

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

PROVISIONAL REFUSAL OF PROTECTION

Notified to the International Bureau of the World Intellectual Property Organization (WIPO) in accordance with
Rule 17(1) of the Common Regulations under the Madrid Agreement and Protocol

I.	Office making the notification: Hungarian Patent Office 1370 Budapest, Pf.552 Fax. :(361) 3329 -930
II.	Number of the international registration: 100 1397 Date of extention of the mark to Hungary: 2008.11.18
III.	Name of the holder of the international registration: FOODCARE SPÓŁKA Z O.O. W ZABIERZOWIE
IV.	<input type="checkbox"/> Provisional refusal based on an <i>ex-officio</i> examination: <input checked="" type="checkbox"/> Provisional refusal based on an opposition: Name and address of the opponant: FERRERO S.P.A., 1, Piazzale Pietro Ferrero Alba I-12051 (IT)
V.	<input type="checkbox"/> Provisional refusal for all the goods and/or services : <input checked="" type="checkbox"/> Provisional refusal for some of the goods and/or services: Class(es) which are not affected: 32 Class(es) which are affected: 30
VI.	Grounds for refusal: 4/1/b The protection of the mark can be subject to observation by third parties.

VII. Information relating to an earlier mark

Number of the application / number of the registration:

Name and address of the applicant/holder:

Date of the application:

281788 FERRERO S.P.A.

Piazzale Pietro Ferrero, 1 I-12051 ALBA (CN) (IT)

1964.03.31

513113 FERRERO S.P.A.

Piazzale Pietro Ferrero, 1 I-12051 ALBA (CN) (IT)

1987.07.16

002657492 Ferrero S.p.A.

Piazzale Pietro Ferrero, 1

Alba (Cuneo) 12051 (IT)

2002.04.10

VIII. Corresponding essential provisions of the applicable law:

A sign shall not be granted trademark protection if because of its identity with, or similarity to, the earlier trademark and the identity or similarity of the goods or services there exists a likelihood of confusion on the part of the consumers.

IX. Information relating to subsequent procedure:

(i) Time limit for requesting review or appeal: 2010.09.20

(ii) Authority to which such request for review or appeal should be made:

Hungarian Patent Office

(iii) Indications concerning the appointment of a representative:

If the applicant is a foreign person whose domicile or residence is outside the European Economic Area, he is obliged to appoint an agent entitled to act before the Hungarian Patent Office.

Note: the official language before the Hungarian Patent Office is Hungarian.

(iv) Procedure failing an answer

In absence of an answer to the present refusal, the Office considers the application withdrawn concerning the goods/services affected by the refusal.

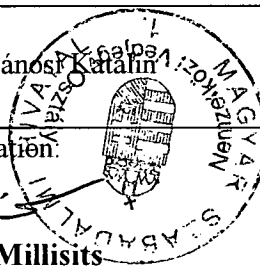
When the losing party is imposed in expenses arisen in connection with the opposition, this information can be found in the Hungarian Decision.

X. Notification date of the provisional refusal: 2010.03.18 János Katalin

XI. Signature and official seal of the office making the notification:


dr. Endre Millisits

Head of the International Trademark Section



Act XI of 1997 on the Protection of Trademarks and Geographical Indications (extract)

Article 1(1) Trademark protection shall be granted for any signs capable of being represented graphically provided that these are capable of distinguishing goods or services from those of other undertakings.

(2) Signs which may be granted trademark protection are in particular:

- (a) words, combination of words, including personal names and slogans,
- (b) letters, numerals,
- (c) figures, pictures,
- (d) two- or three-dimensional forms, including the shape of goods or of their packaging,
- (e) colors, combination of colors, light signals, holograms,
- (f) sound signals, and
- (g) combination of signs under (a) to (f).

Article 2 (1) A sign may not be granted trademark protection if it does not meet the requirements of Article 1.

(2) A sign shall be excluded from trademark protection if:

(a) it is devoid of any distinctive character, in particular if it consists exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service, or other characteristics of the goods or services, or which have become customary in the current language or in the practices of trade;

(b) it consists exclusively of a shape which results from the nature of the goods themselves or which is necessary to obtain a technical result or which gives substantial value to the goods.

