT PT FI SE GB BENELUX

61 Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

61 OKEY

62 Complete as appropriate; if priority is invoked, provide details on attachment

Filing date

62 16/05/2000

Filing No.

63 2315666

Registration date

64 06/11/2000

Registration No.

65 2315666

66 Copy required only when earlier mark is a national mark or international registration dated

Copy of registration/application

- 66 ☐ attached ☒ to follow

67-69 Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 67 ☒ all the goods/services for which earlier mark is registered/applied for
 68 ☐ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315666

Earlier registered mark with reputation

69 If opposition is based on earlier registered mark with reputation, complete lines 69-70 and box 70 and check as appropriate one of the following boxes

Reputation

- 69 ☐ In the Community ☒ In a Member State (including Benelux)

70 Check the appropriate box

Member State

70 DK DE GR ~~ES~~ FR IE IT AT PT FI SE GB BENELUX

71-73 Check one of the boxes and complete only as appropriate; indicate goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 71 ☐ all the goods/services for which earlier mark is registered

- 72 ☒ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315666

Evidence of reputation

- 73 ☐ attached ☒ to follow

Notice of Opposition

OHIM-
Form 2.5

Earlier well-known mark

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment
⁷⁵ Indicate Member State/s where mark is well-known

Representation of the mark

74 OKEY

Member State/s

75 ☐ BE ☐ DK ☐ DE ☐ GR ☒ ES ☐ FR ☐ IE ☐ IT ☐ LU ☐ NL ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB

⁷⁶ If the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

76 CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315666

Evidence of mark being well-known

77 ☐ attached☒ to follow

Earlier non-registered mark

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment
⁷⁹ Indicate Member State where earlier non-registered mark is protected
⁸⁰ If the space provided is not sufficient, use attachment instead

Representation of the mark

78

Member State

79 ☐ BE ☐ DK ☐ DE ☐ GR ☐ ES ☐ FR ☐ IE ☐ IT ☐ LU ☐ NL ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB

Opposition is based on the following goods/services

80

Evidence of protection

81 ☐ attached☐ to follow

Earlier sign used in the course of trade

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment
⁸³ Indicate nature of rights claimed

Representation of the mark

82

Nature of rights

83

⁸⁴ Indicate Member State where earlier sign is protected

Member State

84 ☐ BE ☐ DK ☐ DE ☐ GR ☐ ES ☐ FR ☐ IE ☐ IT ☐ LU ☐ NL ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB

⁸⁵ Indicate goods/services, object of economic activity; if the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

85

Evidence of protection

86 ☐ attached☐ to follow

Mark filed by agent

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

87

⁸⁸ Indicate countries where opponent is proprietor of mark

Country/ies

88

Evidence of ownership of mark

89 ☐ attached☐ to follow

Notice of Opposition

OHIM-
Form 2.4

Basis of opposition

Opposition is based on

53 Check the appropriate boxes and provide the required information hereafter; if opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 5) must be completed, if necessary, for each earlier mark or sign

- 53 ☒ earlier mark (registration or application)
 54 ☒ earlier registered mark with reputation
 55 ☒ earlier well-known mark
 56 ☐ earlier non-registered mark
 57 ☐ earlier other sign used in the course of trade
 58 ☐ mark filed by an agent

Earlier mark (registration or application)

59 Check one of these boxes

Type of mark

- 59 ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

60 If national mark or international registration, check the appropriate box

Member State/s

60 ☐ DK ☐ DE ☐ GR ☒ ES ☐ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

61 Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

61 OKEY

62-66 Complete as appropriate; if priority is in volved, provide details on attachment

Filing date

62 16/05/2000

Filing No.

63 2315667

Registration date

64 06/11/2000

Registration No.

65 2315667

66 Copy required only when earlier mark is a national mark or international registration cloned

Copy of registration/application

- 66 ☐ attached ☒ to follow

67-68 Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 67 ☒ all the goods/services for which earlier mark is registered/applied for
 68 ☐ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315667

Earlier registered mark with reputation

69 If opposition is based on earlier registered mark with reputation, complete lines 69-72 and box 73 and check as appropriate one of the following boxes

Reputation

- 69 ☐ In the Community ☒ In a Member State (including Benelux)

70 Check the appropriate box

Member State

70 ☐ DK ☐ DE ☐ GR ☒ ES ☐ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

71-72 Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 71 ☐ all the goods/services for which earlier mark is registered
 72 ☒ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315667

Evidence of reputation

- 73 ☐ attached ☒ to follow

Notice of Opposition**OHIM-
Form 2.5****Earlier well-known mark**

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

⁷⁴ OKEY

⁷⁵ Indicate Member State/s where mark is well-known

Member State/s

⁷⁵ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁷⁶ If the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

⁷⁶ CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM 2315667

Evidence of mark being well-known

⁷⁷ ☐ attached ☒ to follow**Earlier non-registered mark**

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

⁷⁸

⁷⁹ Indicate Member State where earlier non-registered mark is protected

Member State

⁷⁹ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁸⁰ If the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

⁸⁰

Evidence of protection

⁸¹ ☐ attached ☐ to follow**Earlier sign used in the course of trade**

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment

Representation of the mark

⁸²

⁸³ Indicate nature of rights claimed

Nature of rights

⁸⁴ Indicate Member State where earlier sign is protected

Member State

⁸⁴ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁸⁵ Indicate goods/services, object of economic activity; if the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

⁸⁵

Evidence of protection

⁸⁶ ☐ attached ☐ to follow**Mark filed by agent**

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

⁸⁷

⁸⁸ Indicate country/ies where opponent is proprietor of mark

Country/ies

⁸⁸

Evidence of ownership of mark

⁸⁹ ☐ attached ☐ to follow

Notice of Opposition**OHIM-
Form 2.4****Basis of opposition**
Opposition is based on

⁵³ Check the appropriate boxes and provide the required information hereafter: if opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 3) must be completed, if necessary, for each earlier mark or sign

- ⁶³ ☒ earlier mark (registration or application)
⁶⁴ ☒ earlier registered mark with reputation
⁶⁵ ☒ earlier well-known mark
⁶⁶ ☐ earlier non-registered mark
⁶⁷ ☐ earlier other sign used in the course of trade
⁶⁸ ☐ mark filed by an agent

Earlier mark (registration or application)

⁵⁹ Check one of these boxes

Type of mark

- ⁵⁹ ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

⁶⁰ If national mark or international registration, check the appropriate box

Member State/s

⁶⁰ ☐ DK ☐ DE ☐ GR ☒ ES ☐ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁶¹ Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

⁶¹ OKEY

⁶²⁻⁶⁵ Complete as appropriate; if priority is in voked, provide details on attachment

Filing date

⁶² 16/05/2000

Filing No.

⁶³ 2315668

Registration date

⁶⁴ 06/11/2001

Registration No.

⁶⁵ 2315668

⁶⁶ Copy required only when earlier mark is a national mark or international registration identical

Copy of registration/application

- ⁶⁶ ☐ attached ☒ to follow

⁶⁷⁻⁶⁸ Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁶⁷ ☒ all the goods/services for which earlier mark is registered/applied for

- ⁶⁸ ☐ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315668

Earlier registered mark with reputation

Reputation

⁶⁹ If opposition is based on earlier registered mark with reputation, complete into 61-64-65 and box 66 and check as appropriate one of the following boxes

- ⁶⁹ ☐ in the Community ☒ in a Member State (including Benelux)

⁷⁰ Check the appropriate box

Member State

⁷⁰ ☐ DK ☐ DE ☐ GR ☒ ES ☐ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁷¹⁻⁷² Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁷¹ ☐ all the goods/services for which earlier mark is registered

- ⁷² ☒ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315668

Evidence of reputation

- ⁷³ ☐ attached ☒ to follow

Notice of Opposition

OHIM-
Form 2.5

Earlier well-known mark

74 Indicate word mark; if other type of mark, provide representation on attachment
75 Indicate Member State/s where mark is well-known
76 If the space provided is not sufficient, use attachment instead

Representation of the mark

Member State/s

Opposition is based on the following goods/services

74 OKEY

75 BE DK DE GR ☒ FR IE IT LU NL AT PT FI SE GB

76 CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315668

Evidence of mark being well-known

77 ☐ attached ☒ to follow

Earlier non-registered mark

78 Indicate word mark; if other type of mark, provide representation on attachment
79 Indicate Member State where earlier non-registered mark is protected
80 If the space provided is not sufficient, use attachment instead

Representation of the mark

Member State

Opposition is based on the following goods/services

78

79 BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

80

Evidence of protection

81 ☐ attached ☐ to follow

Earlier sign used in the course of trade

82 Indicate sign; if the sign is not consisting of a word, provide representation on attachment
83 Indicate nature of rights claimed
84 Indicate Member State where earlier sign is protected
85 Indicate goods/services, object of economic activity; if the space provided is not sufficient, use attachment instead

Representation of the mark

Nature of rights

Member State

Opposition is based on the following goods/services

82

83

84 BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

85

Evidence of protection

86 ☐ attached ☐ to follow

Mark filed by agent

87 Indicate word mark; if other type of mark, provide representation on attachment
88 Indicate country/ies where opponent is proprietor of mark

Representation of the mark

Country/ies

Evidence of ownership of mark

87

88

89 ☐ attached ☐ to follow

Notice of Opposition

OHIM-Form 2.4

Basis of opposition

Opposition is based on

53 Check the appropriate box(es) and provide the required information hereafter: if opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 5) must be completed, if necessary, for each earlier mark or sign

- 53 ☒ earlier mark (registration or application)
 54 ☐ earlier registered mark with reputation
 55 ☐ earlier well-known mark
 56 ☐ earlier non-registered mark
 57 ☐ earlier other sign used in the course of trade
 58 ☐ mark filed by an agent

Earlier mark (registration or application)

59 Check one of these boxes

Type of mark

- 59 ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

60 If national mark or international registration, check the appropriate box

Member State/s

60 DK DE GR ~~ES~~ FR IE IT AT PT FI SE GB BENELUX

61 Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

61 BIOKEY

62-63 Complete as appropriate; if priority is in voked, provide details on attachment

Filing date

62 03/10/2003

Filing No.

63 2560444

Registration date

64 26/02/2004

Registration No.

65 2560444

66 Copy required only when earlier mark is a national mark or international registration identical

Copy of registration/application

- 66 ☐ attached ☒ to follow

67-68 Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 67 ☒ all the goods/services for which earlier mark is registered/applied for

- 68 ☐ less than all the goods/services, namely:

CLASSES 29 AND 32 OF THE SPANISH TRADEMARK REGISTRATION NUM.
2560444

Earlier registered mark with reputation

Reputation

69 If opposition is based on earlier registered mark with reputation, complete next 61-63 and box 66 and check as appropriate one of the following boxes

Member State

- 69 ☐ In the Community ☐ In a Member State (including Benelux)

70 Check the appropriate box

70 DK DE GR ES FR IE IT AT PT FI SE GB BENELUX

71-72 Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 71 ☐ all the goods/services for which earlier mark is registered

- 72 ☐ less than all the goods/services, namely:

Evidence of reputation

- 73 ☐ attached ☐ to follow

Notice of Opposition

OHIM-
Form 2.4

Basis of opposition

Opposition is based on

⁶³ Check the appropriate boxes and provide the required information hereafter. If opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 5) must be completed, if necessary, for each earlier mark or sign.

- ⁶³ ☒ earlier mark (registration or application)
⁶⁴ ☒ earlier registered mark with reputation
⁶⁵ ☒ earlier well-known mark
⁶⁶ ☐ earlier non-registered mark
⁶⁷ ☐ earlier other sign used in the course of trade
⁶⁸ ☐ mark filed by an agent

Earlier mark (registration or application)

⁶⁹ Check one of these boxes

Type of mark

- ⁶⁹ ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

⁷⁰ If national mark or international registration, check the appropriate box:

Member State/s

⁷⁰ DK DE GR ~~ES~~ FR IE IT AT PT FI SE GB BENELUX

⁷¹ Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

⁷¹ OKEY

⁷²⁻⁷³ Complete as appropriate; if priority is in valid, provide details on attachment

Filing date

⁷² 28/12/2004

Filing No.

⁷³ 2629483

Registration date

⁷⁴ 14/12/2005

Registration No.

⁷⁵ 2629483

⁷⁶ Copy required only when earlier mark is a national mark or international registration

Copy of registration/application

- ⁷⁶ ☐ attached ☒ to follow

⁷⁷⁻⁷⁸ Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁷⁷ ☒ all the goods/services for which earlier mark is registered/applied for

- ⁷⁸ ☐ less than all the goods/services, namely:

CLASSES 29 AND 30 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2629483

Earlier registered mark with reputation

Reputation

⁷⁹ If opposition is based on earlier registered mark with reputation, complete items 6.1-6.4-6.5 and has 66 and check as appropriate one of the following boxes

- ⁷⁹ ☐ in the Community ☒ in a Member State (including Benelux)

⁸⁰ Check the appropriate box

Member State

⁸⁰ DK DE GR ~~ES~~ FR IE IT AT PT FI SE GB BENELUX

⁸¹⁻⁸² Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁸¹ ☒ all the goods/services for which earlier mark is registered

- ⁸² ☐ less than all the goods/services, namely:

CLASSES 29 AND 30 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2629483

Evidence of reputation

- ⁸³ ☐ attached ☒ to follow

Notice of Opposition

OHIM-
Form 2.5

Earlier well-known mark

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark ⁷⁴ OKEY

⁷⁵ Indicate Member State/s where mark is well-known

Member State/s

⁷⁵ ☐ BE ☐ DK ☐ DE ☐ GR ☒ FR ☐ IE ☐ IT ☐ LU ☐ NL ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB

⁷⁶ If the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

⁷⁶ CLASSES 29 AND 30 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2629483

Evidence of mark being well-known

⁷⁷ ☐ attached ☒ to follow

Earlier non-registered mark

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark ⁷⁸

⁷⁹ Indicate Member State where earlier non-registered mark is protected

Member State

⁷⁹ ☐ BE ☐ DK ☐ DE ☐ GR ☐ ES ☐ FR ☐ IE ☐ IT ☐ LU ☐ NL ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB

⁸⁰ If the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

⁸⁰

Evidence of protection

⁸¹ ☐ attached ☐ to follow

Earlier sign used in the course of trade

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment

Representation of the mark ⁸²

⁸³ Indicate nature of rights claimed

Nature of rights

⁸⁴ Indicate Member State where earlier sign is protected

Member State

⁸⁴ ☐ BE ☐ DK ☐ DE ☐ GR ☐ ES ☐ FR ☐ IE ☐ IT ☐ LU ☐ NL ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB

⁸⁵ Indicate goods/services, objects of economic activity; if the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

⁸⁵

Evidence of protection

⁸⁶ ☐ attached ☐ to follow

Mark filed by agent

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark ⁸⁷

⁸⁸ Indicate country/ies where opponent is proprietor of mark

Country/ies

⁸⁸

Evidence of ownership of mark

⁸⁹ ☐ attached ☐ to follow

Notice of Opposition**OHIM-
Form 2.6****Extent of opposition**⁹⁰⁻⁹¹ Check one of these boxes:

Opposition is directed

⁹⁰ ☐ against all goods/services in the application⁹¹ ☒ against part of goods/services in the application, namely:⁹² Specify goods/services against which opposition is directed; if the space provided is not sufficient, use attachment instead⁹² CLASSES 29, 30 AND 32 OF THE IB NUM. 929733
PART OF THE GOODS IN CLASS 33 OF THE IB NUM. 929733: "milk
non-alcoholic beverages (milk predominating)." ACCORDING TO SPANISH
VERSION**Grounds of opposition**⁹³⁻⁹⁴ Check the appropriate box when opposition is based on earlier mark (registered or application) or earlier well-known mark

Opposition is based on earlier mark and

⁹³ ☐ Identity of marks and goods/services⁹⁴ ☒ Likelihood of confusion⁹⁵ Check the box when opposition is based on earlier registered mark with reputation

Opposition is based on earlier registered mark and

⁹⁵ ☒ unfair advantage/
detriment to distinctiveness or repute⁹⁶ Check the box when opposition is based on earlier non-registered mark

Opposition is based on earlier non-registered mark and

⁹⁶ ☐ right to prohibit use of later mark under national law⁹⁷ Check the box when opposition is based on earlier sign used in the course of trade

Opposition is based on earlier sign and

⁹⁷ ☐ right to prohibit use of later mark under national law⁹⁸ Check the box when opposition is based on mark filed by an agent

Opposition is based on mark filed by an agent and

⁹⁸ ☐ mark was filed without authorisation of proprietor⁹⁹ If the space provided is not sufficient, use attachment instead

Explanations of grounds

⁹⁹ TO FOLLOWCheck that form has been
signed on page 1



CTM-ONLINE - Detailed trade mark information



Trade mark name : OKEY
 Trade mark No : 000041392
 Trade mark basis: CTM
 Number of results: 1 of 1



Trade mark

Filing date: 01/04/1996
 Date of registration: 21/09/1999
 Expiry Date: 01/04/2016
 Nice Classification: 29, 30 (→ Nice classification)
 Trade mark: Individual
 Type of mark: Word
 Acquired distinctiveness: No
 Status of trade mark: CTM registered (→ Glossary)
 (→ History of statuses)
 Filing language: Spanish
 Second language: French

Graphic representation

No entry for application number: 000041392.

List of goods and services

Nice Classification: 29
List of goods and services: Meat, fish, poultry and game; meat extracts; eggs, milk and milk products; edible oils and fats.

Nice Classification: 30
List of goods and services: Coffee, tea, cocoa, chocolate, chocolate, cocoa or coffee-based beverages and preparations; sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, biscuits, cakes, pastry and confectionery, ices; honey, golden syrup; yeast, baking-powder; salt, mustard; vinegar, sauces; spices.

Description of the mark: No Description

Owner

Name: NUTMARK - Gestão de Direitos de Propriedade Intelectual, Lda.
 ID No: 70210
 Natural or legal person: Legal entity
 Address: Av. Arriaga, 30, 3º Andar, letra H
 Post code: 9000
 Town: Funchal, Madeira
 Country: PORTUGAL
 Correspondence address: NUTMARK - Gestão de Direitos de Propriedade Intelectual, Lda. Av. Arriaga, 30, 3º Andar, letra H P- 9000 Funchal, Madeira PORTUGAL

Representative

Name: HERRERO & ASOCIADOS
 ID No: 10005
 Address: Alcalá, 35
 Post code: 28014
 Town: Madrid

OAMI-ONLINE - CTM-ONLINE - Detailed trade mark information

Página 2 de 3

Country: SPAIN
Correspondence address: HERRERO & ASOCIADOS Alcalá, 35 E-28014 Madrid
Telephone: 915227420
Fax: 915226249
E-mail: info@herreroasociados.es

Seniority

Country: SPAIN
Registration number: 231993
Status: Accepted

Country: SPAIN
Registration number: 1589532
Status: Accepted

Country: FRANCE
Registration number: 495933
Status: Accepted

Country: AUSTRIA
Registration number: 495933
Status: Accepted

Country: BENELUX
Registration number: 495933
Status: Accepted

Country: ITALY
Registration number: 495933
Status: Accepted

Country: PORTUGAL
Registration number: 495933
Status: Accepted

Exhibition priority

No entry for application number: 000041392.

Priority

No entry for application number: 000041392.

Publication

Bulletin no.: 1998/047
Date of publication: 29/06/1998
Part: A.1

Bulletin no.: 1999/088
Date of publication: 08/11/1999
Part: B.2

Bulletin no.: 2006/028
Date of publication: 10/07/2006
Part: D.1

Opposition

Opposition No: 000083263
Reception date: 21/09/1998
Opponent name: Sunkist Growers, Inc.
Opponent ID No: 2089

Cancellation

No entry for application number: 000041392.

Appeals

No entry for application number: 000041392.

Recordals

OAMI-ONLINE - CTM-ONLINE - Detailed trade mark information

Página 3 de 3

Title:
Sub-title:
ID No:Representative
Replacement of representative
000410939**Title:**
Sub-title:
ID No:Owners
Change of name and adress of owner
000433576

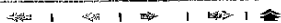
Renewals

Expiry Date:
Status of renewal:
Type of renewal:01/04/2016
Renewed
Total

History of status (→ Glossary)

Renewed
Renewal fee paid
Renewal request received
Need to renew communicated

Status date

07/05/2006
30/04/2006
15/03/2006
04/09/2005

Disclaimer, and Copyright Notice

ATTACHED I

HA 1359/2008

Trademark Registration number 312641 OKEY in international classes 30 and 32, in the name of NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA., in SPAIN.

