



**ESTONIAN PATENT OFFICE  
TRADEMARK DEPARTMENT**

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

**NOTIFICATION OF *EX OFFICIO* PROVISIONAL REFUSAL**

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:

**1038475**

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

Verbal elements of the mark: **pet center**

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

1. The trademark can not be protected, because the word combination PET CENTER is devoid of any distinctive character regarding the goods/services named in the list of goods and services. The trademark consists of indication PET CENTER, which may serve, in trade, to designate the kind, intended purpose and other characteristics of the goods/services.
2. The trademark is also similar to the following Community trademarks, which are registered for identical and similar kind of goods and services (copy of the registration enclosed):

**Pet center (fig. mark)**, registered 17.05.2010 (filing date 29.09.2009) under the number 008581894.  
**Pet center (fig. mark)**, registered 15.09.2008 (filing date 31.10.2007) under the number 006336267.

The name and the address of the owner of the marks are:

Owner: H. von Gimborn GmbH

Address: Albert-Einstein-Str. 6  
46446 Emmerich

Country: DE

If the grounds for refusal mentioned in the item IV.1. will be excluded in the course of the possible appeal proceedings, the written consent from the owner of the above mentioned trademarks is required for protection of the international registration in Estonia.

V. Provision of the Estonian Trademark Act applicable on the subject (enclosed):  
Section 9 subsections 1(2) and 1(3).  
Section 10 subsections 1(2) and 2  
Section 11 subsection 1(6)

VI. The ground referred to in item IV.1. affects all the goods and services.  
The ground referred to in item IV.2. affects all the goods and services.

VII. The owner of the registration may request a review of the provisional refusal. The request shall be received by Estonian Patent Office no later than within 4 months from the date of the provisional refusal.

The time limit expires **21/11/2011** (dd/mm/yyyy).

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

**Please note** that if the owner of the registration fails to respond by the due date, the registration shall be deemed to be withdrawn for goods and services mentioned in item VI (section 38 subsection 2 of the Estonian Trademark Act). The owner may request that processing be resumed if the owner failed to perform the acts due to force majeure or some other impediment independent of the owner or the representative of the owner (section 47 subsection 3 of the Estonian Trademark Act).

**Please note** that if the mark is protected subsequent to review of the provisional refusal an interested person may contest the owners right to a trade mark within two months as of the publication of the trade mark (section 41 subsection 2 of the Estonian Trademark Act).

VIII. Date on which the provisional refusal was pronounced: 20/07/2011 (dd/mm/yyyy).

IX. Signature of the Office:



Jana Vinogradova  
Senior Examiner of the First International Trademark Examination Division

Number of continuation sheets: 3

**§ 9. Absolute circumstances which preclude legal protection**

- (1) Legal protection shall not be granted to the following signs:
- 2) signs which are devoid of any distinctive character, including single letters in non-stylised form, single numbers in non-stylised form and single colours;
- 3) signs which consist exclusively of signs or indications which designate the kind, quality, quantity, intended purpose, value or geographical origin of the goods or services, the time of production of the goods or of rendering of the services, or other characteristics of the goods or services, or which describe the goods or services in another manner, or which consist of the above-mentioned signs or indications which are not considerably altered;
- 6) signs which are of such a nature as to deceive the consumer as to the kind, quality, quantity, intended purpose, value or geographical origin of the goods or services, the time of production of the goods or of rendering of the services, or other characteristics of the goods or services;

**§ 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;
- (2) Circumstances specified in clauses (1) 2)-6) of this section which preclude legal protection are not taken into account if the proprietor of the earlier trade mark or another earlier right consents to the registration of the later trade mark in writing.

**§ 11. Earlier trade mark and other earlier rights**

- (1) "Earlier trade mark" means the following:
- 6) a Community trade mark registered on the basis of the Community Trade Mark Regulation if the filing date of the application, priority date or the seniority date granted on the basis of Estonian registration is earlier;  
(10.03.2004 entered into force 01.05.2004 - RT I 2004, 20, 141)

**§ 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 acts related to trade marks in the Patent Office and the Industrial Property Board of Appeal, except the filing of an application.

**§ 38. Examination of trade marks**

- (2) If an examination reveals circumstances which preclude the legal protection of a trade mark, the Patent Office shall notify the applicant thereof and set a term of at least two months for the elimination of the said circumstances or the provision of explanations. If the applicant fails to respond by the due date, the application shall be deemed to be withdrawn.

**§ 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.

**§ 47. Withdrawal of applications, termination and resumption of processing**

- (3) An applicant may request that processing be resumed if the Patent Office terminated processing having deemed the application to be withdrawn pursuant to § 37, 38 or 46 of this Act and if the applicant failed to perform the acts due to force majeure or some other impediment independent of the applicant or the representative of the applicant.

**§ 69. Effect of international registration**

- (1) Legal protection arising from an international registration valid in Estonia is equal to legal protection arising from a national registration and the rights and obligations arising from an internationally registered trade mark.

