

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

notified to the World Intellectual Property Organisation (WIPO)
according to Article 5 of the Madrid Agreement and Madrid Protocol

I. Office making the notification of refusal
PATENT OFFICE OF THE REPUBLIC OF LATVIA
7/70, Citadeles iela, PO Box 824
LV 1010, Riga
LATVIA

Phone 371 67099604
Fax 371 67099650

II. Number of the international registration which is the subject of refusal **1 089 599**

III. Name of the holder of the international registration concerning the subject of refusal
Obchtchestvo s ogranichennoi otvetstvennostiou "Laboratoria sovremennogo zdorovia", ul. Khimzavodskaia, 11/20, RU-633004 Berdsk, Novosibirskaia obl. (Russian Federation)

IV. The grounds of refusal
Opposition submitted by **Nycomed GmbH**, Byk-Gulden-Str. 2, 78467 Konstanz, GERMANY, holder of **CTM 006383137 / PANTOSAL /**.


V. Reference to the corresponding essential provisions of the law of the Republic of Latvia On Trademarks and Indications of Geographical Origin. (see materials attached)
ARTICLE. 18, 39. Opposition has been based on Article 7. (1)2).

VI. ☒ **Refusal for all the goods and services**
☐ Refusal for the following goods and services

VII. Possibilities to review or appeal
The holder has the right, within three months from the date of receipt of decision, to submit a substantiated appeal to the Patent Office through a professional local patent attorney. After expiration of the said period the Board of Appeal shall take a decision to satisfy the opposition, fully or in part, or to dismiss it. The decision of the Board of Appeal can be appealed, within three months from the date of receipt of the copy of the decision, to the Administrative District Court

VIII. Date on which the refusal was pronounced **13.12.2011**

IX. Signature and seal of the office making the notification of refusal

L. Rinka


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 : PANTOSAL
Trade mark No : 006383137
Trade mark basis: CTM
Date of receipt : 22/10/2007
Number of results: 1 of 1

Request an inspection

**Trade mark**

Filing date: 22/10/2007
Nice Classification: 5 (Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Applicant's reference: RIP/TM-gm/PANTOSAL
Status of trade mark: Application opposed (Glossary)
 (History of statuses)
Filing language: German
Second language: English

Graphic representation

No entry for application number: 006383137.

List of goods and services

Nice Classification: 5
List of goods and services: Pharmaceutical preparations, namely medicines for human beings, for treating gastro-intestinal disorders.

Description

Description of the mark:

-

Owner

Name: Nycomed GmbH
ID No: 303297
Natural or legal person: Legal entity
Address: Byk-Gulden-Str. 2
Post code: 78467
Town: Konstanz
Country: GERMANY
Correspondence address: Nycomed GmbH P.O. Box 100310 D-78403
 Konstanz ALEMANIA
Telephone: 00 49-7531845221
Fax: 00 49-7531845350

Representative

Name: Wolfgang Feiler
ID No: 12289
Firm Name: Nycomed GmbH
Type: 5 - Employee
Address: Byk-Gulden-Str. 2
Post code: 78467
Town: Konstanz
Country: GERMANY
Correspondence address: Nycomed GmbH Wolfgang Feiler P.O. Box 10 03 10 D-78403 Konstanz ALEMANIA
Telephone: 00 49-7531845221
Fax: 00 49-7531845350
E-mail: wolfgang.feiler@nycomed.com

Seniority

No entry for application number: 006383137.

Exhibition priority



No entry for application number: 006383137

Priority



No entry for application number: 006383137.

International Registration Transformation



No entry for application number: 006383137.

Publication



Bulletin no.: **2008/018**
Date of publication: 05/05/2008
Part: A.1

Opposition



Opposition No: 001367301
Reception date: 05/08/2008
Opponent name: HEXAL AKTIENGESELLSCHAFT
Opponent ID No: 9777

Opposition No: 001343344
Reception date: 20/06/2008
Opponent name: TAD Pharma GmbH
Opponent ID No: 77107

Cancellation



No entry for application number: 006383137

Appeals



No entry for application number: 006383137.

Recordals



No entry for application number: 006383137.

Renewals



No entry for application number: 006383137.



Version: 9.4.5

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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:

Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

8 November 2001;
21 October 2004;
8 February 2007;
14 October 2010.

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The Saeima¹ has adopted and the President has proclaimed the following law:

Extracts of the Law on Trade Marks and Indications of Geographical Origin

Section 7. Earlier Trade Marks as Grounds for Invalidation of Trade Mark Registration

(1) A trade mark registration may be declared invalid pursuant to the provisions of this Law in the following cases:

1) it is identical to an earlier trade mark, and the goods or services in respect of which the trade mark was registered are identical to the goods or services in respect of which the earlier trade mark was registered; or

2) in connection with its identity or similarity to, an earlier trade mark belonging to another person and the identity or similarity of the respective goods or services, there exists a likelihood of confusion of the trade marks or a likelihood of association between the trade marks on behalf of the relevant consumers.

(2) Earlier trade marks within the meaning of Paragraph one of this Section are:

1) trade marks valid in Latvia, which have been registered under national or international registration procedures, or as European Community trade marks (hereinafter – Community trade mark) in accordance with Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (codified version) (Text with EEA relevance) (hereinafter – Council Regulation No 207/2009) if the date of application for registration thereof is earlier than the date of application for registration of the opposed trade mark, also taking into account the priorities accorded to those trade marks; and

2) applications for the registration of trade marks referred to in the previous Clause, provided that they are registered.

Section 18. Opposition to the Registration of a Trade Mark

1) Within three months from the date of the publication of a trade mark, interested persons may, upon payment of the applicable fee, submit an opposition to the registration of a trade mark. The opposition shall be filed with the Board of Appeals in writing, substantiated by appropriate arguments and references to provisions of law. After the expiration of the previously mentioned term, the opponent does not have the right to change (expand) the initial legal basis of the opposition, but may, up until the decision of the Board of Appeals is taken, submit additional documents and materials, that confirm (detail) the facts on which the opposition is based.

Section 39. Validity of an International Registration in Latvia

(1) An international registration of a trade mark that has, pursuant to the prescribed procedure, entered into effect in Latvia, shall have the same effect as trade marks that have been entered into the Register pursuant to the procedures specified in this Law (registered with the Patent Office pursuant to national procedures).

Section 39.¹ Activities of the Patent Office in Connection with the Registration Procedure of the Community Trade Mark

(1) The functions of the central industrial property office of a Member State, prescribed by Council Regulation No 207/2009 shall be executed in Latvia by the Patent Office. Registration of the Community trade mark may be applied for through the intermediary of the Patent Office.

(2) The Patent Office shall perform the verification of the authenticity of the decision of the Office for Harmonisation in the Internal Market (trade marks and designs) provided for in Article 86 (2) of Council Regulation No 207/2009 for the enforcement thereof in Latvia.

[21 October 2004; 14 October 2010]

Section 39.² Legal Effect of the Community Trade Mark Registration in Latvia

(1) Exclusive rights to a trade mark in Latvia shall also be ensured by the Community trade mark registration. The scope of protection of the Community trade mark shall be determined by Council Regulation No 207/2009.