List of goods:

- class 29: Artificial ice.
- Class 30: Aerated and effervescing beverages, soda water, lemonades, orangeades, fruit soft-drinks except nut milk.

Filing date: October 16, 1956

Registration date: October 25, 1957

Trademark Registration number 1011486 OKEY figurative, in international class 29, in the name of NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA., in SPAIN.

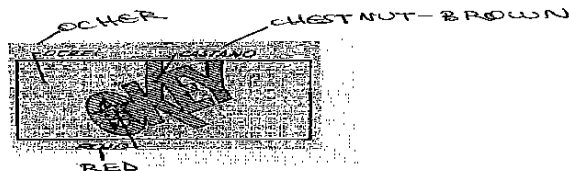
List of goods:

All kind of foodstuffs, preserved of fish, seafood and salted products, and especially milk based beverages.

Filing date: JULY 13, 1982

Registration date: JULY 30, 1988

Representation of the mark:



Trademark Registration number 2315666 OKEY figurative, in international class 29, in the name of NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA., in SPAIN.

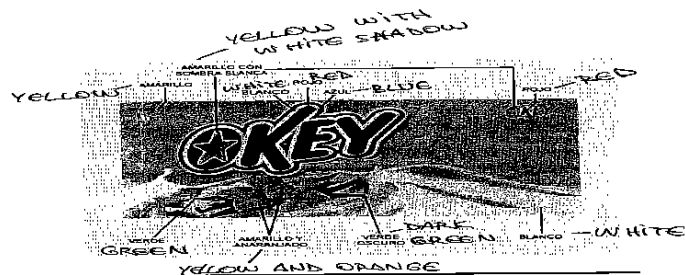
List of goods:

Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products, especially milk based beverages; edible oils and fats.

Filing date: May 16, 2000

Registration date: November 6, 2000

Representation of the mark:



Trademark Registration number 2315667 OKEY figurative, in international class 29, in the name of NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA., in SPAIN.

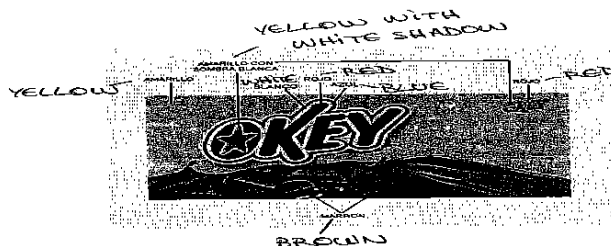
List of goods:

Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products, especially milk based beverages; edible oils and fats.

Filing date: May 16, 2000

Registration date: November 6, 2000

Representation of the mark:



Trademark Registration number 2315668 OKEY figurative, in international class 29, in the name of NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA., in SPAIN.

List of goods:

Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products, especially milk based beverages; edible oils and fats.

Filing date: May 16, 2000

Registration date: November 6, 2001

Representation of the mark:



Trademark Registration number 2560444 BI-OKEY figurative, in international classes 29 and 32, in the name of NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA., in SPAIN.

List of goods:

- Class 29: Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats; precooked dishes made from meat and fish, gazpacho; milky drinks with milk predominating.

- Class 32: Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages; drinks made from whey; isotonic drinks; refreshing non-alcoholic drinks with fruit juice with milk and ginseng predominating; fruit juice; fruit nectar.

Filing date: OCTOBER 3, 2003

Registration date: FEBRUARY 26, 2004

Representation of the mark:



Trademark Registration number 2629483 OKEY figurative, in international classes 29 and 30, in the name of NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA., in SPAIN.

List of goods:

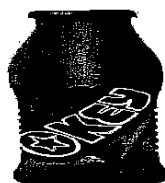
- Class 29: Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats; milky drinks with milk predominating.

- Class 30: Coffee, tea, cocoa, chocolate, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice; beverages based on cocoa; beverages based on coffee; beverages based on chocolate; beverages based on tea; plant flavouring for beverages other than essential oils.

Filing date: December 28, 2004

Registration date: December 14, 2005

Representation of the mark:



21/05 '08 17:03 FAX 915231013

HERRERO & ASOCIADOS

→ OAMI

025

19/05 '08 13:32 FAX 915226249

HERRERO Y ASOCIADOS

001

REPORTE DE TX

TRANSMISSION, OK

N° TX/RX 1001
 TELEFONO CONEXION -34 965131344
 SUBDIRECCION
 ID CONEXION
 HORA COM 19/05 13:29
 TE USADO 03:50
 PAGINAS ENVIADAS 24
 RESULTADO OK



Office for Harmonization
in the Internal Market (OHIM)

Avenida de Europa, 4
Apartado de Correos 77
E - 03080 Alicante

Tel. + 34 - 965 138 800
Fax + 34 - 965 131 344

OHIM-Form
2.1 EN- 03/07

Notice of Opposition

This form is reserved for OHIM		For OHIM	Date of receipt	Number of pages	Opponent's / Representative's reference number
					HA 1359/2008
1 Check one of these boxes 2 Mandatory 3 Mandatory 4 Optional 5 Indicate ID number if available; if not, complete page 2 6 Mandatory 7 Mandatory; check the appropriate box 8 Check the box if a professional representative is appointed 9 Indicate ID number of ID of the file; if no, refer to page 3 10 Mandatory 11 Check this box if OHIM is already in possession of authorisation 12 Indicate ID number of authorisation (if available) 13 Check one of these boxes if authorisation is not on file 14 For fees see current table of fees 15 Payment will automatically be debited from current account unless one of the following boxes is checked or a specific instruction to the contrary is provided 16 If payment is remitted OHIM account number		Language Language of opposition 1 ☒ ES ☐ DE ☒ FR ☐ IT Opposed application Application number Applicant Date of publication Opponent ID number of opponent Name of opponent Entitlement Evidence of entitlement Professional representative Professional representative ID number of professional representative Name Authorisation Authorisation on file ID number of authorisation Authorisation not on file Fees Opposition fees Payment Current account Remittance to account of OHIM	2 929733 IR 3 MIP METRO GROUP INTELLECTUAL PROPERTY GMBH & CO. KG. 4 20/08/2007 5 ☐ given 6 NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LD 7 ☒ proprietor ☐ authorised licensee ☐ person authorised under national law 8 ☒ attached ☒ to follow 9 ☒ appointed 10 ☒ given 10005 11 HERRERO & ASOCIADOS 12 ☐ already on file 13 ☐ given 14 ☐ attached ☐ to follow 15 350 EURO 16 ☒ current account No. 000052 17 ☐ OHIM account No. Banco Bilbao Vizcaya Argentaria 0163 2506 90 0092222222 Codigo SWIFT (BIC): BBVAES33		

21/05 '08 16:55 FAX 915231013

HERRERO & ASOCIADOS

→ OAMI

001



Office for Harmonization
in the Internal Market (OHIM)

Avenida de Europa, 4
Apartado de Correos 77
E - 03080 Alicante

Tel. + 34 - 965 138 800
Fax + 34 - 965 131 344

OHIM-Form
2 I EN- 03/03

Notice of Opposition

Ref - 2194447

This area is reserved for OHIM		For OHIM	Date of receipt	Number of pages	Opponent's / Representative's reference number
					HA 1359/2008
1 Check one of these boxes	Language Language of opposition 1 ☐ ES ☐ DE ☒ FR ☐ IT				
2 Mandatory	Opposed application Application number 2 928733 IR				
3 Mandatory	Applicant 3 MIP METRO GROUP INTELLECTUAL PROPERTY GMBH & CO. KG.				
4 Optional	Date of publication 4 20/08/2007				
5 Indicate ID number if available; if not, complete page 2	Opponent ID number of opponent 5 ☐ given Name of opponent 6 NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LD				
7 Mandatory; check the appropriate box	Entitlement Evidence of entitlement 7 ☒ proprietor ☐ authorised licensee ☐ person authorised under national law ☒ attached ☒ to follow				
8 Check the box if a professional representative is appointed	Professional representative Professional representative 8 ☒ appointed ID number of professional representative 9 10005 Name 10 HERRERO & ASOCIADOS				
11 Mandatory	Authorisation Authorisation on file 11 ☐ already on file ID number of authorisation 12 ☐ given Authorisation not on file 13 ☐ attached ☐ to follow				
12 Check this box if OHIM is already in possession of authorisation	Fees Opposition fee 14 350 EURO Payment 15 ☒ current account No. 000052				
13 Indicate ID number of authorisation, if available	Current account 16 ☐ OHIM account No. ☐ Banco Bilbao Vizcaya Argentaria 0182-8896-90-009222222222 Código SWIFT (BIC): BBVAESMM IBAN ES68 0182 8896 9000 9222 2222 ☐ La Caixa 2100-2353-01-0700000888 Código SWIFT (BIC): CAIXESBB IBAN ES03 2100 2353 0107 0000 0888				
14 Check one of these boxes if authorisation is not on file	Remittance to account of OHIM 17 ☐ attached				
15 For fees see current table of fees	Date of remittance 18 ☐ attached				
16 Payment will automatically be deducted from current account unless one of the following boxes is checked or a specific instruction to the contrary is provided	Signature 19 ☐ attached Date of signing 20 MADRID, MAY 19, 2008. Signature 21				
17 If payment is remitted OHIM account number and	Name 22 JOSE ANTONIO HERNANDEZ RODRIGUEZ 23 ☐ employee ☐ legal practitioner ☒ professional representative				
18 Indicate date of remittance of payment	Number of sheets 24 24				
19 Optional					
20 Mandatory					
21 Indicate name of person signing					
22 Check as appropriate if signature is by employee representative or professional representative					
23 Total number of sheets, including attachments					

1

Notice of Opposition

OHIM-
Form 2.2

Complete this page only when
indications on page 1 are insufficient

Opponent

25 Check this box if applicable and

Nature

25 ☒ legal person☐ natural person

26 Indicate name

Name

26 NUTMARK-GESTÃO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA.

First name/s of natural person

Address

Street and house number or equivalent

28 AVDA. ARRIAGA, 30. 3º H.

City and postal code where available

29 9000 FUNCHAL (MADEIRA)

Country

30 PORTUGAL

31 If different from above, such as P.O. Box, city and postal code

Postal address

Telephone number/s

Telefax number/s

Electronic mail ID

Other information

Multiple opponents

34 Where there is more than one opponent, check the box, the and indicate on this page the required information for all additional opponents; if the space provided is not sufficient, use attachment instead. Absent any other information, the name and the address of the opponent will be used as an address for correspondence with regard to all opponents.

Multiple opponents

35 ☐

Economic connections

37 If an employee of a legal person having economic connections with the opponent is appointed to act on behalf of the opponent, check the box and provide the necessary details (name and address of legal person having economic connections with opponent, basis of economic connections); if the space provided is not sufficient, use attachment instead.

Economic connections

37 ☐

Notice of Opposition

OHIM-Form 2.4

Basis of opposition

Opposition is based on

Check the appropriate boxes and provide the required information hereafter; if opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 3) must be completed, if necessary, for each earlier mark or sign

- 63 ☒ earlier mark (registration or application)
 64 ☒ earlier registered mark with reputation
 65 ☒ earlier well-known mark
 66 ☐ earlier non-registered mark
 67 ☐ earlier other sign used in the course of trade
 68 ☐ mark filed by an agent

Earlier mark (registration or application)

Check one of these boxes

Type of mark

- 69 ☒ Community mark ☐ national mark ☐ international registration with effect in a Member State

70 If national mark or international registration, check the appropriate box

Member State/s

60 DK DE GR ES FR IE IT AT PT FI SE GB BENELUX

61 Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

61 OKEY

62-64 Complete as appropriate; if priority is invoked, provide details on attachment

Filing date

62 01/04/1996

Filing No.

63 41392

Registration date

64 21/09/1999

Registration No.

65 41392

66 Copy required only when earlier mark is a national mark or international registration claim

Copy of registration/application

- 66 ☒ attached ☐ to follow

67-68 Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 67 ☒ all the goods/services for which earlier mark is registered/applied for
 68 ☐ less than all the goods/services, namely:

Earlier registered mark with reputation

69 If opposition is based on earlier registered mark with reputation, complete lines 69-71-72 and box 69 and check as appropriate one of the following boxes

Reputation

- 69 ☐ in the Community ☒ in a Member State (including Benelux)

Check the appropriate box

Member State

70 DK DE GR ~~ES~~ FR IE IT AT PT FI SE GB BENELUX

71-72 Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 71 ☒ all the goods/services for which earlier mark is registered
 72 ☐ less than all the goods/services, namely:

Evidence of reputation

- 73 ☐ attached ☒ to follow

Notice of Opposition

**OHIM-
Form 2.5**
Earlier well-known mark

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment
Representation of the mark ⁷⁴ OKEY

⁷⁵ Indicate Member State/s where mark is well-known
Member State/s

⁷⁶ If the space provided is not sufficient, use attachment instead
Opposition is based on the following goods/services

⁷⁵ BE DK DE GR ☒ FR IE IT LU NL AT PT FI SE GB

⁷⁶ CLASSES 29 AND 30 OF THE CTM REGISTRATION NUM. 41392

Evidence of mark being well-known

⁷⁷ ☐ attached ☒ to follow

Earlier non-registered mark

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment
Representation of the mark ⁷⁸

⁷⁹ Indicate Member State where earlier non-registered mark is protected
Member State

⁸⁰ If the space provided is not sufficient, use attachment instead
Opposition is based on the following goods/services

⁷⁹ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

Evidence of protection

⁸¹ ☐ attached ☐ to follow

Earlier sign used in the course of trade

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment
Representation of the mark ⁸²

⁸³ Indicate nature of rights claimed
Nature of rights

⁸⁴ Indicate Member State where earlier sign is protected
Member State

⁸⁵ Indicate goods/services, object of economic activity; if the space provided is not sufficient, use attachment instead
Opposition is based on the following goods/services

⁸³

⁸⁴ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

Evidence of protection

⁸⁶ ☐ attached ☐ to follow

Mark filed by agent

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment
Representation of the mark ⁸⁷

⁸⁸ Indicate country/ies where applicant is proprietor of mark
Country/ies

Evidence of ownership of mark

⁸⁹ ☐ attached ☐ to follow

Notice of Opposition

OHIM-Form 2.4

Basis of opposition

Opposition is based on

53 Check the appropriate boxes and provide the required information hereafter. If opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 3) must be completed, if necessary, for each earlier mark or sign.

- 53 ☒ earlier mark (registration or application)
 54 ☐ earlier registered mark with reputation
 55 ☐ earlier well-known mark
 56 ☐ earlier non-registered mark
 57 ☐ earlier other sign used in the course of trade
 58 ☐ mark filed by an agent

Earlier mark (registration or application)

60 Check one of these boxes

Type of mark

- 60 ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

61 If national mark or international registration, check the appropriate box

Member State/s

61 DK DE GR ☒ FR IE IT AT PT FI SE GB BENELUX

62 Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

62 OKEY

63-66 Complete as appropriate: if priority is invoked, provide details on attachment

Filing date

63 16/10/1956

Filing No.

64 312641

Registration date

65 25/10/1957

Registration No.

66 312641

67 Copy required only when earlier mark is a national mark or international registration cloned

Copy of registration/application

- 67 ☐ attached ☒ to follow

68-69 Check and complete as appropriate: indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 68 ☒ all the goods/services for which earlier mark is registered/applied for
 69 ☐ less than all the goods/services, namely:

Earlier registered mark with reputation

70 If opposition is based on earlier registered mark with reputation, complete boxes 61-66a and box 66 and check as appropriate one of the following boxes

Reputation

- 70 ☐ In the Community ☐ In a Member State (including Benelux)

71 Check the appropriate box

Member State

71 DK DE GR ES FR IE IT AT PT FI SE GB BENELUX

72-73 Check one of the boxes and complete as appropriate: indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 72 ☐ all the goods/services for which earlier mark is registered
 73 ☐ less than all the goods/services, namely:

Evidence of reputation

- 73 ☐ attached ☐ to follow

Notice of Opposition

OHIM-Form 2.4

Basis of opposition

Opposition is based on

53 Check the appropriate box(es) and provide the required information hereafter. If opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 3) must be completed, if necessary, for each earlier mark or sign.

- 53 ☒ earlier mark (registration or application)
 54 ☒ earlier registered mark with reputation
 55 ☒ earlier well-known mark
 56 ☐ earlier non-registered mark
 57 ☐ earlier other sign used in the course of trade
 58 ☐ mark filed by an agent

Earlier mark (registration or application)

59 Check one of these boxes

Type of mark

- 59 ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

60 If national mark or international registration, check the appropriate box

Member State/s

60 DK DE GR ☒ FR IE IT AT PT FI SE GB BENELUX

61 Indicate word mark, if other type of mark, provide a representation on attachment

Representation of the mark

61 OKEY

62 Complete as appropriate; if priority is in voked, provide details on attachment

Filing date

62 13/07/1982

Filing No.

63 1011486

Registration date

64 30/07/1988

Registration No.

65 1011486

66 Copy required only when earlier mark is a national mark or international registration claimant

Copy of registration/application

- 66 ☐ attached ☒ to follow

67 Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 67 ☒ all the goods/services for which earlier mark is registered/applied for
 68 ☐ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 1011486

Earlier registered mark with reputation

69 If opposition is based on earlier registered mark with reputation, complete this 61-64-65 and how to and check as appropriate one of the following boxes

Reputation

- 69 ☐ in the Community ☒ in a Member State (including Benelux)

70 Check the appropriate box

Member State

70 DK DE GR ☒ FR IE IT AT PT FI SE GB BENELUX

71-73 Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- 71 ☒ all the goods/services for which earlier mark is registered
 72 ☐ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 1011486

Evidence of reputation

- 73 ☐ attached ☒ to follow

Notice of Opposition

**OHIM-
Form 2.5**
Earlier well-known mark

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment
Representation of the mark ⁷⁴ OKEY

⁷⁵ Indicate Member State/s where mark is well-known
Member State/s

⁷⁶ If the space provided is not sufficient, use attachment instead
Opposition is based on the following goods/services

⁷⁶ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁷⁶ CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 1011486

Evidence of mark being well-known

⁷⁷ ☐ attached ☒ to follow

Earlier non-registered mark

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment
Representation of the mark

⁷⁹ Indicate Member State where earlier non-registered mark is protected
Member State

⁸⁰ If the space provided is not sufficient, use attachment instead
Opposition is based on the following goods/services

⁷⁹ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

Evidence of protection

⁸¹ ☐ attached ☐ to follow

Earlier sign used in the course of trade

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment
Representation of the mark

⁸³ Indicate nature of rights claimed
Nature of rights

⁸⁴ Indicate Member State where earlier sign is protected
Member State

⁸⁵ Indicate goods/services, object of economic activity; if the space provided is not sufficient, use attachment instead
Opposition is based on the following goods/services

⁸²

⁸³

⁸⁴ BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁸⁵

Evidence of protection

⁸⁶ ☐ attached ☐ to follow

Mark filed by agent

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment
Representation of the mark

⁸⁸ Indicate country/ies where opponent is proprietor of mark
Country/ies

Evidence of ownership of mark

⁸⁷

⁸⁸

⁸⁹ ☐ attached ☐ to follow

Notice of Opposition

OHIM-
Form 2.4

Basis of opposition

Opposition is based on

⁶³ Check the appropriate box/es and provide the required information hereafter. If opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 3) must be completed, if necessary, for each earlier mark or sign.

- ⁵³ ☒ earlier mark (registration or application)
⁵⁴ ☒ earlier registered mark with reputation
⁵⁵ ☒ earlier well-known mark
⁵⁶ ☐ earlier non-registered mark
⁵⁷ ☐ earlier other sign used in the course of trade
⁵⁸ ☐ mark filed by an agent

Earlier mark (registration or application)

⁶⁰ Check one of these boxes

Type of mark

- ⁵⁹ ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

⁶⁰ If national mark or international registration, check the appropriate box

Member State/s

⁶⁰ DK DE GR ☒ FR IE IT AT PT FI SE GB BENELUX

⁶¹ Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

⁶¹ OKEY

⁶²⁻⁶⁵ Complete as appropriate; if priority is invoked, provide details on attachment

Filing date

⁶² 16/05/2000

Filing No.

⁶³ 2315666

Registration date

⁶⁴ 06/11/2000

Registration No.