(3) A sign shall not be excluded from trademark protection in accordance with paragraph (2)(a) if, either before or after the date of priority, it has acquired a distinctive character.

Article 3 (1) A sign may not be granted trademark protection if:

(a) it is contrary to public policy or to accepted principles of morality;

(b) it is liable to deceive consumers as to the nature, quality, geographical origin or other characteristics of the goods or services;

(c) its registration was applied for in bad faith.

(2) A sign shall be excluded from trademark protection if:

(a) it consists exclusively of State emblems or other emblems of an authority or international organization as defined in the Paris Convention for the Protection of Industrial Property;

(b) it relates to medals, badges, armorial bearings, not covered by subparagraph (a) above, or to official signs and hallmarks indicating control and warranty which are of public interest;

(c) it consists of symbols having a close relation to religious or other beliefs.

(3) Trademark protection shall be granted with the consent of the competent authority to signs of which the emblems defined under paragraph 2 (a) and (b) form only an element.

(4) A sign may not be granted trademark protection if it consists of or contains a geographical indication registered pursuant to this Act or to European Community law. This provision shall apply to goods which do not originate in a geographical area corresponding to the geographical indication or in connection with which the geographical indication cannot be used for any other reason on the basis of the provisions of this Act or of European Community law.

Article 4 (1) A sign may not be granted trademark protection:

(a) with respect to identical goods or services, if the sign with the later date of priority is identical with an earlier trademark;

(b) if because of its identity with or similarity to the earlier trademark and the identity or similarity of the goods or services there exists a likelihood of confusion on the part of the consumers;

(c) with respect to dissimilar goods or services if the sign with the later date of priority is identical with or similar to an earlier trademark having a reputation in the country where the use without due cause of the later sign would take unfair advantage of or be detrimental to the distinctive character or the repute of the earlier trademark.

(2) "Earlier trademark" means a trademark whose registration was applied for with an earlier date of priority or – for the purposes of paragraph (1)(a) and (b) – a sign which has become well-known at an earlier date in the country under the Paris Convention for the Protection of Industrial Property even if that sign is not registered. "Earlier trademark" shall also mean – depending on the registration of the sign – an earlier trademark application.

(3) A sign may not be refused trademark protection if it conflicts with an earlier trademark, which has not been used by the holder in accordance with the provisions of Article 18.

(4) For the purposes of this Act, the likelihood of confusion includes the likelihood of association with the earlier trademark.

Article (5) A sign may not be granted trademark protection:

(a) if it would infringe earlier personal rights of others, in particular a right in a name or of personal portrayal;

(b) if it would conflict with an earlier copyright or industrial property right of others, including conflict with the name of a protected plant variety.

(2) A sign shall not be granted trademark protection

(a) if it has been used effectively in the country without registration where the use of the sign without the consent of the prior user would be contrary to law; and

(b) if, with respect to identical or similar goods or services, it is identical with or similar to a trademark whose protection has lapsed by reason of expiration and less than two years have elapsed since the lapse, unless the earlier trademark had not been used in conformity with the provisions of Article 18.

(3) In determining whether a right, use or expiration is deemed as earlier within the meaning of paragraphs (1) and (2), the priority of the application for registration shall be taken into account.

Article (6) A sign shall be excluded from trademark protection if the representative or agent applies for registration in his own name without the holder's authorization, unless the representative or agent justifies his action.

Article 7(1) A sign may not be refused trademark protection in accordance with Articles 4 and 5 if the holder of the earlier right consents to the registration of the later sign.

(2) A declaration of consent shall be valid if drawn up as a public instrument or a private document providing sufficient evidence.

(3) A declaration of consent may be contested under those provisions of the Civil Code that concern actions for avoidance of a contract by reason of mistake, deception or threat; the declaration may not be withdrawn and may not be replaced by the decision of a Court.

