

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

EX OFFICIO PROVISIONAL REFUSAL

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

I. Office refusing protection:

National Board of Patents and Registration of Finland
Trademarks
P.O. Box 1170
FIN-00101 HELSINKI
Telephone: +358-9-6939500
Telefax: +358-9-69395328

II. Number of the international registration which is the subject of the refusal: 994020

III. Other information concerning the international registration which is subject of the refusal:
Verbal elements of the mark: Piccolinis (word).

IV. The grounds for this refusal are the following:

The trademark is liable to be confused with the following international registration, which is accepted to be valid in Finland: Piccolini; registered under number 849892 for identical and similar kinds of goods in class 30 (information on international registration designating Finland enclosed).

The trademark is liable to be confused with the following Community trademark: BARILLA PICCOLINI; registered under number 2790376 for identical and similar kinds of goods in class 30. (The enclosed information of the Community trademark is a printout from the CTM-ONLINE database (Community Trade Mark Consultation Service)).

The trademark is liable to be confused with the following Community trademark: BARILLA PICCOLINI; registered under number 2860088 for identical and similar kinds of goods in class 30. (The enclosed information of the Community trademark is a printout from the CTM-ONLINE database (Community Trade Mark Consultation Service)).

The trademark is liable to be confused with the following Community trademark: Buitoni Piccolinis; registered under number 4392684 for identical and similar kinds of goods in class 30. (The enclosed information of the Community trademark is a printout from the CTM-ONLINE database (Community Trade Mark Consultation Service)).

V. Provisions of the Finnish Trademarks Act applicable on the subject (enclosed):

Art. 6 paragraph 1, Art. 14 paragraph 1 item 8
Art. 6 paragraph 1, Art. 14 paragraph 1 item 9

VI. Total refusal.

VII. The holder of the registration may request a review of the refusal. The request shall be received by the National Board of Patents and Registration of Finland no later than within 12 weeks from the date of the refusal. **The time limit expires 17.11.2010 (dd.mm.yyyy).**

The request, which is to be drawn up in Finnish or Swedish, has to be filed through the intermediary of a representative resident in the European Economic Area.

If the holder of the registration has not within the time limit given above requested for the review, the registration shall not take effect in Finland for the goods/services which are affected by the refusal (Art. 56 b paragraph 3).


If the grounds for this refusal include Community trademarks or Community trademark applications or international registrations they can remain as grounds for this refusal even if the Community trademark or the Community trademark application is converted into a national trademark application and it leads to registration (Art. 57 a and Art. 14 paragraph 1 item 6) or if the international registration is transformed into a national trademark application and it leads to registration (Art. 56 i and Art. 14 paragraph 1 item 6).

Please note that if the designation is accepted subsequent to reviewal or appeal an opposition may be filed against the mark within 2 months of the publication of the mark (Art. 56 c).

Oppositions may be filed after the end of the 18-month period (Art. 5(2)(c)(i) of the Madrid Protocol, Rule 16(1) of the Common Regulations).

VIII. Date on which the refusal was pronounced: 25.08.2010 (dd.mm.yyyy)

IX. Signature of the Office


Mika Kivi
Head of Unit
Tel. +358-9-6939 5835



TIETOJA SUOMEEN KOHDISTETUSTA KANSAINVÄLISESTÄ REKISTERÖINNISTÄ
UPPGIFTER OM INTERNATIONELL REGISTRERING VARI FINLAND HAR DESIGNERATS
INFORMATION ON INTERNATIONAL REGISTRATION DESIGNATING FINLAND

Kansainvälinen rekisterinumero - Internationell registernummer - International registration number (111)

849892

Kansainvälinen rekisteröintipvm/myöhemmän laajentamisen pvm - Registreringsdag/dagen för efterföljande designering -
Date of international registration/subsequent designation (151)

16.03.2005

Rekisteröinti päättyy - Registreringen upphör - Registration expires (180)

16.03.2015

Etuoiikeus - Prioritet - Priority

(320)	(330)	(310)
23.02.2005	IT	MI2005C001959

Haltija - Innehavare - Holder (732)

BARILLA G. E R. FRATELLI - SOCIETA PER AZIONI, Parma, IT

Tavaramerkki - Varumärke - Trademark (540)

Piccolini

Tavarat/palvelut - Varor/tjänster - Goods/services (511)

Luokka/Klass/Class 30 Rice, flour and preparation made from cereals, bread, pasta, biscuits, yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; frozen ready meals.