⁶⁵ 2315666

⁶⁶ Copy required only when earlier mark is a national mark or international registration cited

Copy of registration/application

- ⁶⁶ ☐ attached ☒ to follow

⁶⁷⁻⁶⁸ Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁶⁷ ☒ all the goods/services for which earlier mark is registered/applied for

⁶⁸ ☐ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315666

Earlier registered mark with reputation

⁶⁹ If opposition is based on earlier registered mark with reputation, complete lines 61-64-65 and box 66 and check as appropriate one of the following boxes

Reputation

- ⁶⁹ ☐ in the Community ☒ in a Member State (including Benelux)

⁷⁰ Check the appropriate box

Member State

⁷⁰ DK DE GR ☒ FR IE IT AT PT FI SE GB BENELUX

⁷¹⁻⁷² Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁷¹ ☐ all the goods/services for which earlier mark is registered

⁷² ☒ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315666

Evidence of reputation

- ⁷³ ☐ attached ☒ to follow

Notice of Opposition

OHIM-
Form 2.5

Earlier well-known mark

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

74 OKEY

⁷⁵ Indicate Member States where mark is well-known

Member State/s

75 BE DK DE GR ~~ES~~ FR IE IT LU NL AT PT FI SE GB

⁷⁶ If the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

76 CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315668

Evidence of mark being well-known

77 ☐ attached☒ to follow

Earlier non-registered mark

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

78

⁷⁹ Indicate Member States where earlier non-registered mark is protected

Member State

79 BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁸⁰ If the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

80

Evidence of protection

81 ☐ attached☐ to follow

Earlier sign used in the course of trade

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment

Representation of the mark

82

⁸³ Indicate nature of rights claimed

Nature of rights

83

⁸⁴ Indicate Member State where earlier sign is protected

Member State

84 BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁸⁵ Indicate goods/services, object of economic activity; if the space provided is not sufficient, use attachment instead

Opposition is based on the following goods/services

85

Evidence of protection

86 ☐ attached☐ to follow

Mark filed by agent

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment

Representation of the mark

87

⁸⁸ Indicate country/ies where opponent is proprietor of mark

Country/ies

88

Evidence of ownership of mark

89 ☐ attached☐ to follow

Notice of Opposition

OHIM-
Form 2.4

Basis of opposition

Opposition is based on

⁵³ Check the appropriate box/es and provide the required information hereafter. If opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 5) must be completed, if necessary, for each earlier mark or sign.

- ⁵³ ☒ earlier mark (registration or application)
⁵⁴ ☒ earlier registered mark with reputation
⁵⁵ ☒ earlier well-known mark
⁵⁶ ☐ earlier non-registered mark
⁵⁷ ☐ earlier other sign used in the course of trade
⁵⁸ ☐ mark filed by an agent

Earlier mark (registration or application)

⁶⁰ Check one of these boxes

Type of mark

- ⁵⁹ ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

⁶⁰ If national mark or international registration, check the appropriate box

Member State/s

⁶⁰ ☒ DK ☐ DE ☐ GR ☒ ES ☐ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁶¹ Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

⁶¹ OKEY

⁶²⁻⁶⁵ Complete as appropriate; if priority is in voked, provide details on attachment

Filing date

⁶² 16/05/2000

Filing No.

⁶³ 2315667

Registration date

⁶⁴ 06/11/2000

Registration No.

⁶⁵ 2315667

⁶⁶ Copy required only when earlier mark is a national mark or international registration claim

Copy of registration/application

- ⁶⁶ ☐ attached ☒ to follow

⁶⁷⁻⁶⁸ Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁶⁷ ☒ all the goods/services for which earlier mark is registered/applied for
⁶⁸ ☐ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315667

Earlier registered mark with reputation

⁶⁹ If opposition is based on earlier registered mark with reputation, complete lines 61-64-65 and box 66 and check as appropriate one of the following boxes

Reputation

- ⁶⁹ ☐ in the Community ☒ in a Member State (including Benelux)

⁷⁰ Check the appropriate box

Member State

⁷⁰ ☒ DK ☐ DE ☐ GR ☒ ES ☐ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁷¹⁻⁷³ Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁷¹ ☐ all the goods/services for which earlier mark is registered
⁷² ☒ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315667

Evidence of reputation

- ⁷³ ☐ attached ☒ to follow

Notice of Opposition

OHIM-
Form 2.5

Earlier well-known mark

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment

⁷⁵ Indicate Member State/s where mark is well-known

⁷⁶ If the space provided is not sufficient, use attachment instead

Representation of the mark

74 OKEY

Member State/s

75 BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

Opposition is based on the following goods/services

76 CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315667

Evidence of mark being well-known

77 ☐ attached ☒ to follow

Earlier non-registered mark

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment

⁷⁹ Indicate Member State where earlier non-registered mark is protected

⁸⁰ If the space provided is not sufficient, use attachment instead

Representation of the mark

78

Member State

79 BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

Opposition is based on the following goods/services

80

Evidence of protection

81 ☐ attached ☐ to follow

Earlier sign used in the course of trade

⁸² Indicate sign; if the sign is not constituting of a word, provide representation on attachment

⁸³ Indicate nature of rights claimed

⁸⁴ Indicate Member State where earlier sign is protected

⁸⁵ Indicate goods/services, object of economic activity; if the space provided is not sufficient, use attachment instead

Representation of the mark

82

Nature of rights

83

Member State

84 BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

Opposition is based on the following goods/services

85

Evidence of protection

86 ☐ attached ☐ to follow

Mark filed by agent

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment

⁸⁸ Indicate country/ies where opponent is proprietor of mark

Representation of the mark

87

Country/ies

88

Evidence of ownership of mark

89 ☐ attached ☐ to follow

Notice of Opposition

OHIM-
Form 2.4

Basis of opposition

Opposition is based on

⁵³ Check the appropriate boxes and provide the required information hereafter; if opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 5) must be completed, if necessary, for each earlier mark or sign

- ⁵³ ☒ earlier mark (registration or application)
⁵⁴ ☒ earlier registered mark with reputation
⁵⁵ ☒ earlier well-known mark
⁵⁶ ☐ earlier non-registered mark
⁵⁷ ☐ earlier other sign used in the course of trade
⁵⁸ ☐ mark filed by an agent

Earlier mark (registration or application)

⁵⁹ Check one of these boxes

Type of mark

- ⁵⁹ ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

⁶⁰ If national mark or international registration, check the appropriate box

Member State/s

⁶⁰ ☐ DK ☐ DE ☐ GR ☒ ES ☐ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁶¹ Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

⁶¹ OKEY

⁶² Complete as appropriate; if priority is invoked, provide details on attachment

Filing date

⁶² 16/05/2000

Filing No.

⁶³ 2315668

Registration date

⁶⁴ 06/11/2001

Registration No.

⁶⁵ 2315668

⁶⁶ Copy required only when earlier mark is a national mark or international registration claim

Copy of registration/application

- ⁶⁶ ☐ attached ☒ to follow

⁶⁷⁻⁶⁸ Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁶⁷ ☒ all the goods/services for which earlier mark is registered/applied for

- ⁶⁸ ☐ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315668

Earlier registered mark with reputation

⁶⁹ If opposition is based on earlier registered mark with reputation, complete lines 61-64-65 and box 66 and check as appropriate one of the following boxes

Reputation

- ⁶⁹ ☐ in the Community ☒ in a Member State (including Benelux)

⁷⁰ Check the appropriate box

Member State

⁷⁰ ☐ DK ☐ DE ☐ GR ☒ ES ☐ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁷¹⁻⁷² Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁷¹ ☐ all the goods/services for which earlier mark is registered

- ⁷² ☒ less than all the goods/services, namely:

CLASS 29 OF THE SPANISH TRADEMARK REGISTRATION NUM. 2315668

Evidence of reputation

- ⁷³ ☐ attached ☒ to follow

27. Ago. 2008 10:15

Nº 1074 P. 1

JOSÉ A. HERNÁNDEZ**
AGUSTÍN R. CATARINEU
JOSÉ LUIS FLORES
GABRIEL CAMACHO*
FRANCISCO CARPINTERO**

MARIO CARPINTERO*
OLOF FICKERT
JESÚS GONZÁLEZ
ÁLVARO MARTÍNEZ
M. ÁNGELES MORENO*
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ANDRÉS MEDINA
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FAX: (34) 977 342 515

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FAX: (34) 96 535 32 16

03003 ALICANTE
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FAX: (34) 96 514 10 45

30920 MURCIA
URUGUAY, 13
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FAX: (34) 868 952 262

15706 SANTIAGO
ROMERO DONALLO, 34
Entreplanta - IZDA.
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FAX: (34) 951 522 150

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FAX: (351) 21 32 46 349
info.portugal@herrero.pt

HERRERO & ASOCIADOS

ASRSORES EUROPEOS EN PATENTIS Y MARCAS
INTERNATIONAL PATENT AND
TRADEMARK CONSULTANTS
ABOGADOS - LAWYERS

OFFICE FOR HARMONIZATION IN
THE INTERNAL MARKET
At. Macarena GROENEVELD
Avenida de Europa, 4
03008 ALICANTE

FAX: 96 513 13 44

Your ref.

B 1330176

Our ref.

HA 1359/2008

Madrid, 26 August
2008

Opposition B 1330176 filed by NUTMARK-GESTAO DE DIREITOS DE
PROPIEDADE INTELECTUAL, LDA. to International Trademark designating UE nº
929733 OK, in the name of MIP METRO GROUP INTELLECTUAL PROPERTY
GMBH & CO KG.

Dear Sirs,

Further to your notification of May 25, we enclose hereto the corresponding explanation
of grounds brief of the above quoted opposition proceeding.

We also attach sitadex of the Spanish Trademarks numbers:

- 312641 OKEY
- 1011486 OKEY
- 2315666 OKEY
- 2315667 OKEY
- 2315668 OKEY
- 2560444 BIOKEY
- 2629483 OKEY,

and device on which the opposition is based, along with its translation into English.

Finally, we inform you that the original documents have been submitted by courier with
the confirmation copy of this letter.

Looking forward to hearing from you, we remain meanwhile

Yours sincerely,

HERRERO & ASOCIADOS.

*AGENTES DE LA PROPIEDAD INDUSTRIAL - *AGENTES EUROPEOS DE PATENTES - *AGENTES EUROPEOS DE MARCAS
MIEMBROS DE AIPPI, ASIPI, APAA, AIPLA, INTA, ECTA, MARQUIS, ITMA, PTMG, RICPI, CEFI, GRUR, PATGOT, VPE, LES

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CARLOS FERNÁNDEZ-NÓVOA
Consejero Legal

JESÚS LAUCIRICA
JUAN CASULA
MIQUEL AZNAR
JUAN PEDRO VALLEJO*
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ÁNGEL ROMERAL
GUSTAVO GONZÁLEZ
EVA MARTÍN
ÁLVARO CABEZA
JESÚS Mª PÉREZ
JAIME CASANOVAS
JOSÉ LUIS LÓPEZ
MAGNUS STIEBE*
J. AGUILINO DACOBA
ROBERTO ORTIZ
MANUEL DURÃES ROCHA**
TERESA DELGADO
VICKY RUIZ

International trademark designating the EU Nº929.733 O.K. and device, in classes 29, 30, 32 and 33 ("milk non-alcoholic beverages –milk predominating–")
Opposition Proceedings -B1.330.176-
ALLEGATIONS TO AN OPPOSITION BRIEF

1. Background facts.

1.1. On the 19th of June 2006 an application was filed for the registration of international trademark designating the European Union Nº929.733 O.K., which consists of the following distinctive:



1.2. On the 19th of May 2008 my clients filed an opposition alleging the application of the relative refusal grounds set forth in Article 8 (1) (b) and (5) of the CTMR, based on their registrations of their famous trademark OKEY, which are:

a) Community word trademark Nº41.392 OKEY, which protects:

- In class 29: *"Meat, fish, poultry and game; meat extracts; eggs, milk and milk products; edible oils and fats".*
- In class 30: *"Coffee, tea, cocoa, chocolate; chocolate, cocoa or coffee-based beverages and preparations; sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, biscuits, cakes, pastry and confectionery, ices; honey, golden syrup; yeast, baking-powder; salt, mustard; vinegar, sauces; spices".*

With regards to this trademark it has also been alleged that it is famous and renowned in Spain for the goods for which it is registered.

b) Spanish word trademark Nº312.641 OKEY, which protects:

- In class 30: *"Artificial Ice".*
- In class 32: *"Aerated and effervescing beverages, soda water, lemonades, orangeades, fruit soft-drinks except nut milk".*

c) Spanish trademark Nº1.011.486 OKEY, with the following graphic device:

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It is based on the following goods protected in class 29: *"All kinds of foodstuffs, preserved of fish, seafood and salted products and specially milk based beverages".*

With regards to this trademark it has also been alleged that it is famous and renowned in Spain for the aforesaid goods.

d) Spanish trademark Nº2.315.666 OKEY, with the following graphic device:



And which protects in class 29: *"Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products, especially milk based beverages; edible oils and fats".*

e) Spanish trademark Nº2.315.667 OKEY, with the following graphic device:



And which protects in class 29: *"Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products, especially milk based beverages; edible oils and fats".*

f) Spanish trademark Nº2.315.668 OKEY, with the following graphic device:

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And which protects in class 29: *"Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products, especially milk based beverages; edible oils and fats".*

g) Spanish trademark Nº2.560.444 biOKEY, with the following graphic device:



And which protects:

- In class 29: *"Meat, fish, poultry and game; meat extracts; preserved, dried and cooked **fruits** and vegetables, jellies; jams, compotes; eggs, milk and milk products; edible oils and fats; precooked dishes made from meat and fish, gazpacho; milky drinks with milk predominating".*

- In class 32: *"Beers, mineral and aerated waters and other non-alcoholics beverages; fruit drinks and fruit juices; syrups and other preparations for making beverages; drinks made from whey; isotonic drinks; refreshing non-alcoholic drinks with fruit juice with milk and ginseng predominating; fruit juice; fruit nectar".*

h) Spanish trademark Nº2.629.483 OKEY, with the following graphic device:



And is based on the following goods that it protects:

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- In class 29: *"Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats; milk beverages (milk predominating)"*.

- In class 30: *"Coffee, tea, cocoa, chocolate, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice; cocoa based beverages; coffee based beverages; chocolate based beverages; tea based beverages; flavourings for beverages other than essential oils"*.

With regards to this trademark it has also been alleged that it is famous and renowned in Spain for the aforesaid goods.

1.3. The opposition is directed against:

• All the goods claimed in class 29: *"Meat, fish, poultry and game, products made from meat, fish, poultry and game, sausage and sausage products, meat extracts, meat jellies, preparations made from meat and minced meat, all aforementioned goods also in the form of preserves or deep-frozen; convenience food and half-finished convenience food as well as ready-to-serve salads, essentially consisting of meat and/or fish and/or poultry and/or sausage and/or game; soups, soup preparations, beef tea; preserved, dried and cooked fruits and vegetables, mixed pickles, finished and half-finished goods as well as ready-to-serve salads, essentially consisting of fruits and/or vegetables, preserved pot herbs, prepared potato products, included in this class, potato dumplings, potato fritters, mashed potatoes, croquettes, French fries, fried grated potatoes; jellies, jams, stewed fruits, fruit jellies, fruit purees; eggs, milk and milk products, milk beverages (milk predominating), butter, cream, curd, yoghurt, crème fraîche, heavy sour cream, buttermilk, cheese, cheese products and cheese preparations; edible oils and fats, margarine; fatty spreads and spreads on vegetarian basis (except chocolate crème and nougat crème); soy dishes as meat surrogate, tofu; nibbles, included in this class, potato based products for alimentary purposes and made by extrusion, included in this class, potato chips, potato sticks, onion rings made from potatoes; dried fruits, raisins, processed nuts, hazelnuts, peanuts,*

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macadamia nuts, cashew nuts, shelled pistachios and almonds, dried, roasted, salted, gratinated and/or spiced; dietetic food or nutritional supplements for non-medical use on the basis of egg white, fats, fatty acids, under addition of vitamins, mineral nutrients, trace elements, singly or in combination, included in this class".

• All the goods claimed in class 30: "Coffee, coffee substitutes, coffee-based beverages, espresso, tea, tea-based beverages, iced tea, aromatic preparations of vegetable origin for use in beverages (except ethereal oils), essences for alimentary purposes (except ethereal essences and oils), cocoa, cocoa-based beverages, sugar, natural sweeteners, rice, convenience food and half-finished convenience food, essentially consisting of rice, nasi goreng (included in this class), sushi, tapioca, sago; flour and preparations made from cereals, baking-powder, oat flakes, muesli, cornflakes, cereal-based snacks, bread, bread rolls, toast, bread for sandwiches, croissants and baguettes, all filled or unfilled, crisp bread and breadcrumbs, pizza with or without topping, hamburgers, vegetable burgers, hotdogs, meat pastries; pastry and confectionery, pies, cakes, cookies, biscuits, waffles, cake mixtures (in powder form), cake dough; products on the basis of wheat, rice and corn, for alimentary purposes and made by extrusion, corn chips, onion rings made from corn, popcorn, salt sticks, savoury biscuits, pretzels; candies and confectioneries, meringue products, chocolate and chocolate products, chocolate-covered marshmallows, wine gum and fruit gum, liquorice (sweets); sweet spreads, included in this class, sweets and desserts (on the basis of wheat), puddings and pudding powders, half-liquid jelly from red fruits, rice pudding; pasta, noodles of any type, gnocchi, convenience food and semi-finished convenience food, essentially consisting of pasta, tortellini, lasagna, spaghetti, ravioli, spaetzle, pasta case filled with forcemeat, cheese or vegetables, spring rolls; ice cream; honey, molasses; yeast, salt, mustard; vinegar, sauces (condiments), soy sauce, fruit sauces, salad dressings, ready-to-use sauces, tomato sauce, ketchup, mayonnaise, remoulade, spices, spice mixtures, nutmegs; ice for cooling purposes; dietetic foodstuffs or nutritional supplements for non-medical use on the basis of carbohydrates, roughage, under addition of vitamins, mineral nutrients, trace elements, singly or in combination, included in this class, meat pastries; spreads on vegetarian basis (chocolate and nougat crème)".

• All the goods claimed in class 32: "Beers; mineral waters, aerated waters and other non-alcoholic drinks; fruit drinks, fruit nectars and fruit juices, isotonic beverages,

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lemonades, vegetable-based beverages, vegetable-based juices; syrups and other preparations for making beverages, preparations for making liqueurs, sherbet powder and fizzy tablets for beverages, essences for making beverages, products for making mineral waters and/or aerated waters".

• Exclusively against the following goods claimed in class 33: "Milk non-alcoholic beverages –milk predominating–" (in accordance with the Spanish version of the specification of goods).

2. Grounds for the opposition.

In this party's opinion, the contested trademark application must be refused because:

2.1. It is a trademark that incurs in the relative refusal ground set forth in Article 8 (5) of the CTMR.

According to this article

"Upon opposition by the proprietor of an earlier trade mark within the meaning of paragraph 2, the trade mark applied for shall not be registered where it is identical with or similar to the earlier trade mark and is to be registered for goods or services which are not similar to those for which the earlier trade mark is registered, where in the case of an earlier Community trade mark the trade mark has a reputation in the Community and, in the case of an earlier national trade mark, the trade mark has a reputation in the Member State concerned and where the use without due cause of the trade mark applied for would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark"

The wording of Article 8 (5) imposes on the opponent the obligation to demonstrate: 1) the similarity between the signs, 2) that the earlier registrations enjoy a reputation in the relevant territory, 3) that the use of the CTM application is capable of taking an unfair advantage or being detrimental to the repute or the distinctiveness of the earlier mark and, finally, 4) that such use is without due cause.

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The aforesaid requirements are met in the case of the trademark application, given that:

a) There exists phonetic and conceptual identity between international trademark N°929.733 O.K. and the famous and renowned trademark OKEY.

According to the judgement handed down by the Court of Justice of the European Communities on the 22nd of June 1999, Issued in the matter C-342/1997 (Lloyd Schuhfabrik Meyer & Co. GmbH vs. Kiljzen Handel BV), in paragraph 25, *"the comparison must be based on the overall impression given by the marks, bearing in mind, in particular, their distinctive and dominant components"*.

We believe that the word O.K. and the word OKEY, which is phonetically and conceptually identical, is the distinctive and dominant element of the trademarks in conflict, because:

◊ They are the sole denominative elements of the trademarks in conflict, or clearly the one the is endowed with distinctiveness (in the case of Spanish trademark N°2.560.444 bioKEY).