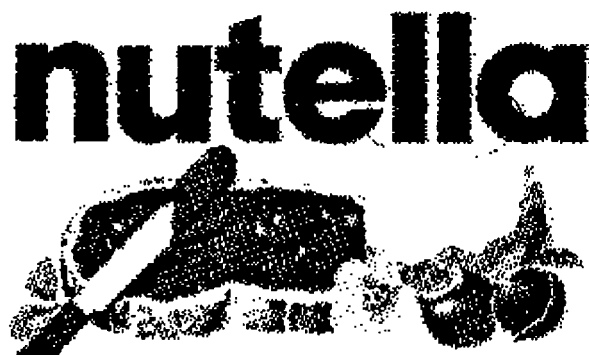
Article 8(1) Trademark protection shall be granted for a sign if

(a) it satisfies the requirements of Article 1 and is not excluded from trademark protection under the terms of Articles 2 to 7 and

(b) the relevant application complies with the requirements laid down by this Act.

513113

- 151 Date of the registration
16.07.1987
- 180 Expected expiration date of the registration/renewal
16.07.2017
- 270 Language of the application
French
- Current Status
- 732 Name and address of the holder of the registration
FERRERO S.P.A.
Piazzale Pietro Ferrero, 1
I-12051 ALBA (CN) (IT)
- 811 Contracting State of which the holder is a national
IT
- 740 Name and address of the representative
JACOBACCI & PARTNERS SpA
Corso Regio Parco, 27
I-10152 TORINO (IT)
- 770 Name and address of the previous holder
FERRERO S.P.A.
Piazzale Pietro Ferrero
ALBA (CN) (IT)
- 540 Mark



- 531 International Classification of the Figurative Elements of Marks (Vienna Classification)
05.05.20 ; 05.07.06 ; 08.01.06 ; 11.03.23 ; 29.01.15
- 591 Information concerning colors claimed
noir, rouge, blanc, brun, azur, vert et jaune.
- 511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification)
- 29 Viande, poisson, volaille et gibier; extraits de viande; fruits et légumes conservés, séchés et cuits; gelées, conserves de viande, de légumes, de poissons, de fruits, confitures; oeufs, lait, beurre, fromages, crèmes à base de lait, huiles et graisses comestibles; pickles.
- 30 Café, thé, sucre, riz, tapioca, sagou, succédanés du café; farines et produits de meunerie de céréales (excepté les fourrages), pain, biscuits, gâteaux, pâtisserie et confiserie, glaces comestibles; miel, sirop de mélasse; levure, poudre pour faire lever; sel de cuisine, moutarde; poivres, vinaigre, sauces; épices; glace à rafraîchir; cacao, produits de cacao, à savoir pâte pour boissons au cacao, pâte de chocolat, couvertures et, notamment, couvertures en chocolat, chocolat, pralines, articles de chocolat pour décoration d'arbres de Noël, produits alimentaires consistant en une enveloppe de chocolat comestible fourrée à l'alcool, sucreries, pâtisserie, y compris pâte dure et pâtisserie fine; gomme à mâcher, gomme à mâcher sans sucre, bonbons sans sucre.

- 821 **Basic application**
IT, 19.02.1987, 40 029 C/87
- 822 **Basic registration**
IT, 11.05.1987, 480 087
- 300 **Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin**
IT, 19.02.1987, 40 029 C/87
- 831 **Designation(s) under the Madrid Agreement**
DZ - KZ - SD - TJ
- 832 **Designation(s) under the Madrid Protocol**
UZ
- 834 **Designation(s) under the Madrid Protocol by virtue of Article 9sexies**
AM - AT - BA - BG - BX - BY - CH - CZ - DE - EG - ES - FR - HR - HU - KG - KP - LI - MA - MC - MD - ME - MK - MN - PT - RO - RS - RU - SI - SK - UA - VN
- ☐ **Registration**
- 450 **Publication number and date**
1987/7 LMi, 01.09.1987
- 831 **Designation(s) under the Madrid Agreement**
AT - BG - BX - CH - CS - DD - DE - DT - DZ - EG - ES - FR - HU - KP - LI - MA - MC - MN - PT - RO - SD - SU - TN - VN - YU
- 580 **Date of recording (date of notification from which the time limit to notify the refusal starts)**
14.08.1987
- 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)
- BG
- 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)
- 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)
- DZ
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)
- ES
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)
- FR
- 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)
- KP
- 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)

