



ARRANGEMENT DE MADRID
CONCERNANT L'ENREGISTREMENT INTERNATIONAL DES MARQUES
REFUS DE PROTECTION

notifié au Bureau international de l'Organisation Mondiale de la Propriété Intellectuelle (OMPI) selon l'article 5 de l'Arrangement de Madrid

I.	Administration qui a prononcé le refus: Office de la propriété intellectuelle de Slovénie Kotnikova 6 1000 Ljubljana Slovénie	Ref.: 31212-999045-2 102SP
II.	No de l'enregistrement international faisant l'objet du refus: 999045 No de l'enregistrement national de base: 98686;SK	
III.	Nom et adresse du titulaire de l'enregistrement international faisant l'objet du refus: Zentiva, a.s., Nitrianska 100 SK-920 27 , Hlohovec, Slovaška	
IV.	☒ Refus provisoire	
V.	Motifs du refus:	
L'opposant mentionné ci-dessous forme opposition à l'admission de la marque parce qu'elle est: identique/similaire à sa marque antérieure, donc en raison de l'identité/de la similitude des produits ou des services que les deux marques désignent, il existe un risque de confusion dans l'esprit du public, le risque de confusion comprend le risque d'association avec la marque antérieure. Le cas échéant: No de l'enregistrement IR 312632 (voir feuille jointe) Titulaire et son adresse: BAYER AG, 51368 Leverkusen, DE Mandataire: Aleksandra Janežič, odvetnica, Tavčarjeva 8, 1000 Ljubljana, Slovenija		

VI.	Articles de la loi nationale applicable en la matière (voir extrait de la loi au verso)	
	44 (1) b	
VII.	☒ Refus pour la totalité des produits et/ou services:	
VIII.	Le titulaire de la marque a le droit de contester le bien-fondé du refus provisoire, par l'intermédiaire d'un mandataire local directement auprès de l'Office qui a prononcé le refus, dans un délai de 3 (trois) mois* compté de la date du présent avis. Après l'expiration du délai imparti, l'Office prendra une décision définitive. (*)Sous réserve de pouvoir utiliser de la faculté de demander une prolongation. Le refus définitif peut être attaqué par la voie du recours devant les Tribunaux compétents dans le délai de trente jours dès réception de l'avis.	
IX.	Date de l'avis: 26.8.2009	 Signature ou sceau officiel: Saša Polc višja svetovalka I

DISPOSITIONS ESSENTIELLES DE LA LOI SUR LA PROPRIÉTÉ INDUSTRIELLE, entré en vigueur le 7 décembre 2001

Article 44

Ne peut être enregistré en tant que marque un signe:

- a) qui est identique à une marque antérieure et que les produits ou les services pour lesquels l'enregistrement a été demandé sont identiques à ceux pour lesquels la marque antérieure est enregistrée;
- b) qui est identique ou similaire à la marque antérieure et que les produits ou les services que le signe et la marque désignent sont identiques ou similaires, en raison de quoi il existe un risque de confusion dans l'esprit du public, un risque de confusion qui comprend le risque d'association avec la marque antérieure;
- c) qui est identique ou similaire à la marque antérieure, qui est enregistrée pour les produits ou les services qui ne sont pas similaires aux produits ou services qui ont été demandés, lorsque l'usage sans juste motif de la marque demandée tirerait indument profit du caractère distinctif ou de la renommée de la marque antérieure et l'usage de cet marque indiquerait un lien entre les produits ou service et le titulaire de la marque antérieure à condition que cet usage risque de nuire aux intérêts du titulaire;
- d) qui est identique ou similaire à la marque ou à un signe non enregistré, qui est notoirement connue sur le territoire de la République de Slovénie au sens de l'article 6 bis (Convention de Paris) ou de l'article 16 (3) de l'ADPIC;
- e) si le titulaire d'une marque enregistrée dans un pays de l'union de la Convention de Paris ou dans un pays membre de l'Organisation mondiale du commerce prouve que l'enregistrement du signe est demandé par

l'agent ou le représentant du titulaire de la marque, en son propre nom et sans le consentement du titulaire;

f) l'usage de la marque peut être interdit en vertu d'un droit au nom, au portrait d'une personne, à l'indication d'obtention végétale, à l'indication géographique ou autre droit de propriété industrielle ou d'un droit d'auteur antérieur.

312632

- 151 Date of the registration
29.04.1966
- 180 Expected expiration date of the registration/renewal
29.04.2016
- 270 Language of the application
French
- Current Status
- 732 Name and address of the holder of the registration
Bayer Aktiengesellschaft
Bayerwerk
~ 51368 Leverkusen (DE)
- 811 Contracting State of which the holder is a national
DT
- 842 Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized
Aktiengesellschaft
- 540 Mark
Aspirin
- 511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification)
05 A pharmaceutical product.
Un produit pharmaceutique.
Producto farmacéutico.
- 161 Earlier registration number(s) of the renewed registration
048649, 09.09.1926
- 161 Earlier registration number(s) of the renewed registration
150783, 19.12.1950
- 822 Basic registration
DT, 23.09.1957, 36 433
- 831 Designation(s) under the Madrid Agreement
EG - KZ - SD - TJ
- 832 Designation(s) under the Madrid Protocol
UZ
- 834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies
AL - AM - AT - BA - BG - BX - BY - CH - CY - CZ - HR - HU - IT - KG - LI - LV - MA - MC - MD - ME - MK - PT - RO - RS - RU - SI - SK - SM - UA - VN
- ☐ Registration
- 450 Publication number and date
1966/4 LMi, 01.06.1966
- 831 Designation(s) under the Madrid Agreement
AT - BX - CH - CS - DD - EG - HU - IT - LI - MA - MC - PT - RO - SM - TN - YU
- 580 Date of recording (date of notification from which the time limit to notify the refusal starts)
11.05.1966
The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)
AT
The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