Luokitus NCL(8):n mukaan - Klassificering enligt NCL(8) -
Classified in accordance with NCL(8)

OHIM

The Trade Marks and Designs Registration Office of the European Union

You are here: [Home](#) > [Quality plus](#) > [Databases](#)**CTM-ONLINE - Detailed trade mark information**

Trade mark name : BARILLA PICCOLINI
Trade mark No : 002790376
Trade mark basis: CTM
Number of results: 13 of 15

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

**Trade mark**

Filing date: 26/07/2002
Date of registration: 19/11/2004
Expiry Date: 26/07/2012
Nice Classification: 29, 30 (Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Applicant's reference: C001560
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

No entry for application number: 002790376.

List of goods and services

Nice Classification: 29
List of goods and services Meat, fish, poultry and games; meat extract; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; edible oils and fats; frozen ready made meals.
Nice Classification: 30
List of goods and services Coffee, tea, cocoa, sugar, rice, tapioca, sago coffee substitutes; flour and cereal preparations, bread, pasta; biscuits; pastry and confectionery ices; honey, treacles; yeast baking-powder; salt, mustard; vinegar sauces (condiments); relish; ice; frozen prepared meals.

Description**Description of the mark:** -**Owner**

Name: Barilla G. e R. Fratelli - Società per Azioni
ID No: 185797
Natural or legal person: Legal entity
Address: Via Mantova, 166
Post code: 43100
Town: Parma
Country: ITALY
Correspondence address: Barilla G. e R. Fratelli - Società per Azioni Via Mantova, 166 I-43100 Parma ITALIA
Telephone: 00 39-0521263522
Fax: 00 39-0521270731

Representative

Name: PERANI MEZZANOTTE & PARTNERS
ID No: 20184
Address: Piazza San Babila, 5
Post code: 20122
Town: Milano
Country: ITALY

Correspondence address: PERANI MEZZANOTTE & PARTNERS Piazza San Babila,
5 I-20122 Milano ITALIA
Telephone: 00 39-0276316161
Fax: 00 39-0276317619
E-mail: mail@perani.com

Seniority

No entry for application number: 002790376.

Exhibition priority

No entry for application number: 002790376

Priority

No entry for application number: 002790376.

Publication

Bulletin no.: 2003/042
Date of publication: 19/05/2003
Part: A.1

Bulletin no.: **2004/052**
Date of publication: 27/12/2004
Part: B.2

Opposition

Opposition No: 000633299
Reception date: 12/08/2003
Opponent name: LACTOGAL - Produtos Alimentares, S.A.
Opponent ID No: 45984

Cancellation

No entry for application number: 002790376

Appeals

No entry for application number: 002790376.

Recordals

Title: Owners
Sub-title: Change of name and adress of owner
ID No: 001020075
Bulletin no.: **2007/029**
Date of publication: 02/07/2007
Part: C.1.3

Title: Owners
Sub-title: Change of name and adress of owner
ID No: 001118747
Bulletin no.: **2007/029**
Date of publication: 02/07/2007
Part: C.1.3

Title: Owners
Sub-title: Change of name and adress of owner
ID No: 002594540
Bulletin no.: **2007/043**
Date of publication: 20/08/2007
Part: C.1.3

Renewals

No entry for application number: 002790376.