MN

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)

SD

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

SU

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)

VN

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

YU

☐ 861 Total provisional refusal of protection

DT

450 Publication number and date

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

☐ 861 Total provisional refusal of protection

EG

450 Publication number and date

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

☐ 862 Partial provisional refusal of protection

CH

450 Publication number and date

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

Delete from list:

29

List limited to:

30 Produits de cacao, à savoir pâte de chocolat à tartiner, renfermant des noix et/ou des noisettes.

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

CH

450 Publication number and date

1989/1 LMi, 10.03.1989

Delete from list:

29

List limited to:

30 Produits de cacao, à savoir pâte de chocolat à tartiner, renfermant des noix et/ou des noisettes.

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

DT

450 Publication number and date

1989/7 LMi, 12.09.1989

Delete from list:

29

List limited to:

30 Produit de cacao, à savoir pâte de chocolat.

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

EG

450 Publication number and date

1990/11 LMi, 18.01.1991

☐ Continuation of effect

450 Publication number and date

1993/8 LMi, 18.10.1993

833 Interested Contracting Party(ies)

HR - SI

580 Date of recording

09.08.1993

☐ Continuation of effect

450 Publication number and date

1993/8 LMi, 18.10.1993

833 Interested Contracting Party(ies)

UA

580 Date of recording

11.08.1993

☐ 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

13.08.1993

☐ Continuation of effect

450 Publication number and date

1993/11 LMi, 21.01.1994

833 Interested Contracting Party(ies)

BY - KZ

580 Date of recording
22.10.1993

☐ Continuation of effect

450 Publication number and date
1994/4 LMi, 20.06.1994

833 Interested Contracting Party(ies)
MK

580 Date of recording
28.03.1994

☐ Continuation of effect

450 Publication number and date
1994/6 LMi, 18.08.1994

833 Interested Contracting Party(ies)
UZ

580 Date of recording
06.06.1994

☐ Continuation of effect

450 Publication number and date
1994/11 LMi, 23.01.1995

833 Interested Contracting Party(ies)
KG - MD - TJ

580 Date of recording
31.10.1994

☐ Continuation of effect

450 Publication number and date
1995/3 LMi, 19.05.1995

833 Interested Contracting Party(ies)
AM

580 Date of recording
01.03.1995

☐ Continuation of effect

450 Publication number and date
1997/2 Gaz, 14.03.1997

833 Interested Contracting Party(ies)
BA


580 Date of recording
07.02.1997

☐ Renewal

450 Publication number and date
2007/29 Gaz, 23.08.2007

831 Designation(s) under the Madrid Agreement
AM - AT - BA - BG - BX - BY - CH - CZ - DE - DZ - EG - ES - FR - HR - HU - KG - KP - KZ - LI - MA - MC - MD -
MK - MN - PT - RO - RS - RU - SD - SI - SK - TJ - UA - UZ - VN

☐ Designated contracting party(ies) which has not been the subject of a renewal (Rule 31(4)(b))
TN

 Continuation of effect

450 Publication number and date
2007/39 Gaz, 01.11.2007

833 Interested Contracting Party(ies)
ME

580 Date of recording
11.01.2010

281788**151 Date of the registration****31.03.1964****180 Expected expiration date of the registration/renewal****31.03.2014****270 Language of the application****French****Current Status****732 Name and address of the holder of the registration****FERRERO S.P.A.**

Piazzale Pietro Ferrero, 1

I-12051 ALBA (CN) (IT)

811 Contracting State of which the holder is a national**IT****740 Name and address of the representative****JACOBACCI & PARTNERS SpA**

Corso Regio Parco, 27

I-10152 TORINO (IT)

770 Name and address of the previous holder**FERRERO S.P.A.**

Piazzale P. Ferrero, 1

ALBA (CN) (IT)

540 Mark**NUTELLA****531 International Classification of the Figurative Elements of Marks (Vienna Classification)****27.05.01****511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification)****29** Meat, fish, poultry and game, meat extracts, preserved, dried and cooked fruits and vegetables, jellies, jams, eggs, milk and other dairy products, edible oils and fats, tinned foodstuffs, pickles.

