
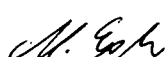


**MADRID AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF MARKS
AND PROTOCOL RELATING TO THAT AGREEMENT**

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, Citadeles iela, PO Box 824 LV 1010, Rīga LATVIA		Phone 371 67099602 Fax 371 67099650
II. Number of the international registration which is the subject of refusal WO 1 097 449		
III. Name of the holder of the international registration concerning the subject of refusal: Dotchirne pidpriemstvo "Konditerska korporatzia "Roshen", vul. Pavla Usenka, 8, Kyiv 02105 (Ukraine). /FINE CHOCOLATE ROSHEN SINCE 1996 Elegance fig./.		
IV. The grounds of refusal: Opposition submitted by FERRERO S.P.A. Piazzale Pietro Ferrero, 1 I-12051 ALBA (CN) Italy, holder of International registrations WO 688 261 /ROCHER/; WO 799546 /FERRERO ROCHER fig./.		
V. Reference to the corresponding essential provisions of the law (see materials attached) Grounds of refusal: Latvian Law on trademarks and indications of geographical origin Article 18, 39, opposition has based on Article 6(2); 7(1)2; 8.		
VI. <input checked="checked" type="checkbox"/> Refusal for all goods and services <input type="checkbox"/> Refusal for the following goods and services		
VII. Possibilities to review or appeal The holder of the mark has the right, within 3 months from the date of reception of present decision, to submit his objections to the Patent Office of the Republic of Latvia through a professional local patent attorney. After expiration of the said period the Patent Office shall take a final decision.		
VIII. Date on which the present decision was pronounced		10.04.2012
IX. Signature and seal of the office making the notification of refusal <div style="display: flex; justify-content: space-between; align-items: center;"><div style="text-align: center;"><p>Senior Examiner International Marks Section Trademark and Industrial Design Department</p></div><div style="text-align: right;"><p>Maira Egle</p></div></div>		

5.3.2012

688261

151 **Date of the registration**
16.02.1998

180 **Expected expiration date of the registration/renewal**
16.02.2018

270 **Language of the application**
French

Current Status

732 **Name and address of the holder of the registration**
FERRERO S.P.A. Piazzale Pietro Ferrero, 1 I-12051 ALBA (CN) Italy

812 **Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment**
IT (Italy)

740 **Name and address of the representative**
JACOBACCI & PARTNERS SpA Corso Regio Parco, 27 I-10152 TORINO Italy

770 **Name and address of the previous holder**
FERRERO S.P.A. Piazzale Pietro Ferrero ALBA (CN) Italy

540 **Mark**
ROCHER

541 **Reproduction of the mark where the mark is represented in standard characters**

571 **Description of the mark**
The mark consists of the word: ROCHER.
La marque consiste dans le mot: ROCHER.

566 **Translation of the mark or of words contained in the mark**
ROCHER

511 **International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(7)**

29 Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruit and vegetables; jellies, jams, compotes; eggs, milk and dairy products; edible oils and fats.

30 Coffee, tea, sugar, rice, tapioca, sago, coffee substitutes; flour and milled cereal products (except for fodder); bread, biscuits, cakes, pastry and confectionery, edible ice; honey, treacle; yeast, baking powder; cooking salt, mustard; pepper, vinegar, sauces; spices; ice for refreshment, cocoa, cocoa products, namely paste for cocoa drinks, chocolate paste, toppings and, particularly, chocolate toppings, chocolate, pralines, chocolate articles for use as Christmas tree decorations, food products consisting of an edible chocolate casing filled with alcohol, sweet products, pastries, including fine and long-life pastries; chewing gum, sugar-free chewing gum, sugar-free sweets.