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:

Rekisteröinti kuulutettu: - Registreringen kungjorts: - Registration published:

15.09.2006

Rekisteröinti voimassa Suomessa - Registreringen är giltig i Finland - Registration is valid in Finland

Haltijan ilmoittama osoite - Innehavarens adress enligt anmälan - Reported address of the trademark owner:

Via Mantova, 166, I-43100 PARMA, IT

OHIM

The Trade Marks and Designs Registration Office of the European Union

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CTM-ONLINE - Detailed trade mark information



Trade mark name : Barilla Piccolini
 Trade mark No : 002860088
 Trade mark basis: CTM
 Number of results: 12 of 15

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



Trade mark

Filing date: 20/09/2002
 Date of registration: 21/10/2004
 Expiry Date: 20/09/2012
 Nice Classification: 29, 30 ([↗](#) Nice classification)
 Trade mark: Individual
 Type of mark: Figurative
 Vienna Classification: 26.99.4, 26.99.20 ([↗](#) Vienna Classification)
 Acquired distinctiveness: No
 Applicant's reference: C001605
 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



List of goods and services

Nice Classification: 29
 List of goods and services: 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; frozen prepared meals.

Nice Classification: 30
 List of goods and services: Coffee, tea, cocoa, 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; frozen prepared meals.

Description

Description of the mark: -
 Indication of colour : Blue, red, yellow, white..

Owner

Name: Barilla G. e R. Fratelli - Società per Azioni
 ID No: 185797
 Natural or legal person: Legal entity
 Address: Via Mantova, 166
 Post code: 43100

Town: Parma
Country: ITALY
Correspondence address: Barilla G. e R. Fratelli - Società per Azioni Via Mantova, 166 I-43100 Parma ITALIA
Telephone: 00 39-0521263522
Fax: 00 39-0521270731

Representative

Name: PERANI MEZZANOTTE & PARTNERS
ID No: 20184
Address: Piazza San Babila, 5
Post code: 20122
Town: Milano
Country: ITALY
Correspondence address: PERANI MEZZANOTTE & PARTNERS Piazza San Babila, 5 I-20122 Milano ITALIA
Telephone: 00 39-0276316161
Fax: 00 39-0276317619
E-mail: mail@perani.com

Seniority

No entry for application number: 002860088.

Exhibition priority

No entry for application number: 002860088

Priority

No entry for application number: 002860088.

Publication

Bulletin no.: 2003/040
Date of publication: 12/05/2003
Part: A.1

Bulletin no.: **2004/049**
Date of publication: 06/12/2004
Part: B.2

Opposition

Opposition No: 000633240
Reception date: 12/08/2003
Opponent name: LACTOGAL - Produtos Alimentares, S.A.
Opponent ID No: 45984

Cancellation

No entry for application number: 002860088

Appeals

No entry for application number: 002860088.

Recordals

Title: Owners
Sub-title: Change of name and adress of owner
ID No: 001020075
Bulletin no.: **2007/029**
Date of publication: 02/07/2007
Part: C.1.3

Title: Owners
Sub-title: Change of name and adress of owner
ID No: 001118747
Bulletin no.: **2007/029**
Date of publication: 02/07/2007
Part: C.1.3

Title: Owners
Sub-title: Change of name and adress of owner
ID No: 002594540
Bulletin no.: **2007/043**
Date of publication: 20/08/2007
Part: C.1.3

Renewals

No entry for application number: 002860088.



Version: 9.2.2

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OHIM

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CTM-ONLINE - Detailed trade mark information



Trade mark name : Buitoni Piccolinis
Trade mark No : 004392684
Trade mark basis: CTM
Number of results: 1 of 3

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



Trade mark	
Filing date:	12/05/2005
Date of registration:	04/11/2009
Expiry Date:	12/05/2015
Nice Classification:	30 (Nice classification)
Trade mark:	Individual
Type of mark:	Figurative
Vienna Classification:	25.5.95, 26.4.2, 26.4.5, 26.4.22, 29.1.1, 29.1.3, 29.1.6 (Vienna Classification)
Acquired distinctiveness:	No
Applicant's reference:	MC-05.078
Status of trade mark:	CTM registered (Glossary)
	CTM registration published (B1) <input checked="" type="checkbox"/>
	(Publication B1 or Publication B2)
	(History of statuses)
Filing language:	English
Second language:	French

Graphic representation



List of goods and services

Nice Classification: 30
List of goods and services Frozen and refrigerated meals; frozen and refrigerated snacks; pizzas.