Viande, poisson, volaille et gibier, extraits de viande, fruits et légumes conservés, séchés et cuits, gelées, confitures, oeufs, lait et autres produits laitiers, huiles et graisses comestibles, conserves, pickles.

30 Coffee, tea, sugar, rice, tapioca, sago, coffee substitutes, flours and cereal-based foodstuffs, bread, biscuits, cakes, pastry and confectionery, edible ice, honey, molasses, yeast, baking powder, cooking salt, mustard, pepper, vinegar, sauces, spices, ice, cocoa, cocoa products, namely paste for beverages made with cocoa, chocolate paste, topping and, particularly, chocolate toppings, chocolate, pralines, chocolate articles for Christmas-tree decorations, foodstuffs comprising a edible chocolate covering with alcoholic filling, sweet goods, pastries, including hard pastry and fine pastry, all the above articles excluding pudding mix.

Café, thé, sucre, riz, tapioca, sagou, succédanés du café, farines et aliments à base de céréales, pain, biscuits, gâteaux, pâtisserie et confiserie, glaces comestibles, miel, sirop de mélasse, levure, poudre pour faire lever, sel de cuisine, moutarde, poivre, vinaigre, sauces, épices, glace, cacao, produits de cacao, à savoir pâte pour boissons au cacao, pâte de chocolat, couverture et, notamment, couverture en chocolat, chocolat, pralines, articles de chocolat pour décoration d'arbres de Noël, produits alimentaires consistant dans une enveloppe de chocolat comestible avec farcissure alcoolique, sucreries, pâtisserie, y inclus pâte dure et pâtisserie fine, tous articles susmentionnés à l'exception de poudre à pouding.

822 Basic registration**IT, 17.03.1964, 164 196****832 Designation(s) under the Madrid Protocol****AG - AN - KR - ZM****834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies****AT - BA - BX - CH - CZ - DE - EG - ES - FR - HR - HU - KP - LI - LS - MA - MC - ME - MK - MN - MZ - PT - RO - RS - SI - SK - SZ - VN**

Registration

450 Publication number and date

1984/3 LMi, 01.05.1984

831 Designation(s) under the Madrid Agreement

AT - BX - CH - CS - DD - DE - DT - EG - ES - FR - HU - LI - MA - MC - PT - RO - TN - YU

851 Limitation of the list of goods and services

AT - BA - BX - CS - DD - DE - DT - EG - ES - FR - HU - LI - MA - MC - ME - PT - RO - TN - YU

List limited to:

- 30 Pâtisserie et confiserie, produits de chocolat, à savoir crèmes à tartiner contenant du cacao avec ou sans autres ingrédients, tous articles susmentionnés à l'exception de poudre à pouding.

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

20.04.1984

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)

DE

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

DT

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)

ES

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

FR

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)

LI

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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)

TN

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

YU

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

ES

List limited to:

29 Confitures.

30 Café, thé, sucre, succédanés du café, biscuits, gâteaux, pâtisserie et confiserie, glaces comestibles, sirop de mélasse, cacao, pâte de chocolat, couverture et, notamment, couverture en chocolat, chocolat, pralines, articles de chocolat pour décoration d'arbres de Noël, produits alimentaires consistant dans une enveloppe de chocolat comestible avec farcissure alcoolique, sucreries, pâtisserie, y inclus pâte dure et pâtisserie fine, à l'exception de poudre à pouding.

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

DD

List limited to:

29 Viande, poisson, volaille et gibier, extraits de viande, fruits et légumes conservés, séchés et cuits, gelées, confitures, oeufs, lait, huiles et graisses comestibles, pickles.

