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REPUBLIC OF CYPRUS
MINISTRY OF
COMMERCE, INDUSTRY
AND TOURISM

DEPARTMENT OF REGISTRAR OF COMPANIES
AND OFFICIAL RECEIVER
INTELLECTUAL AND INDUSTRIAL PROPERTY SECTION
TRADE MARKS
1427 NICOSIA CYPRUS

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

PROVISIONAL REFUSAL OF PROTECTION BASED ON AN OPPOSITION

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: MINISTRY OF COMMERCE, INDUSTRY AND TOURISM, THE DEPARTMENT OF REGISTRAR OF COMPANIES AND OFFICIAL RECEIVER, KARPENISIOU & MAKARIOU STR., XENIOS BLDG., 1427 NICOSIA, CYPRUS
II.	Number of the international registration: 1 001 397 (fitELLA)
III.	Name of the holder of the international registration: FOODCARE SPÓŁKA Z O.O., W ZABIERZOWIE, ul. Spokojna 4, PL-32-080 Zabierzów, (Poland).
IV.	<input type="checkbox"/> Provisional refusal based on an <i>ex-officio</i> examination <input checked="" type="checkbox"/> Provisional refusal based on an opposition ¹ <input type="checkbox"/> Provisional refusal based on both an <i>ex-officio</i> examination and an opposition ¹
V.	<input type="checkbox"/> Provisional refusal for all the goods; <input checked="" type="checkbox"/> Provisional refusal for all the goods and services: as indicated in the IR under class 30.
VI.	Grounds for refusal [(where applicable, see item VII)]: An opposition has been filed by Ferrero SpA, Piazzale Pietro Ferrero 1, 12051 Alba, Cuneo, Italy based on: a) Section 20(2)(3)(4) of the National Trade Marks Law, b) Section 13 and 14 of the National Trade Marks Law Cap. 268 (as amended) c) Article 6(bis) for the Protection of the Industrial Property under the Paris Convention.

¹ The name and address of the opponent should also be provided.

VII. Information relating to an earlier mark³

- (i) Filing date and number: 04/08/1973 – 15134 (NUTELLA)
- (ii) Registration date and number (if available): as above
- (iii) Name and address of the owner: FERRERO S.p.A., Piazzale Pietro Ferrero, 12051 Alba (Province of Cuneo), Italy
- (iv) Reproduction of the mark: please see the attached
- (v) List of all or relevant goods: Class 30 (the list of the goods in Greek)- Είδη ζαχαροπλαστικής και είδη αρτοποιίας. Προϊόντα σοκολάτας, ειδικώς δε κρέμα περιέχουσα κακάο, μετά ή άνευ άλλων συστατικών.

- (i) Filing date and number: 08/01/2003 – 65055 (nutella & label)
- (ii) Registration date and number (if available): as above
- (iii) Name and address of the owner: Ferrero S.p.A., Piazzale Pietro Ferrero 1, 12051 Alba, Cuneo, Italy.
- (iv) Reproduction of the mark: please see the attached
- (v) List of all or relevant goods: Class 30 (the list of the goods in Greek)- Όλα τα προϊόντα της κλάσης 30.

VII. Corresponding essential provisions of the applicable law [(see text under XII)]:

Section 20(2)(3)(4) Cap. 268 – Third party opposition proceeding.

³ Where the grounds on which the provisional refusal is based relate to an earlier mark, as indicated under item VI. The indication required under this item may be given by annexing a printout from the register or database.

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VIII. Information relating to subsequent procedure:

Two- (2) months from the date mentioned in part X.

An advocate – practicing Law in Cyprus – needs to be appointed by you, who will act as your agent/representative before our Office.

Since we do not keep or issue any lists of lawyers, we give you below details of the CYPRUS Bar Association, who you may contact for further Information and a list of advocates:

**Cyprus Bar Association
11, Florinis Street,
1st Floor, Office 101
1065 Nicosia-Cyprus
P.O. Box 21446, 1508 Nicosia
Tel. No.:+357 22873300
Fax No.:+357 22873013
Email: cybar@cytanet.com.cy / cybar2@cytanet.com.cy
Website: www.cyprusbarassociation.org**

However, in case you are an advocate practicing Law overseas, you are required to obtain a license for practicing Law in Cyprus, by applying to the LAW COUNCIL OF THE CYPRUS REPUBLIC (fax no. +22665080), who will certify that you comply with the Cyprus Advocates Law CAP.2.

X. Date of the notification of provisional refusal: April 8, 2010

XI. Signature or official seal of the Office making the notification:

(sgd.) J. CHRISTOFOROU

For the Registrar of Trademarks

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15134

NUTELLA

65055

