



**OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET  
(TRADE MARKS AND DESIGNS)**

OPERATIONS DEPARTMENT

W211

**Notification of provisional refusal of protection based on an opposition  
pursuant to Article 5 of the Madrid Protocol and Rule 17(1) and (2) of the  
Common Regulations under the Madrid Agreement and Protocol and to Rule  
115 CTMIR**

Alicante, 24/04/2012

<i>International Registration No:</i>	<b>1069575</b>
<i>Date of notification to OHIM:</i>	<b>30-06-2011</b>
<i>Trade mark:</i>	<b>hama</b>
<i>Holder:</i>	<b>Hama GmbH &amp; Co. KG Dresdner Strasse 9 86653 Monheim</b>
<i>Opposition number:</i>	<b>B1950099</b>

Protection of the above-mentioned mark is provisionally refused for the European Community.

The provisional refusal is based on the fact that an opposition has been filed against the international registration.

I. The grounds for the opposition are as follows:

Conflict with an earlier mark because of identity or similarity of likelihood of confusion (Article 8(1) (b) CTMR)

II. Name and address of the opposing party:

**IND. E COM. DE PRODUCTOS DE BELEZA YAMÁ LTDA  
Rua José de Andrade, 550 - Parque Alexandra  
Cotia, SP 06714-200  
BRASIL**

III. The opposition is based on a mark which was the subject of an application or registration.

- type of mark : **Community registered mark.**
- filing date and registration date: **01/06/2006, 24/10/2007**
- filing number and registration number: **5111752**
- reproduction of the mark: (see annex)
- list of goods and services on which the opposition is based: (see annex)

The opposition is based on more than one earlier right: (see annex)

IV. The provisional refusal relates to

Only to the following goods and services covered by the designation of the EC

Class 3 Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; sun-tanning preparations (cosmetics); aromatics (essential oils); bath salts, not for medical purposes, bath preparations, not for medical purposes; shining preparations (polish); decorative transfers for cosmetic purposes; oils for cleaning purposes; polishing paper, abrasive paper, emery paper; joss sticks and fumigation preparations (perfumes).

V. The OHIM will notify the opposition separately to the holder of the international registration, including all evidence on which it is based, pursuant to Rule 18(1) CTMIR. The OHIM will set time limits for the holder. The notification will open an (extendable) cooling-off period of two months and a further period of two months for the opponent to substantiate the opposition. The notification will set a time limit of, in principle, six months for the holder of the international registration to submit observations.

Ana Serra,

Annex: Reproduction of the Community mark N° 5111752 on which the opposition is based, pages 6 of the current Notice of opposition.

## CTM-ONLINE - Detailed trade mark information

Trade mark name : YAMÁ  
Trade mark No : 005111752  
Trade mark basis: CTM  
Date of receipt : 01/06/2006  
Number of results: 1 of 1  
Request an inspection

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Certified copy of the Registration Certificate

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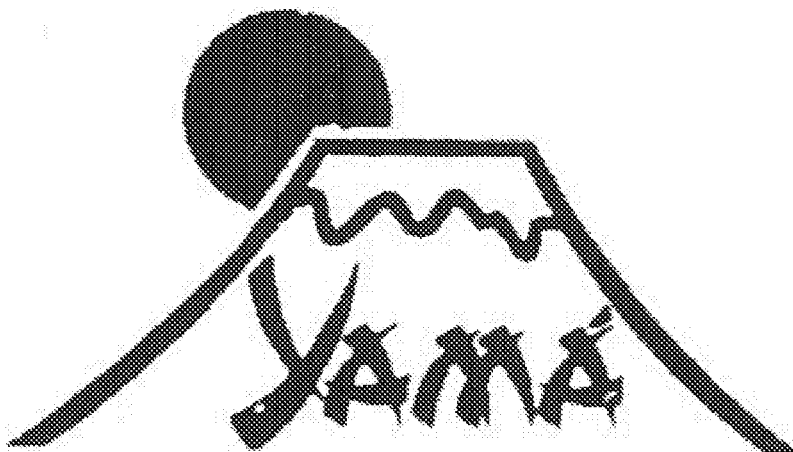
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### Trade mark