☐ Continuation of effect

450 Publication number and date

1993/8 LMi, 18.10.1993

833 Interested Contracting Party(ies)

HR - SI

580 Date of recording

06.08.1993

☐ 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

13.08.1993

☐ Continuation of effect

450 Publication number and date

1994/4 LMi, 20.06.1994

833 Interested Contracting Party(ies)

MK

580 Date of recording

28.03.1994

☐ Continuation of effect

450 Publication number and date

1997/2 Gaz, 14.03.1997

833 Interested Contracting Party(ies)

BA

580 Date of recording

07.02.1997

☐ Subsequent designation

450 Publication number and date

2003/22 Gaz, 11.12.2003

831 Designation(s) under the Madrid Agreement

KP - LS - MN - MZ - SZ - VN

832 Designation(s) under the Madrid Protocol

AG - AN - KR - ZM

851 Limitation of the list of goods and services

AG - AN - KP - KR - LS - MN - MZ - SZ - VN - ZM

List limited to:

- 30 Coffee, tea, sugar, rice, tapioca, sago, coffee substitutes, flours and cereal-based foodstuffs, bread, biscuits, cakes, pastry and confectionery, edible ice, honey, molasses, yeast, baking powder, cooking salt, mustard, pepper, vinegar, sauces, spices, ice, cocoa, cocoa products, namely paste for beverages made with cocoa, chocolate paste, topping and, particularly, chocolate toppings, chocolate, pralines, chocolate articles for Christmas-tree decorations, foodstuffs comprising an edible chocolate covering with alcoholic filling, sweet goods, pastries, including hard pastry and fine pastry, all the above articles excluding pudding mix.

Café, thé, sucre, riz, tapioca, sagou, succédanés du café, farines et aliments à base de céréales, pain, biscuits, gâteaux, pâtisserie et confiserie, glaces comestibles, miel, sirop de mélasse, levure, poudre pour faire lever, sel de cuisine, moutarde, poivre, vinaigre, sauces, épices, glace, cacao, produits de cacao, à savoir pâte pour boissons au cacao, pâte de chocolat, couverture et, notamment, couverture en chocolat, chocolat, pralines, articles de chocolat pour décoration d'arbres de Noël, produits alimentaires consistant dans une enveloppe de chocolat comestible avec farcissure alcoolique, sucreries, pâtisserie, y inclus pâte dure et pâtisserie fine, tous articles susmentionnés à l'exception de poudre à pouding.

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

20.11.2003

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

04.07.2003

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

AG

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

AN

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

KP

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

LS

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

MN

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

MZ

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

SZ

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

VN

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

ZM



Renewal

450 Publication number and date

2004/9 Gaz, 27.05.2004

831 Designation(s) under the Madrid Agreement

AT - BA - BX - CH - CZ - DE - EG - ES - FR - HR - HU - KP - LI - LS - MA - MC - MK - MN - MZ - PT - RO - SI - SK - SZ - VN - YU

832 Designation(s) under the Madrid Protocol

AG - AN - KR - ZM



Designated contracting party(ies) which has not been the subject of a renewal (Rule 31(4)(b))

TN



861 Total provisional refusal of protection

KR

450 Publication number and date

2004/12 Gaz, 17.06.2004



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



KR

450 Publication number and date

2005/24 Gaz, 21.07.2005

List limited to:

30 Spread cream containing cocoa, hazelnuts, sugar and other ingredients; biscuits, custards, chocolates, chewing-gums, fine-powderd sugar, lump sugar, treacles, confectionery in jelly form, sugar, pralines.

Crèmes à tartiner contenant du cacao, des noisettes, du sucre et d'autres ingrédients; biscuits, crèmes anglaises, chocolats, gommes à mâcher, sucre en poudre fin, sucre en morceaux, sirop de mélasse, confiseries gélifiées, sucre, pralines.