BX

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

CH

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

CS

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

DD

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

EG

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

HU

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

IT

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

LI

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

MA

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

MC

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

PT

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

RO

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

SM

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

TN

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

YU

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

CS

☐ **Renewal**

450 Publication number and date

1986/4 LMi, 01.06.1986

831 Designation(s) under the Madrid Agreement

AT - BX - CH - CS - DD - DE - EG - HU - IT - LI - MA - MC - PT - RO - SM - TN - YU

☐ **Subsequent designation**

450 Publication number and date

1986/4 LMi, 01.06.1986

831 Designation(s) under the Madrid Agreement

BG - SD

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

12.05.1986

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

27.01.1986

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

BG

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

SD

☐ Subsequent designation

450 Publication number and date

1986/5 LMi, 01.07.1986

831 Designation(s) under the Madrid Agreement

VN

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

06.06.1986

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

27.05.1986

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

VN

☐ Continuation of effect

450 Publication number and date

1993/3 LMi, 14.05.1993

833 Interested Contracting Party(ies)

HR - SI

580 Date of recording

25.02.1993

☐ Continuation of effect

450 Publication number and date

1993/8 LMi, 18.10.1993

833 Interested Contracting Party(ies)

CZ - SK

580 Date of recording

10.08.1993

☐ Subsequent designation

450 Publication number and date

1993/9 LMi, 17.11.1993

831 Designation(s) under the Madrid Agreement

BY - KZ - RU - UA

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

15.10.1993

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

20.09.1993

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

BY

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

RU

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

UA

☐ Continuation of effect

450 Publication number and date

1993/11 LMi, 21.01.1994

833 Interested Contracting Party(ies)

MK

580 Date of recording

16.11.1993

☐ Subsequent designation

450 Publication number and date

1994/9 LMi, 18.11.1994

831 Designation(s) under the Madrid Agreement

AM - KG - MD - TJ - UZ

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

04.10.1994

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

06.09.1994

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

AM

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

KG

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

MD

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

TJ

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

UZ

☐ 861 Total provisional refusal of protection

KZ

450 Publication number and date

Before April 1st, 1996, provisional refusals were not published

☐ 896 Statement indicating that protection of the mark is refused for all the goods and services requested

KZ

450 Publication number and date

1995/9 LMi, 20.11.1995

☐ 897 Statement indicating that protection of the mark is protected for some of the goods and services

requested

KZ

450 Publication number and date

1996/17 Gaz, 21.01.1997

L'avis de refus définitif doit être considéré comme nul et non avenu.

☐ Continuation of effect

450 Publication number and date

1997/4 Gaz, 11.04.1997

833 Interested Contracting Party(ies)

BA

580 Date of recording

03.03.1997

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

KZ

450 Publication number and date

1998/12 Gaz, 30.07.1998

☐ Subsequent designation

450 Publication number and date

1999/11 Gaz, 08.07.1999

831 Designation(s) under the Madrid Agreement

LV

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

17.06.1999

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

30.03.1999

☐861 Total provisional refusal of protection

LV

450 Publication number and date

2000/8 Gaz, 25.05.2000

☐894 Final decision confirming the refusal of protection

LV

450 Publication number and date

2001/11 Gaz, 05.07.2001

☐ Subsequent designation

450 Publication number and date

2005/49 Gaz, 12.01.2006

831 Designation(s) under the Madrid Agreement

CY

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

22.12.2005

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

14.09.2005

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

CY

- ☐ **Renewal**
WO
- 450** Publication number and date
2006/23 Gaz, 13.07.2006
- 831** Designation(s) under the Madrid Agreement
AM - AT - BA - BG - BX - BY - CH - CY - CZ - EG - HR - HU - IT - KG - KZ - LI - LV - MA - MC - MD - MK - PT - RO - RU - SD - SI - SK - SM - TJ - UA - UZ - VN - YU
- ☐ **Designated contracting party(ies) which has not been the subject of a renewal (Rule 31(4)(b))**
DE - TN
- ☐ **Continuation of effect**
- 450** Publication number and date
2007/32 Gaz, 13.09.2007
- 833** Interested Contracting Party(ies)
ME
- 580** Date of recording
08.08.2007
- ☐ **Subsequent designation**
- 450** Publication number and date
2009/19 Gaz, 28.05.2009
- 834** Designation(s) under the Madrid Protocol by virtue of Article 9sexies
AL
- 580** Date of recording (date of notification from which the time limit to notify the refusal starts)
21.05.2009
- 891** Date of subsequent designation (Rule 24(6) of the Common Regulations)
04.12.2008