Filing date: 01/06/2006  
Date of registration: 24/10/2007  
Expiry Date: 01/06/2016  
Nice Classification: 3 ( Nice classification)  
Trade mark: Individual  
Type of mark: Figurative  
Vienna Classification: 1.3.2, 6.1.2 ( Vienna Classification)  
Acquired distinctiveness: No  
Applicant's reference: 4960  
Status of trade mark: Registered ( Glossary)  
Publication of registration  
( Publication B1 or Publication B2)  
  
( History of statuses)  
Filing language: Portuguese  
Second language: English

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### Graphic representation



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List of goods and services

Nice Classification: 3

List of goods and services Shampoos; conditioner; body cream; hand cream; face creams; hair cream; nail polish; bleaching agents; hair colorants, hair dyes; straightening gel; hair glue.

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Description

Description of the mark: -

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Owner

Name: IND. E COM. DE PRODUCTOS DE BELEZA YAMÁ LTDA

ID No: 260589

Natural or legal person: Legal entity

Address: Rua José de Andrade, 550 - Parque Alexandra

Post code: 06714-200

Town: Cotia,

State: SP

Country: BRAZIL

Correspondence address: IND. E COM. DE PRODUCTOS DE BELEZA YAMÁ LTDA Rua José de Andrade, 550 - Parque Alexandra Cotia, SP 06714-200 BRASIL

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Representative

Name: ALVARO DUARTE & ASSOCIADOS  
ID No: 20749  
Type: 4 - Association  
Address: Av<sup>a</sup> Marquês de Tomar, nº 44-6º  
Post code: 1069-229  
Town: Lisboa  
Country: PORTUGAL  
Correspondence address: ALVARO DUARTE & ASSOCIADOS Av<sup>a</sup> Marquês de Tomar, nº 44-6º P-1069-229 Lisboa PORTUGAL  
Fax: 00 351-217613499  
E-mail: info@aduarateassoc.com

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Seniority

No entry for application number: 005111752.

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Exhibition priority

No entry for application number: 005111752

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Priority

No entry for application number: 005111752.

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International Registration Transformation

No entry for application number: 005111752.

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Publication

Bulletin no.: 2007/015  
Date of publication: 16/04/2007  
Part: A.1

Bulletin no.: 2007/060  
Date of publication: 29/10/2007  
Part: B.1

Bulletin no.: 2007/045  
Date of publication: 27/08/2007  
Part: C.2.1

Bulletin no.: 2009/044  
Date of publication: 16/11/2009  
Part: C.2.2

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#### Opposition

No entry for application number: 005111752.

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#### Cancellation

No entry for application number: 005111752

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#### Appeals

No entry for application number: 005111752.

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#### Recordals

Title: Representative  
Sub-title: Change of name and professional address  
ID No: 002283243  
Bulletin no.: 2007/045  
Date of publication: 27/08/2007  
Part: C.2.1

Title: Representative  
Sub-title: Replacement of representative  
ID No: 004302140  
Bulletin no.: 2009/044  
Date of publication: 16/11/2009  
Part: C.2.2

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#### Renewals

No entry for application number: 005111752.

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## MARCA NACIONAL Nº 366073

### Síntese do Processo

Nº do Pedido	43485
Data de Apresentação	13-08-2002
Data do Pedido	13-08-2002
Tipo de Modalidade	NÃO APLICÁVEL A ESTA MODALIDADE
Fase Actual	REGISTO CONCEDIDO
Data de Início da Fase	14-09-2004
Data de Fim Previsto	---
Situação de Taxas	TAXAS INTEGRALMENTE PAGAS
Data de Início da Sit.	14-09-2004
Data de Fim Previsto da Sit.	23-01-2013
Taxas Pagas	1
Taxas Devidas	0
Data da Última DIU	29-04-2008
BPI 1ª Publicação	11/2002
Data do Despacho	23-07-2003
BPI do Despacho	9/2003
Data de Início de Vigência	23-07-2003
Data Limite de Vigência	---
Titulares	INDÚSTRIA E COMÉRCIO DE PROD. DE BELEZA YAMA LTDA.
Mandatário	ÁLVARO ALBANO DUARTE CATANA
Classificação de Nice	03
Processo em Tribunal	NÃO
Tribunal	---
Data de Envio	---