Continuation of effect

450 Publication number and date

2007/39 Gaz, 01.11.2007

833 Interested Contracting Party(ies)

ME

580 Date of recording

11.01.2010

You are here: [Home](#) > [Quality plus](#) > [Databases](#)

CTM-ONLINE - Detailed trade mark information



Trade mark name : nutella POINT
Trade mark No : 002657492
Trade mark basis: CTM
Number of results: 1 of 1

Online Inspection Request form (for MyPage users with current account only)



Trade mark



Filing date: 10/04/2002
Date of registration: 08/12/2004
Expiry Date: 10/04/2012
Nice Classification: 11, 16, 29, 30, 38, 41, 43 ([↗](#) Nice classification)
Trade mark: Individual
Type of mark: Figurative
Vienna Classification: 25.5.94, 29.1.1, 29.1.8 ([↗](#) Vienna Classification)
Acquired distinctiveness: No
Applicant's reference: C003438
Status of trade mark: CTM registered ([↗](#) Glossary)
 CTM registration published (B1) ☒
 ([↗](#) Publication B1 or Publication B2)
 ([↗](#) History of statuses)
Filing language: Italian
Second language: English

Graphic representation



nutella
POINT

List of goods and services



Nice Classification: 11
List of goods and services Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

Nice Classification: 16
List of goods and services Paper, cardboard and goods made from these materials, not included in other classes; prints; bookbinding material; photographs; stationery, adhesives for stationery or household purposes, artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for

packaging (not included in other classes); printers' type; printing blocks.

Nice Classification:
List of goods and services

29
Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats.

Nice Classification:
List of goods and services

30
Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from ground cereals (except fodder); bread, biscuits, tarts, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; cooking salt, mustard; pepper, vinegar, sauces; spices; ice for refreshment; cocoa, cocoa products, i.e. paste for cocoa beverages, chocolate paste, coatings, particularly chocolate coatings, chocolate, pralines, chocolate articles for decorating Christmas trees, goods consisting of edible chocolate cases with alcoholic filling, sugar articles, pastries, including fine and long-life pastries; chewing gum, sugar-free chewing gum, sugar-free pralines.

Nice Classification:
List of goods and services

38
Telecommunications.

Nice Classification:
List of goods and services

41
Providing of education; training; entertainment; sporting and recreational activities.

Nice Classification:
List of goods and services

43
Restaurant services (food); temporary accommodation.

Description

Description of the mark:
Indication of colour :

-
Black, red, white..

Owner

Name: Ferrero S.p.A.
ID No: 35325
Natural or legal person: Legal entity
Address: Piazzale Pietro Ferrero, 1
Post code: 12051
Town: Alba (Cuneo)
Country: ITALY
Correspondence address: Ferrero S.p.A. Piazzale Pietro Ferrero, 1 I-12051 Alba (Cuneo) ITALIA
Telephone: 00 39-0118152321
Fax: 00 39-0118152965

Representative

Name: JACOBACCI & PARTNERS S.P.A.
ID No: 10139
Address: Corso Emilia, 8
Post code: 10152
Town: Torino
Country: ITALY
Correspondence address: JACOBACCI & PARTNERS S.P.A. PO Box 321 Torino Centre I-10121 Torino ITALIA
Telephone: 00 39-0112440311
Fax: 00 39-011286300
E-mail: jpto@jacobacci.com

Seniority

No entry for application number: 002657492.

Exhibition priority

No entry for application number: 002657492

Priority

Country: ITALY
Number of basic application: TO2001C003321
Filing date of basic application: 22/10/2001
Trade mark status: Accepted

Publication

Bulletin no.: **2004/024**
Date of publication: 14/06/2004
Part: A.1

Bulletin no.: **2005/003**
Date of publication: 17/01/2005
Part: B.2

Opposition

No entry for application number: 002657492.

Cancellation

No entry for application number: 002657492

Appeals

No entry for application number: 002657492.

Recordals

Title: Owners
Sub-title: Change of name and adress of owner
ID No: 001141301
Bulletin no.: **2007/029**
Date of publication: 02/07/2007
Part: C.1.3

Title: Representative
Sub-title: Change of name and professional address
ID No: 001221012
Bulletin no.: **2007/042**
Date of publication: 13/08/2007
Part: C.2.1

Renewals

No entry for application number: 002657492.



Version: 9.2.2

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Office for Harmonization in the Internal Market (Trade Marks and Designs)
Avenida de Europa 4, E-03008 Alicante, Spain - Tel: +34 96 513 9400 - e-mail: