



**ESTONIAN PATENT OFFICE
TRADEMARK DEPARTMENT**

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

NOTIFICATION OF PROVISIONAL REFUSAL BASED ON AN OPPOSITION

notified to the International Bureau of the World Intellectual Property Organization (WIPO)
according to Article 5 of the Madrid Protocol

I. Name and address of the office refusing protection:

**The Estonian Patent Office
Trademark Department
Toompuiestee 7
15041 Tallinn
ESTONIA
Telephone: + 372 62 77 931
Telefax: + 372 62 77 912**

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

831047

III. Other information concerning the international registration which is the subject of the provisional refusal:

Verbal elements of the mark: **JANET & JANET**

IV. The grounds for this provisional refusal are the following:

Opposition made on 02.07.2009 by Heinrich Deichmann-Schuhe GmbH & Co. KG on the grounds that the company has an earlier Community trademark registration **JANET D. (fig.)**, No. 000756194 (copy of the registration enclosed) for the identical and similar kind of good in classes 18 and 25 as the international registration nr 831047 and the marks are similar to each other.

The name and the address of the opponent are:

Heinrich Deichmann-Schuhe GmbH & Co. KG
Deichmannweg 9 45359 Essen
Germany

V. Provision of the Estonian Trademark Act applicable on the subject (enclosed):

Section 10 subsection 1 (2).
Section 41 subsection 2.

VI. The ground referred to in item IV. affects all the goods.

VII. The holder of the registration has right to participate in the procedure at the Board of Appeal of Intellectual Property of Estonia.

The request has to be filed through the patent agent of the Republic of Estonia (section 13 subsection 2 of the Estonian Trademark Act). List of patent agents is available at
<http://www.epa.ee/>

The request for participation in the procedure, written observations and the power of attorney must be received by the Board of Appeal no later than within 3 months from the date of the acceptance of the opposition for processing.

Name and address of the Board of Appeal:
Board of Appeal of Intellectual Property
Ministry of Economic Affairs and Communications
Harju str. 11
15072 Tallinn
ESTONIA

The time limit expires 08/10/2009 (dd/mm/yyyy). The extension of the time limit is not possible.

Please note that the matter will be examined by the Board of Appeal even if the holder of the registration does not request participation in the procedure at the Board of Appeal.

VIII. Date on which the refusal was pronounced: 15/07/2009 (dd/mm/yyyy).

IX. Signature of the Office:



Erle Eenmaa

Senior Examiner of the First International Trademark Examination Division

Number of continuation sheets: 4

Extract from the Estonian Trademark Act

§ 10. Relative circumstances which preclude legal protection

(1) Legal protection shall not be granted to the following trade marks:

2) trade marks which are identical or similar to an earlier trade mark which has been granted legal protection with regard to identical goods or services or goods or services of a similar kind designated by the trade mark, if there exists a likelihood of confusion on the part of the public, which includes association of the trade mark with the earlier trade mark.

§ 13. Representative for performing acts related to legal protection of trade marks.

(2) A person with no residence, seat or commercial or industrial enterprise operating in Estonia shall authorise a patent agent as the person's representative to perform procedures related to trade marks in the Patent Office and in the Board of Appeal, except the filing of an application.

§ 41. Adjudication of appeals and revocation applications

(2) An interested person may contest an applicant's right to a trade mark in the Industrial Property Board of Appeal if circumstances specified in subsection 9 (1) or § 10 of this Act which preclude legal protection exist. The term for the filing of a revocation application is two months as of the publication of the notice of the decision to register a trade mark.

(3) In case an appeal or revocation application is allowed in whole or in part, the Board of Appeal shall annul the decision of the Patent Office and require the Patent Office to continue proceedings taking into account the facts set out in the decision of the Board of Appeal.

§ 70. Processing of international registration

(7) Decisions on international registrations made by the Patent Office and the rights of applicants shall be contested pursuant to the provisions of this Act, taking account of the specifications arising from the Madrid Protocol and its Common Regulations. The Bureau shall be notified of a contestation and the decision made in the matter.



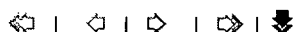
**OFFICE FOR HARMONIZATION
IN THE INTERNAL MARKET**
TRADE MARKS AND DESIGNS

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CTM-ONLINE - Detailed trade mark information



Trade mark name : Janet D.
 Trade mark No : 000756194
 Trade mark basis: IR designating the EC
 ([⇒](#) Madrid Express database)
 Number of results: 1 of 1

Trade mark ?

Date of international registration: 03/04/2001
 Date of international registration: 26/10/2006
 Date of receipt at OHIM: 07/12/2006
 Expiry Date: 03/04/2011
 Nice Classification: 18, 25 ([⇒](#) Nice classification)
 Trade mark: Individual
 Type of mark: Figurative
 Vienna Classification: 26.4, 27.5 ([⇒](#) Vienna Classification)
 Status of trade mark: International registration accepted ([⇒](#) Glossary)
 ([⇒](#) History of statuses)
 WIPO language: English
 Second language: German

Graphic representation ?

No image available

List of goods and services ?

Nice Classification: 18
 List of goods and services: Goods of leather and leather imitations, namely bags and other containers not adapted to their content as well as small leather articles especially purses, wallets, key bags, trunks and travelling bags, umbrellas, parasols and walking sticks.

Nice Classification: 25
 List of goods and services: Footwear, headgear.

Owner ?

Name: Heinrich Deichmann-Schuhe GmbH & Co. KG
 Natural or legal person: Physical person
 Address: Deichmannweg 9 45359 Essen
 Country: GERMANY

Representative before OHIM ?

Name: KLAKA
 Address: Delpstr. 4
 Post code: 81679
 Town: München
 Country: GERMANY
 Correspondence address: Rechtsanwälte KLAKA Delpstr. 4 D-81679 München
 ALEMANIA
 Telephone: 00 49-899989190
 Fax: 00 49-89980036
 E-mail: info@klaka.com

Seniority

Country:	AUSTRIA
Status:	Accepted
Country:	BENELUX
Status:	Accepted
Country:	CZECH REPUBLIC
Status:	Accepted
Country:	GERMANY
Status:	Accepted
Country:	DENMARK
Status:	Accepted
Country:	UNITED KINGDOM
Status:	Accepted
Country:	HUNGARY
Status:	Accepted
Country:	ITALY
Status:	Accepted
Country:	POLAND
Status:	Accepted
Country:	SWEDEN
Status:	Accepted
Country:	SLOVENIA
Status:	Accepted
Country:	SLOVAKIA (Slovak Republic)
Status:	Accepted

Priority

No entry for application number: 0756194.

Publication

Bulletin no.:	2006/051
Date of publication:	18/12/2006
Part:	M.1
Bulletin no.:	2007/059
Date of publication:	22/10/2007
Part:	M.3.1

Opposition

No entry for application number: 0756194.

Appeals

No entry for application number: 0756194.

Renewals

No entry for application number: 0756194.



Disclaimer, and Copyright Notice

756194

- 151 Date of the registration
03.04.2001
- 180 Expected expiration date of the registration/renewal
03.04.2011
- 270 Language of the application
English
- Current Status
- 732 Name and address of the holder of the registration
Heinrich Deichmann-Schuhe
GmbH & Co. KG
Deichmannweg 9
45359 Essen (DE)
- 812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment
DE
- 740 Name and address of the representative
KLAKA Rechtsanwälte
Delpstrasse 4
81679 München (DE)
- 770 Name and address of the previous holder
Heinrich Deichmann-Schuhe
GmbH & Co. KG
Boehnertweg 9
Essen (DE)
- 540 Mark
-
- 531 International Classification of the Figurative Elements of Marks (Vienna Classification) - VCL(4)
26.04.02 ; 26.04.07 ; 27.05.01
- 511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(7)
- 18 Goods of leather and leather imitations, namely bags and other containers not adapted to their content as well as small leather articles especially purses, wallets, key bags, trunks and travelling bags, umbrellas, parasols and walking sticks.
Produits en cuir et en imitation cuir, à savoir sacs et autres contenants non adaptés à leur contenu, en particulier porte-monnaie, portefeuilles, pochettes porte-clés, malles et sacs de voyage, parapluies, parasols et cannes.
Productos de cuero e imitaciones del cuero, a saber, bolsos y otros estuches no diseñados para contener un producto en especial, así como pequeños artículos de cuero, en particular monederos, carteras de bolsillo, estuches para llaves, baúles y maletas; paraguas, sombrillas y bastones.
- 25 Footwear, headgear.
Chaussures, couvre-chefs.
Calzado, sombrerería.
- 822 Basic registration
DE, 22.09.1997, 397 36 221.8/25
- 350 Seniority
AT, 03.04.2001, 03.04.2001, 756 194