◊ The graphic devices of the trademark application and figurative opposing trademarks are merely ornamental or decorative.

To this end, it is necessary to take into account that the figurative opposing trademarks are the same as those used in the opposition proceedings referred to in the resolutions dated the 1st of June 2006, relative to the trademark OKE and device (Opposition B672.271), and dated the 30th of April 2007 (Opposition B907.263), relative to the trademark OK!. For example, in the first of these resolutions the following was stated in relation with the graphic devices of the opposing trademarks:

"As already mentioned, the first part of a mark is generally very important in catching the consumer's attention. The predominant verbal component "oke" is of major importance when analysing the sign as a whole because the average consumer, looking at a label, takes in and remembers the

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predominant word element which enables him to make the same choice on the occasion of a subsequent purchase. Moreover, the goods in question are foodstuffs, that is, on the shelf everyday consumer items freely available to the general public; thus, the relevant consumer can directly pick them up from the shelf. In the present.....".

Furthermore, it is also necessary to take into account the practice established by that Office, which is based on the jurisprudence of the different member states and which defends the thesis that "experience shows us that trademarks composed of both a verbal element as well as a figurative element are requested by the consuming public by solely referring to the verbal element, given that this is the most common form of referring to a trademark" (resolution N^o3101/2002, handed down on the 25th of October 2002 in opposition proceedings B279.929).

This can also be observed in the resolution handed down on the 22nd of October 2007 in opposition proceedings B1.008.129 (ELETRA and device, against ELEKTRA and device):

"..In relation to the figurative elements contained in the conflicting signs, it should be noted that, where a trade mark is composed of verbal and figurative elements, the former should, in principle, be considered more distinctive than the latter, because the average consumer will more easily refer to the goods in question by quoting their name than by describing the figurative element of the trade mark (see Judgment of the Court of First Instance of 14 July 2005 in Case T-312/03 Wassen International Ltd v OHIM ('Selenium-Ace') [2005] ECR II-2897, at paragraph 37). In the case at hand, it is reasonable to assume that the average consumer will perceive the figurative element of the marks as purely decorative elements. In summary, the additional letter "K" is not able to alter the impression of overall similarity of the marks which is created by the identical beginnings and endings of the marks. Hence, the Office concludes that the marks are considered visually similar".

In support of the argument outlined we can also invoke community jurisprudence; namely, the judgements handed down by the Court of First Instance: 23rd of October 2002, issued in the matter T-104/01 (MISS FIFTIES v. FIFTIES); 23rd of October 2002, issued in the matter T-6/01 (MATRAZEN v. MATRAZEN MARKT CONCORD); 18th of February 2004, issued in the matter T-10/03 (FLEX v. CONFORFLEX); 13th of April 2005, issued in the

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matter T-286/03 (WILKINSON SWORD XTREME III v. RIGHT GUARD XTREME SPORT).
As well as the judgement handed down by the Court of First Instance of the European Communities (Chamber One) on the 27th of September 2006 in the matter T-172/04:

"With regards to the importance that must be attributed to the figurative element as the element of distinction between the two signs in conflict, same cannot constitute the dominant element in the overall impression produced by the trademark application, to the extent that the word element «emergia» is insignificant in said impression. Indeed, when a trademark consists of word and figurative elements, the former are in principle more distinctive than the latter, in that the average consumer finds it easier to refer to the product in question by citing its name than by describing the figurative element of the trademark (QUICKY judgement, cited above, paragraph 50)".

Lastly, on the basis that "it is necessary to take into account the circumstance that rarely does the average consumer have the possibility of directly comparing the trademarks, but rather they have to rely on the imperfect image that they have in their memory" (judgement handed down by the Court of Justice of the European Communities on the 22nd of June 1999, issued in the matter C-342/1997 –Lloyd Schuhfabrik Meyer & Co. GmbH vs. Klijsen Handel BV), we believe, with greater reason, that the graphic devices of the trademarks in conflict possess less distinctive value.

This was also upheld in the resolution handed down by the Second Board of Appeal on the 14th of November 2005, issued in the matter R0718/2004-2 (PARTNER HOTELS EUROPE and device against PARTNER HOTELS and device):

"28. In the context of the global assessment of the likelihood of confusion, because the average consumer retains only an imperfect image of the mark, the predominant component of the mark in question is of major importance. Thus the dominant verbal component of the earlier mark is of major importance when analysing the sign as a whole, because the average consumer takes in and remembers the predominant word element of the sign (see, to that effect, judgment of the Court of First Instance of 18 February 2004 in Case T-10/03 Jean-Pierre Koubi v OHIM ('Confortex') [2004] ECR publication pending, at paragraph 59)".

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After which, we must highlight the existence of phonetic and conceptual identity between the trademark application O.K. and the famous and renowned trademark OKEY.

This is due to the fact that "O.K." and "OKEY" are the same word, in that both terms are used in the English language to represent the same concept (see annexe 1 relative to the web site "dictionary.reference.com").

This means that when the public pronounces the word "O.K." they will do so in the same manner as they would pronounce "OKEY"; and that the mention of "O.K." or "OKEY" arouses amongst the public the same concept.

This has been admitted by that Office in other opposition proceedings formulated on the basis of the same trademarks: OKEY and device, or bi-OKEY and device; for example:

- In the resolution handed down on the 1st of June 2006 in opposition proceedings B672.271 (OKEY and device, OKEY, against OKE and device):

"From a conceptual point of view, okey in English is another term for O.K.=an informal expression of approval, agreement, etc. This term is extensively used throughout the Community and therefore will be understood as such. As regards the expression oke this is also another term for O.K. in English although less common. Thus from the perspective of the English-speaking public the words are identical. Moreover, given the wide use of word okey in the current vocabulary of various languages it is reasonable to assume that this will be recognized and understood as such in the Community. As for oke the average consumer will be most probably inclined to perceive it as a variant of ok and thus will attribute the same meaning".

- In the resolution handed down on the 30th of April 2007 in opposition proceedings B907.263 (bi-OKEY and device, OKEY and device, OKEY, against OK!):

"Aurally, the signs "OK!" and "biOKEY" are, according to the pronunciation rules in the Spanish language, pronounced as [o-kei] and "[bi-o-kei]. The signs only differ in as far as the earlier right begins with the syllable [bi]. Taking into account that the pronunciation of the CTMA is identical to two out of three

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syllables of the earlier rights, it must be concluded that the signs are similar from a phonetic point of view. Conceptually, "okey" and "OK" are two different transcriptions of a widely used English term expressing assent, concession, or approval (The Oxford English Dictionary Online, Second Edition 1989). Given that this term is extensively used throughout the Community, it will be understood as such by the relevant Spanish consumers. Therefore, the concepts of the CTM application and the dominant element of the earlier mark are identical.....".

b) The distinctive OKEY is famous and renowned in Spain, in particular for the goods included in classes 29 and 30 that are protected by the aforesaid opposing trademarks.

This is accredited with the filing of the following evidence:

As Document N°1, report on the study elaborated by "IPSOS-ECO CONSULTING", on the fame of the trademark OKEY, which outlines the reliability of their results, the field conditions of the study and, in short, the awareness of the trademark OKEY amongst the majority of all those surveyed, and of the products that are offered in the marketplace with same.

As Document N°2, report elaborated by AC NIELSEN (company specialised in market research) on the consumption of milk shakes during the years 2002 and 2003, which highlights the position of leadership that the trademark OKEY possesses within its sector.

As Document N°3, copies collated before the Spanish Patent and Trademark Office of the certifications issued by

- Official Chamber of Commerce, Industry and Navigation of Seville.
- Official Chamber of Commerce, Industry and Navigation of Barcelona.
- Official Chamber of Commerce and Industry of Madrid.
- Official Chamber of Commerce and Industry of Valladolid.

in which it is stated that THE TRADEMARK OKEY IS FAMOUS WITHIN THE FOOD SECTOR.

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c) Unfair advantage from/detriment to the distinctive character or repute.

We believe that it is convenient to highlight that stated in the OPPOSITION GUIDELINES, in PART 5. RENOWNED TRADEMARKS:

- In its epigraph "3.2. Assessment of detriment – unfair advantage":

"The Court did not deal in General Motors with the assessment of detriment and unfair advantage in great detail, as this issue was not part of the question referred to it. It only stated that "it is where there is a sufficient degree of knowledge of that mark that the public, when confronted with the later trade mark, may possibly make an association between the two trade marks, and the earlier mark may consequently be damaged". (General Motors, paragraph 23). Even though this statement is too limited to serve as a basis for a full-scale analysis of the condition of detriment, it gives at least an important indication, namely that detriment or unfair advantage must be the consequence of an association of the conflicting marks in the minds of the public, made possible by the similarities between the marks and enhanced by the reputation of the earlier sign....".

And amongst the examples outlined in the aforesaid epigraph we can observe:

*"621/2001 F1 FORMULA 1/F1 FORMULA 1 (EN)
 From the foregoing it follows that the evaluation of detriment or unfair advantage must be based on an overall assessment of all the factors relevant to the case (including in particular the similarity of signs, the reputation of the earlier mark, the respective consumer groups and market sectors), with a view to determining whether the marks may be associated in a way which may prove injurious to the earlier trade mark, or which may allow the application to unduly profit from it. Until more detailed principles are developed by higher instances, the above will provide the framework for the assessment of detriment and unfair advantage in the context of Article 8 (5) CTMR, taking also into account the peculiarities of the various possible forms of detriment and unfair advantage discussed below".*

- In its epigraph "3.3.3 Taking unfair advantage of distinctiveness"

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"The notion of taking unfair advantage of the distinctiveness of the earlier mark covers cases where the applicant benefits from the attractiveness of the earlier right by affixing on his goods a sign which is widely known in the market, misappropriating thus its attractive powers and advertising value. This may lead to unacceptable situations of commercial parasitism where the applicant is allowed to take a "free-ride" on the investment of the opponent in promoting and building-up a goodwill for his mark, as it may stimulate the sales of the applicant's products to an extent which is disproportionately high in comparison with the size of his promotional investment. Such a misappropriation of the distinctiveness of the earlier mark presupposes an association between the respective marks, which renders possible the transfer of attractiveness to the application's sign..".

And, amongst the examples stressed in the aforesaid epigraph, with the purpose of accrediting when *"an association of this kind will be more likely"*, we can highlight that identified with the letter (a):

"(a) Where the earlier mark possesses a very strong distinctive character, because in such a case it will be both more tempting for the applicant to try to benefit from its value and easier to associate it with the application sign, as such marks will be recognised in almost any context, exactly because of their outstanding distinctiveness.
81/2000 OLYMPIC/FAMILY CLUB BELMONT OLYMPIC (EN)".

And in letter (b):

"Where there is a special connection between the goods which allows for some of the qualities of the opponent's goods to be attributed to those of the applicant. This will be particularly so in the case of neighbouring markets, where a "brand extension" would seem more natural, as in the example of pharmaceuticals the healing properties of which may be presumed for example in cosmetics bearing the same mark. Conversely, such a link was not found to exist between credit card services and cosmetics, as it was thought that the image of the former is not transferable to the latter, despite the fact that their respective users largely coincide".

In this party's opinion the two aforesaid premises concur in the present proceedings, due to the fact that:

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- The trademark OKEY, because it is a very well-known trademark in Spain, as we have accredited, is a sign that enjoys very strong distinctiveness.

- The goods claimed by the trademark application are identical to the goods protected by the famous trademark OKEY.

- The trademark application, because it uses as its distinctive and dominant element the word "O.K.", which is phonetically and conceptually identical to the trademark OKEY, is susceptible of giving rise to a connection or association regarding the business origin of the goods of both trademarks, and as a consequence of this could be detrimental to the trademark OKEY, in that the trademark application would take unfair advantage of the elevated distinctiveness of a trademark that is very well-known in Spain.

It is evident that the end consequence would be that consumers would no longer associate the trademark OKEY as the distinctive sign of food goods that enjoy worldwide fame, which implies clear detriment to the elevated distinctiveness of this trademark.

d) Use without due cause.

The absence of due cause is presumed, in accordance with that set forth in another section of the aforesaid PART 5. RENOWNED TRADEMARKS of the OPPOSITION GUIDELINES:

"The last condition for the application of Article 8 (5) is that use of the sign applied for should be without due cause. Even though this is a necessary condition of protection, the opponent cannot be reasonably expected to prove a negative fact, such as the absence of due cause. It follows that as regards this requirement the burden of proof is reversed. Hence, in the absence of any indications on the face of the evidence providing an apparent justification for the applicant's acts, the lack of due cause must be generally presumed. However, the applicant may avail himself of the possibility of rebutting such a presumption by showing that he has a legitimate justification that entitles him to act in this particular manner."

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Such a misappropriation of the distinctiveness of the earlier mark presupposes an association between the respective marks, which renders possible the transfer of attractiveness to the application's sign..".

2.2. The trademark application incurs in the relative refusal ground set forth in Article 8 (1) (b) of the CTMR.

The situations contemplated in Article 8 (1) (b) concur in the present opposition proceedings, as we can affirm in view of the fact that:

2.2.1. There exists phonetic and conceptual identity between international trademark Nº929.733 O.K., and the famous and renowned trademark OKEY.

This has been proven in the background facts of the present brief and with that alleged in the preceding ground.

2.2.2. The identity or similarity of the goods of the trademarks in conflict.

This can be stated in application of the diverse factors or criteria established in the judgement handed down by the Court of Justice of the European Communities on the 29th of September 1998, issued in the matter Canon C-39/97 (Canon Kabushiki Kaisha vs. Metro-Goldwyn-Mayer Inc., in paragraph 23, given that:

a) There exists identity between the goods of the trademark application that are included in classes 29, 30 and 32, and the goods of the following opposing trademarks:

- Community word trademark Nº41.392 OKEY, in the same classes 29 and 30.
- Spanish word trademark Nº312.641 OKEY, in the same classes 29 and 30.
- Spanish trademark Nº1.011.486 OKEY and device, in the same class 29.
- Spanish trademark Nº2.315.666 OKEY and device, in the same class 29.

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- Spanish trademark Nº2.315.667 OKEY and device, in the same class 29.
- Spanish trademark Nº2.315.668 OKEY and device, in the same class 29.
- Spanish trademark Nº2.560.444 biOKEY and device, in the same classes 29 and 32.
- Spanish trademark Nº2.629.483 OKEY and device, in the same classes 29 and 30.

b) There exists similarity, in accordance with that established in the judgement handed down by the Court of Justice of the European Communities on the 29th of September 1998, issued in the matter Canon C-39/97 -Canon Kabushiki Kaisha vs. Metro-Goldwyn-Mayer Inc.-, in paragraph 23 (...*"these factors include, in particular, their nature, their destination, their use and their competitive or complementary nature"*), between the goods of the opposing trademarks in classes 29 and 32, and the goods against which the opposition is directed in class 33: "Milk non-alcoholic beverages –milk predominating-" (Spanish version of the specification of goods).

Indeed, we are dealing with "milk non-alcoholic beverages –milk predominating-", that is, beverages elaborated with milk and, therefore, of the same nature, purpose and, in particular, having the same commercialisation or sales channels as the goods that the opposing trademarks protect in classes 29 and 32; for example *"Milk based beverages"*, *"especially milk based beverages"*, *"drinks with fruit juice with milk"*, or *"fruit soft-drinks"*.

2.2.3. There exists a likelihood of confusion between the trademarks in conflict.

To this end, it is necessary to take into account that established in the judgement handed down by the Court of Justice of the European Communities on the 29th of September 1998, issued in the matter Canon C-39/97 (Canon Kabushiki Kaisha vs. Metro-Goldwyn-Mayer Inc.), in paragraph 17, *"The overall appraisal of the likelihood of confusion implies a clear interdependence between the elements taken into account and in particular the similarity between the trade marks and that existing between the designated goods and*

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services. Thus, a low degree of similarity between the designated goods and services may be compensated by a high degree of similarity between the trademarks and vice versa. ...".

In the present case, considering the existence of a pronounced similarity between the trademarks in conflict, and the identity or similarity of their goods, it is evident that there exists a likelihood of confusion. Furthermore:

a) We believe that the fame and renowned nature of my clients' trademarks, with the consequent elevated distinctiveness of this sign, implies an even greater likelihood of confusion with the trademark application, in particular because the trademark application is destined to the same sector, the food sector, in which the trademark OKEY is very well-known, all this in accordance with the doctrine established in the judgement handed down by the Court of Justice of the European Communities on the 29th of September 1998, issued in the matter Canon C-39/97, *Canon Kabushiki Kaisha versus Metro-Goldwyn-Mayer Inc.*:

"18. On the other hand, according to the jurisprudence of the Court of Justice, the likelihood of confusion is more elevated the greater the distinctive character of the earlier trademark (SABEL sentence, cited previously, part 18). Thus, because the protection of a registered trademark depends, according to the letter b) of paragraph 24 of Article 1 of the Directive, on the existence of a likelihood of confusion, those trademarks that have an elevated distinctive character, be it intrinsic, or because they are well known in the market, enjoy a greater level of protection in comparison with those trademarks whose distinctive character is minor".

b) We believe that there exists identity with regards to mass consumption goods, which implies an even greater likelihood of confusion with the trademark application, all this in accordance with practice established by that Office; namely, in the aforesaid resolution handed down on the 1st of June 2006 in opposition proceedings B672.271 (OKEY and device, OKEY, against OKE and device):

"As already mentioned, the first part of a mark is generally very important in catching the consumer's attention. The predominant verbal component "oke" is of major importance when analysing the sign as a whole because the average consumer, looking at a label, takes in and remembers the predominant word element which enables him to make the

International trademark designating the EU N°929.733 O.K. and device, in classes 29, 30, 32 and 33 ("milk non-alcoholic beverages –milk predominating-")
 Opposition Proceedings –B1.330.176–
ALLEGATIONS TO AN OPPOSITION BRIEF

same choice on the occasion of a subsequent purchase. Moreover, the goods in question are foodstuffs, that is, on the shelf everyday consumer items freely available to the general public; thus, the relevant consumer can directly pick them up from the shelf".

c) The Spanish Trademark and Patent Office has declared the incompatibility, due to the existence of a likelihood of confusion between my principals' trademarks OKEY and the following refused trademarks:

- International trademark N°884.629 O.K., in classes 29 and 30

To accredit this fact we are submitting, as Annexe N°2, a SITADEX print out relative to this international trademark, as well as a copy of the resolution of the Remedy of Appeal, pursuant to which it establishes:

"...ponderando ambos factores de confundibilidad resulta que entre los distintivos enfrentados, la marca internacional solicitada n° 884629 "O.K." en clase 29 y 30 y las marcas oponentes A 41392 ... "OKEY" en clase 29 y 30, existe una evidente similitud fonético-denominativa, con una pronunciación cuasi-idéntica, lo que da lugar a una idea origen empresarial común, teniendo en cuenta asimismo la identidad en sus respectivos campos aplicativos, de forma que el consumidor medio no podrá identificar los respectivos orígenes empresariales sin riesgo de confusión en el mercado, lo que lleva a la conclusión de su recíproca incompatibilidad registral. En consecuencia, se acuerda la DESESTIMACION del recurso interpuesto".

"...weighing both factors of confusability, it results that between the distinctives in conflict, international trademark application N°884629 "O.K." in classes 29 and 30 and the opposing trademarks A 41392 ... "OKEY" in classes 29 and 30, there exists evident phonetic/denominative similarity, with a quasi identical pronunciation, which gives rise to the idea of a common business origin, also bearing in mind the identity in their specifications of goods, to the extent that the average consumer will not be able to identify the respective business origins without a likelihood of confusion within the market, which leads to the conclusion of their reciprocal registral incompatibility. Consequently, the Court DISMISSES the appeal".

- International trademark N°899.403 O.K. and device, in class 30

To accredit this fact we are submitting, as Annexe N°3, a SITADEX print out relative to this international trademark

International trademark designating the EU Nº929.733 O.K. and device, in classes 29, 30, 32 and 33 ("milk non-alcoholic beverages –milk predominating-")
Opposition Proceedings -B1.330.176-
ALLEGATIONS TO AN OPPOSITION BRIEF

3. CONCLUSION.

In accordance with the foregoing:

3.1. We believe that the existence of phonetic and conceptual identity between the trademark application, "O.K.", and the famous and renowned trademark "OKEY", together with the fact that they protect the same or very similar goods, implies taking unfair advantage of the fame and renowned nature of the latter trademark.