**YAMÁ**

Tipo de Sinal: VERBAL

## Classificação de Nice

Edição 8

Classe	Produtos/Serviços
03	PREPARAÇÕES PARA BRANQUEAR E OUTRAS SUBSTÂNCIAS PARA A LAVAGEM; PREPARAÇÕES PARA LIMPAR, POLIR, DESENGORDURAR E RASPAR; SABÕES; PERFUMARIA, ÓLEOS ESSENCIAIS, COSMÉTICOS, LOÇÕES PARA OS CABELOS; DENTÍFRICOS.




National Trademark Nr. 366073

**Filing Date** 13-08-2002  
**Priority Date** 13-08-2002  
**Modality** NOT APPLICABLE

**YAMÁ**

**Mark kind:** WORD

**Legal Status** REGISTRATION GRANTED   
**Status Start Date** 14-09-2004  
**Expected End Date** ---

**Fee Status** MAINT. FEES FULLY PAID  
**Status Start Date** 14-09-2004  
**Expected End Date** 23-01-2013  
**Maintenance Fees**  
**Paid** 1  
**Due** 0

**1st Publication Bulletin** 11/2002  
**Final Decision Date** 23-07-2003  
**Final Decision Bulletin** 9/2003  
**Validity Start Date** 23-07-2003  
**Expected Validity End** ---

**Applicants/Owners** INDÚSTRIA E COMÉRCIO DE PROD. DE BELEZA YAMA  
LTDA.

**Representative** ÁLVARO ALBANO DUARTE CATANA  
AVENIDA MARQUÊS DE TOMAR, Nº 44, 6º  
1069-229 LISBOA - PORTUGAL

**Nice Classification** 03

**Court Decision Pending?** NO  
**Court** ---  
**Date Sent** ---

**Seniority** ---

Nice Classification

8th Edition

Class	Goods/Services
03	Bleaching preparations and other substances for cleaning; Preparations for cleaning, polishing, scouring and scraping; soaps; perfumery, essential oils, cosmetics, hair lotion; dentifrices.



Date of document (dd/mm/yyyy):

02/01/2012

Number of pages (including this one)

3

## Reference

Your reference:

13973/75726EU

## Opposition Proceedings

Language of proceedings:

EN (English)

## Opponent(s)

Opponent Number: 1

Opponent OHIM ID: 260589

Type of Opponent:

Legal Entity

Name of Organization:

IND. E COM. DE PRODUCTOS DE BELEZA YAMÁ LTDA

Nationality:

Brazil

Street Name & House No:

Rua José de Andrade, 550 - Parque Alexandra

City/Town:

Cotia,

Postal Code:

06714-200

Country:

Brazil

Postal Address:

IND. E COM. DE PRODUCTOS DE BELEZA YAMÁ LTDA  
Rua José de Andrade, 550 - Parque Alexandra  
Cotia, SP 06714-200  
BRASIL

Telephone Number:

Fax Number:

Email address:

## Representative(s)

Representative Number: 1

Representative OHIM ID: 20749

Representative Type:

Association

Name of Organization:

ALVARO DUARTE & ASSOCIADOS

Street Name & House No:

Avª Marquês de Tomar, nº 44-6º

City/Town:

Lisboa

Postal Code:

1069-229

Country:

Portugal

Postal Address:

ALVARO DUARTE & ASSOCIADOS  
Avª Marquês de Tomar, nº 44-6º  
P-1069-229 Lisboa  
PORTUGAL

Telephone Number:

Fax Number:

Email address:

00 351-217613499

info@aduarteassoc.com

## Challenged Application

number: 1069575

Trademark Origin

International Registration

Application Date:

25/05/2010

Publication Date:

01/07/2011

Application representation:

hama

Name of the applicant:

Hama GmbH & Co. KG

First language

EN (English) Selected

Second language:

DE (German)