822 **Basic registration**
IT (Italy), 16.02.1998, 740137

300 **Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin**
IT (Italy), 16.12.1997

300 **Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin**
IT (Italy), 16.12.1997, TO 97C 3321

- 831 **Designation(s) under the Madrid Agreement**
DZ (Algeria)
- 832 **Designation(s) under the Madrid Protocol**
AG (Antigua and Barbuda), BQ (Bonaire, Saint Eustatius and Saba), CW (Curaçao), DK (Denmark), EE (Estonia), FI (Finland), GE (Georgia), GR (Greece), IE (Ireland), LT (Lithuania), NO (Norway), SE (Sweden), SX (Sint Maarten (Dutch part)), TM (Turkmenistan), TR (Turkey), UZ (Uzbekistan), ZM (Zambia)
- 834 **Designation(s) under the Madrid Protocol by virtue of Article 9sexies**
AL (Albania), AM (Armenia), AT (Austria), AZ (Azerbaijan), BA (Bosnia and Herzegovina), BG (Bulgaria), BX (Benelux), BY (Belarus), CN (China), CU (Cuba), CZ (Czech Republic), EG (Egypt), ES (Spain), HR (Croatia), HU (Hungary), KE (Kenya), KG (Kyrgyzstan), KP (Democratic People's Republic of Korea), KZ (Kazakhstan), LI (Liechtenstein), LR (Liberia), LS (Lesotho), LV (Latvia), MA (Morocco), MC (Monaco), MD (Republic of Moldova), ME (Montenegro), MK (The former Yugoslav Republic of Macedonia), MN (Mongolia), MZ (Mozambique), PL (Poland), PT (Portugal), RO (Romania), RS (Serbia), RU (Russian Federation), SD (Sudan), SI (Slovenia), SK (Slovakia), SL (Sierra Leone), SM (San Marino), SZ (Swaziland), TJ (Tajikistan), UA (Ukraine), VN (Viet Nam)
- 527 **Indications regarding use requirements**
IE (Ireland)

Registration

- 450 **Publication number and date**
1998/10 Gaz, 02.07.1998(1998/5 Gaz,23.04.1998)
- 831 **Designation(s) under the Madrid Agreement**
AL (Albania), AM (Armenia), AT (Austria), AZ (Azerbaijan), BA (Bosnia and Herzegovina), BG (Bulgaria), BX (Benelux), BY (Belarus), CN (China), CU (Cuba), CZ (Czech Republic), DZ (Algeria), EG (Egypt), ES (Spain), HR (Croatia), HU (Hungary), KG (Kyrgyzstan), KP (Democratic People's Republic of Korea), KZ (Kazakhstan), LI (Liechtenstein), LR (Liberia), LV (Latvia), MA (Morocco), MC (Monaco), MD (Republic of Moldova), MK (The former Yugoslav Republic of Macedonia), MN (Mongolia), PL (Poland), PT (Portugal), RO (Romania), RU (Russian Federation), SD (Sudan), SI (Slovenia), SK (Slovakia), SL (Sierra Leone), TJ (Tajikistan), UA (Ukraine), UZ (Uzbekistan), VN (Viet Nam), YU (Serbia and Montenegro)
- 580 **Date of recording (date of notification from which the time limit to notify the refusal starts)**
04.06.1998
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AL (Albania)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AM (Armenia)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AT (Austria)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AZ (Azerbaijan)
- The refusal period has expired and no notification of provisional refusal has been recorded**

(application of Rule 5 preserved)

BA (Bosnia and Herzegovina)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

BG (Bulgaria)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

BX (Benelux)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

CN (China)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

CU (Cuba)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

CZ (Czech Republic)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

DZ (Algeria)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

HR (Croatia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

HU (Hungary)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

KP (Democratic People's Republic of Korea)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LI (Liechtenstein)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LR (Liberia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LV (Latvia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MA (Morocco)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MC (Monaco)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MK (The former Yugoslav Republic of Macedonia)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

MN (Mongolia)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

PT (Portugal)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

RO (Romania)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

SD (Sudan)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

SI (Slovenia)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

SL (Sierra Leone)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

UZ (Uzbekistan)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

VN (Viet Nam)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

YU (Serbia and Montenegro)

861 Total provisional refusal of protection

EG (Egypt)

450 Publication number and date

1999/1 Gaz, 18.02.1999

Date of notification

08.01.1999

Date of receipt by the International Bureau

05.01.1999

861 Total provisional refusal of protection

ES (Spain)

450 Publication number and date

1999/1 Gaz, 18.02.1999

Date of notification

11.01.1999

Date of receipt by the International Bureau

05.01.1999

861 Total provisional refusal of protection

KG (Kyrgyzstan)