**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**

Overview

Trade mark

CTM on which IA is based

Graphic representation

List of goods and services

Description of the mark

Owner

Representative

Seniority

Exhibition priority

Priority

International Registration Transformation

Publication

Opposition

Cancellation

Appeals

Recordals

Renewals

Download trade mark details

Link to CTM Bulletin online

**CTM-ONLINE - Detailed trade mark information**

**Trade mark name :** PET CENTER  
**Trade mark No :** 006336267  
**Trade mark basis:** ⇨ CTM on which IA is based  
**Date of receipt :** 31/10/2007  
**Number of results:** 1 of 1

Request an inspection

Certified copy of the Registration Certificate

<b>Filing date:</b>	31/10/2007	<b>Trade mark</b>	
<b>Date of registration:</b>	15/09/2008		
<b>Expiry Date:</b>	31/10/2017		
<b>Nice Classification:</b>	5, 31, 35 (⇨ Nice classification)		
<b>Trade mark:</b>	Individual		
<b>Type of mark:</b>	Figurative		
<b>Vienna Classification:</b>	3.17 (⇨ Vienna Classification)		
<b>Acquired distinctiveness:</b>	No		
<b>Applicant's reference:</b>	2383-VE-24.828		
<b>Status of trade mark:</b>	Registered	(⇨ Glossary)	
	Publication of registration		
	(⇨ Publication B1 or Publication B2)		
	(⇨ History of statuses)		
<b>Filing language:</b>	German		
<b>Second language:</b>	English		

**Graphic representation****List of goods and services**

**Nice Classification:**  
**List of goods and services**

5  
 Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; Dietetic substances adapted for medical and veterinary use; pharmaceutical and medicinal complementary foodstuffs for animals and additives for foodstuffs for animals; vitamin concentrates, protein concentrates, calcium preparations, minerals, trace elements and electrolyte preparations, all for medical purposes and as additives for foodstuffs for animals, all the aforesaid goods in particular for administering to small animals, including rodents, dogs and cats; disinfectants; fungicides; disinfection preparations for household pets and cattle, including in the form of powders, sprays or collars; medicated shampoos and medicated cleaning preparations for animals.

**Nice Classification:**  
**List of goods and services**

31  
 Agricultural, horticultural and forestry products and grains, included in class 31; live animals, fresh fruits and vegetables, potatoes, and preparations made from these goods being non-medical supplements for foodstuffs for animals; seeds, natural plants and flowers; foodstuffs for animals, including foodstuffs for rodents, dogs, cats, birds and fish, and biscuits, small delicacies and reward snacks; foodstuffs for animals, mixed feed, strengthening feed, rearing feed, mineral feed; complementary foodstuffs for animals and additives for foodstuffs for animals, mineral feed supplements, not for medical purposes; edible toys for animals, in particular chewing bones, digestible chewing bones and sticks for pets, feed supplements not for veterinary purposes; malt; bedding for animals.

**Nice Classification:**  
**List of goods and services**

35  
 Advertising, business management, business administration, office functions; sales promotion; retailing of foodstuffs for animals, animal requisites, pet products and products for domestic animals; Business management of outlets selling products for animals; online services, namely retail services in relation to animal foodstuffs, animal requisites, pet products, via the Internet, mail order, catalogues and other media; provision of business advice to customers at the point of sale; sales promotion (for others).

**Description**

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

**Name:** H. von Gimborn GmbH  
**ID No:** 22735  
**Natural or legal person:** Legal entity  
**Address:** Albert-Einstein-Str. 6  
**Post code:** 46446  
**Town:** Emmerich  
**Country:** GERMANY  
**Correspondence address:** H. von Gimborn GmbH Postfach 10 05 52 D-46425 Emmerich ALEMANIA

**Representative**

**Name:** WESTENDORP SOMMER  
**ID No:** 43469  
**Type:** 4 - Association  
**Address:** Uhlandstr. 2  
**Post code:** 80336  
**Town:** München  
**Country:** GERMANY  
**Correspondence address:** WESTENDORP SOMMER Uhlandstr. 2 D-80336 München ALEMANIA  
**Telephone:** 00 49-8955052030  
**Fax:** 00 49-89550520320  
**E-mail:** \* mail@patentcompany.eu

**Seniority**

No entry for application number: 006336267.

**Exhibition priority**

No entry for application number: 006336267

**Priority**

No entry for application number: 006336267.

**International Registration Transformation**

No entry for application number: 006336267.

**Publication**

**Bulletin no.:** ¶ 2008/014  
**Date of publication:** 07/04/2008  
**Part:** A.1  
**Bulletin no.:** ¶ 2008/038  
**Date of publication:** 22/09/2008  
**Part:** B.1  
**Bulletin no.:** ¶ 2009/001  
**Date of publication:** 12/01/2009  
**Part:** C.3.6  
**Bulletin no.:** ¶ 2009/012  
**Date of publication:** 06/04/2009  
**Part:** C.2.2  
**Bulletin no.:** ¶ 2009/043  
**Date of publication:** 09/11/2009  
**Part:** C.2.1

**Opposition**

No entry for application number: 006336267.

**Cancellation**

No entry for application number: 006336267

**Appeals**

No entry for application number: 006336267.