Description

Description of the mark: -
Indication of colour : Green, red, yellow, white..

Owner

Name: Société des Produits Nestlé S.A.
ID No: 10944
Natural or legal person: Legal entity
Address: Avenue Nestlé, 55
Post code: 1800
Town: Vevey
Country: SWITZERLAND
Correspondence address: Société des Produits Nestlé S.A. Legal Department - Brand IP Case postale 353 Vevey 1800 SUIZA
Telephone: 00 34-934805442
Fax: 00 34-934733934

Representative

Name: Clara
Berenguer Marsal
ID No: 39417
Address: Avda. Paisés Catalanes, 25-51
Post code: 08950
Town: Esplugues de Llobregat (Barcelona)
Country: SPAIN
Correspondence address: NESTLE ESPAÑA, S.A. Servicios Jurídicos Clara
Berenguer Marsal Avda. Paisés Catalanes, 25-51 E-
08950 Esplugues de Llobregat (Barcelona) ESPAÑA
Telephone: 934805442
Fax: 934733934
E-mail: clara.berenguer@es.nestle.com

Seniority

No entry for application number: 004392684.

Exhibition priority

No entry for application number: 004392684

Priority

No entry for application number: 004392684.

Publication

Bulletin no.: 2005/044
Date of publication: 31/10/2005
Part: A.1

Bulletin no.: 2009/045
Date of publication: 23/11/2009
Part: B.2

Opposition

Opposition No: 000963936
Reception date: 31/01/2006
Opponent name: QUELY, S.A.
Opponent ID No: 23141

Cancellation

No entry for application number: 004392684

Appeals

Appeal number: R1149/2008-4
Date of receipt: 30/07/2008
Appellant name: QUELY, S.A.
Appellant number: 122079

Recordals

No entry for application number: 004392684.

Renewals

No entry for application number: 004392684.



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:

Extract from the Finnish Trademarks Act

Article 1

Registration shall confer exclusive rights in a trademark as a special symbol for distinguishing goods to be offered for sale, or otherwise purveyed in business, from those of others.

Any kind of mark that can be represented graphically and by means of which goods marketed in business can be distinguished from those of others may be a trademark. A trademark may in particular consist of words, including personal names, figures, letters, numerals or the shape of goods or of their packaging.

The provisions of this Act concerning goods shall apply by analogy to services.

Article 3

Any person may use his surname, address or trade name in his business as a trade symbol for his goods unless that use is liable to cause confusion with another's protected trademark, or with a name, address or trade name already being lawfully used by another in his business.

The foregoing provision on trade names applies also to the auxiliary trade name and secondary symbol referred to in the Trade Names Act.

The name or trade name of another may not be included in a trademark; neither may the auxiliary trade name or secondary symbol of another be included in a trademark except where they lack distinguishing power or where the branches of trade or kinds of goods concerned are different.

Article 6

Trade symbols shall be regarded under this Act as liable to cause confusion only if they apply to goods of identical or similar type.

Notwithstanding the foregoing, the confusability of trade symbols may be judged in favor of a symbol that has a reputation in Finland where the use of another's trade symbol without due cause would constitute unfair exploitation of, or action detrimental to, the distinctive character or fame of the earlier trade symbol.

The second paragraph of this Article shall apply also to the auxiliary trade names and secondary symbols referred to in the third paragraph of Article 3.

Article 13

To be eligible for registration, a trademark must be capable of distinguishing its proprietor's goods from those of others. A mark that denotes either alone or with only few alterations or additions, the kind, quality, quantity, use, price or place or time of manufacture of the goods shall not, as such, be regarded as distinctive. Neither shall a mark be regarded as distinctive, if it is solely composed of a form that is characteristic of the goods, necessary for achieving a technical result or that substantially increases the value of the goods. In assessing whether a trademark possesses distinguishing power, all the factual circumstances shall be borne in mind, particularly the length of time and extent to which the mark has been used.