450 Publication number and date

1999/5 Gaz, 15.04.1999

Date of notification

02.03.1999

Date of receipt by the International Bureau

26.02.1999

861 Total provisional refusal of protection

BY (Belarus)

450 Publication number and date

1999/5 Gaz, 15.04.1999

Date of notification

04.03.1999

Date of receipt by the International Bureau

02.03.1999

861 Total provisional refusal of protection

RU (Russian Federation)

450 Publication number and date

1999/5 Gaz, 15.04.1999

Date of notification

15.03.1999

Date of receipt by the International Bureau

11.03.1999

862 Partial provisional refusal of protection

SK (Slovakia)

450 Publication number and date

1999/6 Gaz, 29.04.1999

Delete from list:

- 30 Pâte de chocolat, couvertures en chocolat, chocolat, pralines, articles de chocolat pour décorations d'arbres de Noël, produits alimentaires consistant en une enveloppe de chocolat comestible fourrée à l'alcool, sucreries, bonbons sans sucre.

Date of notification

18.03.1999

Date of receipt by the International Bureau

15.03.1999

862 Partial provisional refusal of protection

MD (Republic of Moldova)

450 Publication number and date

1999/6 Gaz, 29.04.1999

Refusé pour tous les produits de la classe 29.

Date of notification

08.04.1999

Date of receipt by the International Bureau

24.03.1999

862 Partial provisional refusal of protection

TJ (Tajikistan)

450 Publication number and date

1999/11 Gaz, 08.07.1999

Refusé pour tous les produits de la classe 29.

Date of notification

26.05.1999

Date of receipt by the International Bureau

20.05.1999

862 Partial provisional refusal of protection

UA (Ukraine)

450 Publication number and date

1999/7 Gaz, 13.05.1999

Delete from list:

29 Extraits de viande; graisses comestibles; conserves; aliments et composants d'aliments.

Date of notification

09.04.1999

Date of receipt by the International Bureau

29.03.1999

861 Total provisional refusal of protection

PL (Poland)

450 Publication number and date

1999/7 Gaz, 13.05.1999

Date of notification

09.04.1999

Date of receipt by the International Bureau

07.04.1999

861 Total provisional refusal of protection

KZ (Kazakhstan)

450 Publication number and date

1999/8 Gaz, 27.05.1999

Date of notification

14.04.1999

Date of receipt by the International Bureau

09.04.1999

844 A request for review or an appeal has been lodged

BY (Belarus)

450 Publication number and date

1999/18 Gaz, 14.10.1999

895 Statement indicating that the mark is protected for all the goods and

services requested

UA (Ukraine)

450

Publication number and date

1999/20 Gaz, 11.11.1999

Date of notification

28.09.1999

Date of receipt by the International Bureau

11.08.1999

895

Statement indicating that the mark is protected for all the goods and services requested

BY (Belarus)

450

Publication number and date

1999/23 Gaz, 23.12.1999

Date of notification

17.11.1999

Date of receipt by the International Bureau

29.09.1999

895

Statement indicating that the mark is protected for all the goods and services requested

MD (Republic of Moldova)

450

Publication number and date

1999/25 Gaz, 03.02.2000

Date of notification

13.12.1999

Date of receipt by the International Bureau

12.11.1999

897

Statement indicating that protection of the mark is protected for some of the goods and services requested

EG (Egypt)

450

Publication number and date

1999/25 Gaz, 03.02.2000

Refusé pour tous les produits de la classe 29.

Date of notification

13.12.1999

Date of receipt by the International Bureau

19.11.1999

895

Statement indicating that the mark is protected for all the goods and services requested

KG (Kyrgyzstan)

450

Publication number and date

1999/25 Gaz, 03.02.2000

Date of notification

13.12.1999

Date of receipt by the International Bureau
02.12.1999

897 **Statement indicating that protection of the mark is protected for some of the goods and services requested**

ES (Spain)

450 **Publication number and date**

1999/25 Gaz, 03.02.2000

Admis pour tous les produits de la classe 30; refusé pour tous les produits de la classe 29.