**Recordals**

**Title:** Trade Mark  
**ID No:** 003596353  
**Title:** Representative  
**Sub-title:** Replacement of representative  
**ID No:** 003759738  
**Bulletin no.:** ¶ 2009/012  
**Date of publication:** 06/04/2009  
**Part:** C.2.2  
**Title:** Representative  
**Sub-title:** Change of name and professional address  
**ID No:** 004273669  
**Bulletin no.:** ¶ 2009/043  
**Date of publication:** 09/11/2009  
**Part:** C.2.1

**Renewals**

No entry for application number: 006336267.

**OHIM**

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**CTM-ONLINE - Detailed trade mark information**

**Trade mark name :** pet center  
**Trade mark No :** 008581894  
**Trade mark basis:** [CTM on which IA is based](#)  
**Date of receipt :** 29/09/2009  
**Number of results:** 1 of 1

[Request an inspection](#)[Certified copy of the Application form](#)[Certified copy of the Registration Certificate](#)

<b>Filing date:</b>	29/09/2009
<b>Date of registration:</b>	17/05/2010
<b>Expiry Date:</b>	29/09/2019
<b>Nice Classification:</b>	31, 35, 44 ( <a href="#">Nice classification</a> )
<b>Trade mark:</b>	Individual
<b>Type of mark:</b>	Figurative
<b>Vienna Classification:</b>	3 17, 27, 3, 3 ( <a href="#">Vienna Classification</a> )
<b>Applicant's reference:</b>	2383-VE-29208EM
<b>Status of trade mark:</b>	Registered ( <a href="#">Glossary</a> )
	<a href="#">Publication of registration</a>
	( <a href="#">Publication B1</a> or <a href="#">Publication B2</a> )
	( <a href="#">History of statuses</a> )
<b>Filing language:</b>	English
<b>Second language:</b>	German
<b>National search requested:</b>	Yes

**Graphic representation**
**List of goods and services**

**Nice Classification:**  
**List of goods and services**

31  
 Agricultural, horticultural and forestry products and grains, included in class 31; live animals, fresh fruits and vegetables, potatoes, and preparations made from these goods being non-medical supplements for foodstuffs for animals; seeds, natural plants and flowers; foodstuffs for animals, including foodstuffs for rodents, dogs, cats, birds and fish, and biscuits, small delicacies and reward snacks; foodstuffs for animals, mixed feed, strengthening feed, rearing feed, mineral feed; complementary foodstuffs for animals and additives for foodstuffs for animals, mineral feed supplements, not for medical purposes; edible toys for animals, in particular chewing bones, digestible chewing bones and sticks for pets, feed supplements not for veterinary purposes; malt; bedding for animals.

**Nice Classification:**  
**List of goods and services**

35  
 Wholesale and retail of agricultural, horticultural and forestry products and grains, live animals, fresh fruits and vegetables, seeds, natural plants and flowers, Advertising, business management, business administration, office functions; sales promotion; retailing of foodstuffs for animals, animal requisites, pet products and products for domestic animals, including cages for animals, cushions for animals, leashes, toys for pets, litter box for pets, beddings, veterinary products, sanitary products for animals, preparations for destroying vermin; Business management of outlets selling products for animals; online services, namely retail services in relation to animal foodstuffs, animal requisites, pet products, via the Internet, mail order, catalogues and other media; provision of business advice to customers at the point of sale; sales promotion (for others).

**Nice Classification:**  
**List of goods and services**

44  
 Services of a veterinary pharmacy; Veterinary assistance; Animal breeding; veterinary services, veterinary dentistry, hygienic and beauty care for animals.

**Description of the mark:**

Description

Description of the mark:

**Owner**

**Name:** H. von Gimborn GmbH  
**ID No:** 22735  
**Natural or legal person:** Legal entity  
**Address:** Albert-Einstein-Str. 6  
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**Telephone:** 00 49-8955052030  
**Fax:** 00 49-89550520320  
**E-mail:** [mail@patentcompany.eu](mailto:mail@patentcompany.eu)

**Seniority**

No entry for application number: 008581894.

**Exhibition priority**

No entry for application number: 008581894

**Priority**

No entry for application number: 008581894.

**International Registration Transformation**

No entry for application number: 008581894.

**Publication**

**Bulletin no.:** ☒ 2010/019  
**Date of publication:** 01/02/2010  
**Part:** A.1  
**Bulletin no.:** ☒ 2010/090  
**Date of publication:** 19/05/2010  
**Part:** B.1  
**Bulletin no.:** ☒ 2010/097  
**Date of publication:** 31/05/2010  
**Part:** C.3.6  
**Bulletin no.:** ☒ 2009/043  
**Date of publication:** 09/11/2009  
**Part:** C.2.1

**Opposition**

No entry for application number: 008581894.

**Cancellation**

No entry for application number: 008581894

**Appeals**

No entry for application number: 008581894.

**Recordals**

**Title:** Representative  
**Sub-title:** Change of name and professional address  
**ID No:** 004273689  
**Bulletin no.:** ☒ 2009/043  
**Date of publication:** 09/11/2009  
**Part:** C.2.1  
**Title:** Trade Mark  
**ID No:** 004781648

**Renewals**

No entry for application number: 008581894.