3.2. We believe that the existence of phonetic and conceptual identity between the trademark application "O.K.", and the famous and renowned trademark "OKEY", together with the fact that they protect the same or similar food goods, allows us to observe the existence of a likelihood of association with respects to their business origin.

3.3. We request, in application of the refusal grounds set forth in Article 8 (1) (b) and (5) of the CTMR, that the present opposition proceedings be upheld, with the order that the applicant bear all the costs arisen in these proceedings.

ANNEXE 1

27. Ago. 2008 10:20

okey - Definitions from Dictionary.com

Nº 1074 P. 22

Página 1 de 2



okey

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(Browse Nearby Entries)

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www.optimoda.com

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okey

noun
an endorsement; "they gave us the O.K. to go ahead" (syn: O.K.)
WordNet® 3.0, © 2006 by Princeton University.

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okey

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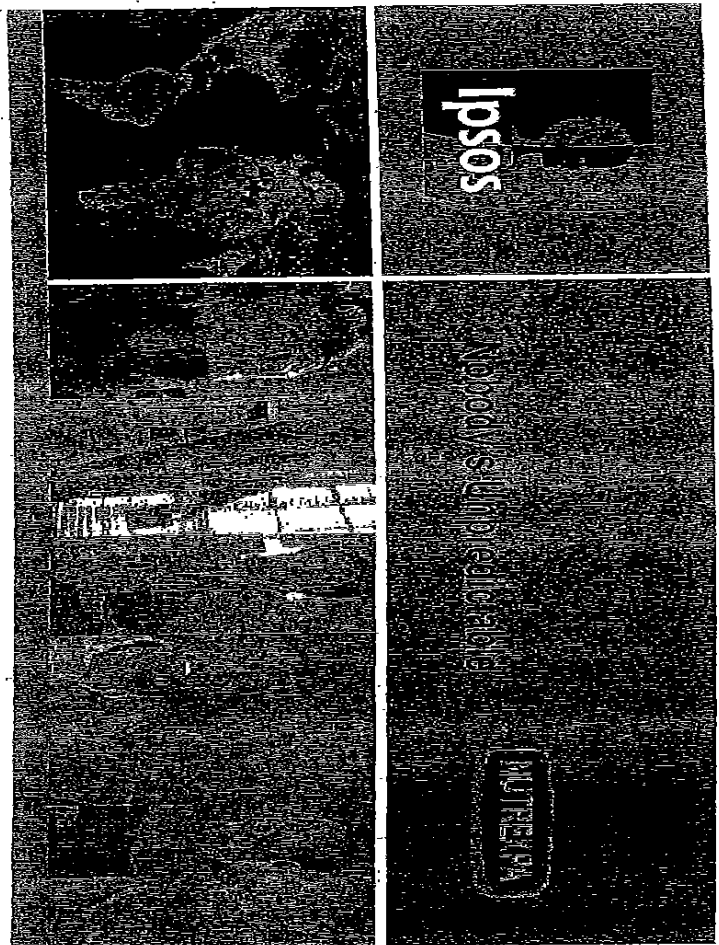
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27. Ago. 2008 10:20

Nº 10/4 F. 20

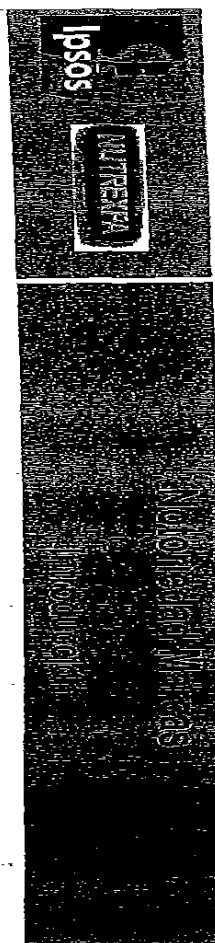
DOCUMENT 1



NOTORIEDAD MARCAS

RECIBIDO 12/08/08

QUINCE SEMANAS
CARIBUS
SERVICIO AL CLIENTE: 0800 00 00 00



Nutrexpa desea conocer la notoriedad de las marcas Okey y Paladín.

Los objetivos analizados son los que se detallan a continuación:

- Reconocimiento logotipo
- Productos asociados a marca
 - OKEY
 - PALADÍN

Ambos logotipos se han mostrado rotando el orden de visualización.

Ipsos



TÉCNICA

Entrevista personal en el hogar mediante soporte CAPIBUS (1)

UNIVERSO

Amas de casa residentes en las ciudades españolas de más de 200 habitantes (excluyendo Ceuta, Melilla y Canarias).

MUESTRA

n= 500 Amas de casa

Esto supone admitir un error máximo en el caso más desfavorable y con una seguridad del 95,5% de:

$$E_{\max}(500) = \pm 4,5\%$$

MÉTODO MUESTRAL

Estratificado proporcional con límite de número de entrevistados por estrato de población.

FECHAS TRABAJO DE CAMPO

Del 10 al 16 de Noviembre de 2003

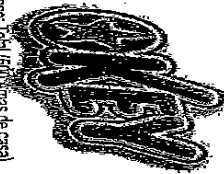
Ipsos



Notificación de Marcas

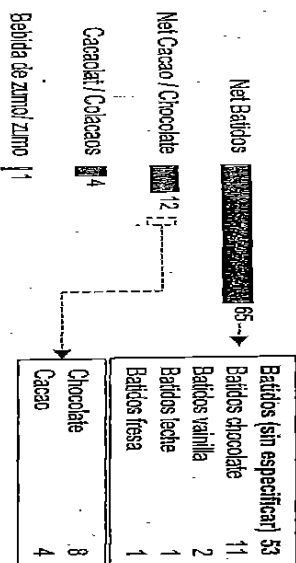
Conocimiento de marcas y logotipos que pertenecen a:

Alguno 87



Base: Total (340 Amas de casa)

Conocen
73%



Base: Conocen Okey (367 Amas de casa)

P.1- ¿Podría decirme si conoce estas marcas?

P.2- Y dígame ¿Qué productos cree Ud. que posee la marca OKEY?

Ipsos



Notificación de la
Comisión de la Unión Europea
Conocimiento de la marca y la asociación a productos

Aguirre 94

PALADIN

Base: Total (500 Anas de casa)

Conocen
75%

Caracol/Colacao 5

Como no sé es una moca 2

Crema de chocolate 2

Batidos (sin especificar) 1

Paladin a la taza 1

Lácteos 1

Galletas 1

Sucedáneo de chocolate 0,3

Otros 5

Base: Conocen Paladin (375 Anas de casa)

Chocolate	41
Caracol/ chocolate a la taza	20
Cacao	9
Chocolate en polvo	9
Chocolate instantáneo	3
Cacao soluble	2
Sucedáneo de chocolate	0,3

P.1- ¿Podría decirme si conoce estas marcas?
P.2- Y dígame ¿Qué productos cree Ud. que posee la marca PALADIN?



Nº E/Pr.: 934GIN41001
FECHA DE ENTREGA: 04/12/03
FORMA DE ENTREGA • PERSONALMENTE ☐ • CORREO/MENSAJERO ☐ • MAIL ☒
TÉCNICO: Nuria Borral
Firma

NUTREXPA

IPSOS

Nobody's Unpredictable

TRADEMARK NOTORIETY

WEEKLY OMNIBUS

CAPIBUS ©

PERSONAL INTERVIEW WITH A LAPTOP COMPUTER

Barcelona, December 2003

Trademark Notoriety

Ipsos NUTREXPA

Introduction

Nutrexpa wishes to ascertain the notoriety of the trademarks Okey and Paladin.

The objectives analysed are those detailed below:

- Awareness of the logo
- Products associated to the trademark
OKEY
PALADIN

Both logos have been shown rotating the visualisation order.

Trademark Notoriety

Ipsos

NUTREXPA

Methodology

TECHNIQUE

Personal interview at home with CAPIBUS support⁽¹⁾

SCOPE

Housewives resident in Spanish cities with more than 200 inhabitants (excluding Ceuta, Melilla and Canarias)

SAMPLE

N = 500 Housewives

This implies admitting a maximum error in the most unfavourable case and with a guarantee of 95.5% of:

$$E_{\max}(500) = \pm 4.5\%$$

METHOD OF THE SAMPLE

Proportional stratification with a limit in the number of interviewees per stratum of the population

DATES OF THE FIELD WORK

From the 10th to the 16th of November 2003.

(1) OMNIBUS SURVEY - PERSONAL AND WEEKLY ASSISTED BY A LAPTOP COMPUTER

Trademark Notoriety

Ipsos NUTREXPA

Awareness of trademarks and association with products

OKEY

Base: Total
(506 Housewives)
Aware 73%

Any	87		
Net Shakes	65	→	Shakes (without specifying 53)
Net Cocoa / Chocolate	12	→	Chocolate shakes 11
Cacaolat / Colacaos	4	→	Vanilla shakes 2
Juice beverages / Juice	1	→	Milk shakes 1
For children	1	→	Strawberry shakes 1
Sweets	0.4	→	Chocolate 8
Milk products	1.3	→	Cocoa 4
Pastries	0.2		
Biscuits	0.1		
Others	.7		

Base: Aware of Okey (367 Housewives)

P.1 - Could you tell me if you know these trademarks?
P.2 - And tell me, what products do you believe possess the trademark Okey?

Trademark Notoriety

Ipsos NUTREXPA

Awareness of trademarks and association with products

	Any	94		
PALADIN Base: Total (500 Housewives) Aware 75%	Net Chocolate	82	Chocolate	41
	Cacaolat / Colacao	5	Cocoa/chocolate "a la taza"	20
	Like nocilla / It is a nocilla	2	Cocoa	9
	Chocolate cream	2	Chocolate in powder form	9
	Shakes (without specifying)	1	Instant chocolate	3
	Paladin "a la taza"	1	Soluble cocoa	2
	Milk products	1	Chocolate substitutes	0.3
	Biscuits	1		
	Chocolate substitutes	0.3		
	Others	5		

Base: Aware of Paladin (375 Housewives)

- P.1. Could you tell me if you know these trademarks?
 P.2. And tell me, what products do you believe possess the trademark PALADIN?

Trademark Notoriety

Ipsos NUTREXPA

Nº E/Pr.: 9346IN41001

DATE OF DELIVERY 04/12/03

FORM OF DELIVERY

- PERSONALLY
- MAIL / COURIER
- MAIL

x

TECHNICIAN: Nuria Borrut

Signature

DOCUMENT 2

EVOLUCION PARTICIPACIONES (VOLUMEN Y VALOR) Y P.V.P. MERCADO BATIDOS DE LECHE (Sin Branding)
PERIODICIDAD: BIMESTRAL



TOTAL ESPAÑA		TAM	TAM	% DE	DIFF PART
		AS 2002	AS 2003	01/05/02	03/10/02
VOLUMEN					
TOTAL MERCADO MILIT		73.199,8	83.003,5	14,5	
OKEY		5,8	4,8	-8,2	-1,1
COLA CAO MIX / ENERGY			0,3		0,3
CACAO LAT		9,1	9,1	14,6	0,0
PASQUAL		8,2	7,5	5,1	-0,7
CHOLECK		10,3	8,8	-2,8	-1,5
PULEVA		20,0	21,7	24,0	1,7
CLASTORAMA		4,7	4,3	6,2	-0,3
MARCAS DISTRIBUCION		25,5	29,6	33,2	4,2
RESTO MARCAS		16,4	13,8	-3,1	-2,5
VALOR					
TOTAL MERCADO EUROS		78.027,5	90.781,9	16,3	
OKEY		7,1	5,9	-2,7	-1,2
COLA CAO MIX / ENERGY			0,7		0,7
CACAO LAT		13,1	13,8	22,6	0,7
PASQUAL		10,7	9,8	6,0	-1,0
CHOLECK		8,8	7,9	4,6	-0,9
PULEVA		21,5	23,4	26,8	1,9
CLASTORAMA		4,1	3,8	8,3	-0,3
MARCAS DISTRIBUCION		17,6	20,0	32,2	2,4
RESTO MARCAS		17,1	14,6	-0,4	-2,5

Fuente: A. C. Nielsen

EVOLUTION OF PARTICIPATION (VOLUME AND VALUE) AND MARKET SALE PRICE
MILK SHAKE MARKET (without Biofruit)
PERIODICITY: BI-MONTHLY

AC NIELSEN

TOTAL SPAIN	TAM AS 2002	TAM AS 2003	% DIF 03 vs 02	DIF PART 03 vs 02
VOLUME				
TOTAL MARKET Thousands of Litres	73,199.8	83,803.5	14.5	
OKEY	5.8	4.8	-6.2	-1.1
COLA CAO MIX / ENERGY	9.1	9.1	0.3	0.3
CACAOLAT	8.2	7.5	14.6	0.0
PASCUAL	10.3	8.8	5.1	-0.7
CHOLECK	20.0	21.7	-2.8	-1.6
PULEVA	4.7	4.3	24.0	1.7
C. L. ASTURIANA	25.5	29.6	6.2	-0.3
DISTRIBUTION TRADEMARKS	16.4	13.6	33.2	4.2
Remaining Trademarks			-3.1	-2.5
VALUE				
TOTAL MARKET VALUE IN EUROS	76,027.6	90,781.9	16.3	
OKEY	7.1	5.9	-2.7	-1.2
COLA CAO MIX / ENERGY	13.1	13.8	0.7	0.7
CACAOLAT	10.7	9.8	22.6	0.7
PASCUAL	8.8	7.9	8.0	-1.0
CHOLECK	21.5	23.4	4.6	0.8
PULEVA	4.1	3.8	26.8	1.8
C. L. ASTURIANA	17.6	20.0	8.3	-0.3
DISTRIBUTION TRADEMARKS	17.1	14.6	32.2	2.4
Remaining Trademarks			-0.4	-2.5

Source: A.C. Nielsen

DOCUMENT 3

Cámara
Sevilla

**DON ANTONIO MARIA FERNANDEZ PALACIOS, SECRETARIO
GENERAL DE LA CAMARA OFICIAL DE COMERCIO, INDUSTRIA
Y NAVEGACION DE SEVILLA**

OFICINA ESPAÑOLA
DE PATENTES Y MARCAS
COTEJADO

CERTIFICA:

Que de la Información practicada entre empresas de esta demarcación, que forman parte del sector de la alimentación, que obra en el archivo de esta Corporación, resulta que la marca:

"OKEY"

es notoriamente conocida en la demarcación de esta Cámara Oficial de Comercio, Industria y Navegación para distinguir productos alimenticios.

Y para que conste y surta los efectos oportunos, se expide la presente certificación en Sevilla, a dieciocho de diciembre de dos mil tres.

Cámara
Sevilla

CÁMARA OFICIAL DE COMERCIO,
INDUSTRIA Y NAVEGACIÓN
EL SECRETARIO GENERAL

Cotejado con el original, es conforme
de 26 de 2008
Madrid, Protocolo

Cámara Oficial de Comercio,
Industria y Navegación
de Sevilla

Plza. de la Contratación n.º 8
41004 - Sevilla
Tfno.: 95 42110 05

Fax: 95 422 56 19
camasevilla@camaradesevilla.com
www.camaradesevilla.com

Chamber

Seville

COLLATED
SPANISH PATENT AND
TRADEMARK OFFICE

MR. ANTONIO MARIA FERNANDEZ PALACIOS, SECRETARY GENERAL OF THE
OFFICIAL CHAMBER OF COMMERCE, INDUSTRY AND NAVIGATION OF
SEVILLE

CERTIFIES: That from the Information obtained from the companies within this
demarcation, which form part of the food sector, in possession of the
archives of this Corporation, it results that the trademark:

"OKEY"

is notoriously known in the demarcation of this Official Chamber of
Commerce, Industry and Navigation for distinguishing food products.

And for the record, and so that it may have the appropriate effects, the
present certification is issued in Seville, on the eighteenth of December
of the year two thousand and three.

Illegible signature

THE SECRETARY GENERAL

Stamp: Official Chamber of Commerce, Industry and Navigation of Seville

*Stamp: Collated with the original, it conforms.
Madrid, 26th of February 2004
Protocol
Illegible signature*

Official Chamber of Commerce
Industry and Navigation
of Seville

Pza. de la Constitución nº 8
41004 - Sevilla
Tel.: 93 421 19 08

Fax: 95 422 56 19
cdnsevilla@camaradesevilla.com
www.camaradesevilla.com



Cambra de Comerç
de Barcelona

RECIBIDO 22 JUL 2004



Exp. 1771/03

DOÑA MARIA DOLORS COLOMER POUS, SECRETARIA GENERAL DE LA CAMARA
OFICIAL DE COMERCIO, INDUSTRIA Y NAVEGACION DE BARCELONA,

CERTIFICA: Que, a petición de HERRERO & ASOCIADOS, S.L., se abrió información por
esta Cámara por medio de la circular adjunta, con el fin de determinar si la denominación
"OKEY" es notoriamente conocida en el sector de la alimentación.

Que, transcurrido un tiempo considerado suficiente desde que se inició la referida consulta
para presumirla agotada, y a la vista del resultado obtenido, es de hacer constar que la
denominación "OKEY" es notoriamente conocida en el sector de la alimentación.

Y para que así conste, extiende esta certificación, en Barcelona, a veintitrés de diciembre de
dos mil tres.



Cambra Oficial
de Comerç
Indústria i Navegació
de Barcelona

Cotejado con el original, es conforme
Madrid, 26 de Julio de 2004
Protocolo de 100 04

Oficines i serveis
Avinguda Diagonal, 452
08006 Barcelona
Telèfon 902 448 448
Telefax 934 169 301
www.cambrabcn.es

Seu corporativa
Casa Llotja de Mar
Passatge d'Isabel II, 1
08003 Barcelona
Telèfon 933 102 412
Telefax 933 103 902

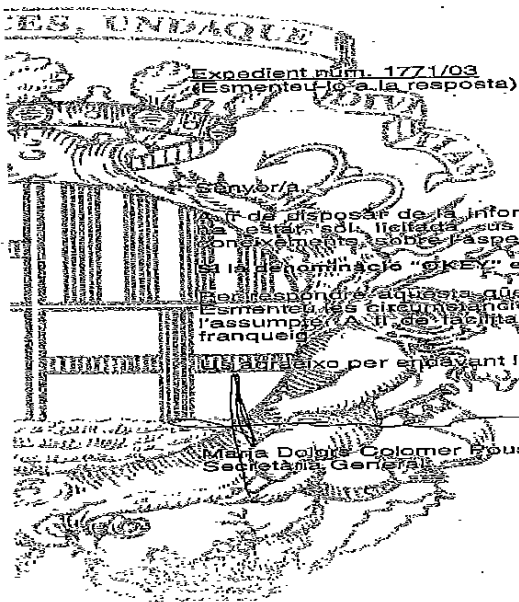




Cambra de Comerç
de Barcelona



Barcelona, 13 de novembre de 2003



Expedient núm. 1771/03
(Esmenteu-lo a la resposta)

Senyor/a,

Per disposar de la informació necessària per emetre una certificació que ens
va estar sol·licitada, demanem que ens informeu, segons els vostres
coneixements, sobre l'aspecte següent:

Si la denominació "KEY" es notòriament coneguda en el sector de l'alimentació.

Per respondre aquesta qüestió ompliu si us plau el qüestionari que us adjuntem.
Esmenteu les circumstàncies i les causes per les quals heu tingut coneixement de
l'assumpte i si de l'actuar-vos la resposta incloem un sobre que no necessita
franqueig.

Us agraïm per endavant la vostra valuosa col·laboració. Atentament,

Maria Dolga Colomer Pous
Secretaria General

Oficines i serveis:
Avinguda Diagonal, 452
08005 Barcelona
Telèfon 902 448 448
Telefax 934 169 901
www.cambra.com.es

Seu corporativa:
Casa Llotja de Mar
Passatge d'Isabel II, 1
08003 Barcelona
Telèfon 933 102 412
Telefax 933 103 902

ANNEX

OKEY

Expedient núm. 1771/03

Nom de l'empresa _____

Adreça _____

Ciutat _____

Telèfon _____

Si la denominació "OKEY" es notòriament coneguda en el sector de l'alimentació.

SI ☐

NO ☐

Resposta:

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Data:

Signatura:

Nom i cognom:.....