Date of notification

20.12.1999

Date of receipt by the International Bureau

15.12.1999

895 **Statement indicating that the mark is protected for all the goods and services requested**

SK (Slovakia)

450 **Publication number and date**

2000/3 Gaz, 16.03.2000

Date of notification

09.02.2000

Date of receipt by the International Bureau

07.02.2000

895 **Statement indicating that the mark is protected for all the goods and services requested**

KZ (Kazakhstan)

450 **Publication number and date**

2000/4 Gaz, 30.03.2000

Date of notification

28.02.2000

Date of receipt by the International Bureau

23.02.2000

895 **Statement indicating that the mark is protected for all the goods and services requested**

TJ (Tajikistan)

450 **Publication number and date**

2000/13 Gaz, 03.08.2000

Date of notification

03.07.2000

Date of receipt by the International Bureau

22.06.2000

895 **Statement indicating that the mark is protected for all the goods and services requested**

RU (Russian Federation)

450 **Publication number and date**
2000/19 Gaz, 26.10.2000
Date of notification
18.09.2000
Date of receipt by the International Bureau
04.09.2000

895 **Statement indicating that the mark is protected for all the goods and services requested**
ES (Spain)

450 **Publication number and date**
2001/9 Gaz, 07.06.2001
Date of notification
24.04.2001
Date of receipt by the International Bureau
05.04.2001

Subsequent designation

450 **Publication number and date**
2001/10 Gaz, 21.06.2001

832 **Designation(s) under the Madrid Protocol**
TR (Turkey)

580 **Date of recording (date of notification from which the time limit to notify the refusal starts)**
31.05.2001

891 **Date of subsequent designation (Rule 24(6) of the Common Regulations)**
05.03.2001

Grant of protection subject to opposition
TR (Turkey)

450 **Publication number and date**
2002/10 Gaz, 27.06.2002
Opposition end date
17.08.2002

895 **Statement indicating that the mark is protected for all the goods and services requested**
PL (Poland)

450 **Publication number and date**
2002/12 Gaz, 25.07.2002
Date of notification
20.06.2002
Date of receipt by the International Bureau
17.06.2002

Subsequent designation

450 **Publication number and date**
2003/23 Gaz, 25.12.2003

- 831 **Designation(s) under the Madrid Agreement**
CH (Switzerland), KE (Kenya), LS (Lesotho), MZ (Mozambique), SM (San Marino), SZ (Swaziland)
- 832 **Designation(s) under the Madrid Protocol**
AG (Antigua and Barbuda), AN (Netherlands Antilles), DK (Denmark), EE (Estonia), FI (Finland), GE (Georgia), GR (Greece), IE (Ireland), LT (Lithuania), NO (Norway), SE (Sweden), TM (Turkmenistan), ZM (Zambia)
- 527 **Indications regarding use requirements**
IE (Ireland)
- 851 **Limitation of the list of goods and services**
AG (Antigua and Barbuda), AN (Netherlands Antilles), BQ (Bonaire, Saint Eustatius and Saba), CH (Switzerland), CW (Curaçao), DK (Denmark), EE (Estonia), FI (Finland), GE (Georgia), GR (Greece), IE (Ireland), KE (Kenya), LS (Lesotho), LT (Lithuania), MZ (Mozambique), NO (Norway), SE (Sweden), SM (San Marino), SX (Sint Maarten (Dutch part)), SZ (Swaziland), TM (Turkmenistan), ZM (Zambia)
List limited to:
- 30 Coffee, tea, sugar, rice, tapioca, sago, coffee substitutes; flour and milled cereal products (except for fodder); bread, biscuits, cakes, pastry and confectionery, edible ice; honey, treacle; yeast, baking powder; cooking salt, mustard; pepper, vinegar, sauces; spices; ice for refreshment, cocoa, cocoa products, namely paste for cocoa drinks, chocolate paste, toppings and, particularly, chocolate toppings, chocolate, pralines, chocolate articles for use as Christmas tree decorations, food products consisting of an edible chocolate casing filled with alcohol, sweet products, pastries, including fine and long-life pastries; chewing gum, sugar-free chewing gum, sugar-free sweets.
- 580 **Date of recording (date of notification from which the time limit to notify the refusal starts)**
27.11.2003
- 891 **Date of subsequent designation (Rule 24(6) of the Common Regulations)**
29.08.2003
The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)
AG (Antigua and Barbuda)
The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)
AN (Netherlands Antilles)
The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)
DK (Denmark)
The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)
EE (Estonia)
The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)
GR (Greece)
The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)
KE (Kenya)
The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LS (Lesotho)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LT (Lithuania)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MZ (Mozambique)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