## List of Goods & Services - Against parts of the goods and services

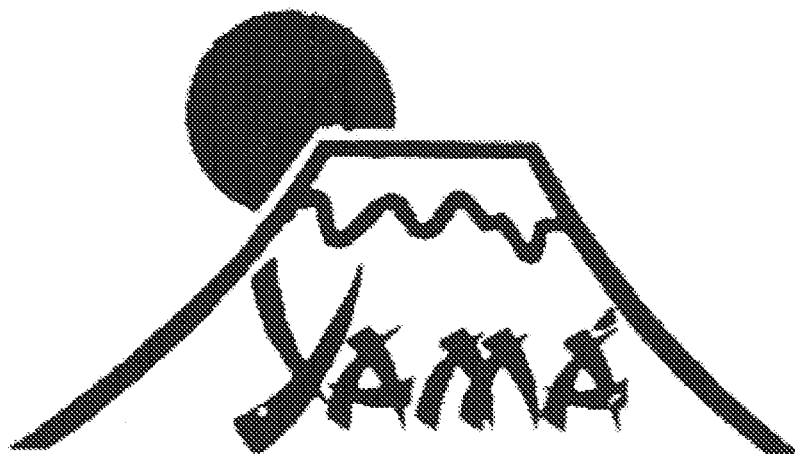


Class	Goods & Services
3	Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; sun-tanning preparations (cosmetics); aromatics (essential oils); bath salts, not for medical purposes, bath preparations, not for medical purposes; shining preparations (polish); decorative transfers for cosmetic purposes; oils for cleaning purposes; polishing paper, abrasive paper, emery paper; joss sticks and fumigation preparations (perfumes).

### Basis of the Opposition #1 - Trade mark

Trade Mark number:		005111752
Trade Mark Origin:	Community Trade Mark	
Trade Mark Name:	YAMÁ	
Application Date:	01/06/2006	
Registration number:	005111752	
Registration Date:	24/10/2007	
Publication Date:	16/04/2007	
Type Of Mark:	Figurative	
Word element(s) of the Mark:	YAMÁ	
Reputation claimed:	No	

Image representation:



### List of Goods & Services - Based on all goods and services

Class	Goods & Services
3	Shampoos; conditioner; body cream; hand cream; face creams; hair cream; nail polish; bleaching agents; hair colorants, hair dyes; straightening gel; hair glue.

### Entitlement

Entitlement of opponent:	Owner/Co-Owner/Licencee
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### Grounds for the opposition

Grounds: #1	Article 8(1)(b) CTMR - there exists a likelihood of confusion on the part of the public.
Explanation of grounds and other remarks:	To follow

### Basis of the Opposition #2 - Trade mark

Trade Mark number:		366073
Trade Mark Origin:	National Trade Mark	
Country:	Portugal	
Trade Mark Name:	YAMÁ	
Application Date:	13/08/2002	
Registration number:	366073	
Registration Date:	23/07/2003	
Type Of Mark:	Word	
Word element(s) of the Mark:	YAMÁ	
Reputation claimed:	No	



# OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (TRADE MARKS AND DESIGNS)

Trade Marks Department

Opposition number: B001950099

## List of Goods & Services - Based on all goods and services

Class	Goods & Services
3	Bleaching preparations and other substances for cleaning; Preparations for cleaning, polishing, scouring and scraping; soaps; perfumery, essential oils, cosmetics, hair lotion; dentifrices.

## Entitlement

Entitlement of opponent:	Owner/Co-Owner/Licencee
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## Grounds for the opposition

Grounds: #1	Article 8(1)(b) CTMR - there exists a likelihood of confusion on the part of the public.
Explanation of grounds and other remarks:	To follow
Evidence	MNA_366073_PT.pdf (34Kb)
Translation	MNA_366073_EN.pdf (61Kb)

## Payment of fees

Pay by:	Bank Transfer
Basic fee:	350 EUR

Bank	Address	Account Number	BIC Code	IBAN
Banco Bilbao Vizcaya Argentaria	Alicante, SPAIN	0182-5596-90-0092222222	BBVAESMMXXX	ES88 0182 5596 9000 9222 2222
La Caixa	Alicante, SPAIN	2100-2353-01-0700000888	CAIXESBBXXX	ES03 2100 2353 0107 0000 0888

## Signature

First name	Surname	Capacity of the signatory	Position
Rui	Duarte Catana	OHIM professional representative	