Article 14

A trademark shall not be registered:

- (1) if it is contrary to law and order, or to morality;
- (2) if it is liable to mislead the public;
- (3) if, without proper permission, it incorporates national armorial bearings, a national flag or other emblem, a sign or hallmark indicating control and warranty used by the State for goods of the same type as those for which the trademark is sought or a similar type, the armorial bearings of a Finnish commune, or the flag, armorial bearings or other emblem, name or abbreviated name of an international organization or any device or emblem, name or abbreviated name liable to be confused with the symbols or emblems, marks, names or abbreviations referred to in this item;
- (4) if it is composed of or contains anything likely to give the impression of being the protected trade name of another or the auxiliary trade name or secondary symbol of another as referred to in the third paragraph of Article 3, or of being the name or likeness of another person, unless such name or likeness plainly relates to a person long dead;
- (5) if it is composed of or contains anything likely to give the impression of being the title of another's protected literary or artistic work, such title being original in character, or if it constitutes an infringement of another's copyright in such a work, or of his right in a photographic illustration or a protected design;
- (6) if it is liable to be confused with the name or protected trade name of another trader, with an auxiliary trade name or secondary symbol of the kind referred to in the third paragraph of Article 3, with the trademark of another which has been registered on the basis of an earlier application or with the trade symbol of another party that is already established when registration is sought;
- (7) if it is liable to be confused with a trade symbol being used by another party for his goods at the time of the application, and if the applicant was aware of that use at the time of his application and had not used his own mark before the other trade symbol came into use;
- (8) if it is liable to be confused with a trademark protected by an international registration valid in Finland or the European Community that on the basis of this registration enjoys an earlier right in Finland or the European Community.

(9) if it is liable to be confused with a Community trade mark within the meaning of Article 57 that has been registered on the basis of an earlier application or that has resulted from Finland under Article 14 or 15 of the Council Regulation referred to in Article 57, 10) if it is liable to be confused with a registered name of a plant variety, or 11) if there is an obstacle to registration within the meaning of Council Regulation (EEC) No. 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

In the cases referred to in items (4) to (9), registration may be granted if the person whose right is concerned agrees thereto, and provided that the registration does not contravene any of the other provisions of the first paragraph of this Article.

Article 15

The exclusive rights in a trademark acquired by registration do not cover any part of the mark that cannot be registered as such.

If the trademark contains any such part and there are special reasons to believe that its registration may cause uncertainty regarding the extent of the exclusive rights granted, protection of the part may be specifically disclaimed when the registration is made.

If a part of a trademark excluded from protection later becomes registrable, a new registration may be made to cover that part or the entire trademark without the exclusion of the part from protection.

Article 56a

When the registration authority receives a notification of an international registration having effect in Finland from the International Bureau, it shall examine whether there is any obstacle to the registration.

Article 56b

If the registration authority finds that a trademark filed for international registration does not comply with the conditions of registration laid down in this Act, it shall notify the International Bureau that the international registration has no effect in Finland. The registration authority shall notify its refusal, together with a statement of all grounds, to the International Bureau before the expiry of a period of 18 months from the date of the International Bureau notification referred to in Article 56a.

If the statement issued by the proprietor of an international registration commenting on the notification by the registration authority referred to in the foregoing paragraph does not present any grounds on which the trademark could be deemed to comply with the conditions of registration laid down in this Act, the registration authority shall rule that the international registration has no or only a partial effect in Finland.

If the proprietor of an international registration has not within the given time limit submitted his statement commenting on the registration authority's notification referred to in paragraph 1, the international registration shall not take effect in Finland. If the said notification only concerned some of the goods in the international registration, the international registration shall take effect in Finland in respect of those of the goods that the notification did not concern.

Article 56c

If no obstacle to registration is found, the registration authority shall give public notice of the International Bureau notification referred to in Article 56a as laid down in the first paragraph of Article 20. The public notice shall specify the date accorded to the international registration by the International Bureau.

Any opposition to an international registration in Finland shall be filed in writing with the registration authority within two months of the date of the public notice.