Chamber of Commerce
of Barcelona

COLLATED
SPANISH PATENT AND
TRADEMARK OFFICE

File 1771/03

MS. MARIA DOLORS COLOMER POUS, SECRETARY GENERAL OF THE OFFICIAL
CHAMBER OF COMMERCE, INDUSTRY AND NAVIGATION OF BARCELONA

CERTIFIES: That, at the request of HERRERO & ASOCIADOS, S.L., an Informative
file was initiated by this Chamber through the attached circular, with the purpose of
determining if the denomination "OKEY" is notoriously known within the food sector.

That, having elapsed a sufficient period of time since the commencement of the cited
enquiry so as to be able to consider same concluded, and in view of the results
obtained, it is put on record that the denomination "OKEY" is notoriously known within
the food sector.

And for the record, I issue this certification in Barcelona, the twenty-third day of
December of the year two thousand and three.

Illegible signature

Stamp: Official Chamber of Commerce Industry and Navigation of Barcelona

Stamp: Collated with the original, it conforms.
Madrid, 26th of February 2004
Protocol
Illegible signature

Offices and services:
Avinguda Diagonal, 452
08005 Barcelona
Telephone 902 448 448
Fax: 934 168 301
www.cambraben.es

Corporate seal:
Casa Llotja de Mar
Passeig d'Isabel II, 1
08003 Barcelona
Telephone 933 192 412
Fax: 933 103 902

Chamber of Commerce
of Barcelona

COLLATED
SPANISH PATENT AND
TRADEMARK OFFICE

File Nº1771/03
(state in the response)

Barcelona, 13th of November 2003

Ladies/Gentlemen

With the purpose of having available the necessary information so as to be able to issue the certification that has been requested, we kindly ask that you inform us, in accordance with your knowledge and the information at your disposal, the following:

Is the denomination "OKEY" notoriously known in the food sector.

To respond to this question please complete the attached questionnaire, making express mention of the circumstances and causes through which you have received information on the matter. To facilitate your response we include an envelope, which does not require postage, addressed to this Chamber.

Appreciating in advance your valuable collaboration, please receive this warm greeting.

Illegible signature
Maria Dolors Colomer Pous
Secretary General

Offices and services:
Avinguda Diagonal, 452
08003 Barcelona
Telephone 902 448 448
Fax 934 169 301
www.cambrabcn.es

Corporate seat:
Cassa Llotja de Mar
Passatge d'Isabel II, 1
08003 Barcelona
Telephone 933 192 412
Fax 933 103 902

File N°1771/03

ANNEXE

OKEY

Name of the company:

Address:

City:

Telephone:

Is the denomination "OKEY" notoriously known in the food sector

YES

11/11/2019

NO

Response:

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and the role of the accounting system in providing reliable financial information. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document focuses on the internal control system, which is designed to prevent and detect errors and fraud. It outlines the key components of an effective internal control system, including segregation of duties, authorization, and documentation.

3. The third part of the document addresses the external audit process, which is conducted by independent auditors to provide an opinion on the fairness and accuracy of the financial statements. It discusses the role of the auditor and the importance of a strong audit trail.

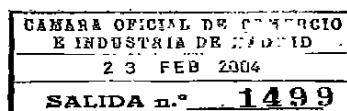
4. The fourth part of the document discusses the impact of accounting on business decision-making. It highlights how financial data is used by management to evaluate performance, identify trends, and make strategic decisions.

5. The fifth part of the document discusses the role of accounting in the broader business environment. It explores how accounting information is used by various stakeholders, including investors, creditors, and regulators, to make informed decisions.

Date:

Signature:

Name and surnames:



ALBERTO DURÁN RUIZ DE HUIDOBRO, SECRETARIO
GENERAL DE LA CAMARA OFICIAL DE COMERCIO E
INDUSTRIA DE MADRID.-

CERTIFICA: Que, de los antecedentes obrantes en esta
Corporación de Derecho Público, y en particu-
lar de la información pública practicada al efecto, se desprende que
la marca OKEY resulta conocida y notoria, en el mercado de Madrid,
para distinguir batidos y/o bebidas lacteadas.

Y para que así conste y surta los efectos oportunos, a petición
de HERRERO & ASOCIADOS, S.L., expido y firmo el presente
Certificado que sello con el de la Corporación, en Madrid, a
dieciocho de febrero de dos mil cuatro.



[Handwritten signature]

Cotejado con el original, es conforme
Madrid, 26 de febrero de 2004
Protocolo

[Handwritten signature]

OFFICIAL CHAMBER OF COMMERCE AND INDUSTRY OF MADRID

COLLATED
SPANISH PATENT AND
TRADEMARK OFFICE

OFFICIAL CHAMBER OF
COMMERCE AND INDUSTRY
OF MADRID
23rd of February 2004
Outgoing Nº 1499

ALBERTO DURAN RUIZ DE HUIDOBRO, SECRETARY GENERAL OF THE
OFFICIAL CHAMBER OF COMMERCE AND INDUSTRY OF MADRID

CERTIFIES:

That, from the files in possession of this Public Law Corporation and, in particular, from the public information effected to this end, it is deduced that the trademark OKEY is known and notorious in the market of Madrid for distinguishing shakes and/or dairy beverages.

And for the record, and so that it may have the appropriate effects, at the request of HERRERO & ASOCIADOS, S.L., I issue and sign the present Certificate that I stamp with the seal of this Corporation, in Madrid, the eighteenth day of February of the year two thousand and four.

Illegible signature
Stamp: Official Chamber of Commerce and Industry of Madrid

Stamp: Collated with the original, it conforms.
Madrid, 26th of February 2004
Protocol
Illegible signature

Cámara
Valladolid



FEDERICO SANZ RUBIALES, Secretario General de la Cámara
Oficial de Comercio e Industria de la provincia de Valladolid,

CERTIFICO: Que según se desprende de la información pública practicada por esta Cámara entre el sector empresarial correspondiente, se acredita que la marca "OKEY" es "NOTORIAMENTE CONOCIDA" dentro de la demarcación de nuestra Corporación.

Y para que conste y surta efectos, expido la presente certificación, en Valladolid a veinte de noviembre de dos mil tres.



Cotejado con el original, es conforme de 20 de 2004
Madrid, Protocolo

Avda. Ramón Pradera, s/n.
47009 Valladolid (España)
Telf.: +34 983 370 400

Fax: +34 983 370 660
camaravalladolid@camaravalladolid.com
www.camaravalladolid.com



Chamber

Valladolid

*Stamp: COLLATED SPANISH PATENT
AND TRADEMARK OFFICE*

FEDERICO SANZ RUBIALES, Secretary General of the Official Chamber of
Commerce and Industry of the province of Valladolid,

CERTIFIES: That in accordance with what is deduced from
the public information obtained by this Chamber within the
corresponding sector, it is accredited that the trademark
"OKEY" is "NOTORIOUSLY KNOWN" within the
demarcation of our Corporation.

And for the record, and so that it may have the appropriate effects, I issue the
present certification in Valladolid, the twentieth day of November of the year two
thousand and three.

Illegible signature

Stamp: Official Chamber of Commerce and Industry of Valladolid

*Stamp: Collated with the original, it conforms.
Madrid, 26th of February 2004
Protocol
Illegible signature*

Avda. Ramón Pradera, s/n
47009 Valladolid (Spain)
Tel.: +34 988 870 400

Fax: +34 983 370 880
camaravalladolid@camaravalladolid.com
www.camaravalladolid.com

27. Ago. 2008 10:24

Nº 1074

P. 52

Consulta de Expedientes - Resultado

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GOBIERNO
DE ESPAÑA

MINISTERIO
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Oficina Española
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Base de datos de situación jurídica
de expedientes

Consulta de Expedientes - Resultado

Seleccione la página que desea u otra consulta	
SITADEX	Expediente:M 312641 (2) Fecha: 8/08/08 9:54:05
MARCA PRODUCTOS/SERVICIOS	
FECHA PRESENTACION SOLICITUD.....	16/10/1956 A LAS
FECHA PRESENTACION SOLICITUD OTORGADA..	16/10/1956
TIPO.....	DENOMINATIVA
DENOMINACION.....	
OKEY	
SOLICITANTE/TITULAR....	POR TRANSFERENCIA NUM.2004.02627 DE F.RESOL.05/11/2004 NUTMARK-GESTAO DE DIREITOS DE PROPIEDAD INTELECTUAL, LDA.
DOMICILIO.....	AV. ARRIAGA, 30 3 H
LOCALIDAD.....	9000 FUNCHAL MADEIRA
PAIS DE RESIDENCIA	PT PORTUGAL
REPRESENTANTE.....	0408 (1) JOSE ANTONIO HERNANDEZ RODRIGUEZ
DOMICILIO.....	C/ ALCALA,35-2
LOCALIDAD.....	MADRID
PROVINCIA/CODIGO: 28014	MADRID
----- CLASES Y PRODUCTOS/SERVICIOS O ACTIVIDADES SOLICITADOS -----	
30 HIELO ARTIFICIAL.	

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Base de datos de situación jurídica
de expedientes

Consulta de Expedientes - Resultado

Seleccione la página que desea u otra consulta

SITADEX Expediente: TM 312641 (2) Fecha: 8/08/08 9:54:27
32 BEBIDAS CASEOSAS Y EFERVESCENTES, SODAS, LIMONADAS, NARANJADAS, REFRESCOS D
E FRUTAS, CON EXCEPCION DE HORCHATAS.
----- CLASES Y PRODUCTOS/SERVICIOS O ACTIVIDADES CONCEDIDOS -----
* LOS SOLICITADOS
----- ACTOS DE TRAMITACION -----
16/11/1956 PUBLICACION DE SOLICITUD
01/12/1957 PUBLIC. CONCESION DE F. RESOL. 25/10/1957
16/12/1977 PUBL. CONCES. RENOV. DE F. RESOL. 16/09/1977
01/04/1996 PUBL. CONCESION TRANSFERENCIA NUM: 1995.02410
05/09/1997 ANOTACION SOLICITUD RENOVACION
16/07/1998 PUBL. CONCES. RENOV. DE F. RESOL. 10/06/1998
27/09/2004 SOLICITUD DE TRANSFERENCIA NUM: 2004.02627
CESIONARIO: NUTMARK-GESTAO DE DIREITOS DE PROPIEDAD INTELECTUAL,
LDA.
16/12/2004 PUBL. CONCESION TRANSFERENCIA NUM: 2004.02627
25/09/2006 ANOTACION SOLICITUD RENOVACION
16/04/2007 PUBL. CONCES. RENOV. DE F. RESOL. 27/03/2007
----- ANOTACIONES DE PAGOS -----

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jurídica de expedientes

Consulta de Expedientes - Resultado

Seleccione la página que desea u otra consulta		
SITADEx	Expediente: M 312641 (2)	Fecha: 8/08/08 9:54:37
16/01/1978	PAGO DE TITULO	
16/01/1978	PAGO DEL PRIMER QUINQUENIO	
18/10/1982	PAGO DEL SEGUNDO QUINQUENIO	
07/10/1987	PAGO DEL TERCER QUINQUENIO	
10/09/1992	PAGO DEL CUARTO QUINQUENIO	
05/08/1998	PAGO DE TITULO	
05/08/1998	PAGO DEL PRIMER QUINQUENIO	
27/09/2001	PAGO DEL SEGUNDO QUINQUENIO	

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File enquiry - Result

Select the desired page or another enquiry

ESTADEX FILE: M 312641 (2) DATE: 07/07/08 19:38:42

TRADE / SERVICE MARK

APPLICATION FILING DATE: 16/10/1956 AT

ALLOTTED APPLICATION FILING DATE.: 16/10/1956

TYPE: WORD MARK

NAME:

OKEY

APPLICANT/HOLDER . . . : BY ASSIGNMENT N°2004.02627,
RESOLUTION DATED 05/11/2004
NUTMARK-GESTAO DE DIREITOS DE
PROPRIEDADE INTELECTUAL, LDA.

DOMICILE: AV. ARRIAGA, 30 - 3 H

LOCALITY: 9000 FUNCHAL MADEIRA

COUNTRY OF RESIDENCE: PT PORTUGAL

REPRESENTATIVE . . . : 0408 (1) JOSE ANTONIO HERNANDEZ
RODRIGUEZ

DOMICILE: C/ALCALA, 35-2

LOCALITY: MADRID

PROVINCE/POSTCODE: 28014 MADRID

- - CLASSES AND GOODS/SERVICES OR ACTIVITIES CLAIMED - -
30 ARTIFICIAL ICE.

32 AERATED AND EFFERVESCENT BEVERAGES, SODA WATER,
LEMONADES, ORANGEADES, FRUIT SOFT-DRINKS EXCEPT NUT
MILK

- - CLASSES AND GOODS/SERVICES OR ACTIVITIES GRANTED - -
* THOSE CLAIMED

- - - - - PROCESSING INCIDENTS - - - - -

16/11/1956 PUBLICATION OF THE APPLICATION

01/12/1957 PUBLICATION OF THE GRANTING, RESOLUTION
DATED 25/10/1957

16/12/1977 PUBLICATION OF THE GRANTING OF THE RENEWAL,
RESOLUTION DATED 16/09/1977

01/04/1996 PUBLICATION OF THE GRANTING OF ASSIGNMENT
N°1995.02410

05/09/1997 RECORDAL OF THE FILING OF A RENEWAL
APPLICATION

16/07/1998 PUBLICATION OF THE GRANTING OF THE RENEWAL,
RESOLUTION DATED 10/06/1998

27/09/2004 FILING OF AN ASSIGNMENT APPLICATION,
N°2004.02627

SITADEX File: M 312641 (2) Date: 07/07/08 19:38:42
ASSIGNEE: NUTMARK-GESTAO DE DIREITOS DE
PROPRIEDADE INTELECTUAL, LDA.
16/12/2004 PUBLICATION OF THE GRANTING OF ASSIGNMENT
Nº 2004.02627
25/09/2006 RECORDAL OF THE FILING OF A RENEWAL
APPLICATION
16/04/2007 PUBLICATION OF THE GRANTING OF THE RENEWAL,
RESOLUTION DATED 27/03/2002
- - - -RECORDAL OF THE PAYMENT OF OFFICIAL FEES- - - -
16/01/1978 PAYMENT OF THE FEES FOR THE ISSUANCE OF THE
CERTIFICATE OF REGISTRATION
16/01/1978 PAYMENT OF THE FIRST QUINQUENNIAL
18/10/1982 PAYMENT OF THE SECOND QUINQUENNIAL
07/10/1987 PAYMENT OF THE THIRD QUINQUENNIAL
10/09/1992 PAYMENT OF THE FOURTH QUINQUENNIAL
05/08/1998 PAYMENT OF THE FEES FOR THE ISSUANCE OF THE
CERTIFICATE OF REGISTRATION
05/08/1998 PAYMENT OF THE FIRST QUINQUENNIAL
27/09/2001 PAYMENT OF THE SECOND QUINQUENNIAL

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SITADEX	Expediente: M 1011486 (6) Fecha: 8/08/08 9:57:08
MARCA PRODUCTOS/SERVICIOS	
FECHA PRESENTACION SOLICITUD.....	13/07/1982 A LAS 09:26 EN MADRID
FECHA PRESENTACION SOLICITUD OTORGADA.: 13/07/1982	
TIPO.....	MIXTA
DENOMINACION.....	
OKEY	
SOLICITANTE/TITULAR....	POR TRANSFERENCIA NUM.1998.01150 DE F.RESOL.03/12/1998 NUTMARK-GESTAO DE DIREITOS DE PROPIEDAD INTELECTUAL, LDA.
DOMICILIO.....	AV. ARRIAGA, 30 3H
LOCALIDAD.....	9000-FUNCHAL, MADRIRA
PAIS DE RESIDENCIA	PT PORTUGAL
REPRESENTANTE.....	0284 (4) ----- BAJA -----
----- CLASES Y PRODUCTOS/SERVICIOS O ACTIVIDADES CONCEDIDOS -----	
29 TODA CLASE DE PRODUCTOS ALIMENTICIOS, CONSERVAS DE PESCADO, DE MARISCOS Y S	
ALAZONES Y ESPECIALMENTE BEBIDAS A BASE DE LECHE.	
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27.05.04	

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SITADEX Expediente: M 1011486 (6) Fecha: 8/08/08 9:57:18
----- ACTOS DE TRAMITACION -----
16/12/1982 PUBLICACION DE SOLICITUD
14/01/1983 OPOSICION DE LA MARCA 0501903
11/02/1983 OPOSICION DE LA MARCA 0433382
15/02/1983 OPOSICION DE LA MARCA INTERNACIONAL 0493605
16/07/1983 PUBL.SUSPENSO FONDO DE F.RESOL 05/05/1983
31/01/1984 PUBLIC. CONCESION DE F. RESOL. 20/10/1983
16/04/1984 PUBLIC.INTERP.RECURSO DE FECHA: 27/02/1984
CONTRA CONCESION
16/04/1984 PUBLIC.INTERP.RECURSO DE FECHA: 16/02/1984
CONTRA CONCESION
16/05/1985 PUBL.RECURSO DESESTIM.F.RESOL. 23/02/1985
16/05/1985 PUBL.RECURSO ESTIMADO F.RESOL. 22/03/1985
01/07/1985 PUBLIC. DENEGACION DE F.RESOL: 22/03/1985
01/07/1985 PUBL.DENEG.POR RECUR. F.RESOL. 22/03/1985
27/12/1985 ANOTACION ENVIO A TRIBUNALES
31/03/1986 ANOTACION ENVIO A TRIBUNALES
30/07/1988 ESTIMACION RECURSO C.A. NRO.: 671-S-85

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SITADEX Expediente: M 1011486 (6) Fecha: 8/08/08 9:57:24
01/02/1990 PUBL. CONCE. POR SENTEN. FECHA: 30/07/1988
25/04/1997 SOLICITUD DE TRANSFERENCIA NUM: 1997.01090
CESIONARIO: NUTMARK-GESTAO DE DIREITOS DE PROPIEDAD INTELECTUAL,
SOCIEDADE UNIPessoal, LDA.
01/08/1997 PUBL. CONCESION TRANSFERENCIA NUM: 1997.01090
01/10/1997 PUBLICACION RECTIFICACION TRANSFERENCIA NUM: 1997.01090 DEPENDE DE
CODIGO EN GTRDAT
08/05/1998 SOLICITUD DE TRANSFERENCIA NUM: 1998.01150
CESIONARIO: NUTMARK-GESTAO DE DIREITOS DE PROPIEDAD INTELECTUAL,
LDA.
01/12/1998 PUBLIC. SUSPENSO TRANSFERENCIA NUM: 1998.01150
01/02/1999 PUBL. CONCESION TRANSFERENCIA NUM: 1998.01150
08/07/2008 ANOTACION SOLICITUD RENOVACION
----- ANOTACIONES DE PAGOS -----
15/02/1984 PAGO DE TITULO
15/02/1984 PAGO DEL PRIMER QUINQUENIO
12/02/1990 PAGO DE TITULO
12/02/1990 PAGO DEL PRIMER QUINQUENIO

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SITADEx	Expediente: M 1011486 (6)	Fecha: 8/08/08 9:57:29
20/07/1993	PAGO DEL SEGUNDO QUINQUENIO	
31/07/1998	PAGO DEL TERCER QUINQUENIO	
10/07/2003	PAGO DEL CUARTO QUINQUENIO	

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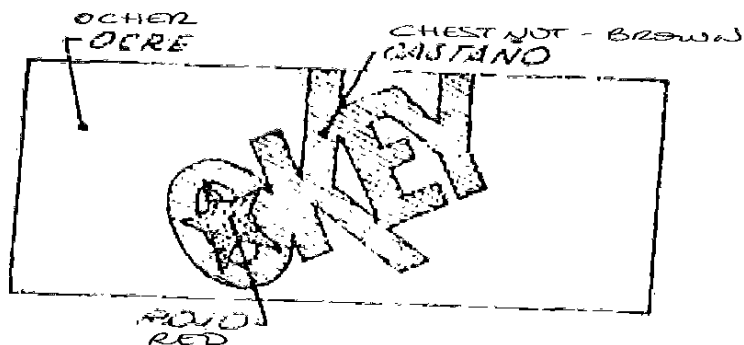
Fecha de la consulta
martes 26 de agosto
de 2008

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**Información relacionada con el expediente:
M 1011486**

Titular	NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA.
Denominación	OKEY
Tipo Distintivo	Denominativo con gráfico
Situación	EN VIGOR: PUBLICACION CONCESION
Fecha de situación	01/02/1990
Clasificación de Niza	29



Si la imagen se presenta
desproporcionada (Alto.
Ancho). Pinche aquí

Clase	Productos/Servicios
29	TODA CLASE DE PRODUCTOS ALIMENTICIOS, CONSERVAS DE PESCADO, DE MARISCOS Y SALAZONES Y ESPECIALMENTE BEBIDAS A BASE DE LECHE.

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26/08/2008



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situation of files

File enquiry - Result

Select the desired page or another enquiry

SITADEX File: M 1011486 (6) Date: 07/07/08 19:39:32

TRADE / SERVICE MARK

APPLICATION FILING DATE 13/07/1982 AT 09:26
IN MADRID

ALLOTTED APPLICATION FILING DATE.: 13/07/1982

TYPE FIGURATIVE

NAME:

OKEY

APPLICANT/HOLDER . . . : BY ASSIGNMENT Nº1998.01150,
RESOLUTION DATED 03/12/1998
NUTMARK-GESTAO DE DIREITOS DE
PROPRIEDADE INTELECTUAL, LDA.

DOMICILE AV. ARRIAGA, 30 - 2 F
-MADEIRA- PORTUGAL

COUNTRY OF RESIDENCE: PT PORTUGAL

REPRESENTATIVE. . . : 0284 (4) - - - - DELISTED - - - -

DOMICILE C/ALCALA, 35-2

LOCALITY MADRID

PROVINCE/POSTCODE: 28014 MADRID

- - CLASSES AND GOODS/SERVICES OR ACTIVITIES CLAIMED - -
29 GOODS/SERVICES NOT AVAILABLE AT THIS TIME

- - - - - VIENNA CLASSIFICATION- - - - -
27.05.04

- - - - - PROCESSING INCIDENTS- - - - -

16/12/1982 PUBLICATION OF THE APPLICATION

14/01/1983 OPPOSITION FROM TRADEMARK Nº0501903

11/02/1983 OPPOSITION FROM TRADEMARK Nº0433382

15/02/1983 OPPOSITION FROM INTERNATIONAL

TRADEMARK Nº0493605

16/07/1983 PUBLICATION OF A GROUNDED OFFICIAL ACTION,
RESOLUTION DATED 05/05/1983

31/01/1984 PUBLICATION OF THE GRANTING, RESOLUTION
DATED 20/10/1983

16/04/1984 PUBLICATION OF THE FILING OF AN APPEAL,
DATED 27/02/1984, AGAINST ITS GRANTING

16/04/1984 PUBLICATION OF THE FILING OF AN APPEAL,
DATED 16/02/1984, AGAINST ITS GRANTING

16/05/1985 PUBLICATION OF THE DISMISSAL OF THE APPEAL,
RESOLUTION DATED 23/02/1985

16/05/1985 PUBLICATION OF THE ACCEPTANCE OF THE APPEAL,
RESOLUTION DATED 22/03/1985

SITADEX File: M 1011486 (6) Date: 07/07/08 19:39:32

01/07/1985 PUBLICATION OF THE REFUSAL, RESOLUTION
DATED 22/03/1985

01/07/1985 PUBLICATION OF THE REFUSAL DUE TO THE APPEAL,
RESOLUTION DATED 22/03/1985

27/12/1985 RECORDAL OF THE FORWARDING OF THE CASE TO THE
COURTS

31/03/1986 RECORDAL OF THE FORWARDING OF THE CASE TO THE
COURTS

30/07/1988 ACCEPTANCE OF A CONTENTIOUS-ADMINISTRATIVE
APPEAL, NUMBER 671-S-85

01/02/1990 PUBLICATION OF THE GRANTING, THROUGH A
JUDGEMENT DATED 30/07/1988

25/04/1997 FILING OF AN ASSIGNMENT APPLICATION,
Nº1997.01090
ASSIGNEE: NUTMARK-GESTAO DE DIREITOS DE
PROPRIEDADE INTELECTUAL, SOCIEDADE
UNIPESSOAL, LDA.

01/08/1997 PUBLICATION OF THE GRANTING OF ASSIGNMENT
Nº1997.01090

01/10/1997 PUBLICATION OF THE RECTIFICATION OF
ASSIGNMENT Nº1997.01090, DEPENDS ON THE
CODE IN GTRDAT

08/05/1998 FILING OF AN ASSIGNMENT APPLICATION,
Nº1998.01150
ASSIGNEE: NUTMARK-GESTAO DE DIREITOS DE
PROPRIEDADE INTELECTUAL, LDA.

01/12/1998 PUBLICATION OF THE DISMISSAL OF ASSIGNMENT
Nº1998.01150

01/02/1999 PUBLICATION OF THE GRANTING OF ASSIGNMENT
Nº1998.01150

- - - -RECORDAL OF THE PAYMENT OF OFFICIAL FEES- - - -

15/02/1984 PAYMENT OF THE FEES FOR THE ISSUANCE OF THE
CERTIFICATE OF REGISTRATION

15/02/1984 PAYMENT OF THE FIRST QUINQUENNIAL

12/02/1990 PAYMENT OF THE FEES FOR THE ISSUANCE OF THE
CERTIFICATE OF REGISTRATION

12/02/1990 PAYMENT OF THE FIRST QUINQUENNIAL

20/07/1993 PAYMENT OF THE SECOND QUINQUENNIAL

31/07/1998 PAYMENT OF THE THIRD QUINQUENNIAL

10/07/2003 PAYMENT OF THE FOURTH QUINQUENNIAL

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de expedientes

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Seleccione la página que desea u otra consulta

STADDEX	Expediente:M 2315666 (X)	Fecha: 8/08/08 9:55:00
MARCA PRODUCTOS/SERVICIOS		
FECHA PRESENTACION SOLICITUD.....: 16/05/2000 A LAS 13:18 EN MADRID		
FECHA PRESENTACION SOLICITUD OTORGADA.: 16/05/2000		
TIPO.....: MIXTA		
DENOMINACION.....:		
OKEY		
SOLICITANTE/TITULAR....: NUTMARK-GESTAO DE DIREITOS DE PROPIEDAD INTELECTUAL, LDA.		
DOMICILIO.....: AV. ARRIAGA, 30, 3. ANDAR, LETRA H.		
LOCALIDAD.....: 9000 FUNCHAL		
PAIS DE RESIDENCIA: PT PORTUGAL		
REPRESENTANTE....: 0388 (3) ADELAIDA PONTI SALES		
DOMICILIO.....: C/ CONSELL DE CENT, 322		
LOCALIDAD.....: BARCELONA		
PROVINCIA/CODIGO: 08007 BARCELONA		
----- CLASES Y PRODUCTOS/SERVICIOS O ACTIVIDADES SOLICITADOS -----		
29 CARNE, PESCADO, AVES Y CAZA; EXTRACTOS DE CARNE; FRUTAS Y LEGUMBRES EN CONS		
ERVA, SECAS Y COCIDAS; JALEAS, MERMELADAS, COMPOTAS; HUEVOS, LECHE Y PRODUC		

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Base de datos de situación jurídica
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SITADEx Expediente: M 2315666 (X) Fecha: 8/08/08 9:55:10
TOS LACTEOS, ESPECIALMENTE BEBIDAS A BASE DE LECHE; ACEITES Y GRASAS COMEST
IBLES.
----- CLASES Y PRODUCTOS/SERVICIOS O ACTIVIDADES CONCEDIDOS -----
* LOS SOLICITADOS
----- CLASIFICACION DE VIENA -----
01.01.02 05.05.21
----- ACTOS DE TRAMITACION -----
01/08/2000 PUBLICACION DE SOLICITUD
01/01/2001 PUBLIC. CONCESION DE F. RESOL. 06/11/2000
----- ANOTACIONES DE PAGOS -----
10/01/2001 PAGO DE TASA DE REGISTRO

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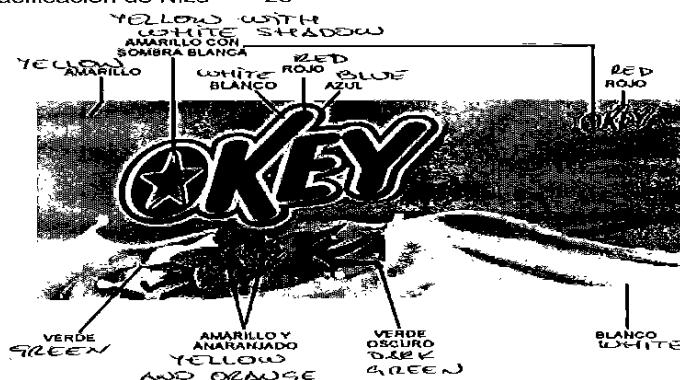
Fecha de la consulta
martes 26 de agosto
de 2008

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Información relacionada con el expediente:
M 2315666

Titular	NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA.
Denominación	OKEY
Tipo Distintivo	Denominativo con gráfico
Situación	EN VIGOR: PUBLICACION CONCESION
Fecha de situación	01/01/2001
Clasificación de Niza	29



Si la imagen se presenta desproporcionada (Alto, Ancho), Pinche aquí

Clase	Productos/Servicios
29	CARNE, PESCADO, AVES Y CAZA; HUEVOS; FRUTAS Y LEGUMBRES EN CONSERVA, SECAS Y COCIDAS; JALEAS, MARMELADAS, COMPOSTAS; EXTRAOS, LECHE Y PRODUCTOS LACTEOS, ESPECIALMENTE BEBIDAS A BASE DE LECHE, ACEITES Y GRASAS COMESTIBLES.

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File enquiry - Result

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SITADDEX File: M 2315886 (X) Date: 07/07/08 19:40:05

TRADE / SERVICE MARK

APPLICATION FILING DATE: 16/05/2000 AT 13:18
IN MADRID

ALLOTED APPLICATION FILING DATE.: 16/05/2000

TYPE: FIGURATIVE

NAME:

OKEY

APPLICANT/HOLDER: NUTMARK-GESTAO DE DIREITOS DE
PROPRIEDADE INTELECTUAL, LDA.

DOMICILE: AV. ARRIAGA, 30, 3. ANDAR, LETRA H

LOCALITY: 9000 FUNCHAL

COUNTRY OF RESIDENCE: PT PORTUGAL

REPRESENTATIVE...: 0388 (3) ADELAIDA PONTI SALES

DOMICILE: C/CONSELL DE CENT, 322

LOCALITY: BARCELONA

PROVINCE/POSTCODE: 08007 BARCELONA

- - CLASSES AND GOODS/SERVICES OR ACTIVITIES CLAIMED - -
29 MEAT, FISH, POULTRY AND GAME; MEAT EXTRACTS;
PRESERVED, DRIED AND COOKED FRUITS AND VEGETABLES;
JELLIES, JAMS, COMPOTES, EGGS, MILK AND MILK
PRODUCTS, ESPECIALLY MILK BASED BEVERAGES; EDIBLE
OILS AND FATS.

- - CLASSES AND GOODS/SERVICES OR ACTIVITIES GRANTED - -
* THOSE CLAIMED

- - - - - VIENNA CLASSIFICATION- - - - -
01.01.02 05.05.21

- - - - - PROCESSING INCIDENTS- - - - -

01/08/2000 PUBLICATION OF THE APPLICATION

01/01/2001 PUBLICATION OF THE GRANTING, RESOLUTION

DATED 06/11/2000

- - - -RECORDAL OF THE PAYMENT OF OFFICIAL FEES- - - -

10/01/2001 PAYMENT OF THE REGISTRATION FEES

27. Ago. 2008 10:27

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SITADEx	Expediente: M 2315667 (8)	Fecha: 8/08/08 9:57:56
MARCA PRODUCTOS/SERVICIOS		
FECHA PRESENTACION SOLICITUD.....: 16/05/2000 A LAS 13:18 EN MADRID		
FECHA PRESENTACION SOLICITUD OTORGADA.: 16/05/2000		
TIPO.....: MIXTA		
DENOMINACION.....:		
OKEY		
SOLICITANTE/TITULAR....: NUTMARK-GESTAO DE DIREITOS DE PROPIEDAD INTELECTUAL, LDA.		
DOMICILIO.....: AV. ARRIAGA, 30, 3.º ANDAR, LETRA H.		
LOCALIDAD.....: 9000 FUNCHAL		
PAIS DE RESIDENCIA.....: PT PORTUGAL		
REPRESENTANTE.....: 0388 (3) ADELAIDA PONTI SALES		
DOMICILIO.....: C/ CONSELL DE GENT, 322		
LOCALIDAD.....: BARCELONA		
PROVINCIA/CODIGO: 08007 BARCELONA		
----- CLASES Y PRODUCTOS/SERVICIOS O ACTIVIDADES SOLICITADOS -----		
29 CARNE, PESCADO, AVES Y CAZA; EXTRACTOS DE CARNE; FRUTAS Y LEGUMBRERES EN CONS		
ERVA, SECAS Y COCIDAS; JALEAS, MERMELADAS, COMBOTAS; HUEVOS, LECHE Y PRODUC		

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SITADEX Expediente M 2315667 (8) Fecha: 8/08/08 9:58:03
TOS LACTEOS, ESPECIALMENTE BEBIDAS A BASE DE LECHE; ACEITES Y GRASAS COMEST
IBLES.
----- CLASES Y PRODUCTOS/SERVICIOS O ACTIVIDADES CONCEDIDOS -----
* LOS SOLICITADOS
----- CLASIFICACION DE VIENA -----
01.01.02 05.07.08
----- ACTOS DE TRAMITACION -----
01/08/2000 PUBLICACION DE SOLICITUD
01/01/2001 PUBLIC. CONCESION DE F. RESOL. 06/11/2000
----- ANOTACIONES DE PAGOS -----
10/01/2001 PAGO DE TASA DE REGISTRO

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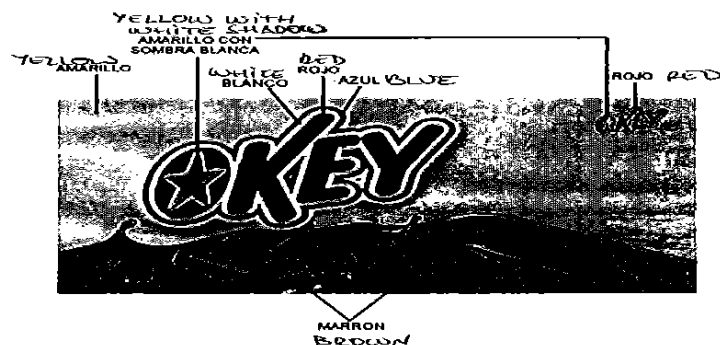
Fecha de la consulta
martes 26 de agosto
de 2008

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Información relacionada con el expediente:
M 2315667

Titular	NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA.
Denominación	OKEY
Tipo Distintivo	Denominativo con gráfico
Situación	EN VIGOR: PUBLICACION CONCESION
Fecha de situación	01/01/2001
Clasificación de Niza	29



Si la imagen se presenta desproporcionada (Alto. Ancho), Pinche aquí

Clase	Productos/Servicios
29	CARNE, PESCADO, AVES Y CAZA; EXTRACTOS DE CARNE; FRUTAS Y LEGUMBRES EN CONSERVA, SECAS Y COCIDAS; JALEAS, MARMALADAS, COMPOSTAS; HUEVOS, LECHE Y PRODUCTOS LACTEOS, ESPECIALMENTE BEBIDAS A BASE DE LECHE; ACEITES Y GRASAS COMESTIBLES.

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File enquiry - Result

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SITADEX File: N 2315667 (B) Date: 07/07/08 19:40:27

TRADE / SERVICE MARK

APPLICATION FILING DATE : 16/05/2000 AT 13:18
IN MADRID

ALLOTTED APPLICATION FILING DATE.: 16/05/2000

TYPE : FIGURATIVE

NAME:

OKEY

APPLICANT/HOLDER : NUTMARK-GESTAO DE DIREITOS DE
PROPRIEDADE INTELECTUAL, LDA.

DOMICILE : AV. ARRIAGA, 30, 3. ANDAR, LETRA H

LOCALITY : 9000 FUNCHAL

COUNTRY OF RESIDENCE: PT PORTUGAL

REPRESENTATIVE.: 0388 (3) ADELAIDA PONTI SALES

DOMICILE : C/CONSELL DE CENT, 322

LOCALITY : BARCELONA

PROVINCE/POSTCODE: 08007 BARCELONA

- CLASSES AND GOODS/SERVICES OR ACTIVITIES CLAIMED - -
29 MEAT, FISH, POULTRY AND GAME; MEAT EXTRACTS;
PRESERVED, DRIED AND COOKED FRUITS AND VEGETABLES;
JELLIES, JAMS, COMPOTES, EGGS, MILK AND MILK
PRODUCTS, ESPECIALLY MILK BASED BEVERAGES; EDIBLE
OILS AND FATS.

- CLASSES AND GOODS/SERVICES OR ACTIVITIES GRANTED - -
* THOSE CLAIMED

- - - - - VIENNA CLASSIFICATION- - - - -
01.01.02 05.07.08

- - - - - PROCESSING INCIDENTS- - - - -

01/08/2000 PUBLICATION OF THE APPLICATION

01/01/2001 PUBLICATION OF THE GRANTING, RESOLUTION
DATED 06/11/2000

- - - - -RECORDAL OF THE PAYMENT OF OFFICIAL FEES- - - - -

10/01/2001 PAYMENT OF THE REGISTRATION FEES

27. Ago. 2008 10:28

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SITADEx	Expediente: M 2315668 (6) Fecha: 8/08/08 9:55:40
MARCA PRODUCTOS/SERVICIOS	
FECHA PRESENTACION SOLICITUD.....	16/05/2000 A LAS 13:19 EN MADRID
FECHA PRESENTACION SOLICITUD OTORGADA..	16/05/2000
TIPO.....	MIXTA
DENOMINACION.....	
OKEY	
SOLICITANTE/TITULAR....	NUTMARK-GESTAO DE DIREITOS DE PROPIEDAD INTELECTUAL, LDA.
DOMICILIO.....	AV. ARRIAGA, 30, 3. ANDAR, LETRA H.
LOCALIDAD.....	9000 FUNCHAL
PAIS DE RESIDENCIA	PT PORTUGAL
REPRESENTANTE.....	0408 (1) JOSE ANTONIO HERNANDEZ RODRIGUEZ
DOMICILIO.....	C/ ALCALA, 35-2
LOCALIDAD.....	MADRID
PROVINCIA/CODIGO: 28014	MADRID
----- CLASES Y PRODUCTOS/SERVICIOS O ACTIVIDADES SOLICITADOS -----	
29 CARNE, PESCADO, AVES Y CAZA; EXTRACTOS DE CARNE; FRUTAS Y LEGUMBRES EN CONS	
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SITADEX Expediente: M 2315668 (S) Fecha: 8/08/08 9:55:49
TOS LACTEOS, ESPECIALMENTE BEBIDAS A BASE DE LECHE; ACEITES Y GRASAS COMEST
IBLES.
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* LOS SOLICITADOS
----- CLASIFICACION DE VIENA -----
05.07.08 27.05.03 27.05.04
----- ACTOS DE TRAMITACION -----
01/08/2000 PUBLICACION DE SOLICITUD
20/03/2001 PERSONACION AGENTE, AGENTE ANTERIOR: 0388
16/04/2001 PUBLIC. CONCESION DE F. RESOL. 06/11/2000
----- ANOTACIONES DE PAGOS -----
11/05/2001 PAGO DE TASA DE REGISTRO

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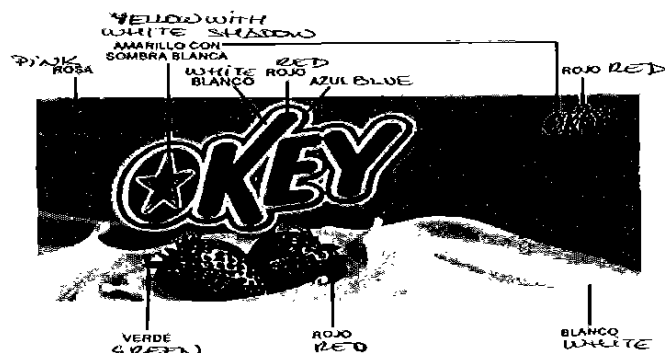
Fecha de la consulta
martes 26 de agosto
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**Información relacionada con el expediente:
M 2315668**

Titular	NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA.
Denominación	OKEY
Tipo Distintivo	Denominativo con gráfico
Situación	EN VIGOR: PUBLICACION CONCESION
Fecha de situación	16/04/2001
Clasificación de Niza	29



Si la imagen se presenta
desproporcionada (Alto,
Ancho), Pinche aquí

Clase	Productos/Servicios
29	CARNE, PESCADO, AVES Y CAZA; EXTRACTOS DE CARNE; FRUTAS Y LEGUMBRES EN CONSERVA, SECAS Y COCIDAS; JALEAS, MERMELADAS, COMPOTAS; HUEVOS, LECHE Y PRODUCTOS LACTEOS, ESPECIALMENTE BEBIDAS A BASE DE LECHE; ACEITES Y GRASAS COMESTIBLES.

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File enquiry - Result

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SITADEX File: M/2315669/(6) Date: 07/07/08 19:40:49

TRADE / SERVICE MARK
APPLICATION FILING DATE 16/05/2000 AT 13:19
IN MADRID
ALLOTED APPLICATION FILING DATE.: 16/05/2000
TYPE: FIGURATIVE
NAME:
OKEY
APPLICANT/HOLDER: NUTMARK-GESTAO DE DIREITOS DE
PROPRIEDADE INTELECTUAL, LDA.
DOMICILE: AV. ARRIAGA, 30, 3. ANDAR, LETRA H
LOCALITY: 9000 FUNCHAL
COUNTRY OF RESIDENCE: PT PORTUGAL
REPRESENTATIVE....: 408 (1) JOSE ANTONIO HERNANDEZ
RODRIGUEZ
DOMICILE: C/ALCALA, 35-2
LOCALITY: MADRID
PROVINCE/POSTCODE: 28014 MADRID
- - CLASSES AND GOODS/SERVICES OR ACTIVITIES CLAIMED - -
29 MEAT, FISH, POULTRY AND GAME; MEAT EXTRACTS;
PRESERVED, DRIED AND COOKED FRUITS AND VEGETABLES;
JELLIES, JAMS, COMPOTES, EGGS, MILK AND MILK
PRODUCTS, ESPECIALLY MILK BASED BEVERAGES; EDIBLE
OILS AND FATS.
- - CLASSES AND GOODS/SERVICES OR ACTIVITIES GRANTED - -
* THOSE CLAIMED
- - - - - VIENNA CLASSIFICATION- - - - -
05.07.08 27.05.03 27.05.04
- - - - - PROCESSING INCIDENTS- - - - -
01/08/2000 PUBLICATION OF THE APPLICATION
20/03/2001 RECORDAL AS THE ATTORNEY-OF-RECORD,
PREVIOUS AGENT: 0388
16/04/2001 PUBLICATION OF THE GRANTING, RESOLUTION
DATED 06/11/2000
- - - - -RECORDAL OF THE PAYMENT OF OFFICIAL FEES- - - - -
11/05/2001 PAYMENT OF THE REGISTRATION FEES

27. Ago. 2008: 10:29

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SITADEX	Expediente: M 2560444 (9)	Fecha: 9/08/08 9:56:25
MARCA PRODUCTOS/SERVICIOS		
FECHA PRESENTACION SOLICITUD.....	03/10/2003 A LAS 11:35 EN OEPM	
FECHA PRESENTACION SOLICITUD OTORGADA..	03/10/2003	
TIPO.....	MIXTA	
DENOMINACION.....		
BI-OKEY		
SOLICITANTE/TITULAR....	NUMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA.	
DOMICILIO.....	AV. ARRIAGA, 30 3H	
LOCALIDAD.....	9000-FUNCHAL MADEIRA	
PAIS DE RESIDENCIA	PT PORTUGAL	
REPRESENTANTE.....	0408 (1) JOSE ANTONIO HERNANDEZ RODRIGUEZ	
DOMICILIO.....	C/ ALCALA, 35-2	
LOCALIDAD.....	MADRID	
PROVINCIA/CODIGO: 28014	MADRID	
----- COLORES REIVINDICADOS -----		
AZUL, BLANCO, ROJO, NARANJA		
----- CLASES Y PRODUCTOS/SERVICIOS O ACTIVIDADES SOLICITADOS -----		

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Base de datos de situación jurídica
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Seleccione la página que desea u otra consulta		
SITADEX	Expediente: M 2560444 (9)	Fecha: 8/08/08 9:56:37
29 CARNE, PESCADO, AVES Y CAZA; EXTRACTOS DE CARNE; FRUTAS Y LEGUMBRES EN CONS ERVA, BECAS Y COCIDAS; GELATINAS, MERMELADAS, COMPOTAS; HUEVOS, LECHE Y PRO DUCTOS LACTEOS; ACEITES Y GRASAS COMESTIBLES, PLATOS PRECOCINADOS A BASE DE CARNE Y PESCADO, GAZPACHO; BEBIDAS LACTEADAS EN LAS QUE PREDOMINA LA LECHE		
32 CERVEZAS; AGUAS MINERALES Y GASEOSAS Y OTRAS BEBIDAS NO ALCOHOLICAS; BEBIDA S Y ZUMOS DE FRUTAS; SIROPE Y OTRAS PREPARACIONES PARA HACER BEBIDAS; BEBI DAS A BASE DE SUERO DE LECHE; BEBIDAS ISOTONICAS; BEBIDAS REFRESCANTES NO A LCOHOLICAS EN LAS QUE PREDOMINA EL ZUMO DE FRUTAS CON LECHE Y GINSENG; ZUMO DE FRUTAS; NECTAR DE FRUTAS.		
----- CLASES Y PRODUCTOS/SERVICIOS O ACTIVIDADES CONCEDIDOS -----		
* LOS SOLICITADOS		
----- CLASIFICACION DE VIENA -----		
01.01.02	27.05.02	
----- ACTOS DE TRAMITACION -----		
29/10/2003	COMUNICACION A TITULARES DERECHOS ANTERIORES (ART.18,4LM) :	
	MO493605	
16/11/2003	PUBLICACION DE SOLICITUD	

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Base de datos de situación
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Seleccione la página que desea u otra consulta

SITADEx	Expediente: M 2560444 (9)	Fecha: 8/08/08 9:56:44
30/01/2004	OPOSICIÓN DE LA MARCA COMUNITARIA 0543983	
	(FUERA DE PLAZO)	
01/04/2004	PUBLIC. CONCESION DE F. RESOL. 26/02/2004	

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Fecha de la consulta
martes 26 de agosto
de 2008

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**Información relacionada con el expediente:
M 2560444**

Titular	NUMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA.
Denominación	BI-OKEY
Tipo Distintivo	Denominativo con gráfico
Situación	EN VIGOR: PUBLICACION CONCESION
Fecha de situación	01/04/2004
Clasificación de Niza	29 32



Si la imagen se presenta
desproporcionada (Alto.
Ancho). Pinche aquí

Clase	Productos/Servicios
29	CARNE, PESCADO, AVES Y CAZA; EXTRACTOS DE CARNE; FRUTAS Y LEGUMBRES EN CONSERVA, SECAS Y COCIDAS; GELATINAS, MERMELADAS, COMPOTAS; HUEVOS, LECHE Y PRODUCTOS LACTEOS; ACEITES Y GRASAS COMESTIBLES, PLATOS PRECOCINADOS A BASE DE CARNE Y PESCADO, GAZPACHO; BEBIDAS LACTEADAS EN LAS QUE PREDOMINA LA LECHE.
32	CERVEZAS; AGUAS MINERALES Y GASEOSAS Y OTRAS BEBIDAS NO ALCOHOLICAS; BEBIDAS Y ZUMOS DE FRUTAS; SIROPES Y OTRAS PREPARACIONES PARA HACER BEBIDAS; BEBIDAS A BASE DE SUERO DE LECHE; BEBIDAS ISOTONICAS; BEBIDAS REFRESCANTES NO ALCOHOLICAS EN LAS QUE PREDOMINA EL ZUMO DE FRUTAS CON LECHE Y GINSENG; ZUMO DE FRUTAS; NECTAR DE FRUTAS.

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Data base of the legal situation of files

File enquiry - Result

Select the desired page or another enquiry.

ESTADEX File: M 2560424 (S) Date: 07/07/08 19:43:08

TRADE / SERVICE MARK
APPLICATION FILING DATE 03/10/2003 AT 11:35
AT THE OEPM
ALLOTED APPLICATION FILING DATE.: 03/10/2003
TYPE: FIGURATIVE
NAME:
BI-OKEY
APPLICANT/HOLDER: NUTMARK-GESTAO DE DIREITOS DE
PROPRIEDADE INTELECTUAL, LDA.
DOMICILE: AV. ARRIAGA, 30 3H
LOCALITY: 9000 FUNCHAL MADEIRA
COUNTRY OF RESIDENCE: PT PORTUGAL
REPRESENTATIVE....: 408 (1) JOSE ANTONIO HERNANDEZ
RODRIGUEZ
DOMICILE: C/ALCALA, 35-2
LOCALITY: MADRID
PROVINCE/POSTCODE: 28014 MADRID
- - - - - COLOURS CLAIMED - - - - -
BLUE, WHITE, RED, ORANGE
- - CLASSES AND GOODS/SERVICES OR ACTIVITIES CLAIMED - -
29 MEAT, FISH, POULTRY AND GAME; MEAT EXTRACTS;
PRESERVED, DRIED AND COOKED FRUITS AND VEGETABLES;
JELLIES; JAMS, COMPOTES; EGGS, MILK AND MILK
PRODUCTS; EDIBLE OILS AND FATS; PRECOOKED DISHES MADE
FROM MEAT AND FISH, GAZPACHO; MILKY DRINKS WITH MILK
PREDOMINATING.
32 BEERS; MINERAL AND AERATED WATERS AND OTHER
NON-ALCOHOLICS BEVERAGES; FRUIT DRINKS AND FRUIT
JUICES; SYRUPS AND OTHER PREPARATIONS FOR MAKING
BEVERAGES; DRINKS MADE FROM WHEY; ISOTONIC DRINKS;
REFRESHING NON-ALCOHOLIC DRINKS WITH FRUIT JUICE WITH
MILK AND GINSENG PREDOMINATING; FRUIT JUICE; FRUIT
NECTAR.
- - CLASSES AND GOODS/SERVICES OR ACTIVITIES GRANTED - -
* THOSE CLAIMED
- - - - - VIENNA CLASSIFICATION - - - - -
01.01.02 27.05.02
- - - - - PROCESSING INCIDENTS - - - - -
29/10/2003 NOTIFICATION TO THE HOLDERS OF EARLIER RIGHTS
(ARTICLE 18.4 OF THE TRADEMARK ACT): M0493605

27. Ago. 2008 10:30

Nº 1074 P. 81

SITADEX File: M 2560444 (9) Date: 07/07/08 19:41:08

16/11/2003 PUBLICATION OF THE APPLICATION
30/01/2004 OPPOSITION FROM COMMUNITY TRADEMARK Nº 0543983
(FILED OUTSIDE THE ESTABLISHED TERM)
01/04/2004 PUBLICATION OF THE GRANTING, RESOLUTION
DATED 26/02/2004

27. Ago. 2008 10:30

Consulta de Expedientes - Resultado

Nº 1074 P. 82

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DE ESPAÑA

MINISTERIO
DE INDUSTRIA, TURISMO
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Base de datos de situación jurídica
de expedientes

Consulta de Expedientes - Resultado

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SITADEX Expediente: M 2629483 (4) Fecha: 8/08/08 9:58:28
MARCA PRODUCTOS/SERVICIOS
FECHA PRESENTACION SOLICITUD.....: 28/12/2004 A LAS 12:57 EN OEPM
FECHA PRESENTACION SOLICITUD OTORGADA.: 28/12/2004
TIPO.....: MIXTA
DENOMINACION.....:
OKEY
SOLICITANTE/TITULAR....: NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL,
LDA.
DOMICILIO.....: AV, ARRIAGA, 30 3 H
LOCALIDAD.....: 9000 - FUNCHAL MADEIRA - PORTUGAL
PAIS DE RESIDENCIA....: PT PORTUGAL
REPRESENTANTE.....: 0408 (1) JOSE ANTONIO HERNANDEZ RODRIGUEZ
DOMICILIO.....: C/ ALCALA, 35-2
LOCALIDAD.....: MADRID
PROVINCIA/CODIGO: 28014 MADRID
----- COLORES REIVINDICADOS -----
MARRON, MARRON OSCURO, ROJO, AMARILLO, AZUL, BLANC
O, MARRON CLARO.

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01

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de expedientes

Consulta de Expedientes - Resultado

Seleccione la página que desea u otra consulta		
SITADEx	Expediente: M 2629483 (4)	Fecha: 8/08/08 9:58:40
----- CLASES Y PRODUCTOS/SERVICIOS O ACTIVIDADES SOLICITADOS -----		
29	CARNE, PESCADO, AVES Y CAZA; EXTRACTOS DE CARNE; FRUTAS Y LEGUMBRES EN CONS ERVA, SECAS Y COCIDAS; JALEAS, MERMELADAS, COMPOTAS; HUEVOS, LECHE Y PRODUC TOS LACTEOS; ACEITES Y GRASAS COMESTIBLES; BEBIDAS LACTEADAS EN LA QUE PRED OMINA LA LECHE.	
30	CAFE, TE, CACAO, CHOCOLATE, AZUCAR, ARROZ, TAPIOCA, SAGU, SUCEDANEOS DEL CA FE; HARINAS Y PREPARACIONES HECHAS DE CEREALES; PAN, PASTELERIA Y CONFITERI A, HELADOS COMESTIBLES; MIEL, JARABE DE MELAZA; LEVADURAS, POLVOS PARA ESPO NJAR; SAL, MOSTAZA; VINAGRE, SALSAS (CONDIMENTOS); ESPECIAS; HIELO; BEBIDAS A BASE DE CACAO; BEBIDAS A BASE DE CAFE; BEBIDAS A BASE DE CHOCOLATE; BEBI DAS A BASE DE TE; AROMATIZANTES PARA BEBIDAS QUE NO SEAN ACEITES ESENCIALES	
----- CLASES Y PRODUCTOS/SERVICIOS O ACTIVIDADES CONCEDIDOS -----		
* LOS SOLICITADOS		
----- CLASIFICACION DE VIENA -----		
19.07.09		
----- ACTOS DE TRAMITACION -----		
31/01/2005 COMUNICACION A TITULARES DERECHOS ANTERIORES (ART.18,4LM):		

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02

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Base de datos de situación
jurídica de expedientes

Consulta de Expedientes - Resultado

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SITADEx	M0312641	Expediente: M 2629483 (4)	Fecha: 8/08/08 9:58:46
	M1139016		
01/03/2005	PUBLICACION DE SOLICITUD		
25/04/2005	OPOSICION DE LA MARCA 2228561		
16/07/2005	PUBL.SUSPENSO FONDO DE F.RESOL 21/06/2005		
12/08/2005	CONTESTACION AL SUSPENSO PUBLICADO EL: 16/07/2005		
16/01/2006	PUBLIC. CONCESION DE F. RESOL. 14/12/2005		

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27. Ago. 2008 10:30

Nº 1074 P. 85
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Oficina Española
de Patentes y Marcas

Fecha de la consulta
martes 26 de agosto
de 2008

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[Otra Consulta](#) [Volver](#)

**Información relacionada con el expediente:
M 2629483**

Titular	NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA.
Denominación	OKEY
Tipo Distintivo	Denominativo con gráfico
Situación	EN VIGOR: PUBLICACION CONCESION
Fecha de situación	16/01/2006
Clasificación de Niza	29 30



Si la imagen se presenta
desproporcionada (Alto,
Ancho), Pinche aquí

Clase	Productos/Servicios
29	CARNE, PESCADO, AVES Y CAZA; EXTRACTOS DE CARNE; FRUTAS Y LEGUMBRES EN CONSERVA, SECAS Y COCIDAS; JALEAS, MERMELADAS, COMPOTAS; HUEVOS, LECHE Y PRODUCTOS LACTEOS; ACEITES Y GRASAS COMESTIBLES; BEBIDAS LACTEADAS EN LA QUE PREDOMINA LA LECHE.
30	CAFE, TE, CACAO, CHOCOLATE, AZUCAR, ARROZ, TAPIOCA, SAGU, SUCEDANEOS DEL CAFE; HARINAS Y PREPARACIONES HECHAS DE CEREALES; PAN, PASTELERIA Y CONFITERIA; HELADOS COMESTIBLES; MIEL, JARABE DE MELAZA; LEVADURAS, POLVOS PARA ESPONJAR; SAL, MOSTAZA; VINAGRE; SALSAS (CONDIMENTOS); ESPECIAS; HIELO; BEBIDAS A BASE DE CACAO; BEBIDAS A BASE DE CAFE; BEBIDAS A BASE DE CHOCOLATE; BEBIDAS A BASE DE TE; AROMATIZANTES PARA BEBIDAS QUE NO SEAN ACEITES ESENCIALES.

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Data base of the legal situation of files

File enquiry - Result

Select the desired page or another enquiry

CITADEX File: M 2629483 (4) Data: 07/07/08 19:41:34

TRADE / SERVICE MARK

APPLICATION FILING DATE: 28/12/2004 AT 13:57
AT THE OEPM

ALLOTED APPLICATION FILING DATE.: 28/12/2004

TYPE: FIGURATIVE

NAME:

OKEY

APPLICANT/HOLDER: NUTMARK-GESTAO DE DIREITOS DE PROPRIEDADE INTELECTUAL, LDA.

DOMICILE: AV. ARRIAGA, 30 3H

LOCALITY: 9000 - FUNCHAL MADEIRA - PORTUGAL

COUNTRY OF RESIDENCE: PT PORTUGAL

REPRESENTATIVE....: 408 (1) JOSE ANTONIO HERNANDEZ RODRIGUEZ

DOMICILE: C/ALCALA, 35-2

LOCALITY: MADRID

PROVINCE/POSTCODE: 28014 MADRID

- - - - - COLOURS CLAIMED - - - - -

BROWN, DARK BROWN, RED, YELLOW, BLUE, WHITE, LIGHT BROWN

- - CLASSES AND GOODS/SERVICES OR ACTIVITIES CLAIMED - -

29 MEAT, FISH, POULTRY AND GAME; MEAT EXTRACTS; PRESERVED, DRIED AND COOKED FRUITS AND VEGETABLES; JELLIES, JAMS, COMPOTES, EGGS, MILK AND MILK PRODUCTS; EDIBLE OILS AND FATS; MILK BEVERAGES (MILK PREDOMINATING).

30 COFFEE, TEA, COCOA, CHOCOLATE, SUGAR, RICE, TAPIOCA, SAGO, ARTIFICIAL COFFEE, FLOUR AND PREPARATIONS MADE FROM CEREALS, BREAD, PASTRY AND CONFECTIONERY, ICES; HONEY, TREACLE, YEAST, BAKING-POWDER, SALT, MUSTARD, VINEGAR, SAUCES (CONDIMENTS), SPICES, ICE, COCOA BASED BEVERAGES; COFFEE BASED BEVERAGES, CHOCOLATE BASED BEVERAGES; TEA BASED BEVERAGES; FLAVOURINGS FOR BEVERAGES OTHER THAN ESSENTIAL OILS.

- - CLASSES AND GOODS/SERVICES OR ACTIVITIES GRANTED - -

* THOSE CLAIMED

- - - - - VIENNA CLASSIFICATION - - - - -

19.07.09

- - - - - PROCESSING INCIDENTS - - - - -

31/01/2005 NOTIFICATION TO THE HOLDERS OF EARLIER RIGHTS (ARTICLE 18.4 OF THE TRADEMARK ACT):

SITADEX File: M 2629483 (A) Date: 07/07/08 19:41:34
M0312641 M1139016
01/03/2005 PUBLICATION OF THE APPLICATION
25/04/2005 OPPOSITION FROM TRADEMARK N=2228561
16/07/2005 PUBLICATION OF A GROUNDED OFFICIAL ACTION,
RESOLUTION DATED 21/06/2005
12/08/2005 REPLY TO THE OFFICIAL ACTION PUBLISHED
ON 16/07/2005
16/01/2006 PUBLICATION OF THE GRANTING, RESOLUTION
DATED 14/12/2005