SE (Sweden)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

SM (San Marino)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

SZ (Swaziland)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

TM (Turkmenistan)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

ZM (Zambia)

Grant of protection subject to opposition

IE (Ireland)

450 Publication number and date

2004/1 Gaz, 19.02.2004

Opposition end date

28.04.2004

868 Grant of protection

IE (Ireland)

450 Publication number and date

2004/13 Gaz, 24.06.2004

862 Partial provisional refusal of protection

CH (Switzerland)

450 Publication number and date

2004/37 Gaz, 09.12.2004

List limited to:

- 30 Coffee, tea, sugar, rice, tapioca, sago, coffee substitutes; flour and milled cereal products (except for fodder); bread, edible ice; honey, treacle; yeast, baking powder; cooking salt, mustard; pepper, vinegar, sauces; spices; ice for refreshment, cocoa, cocoa products, namely paste for cocoa drinks, chocolate paste, chocolate articles for use as Christmas tree decorations, chewing gum, sugar-free chewing gum, sugar-free sweets.

Date of notification

02.11.2004

Date of receipt by the International Bureau

22.10.2004

Grant of protection subject to opposition

GE (Georgia)

450

Publication number and date

2004/36 Gaz, 02.12.2004

Opposition end date

25.01.2005

861

Total provisional refusal of protection

NO (Norway)

450

Publication number and date

2004/43 Gaz, 20.01.2005

Date of notification

15.12.2004

Date of receipt by the International Bureau

06.12.2004

861

Total provisional refusal of protection

FI (Finland)

450

Publication number and date

2004/44 Gaz, 03.02.2005

Date of notification

22.12.2004

Date of receipt by the International Bureau

13.12.2004

868

Grant of protection

GE (Georgia)

450

Publication number and date

2005/7 Gaz, 24.03.2005

Opposition possible after the 18 months time limit

NO (Norway)

450

Publication number and date

2005/7 Gaz, 24.03.2005

Renunciation

CH (Switzerland)

450

Publication number and date

2005/37 Gaz, 20.10.2005

580

Date of recording

17.03.2005

Opposition possible after the 18 months time limit

FI (Finland)

450 **Publication number and date**
2005/16 Gaz, 26.05.2005

895 **Statement indicating that the mark is protected for all the goods and services requested**
NO (Norway)

450 **Publication number and date**
2005/37 Gaz, 20.10.2005
Date of notification
16.09.2005
Date of receipt by the International Bureau
31.08.2005

895 **Statement indicating that the mark is protected for all the goods and services requested**
FI (Finland)

450 **Publication number and date**
2005/50 Gaz, 19.01.2006
Date of notification
16.12.2005
Date of receipt by the International Bureau
30.11.2005

Continuation of effect

450 **Publication number and date**
2010/2 Gaz, 04.02.2010(2007/39 Gaz,01.11.2007)

833 **Interested Contracting Party(ies)**
ME (Montenegro)

580 **Date of recording**
11.01.2010

Renewal

450 **Publication number and date**
2008/8 Gaz, 27.03.2008

831 **Designation(s) under the Madrid Agreement**
AL (Albania), AM (Armenia), AT (Austria), AZ (Azerbaijan), BA (Bosnia and Herzegovina), BG (Bulgaria), BX (Benelux), BY (Belarus), CN (China), CU (Cuba), CZ (Czech Republic), DZ (Algeria), EG (Egypt), ES (Spain), HR (Croatia), HU (Hungary), KE (Kenya), KG (Kyrgyzstan), KP (Democratic People's Republic of Korea), KZ (Kazakhstan), LI (Liechtenstein), LR (Liberia), LS (Lesotho), LV (Latvia), MA (Morocco), MC (Monaco), MD (Republic of Moldova), ME (Montenegro), MK (The former Yugoslav Republic of Macedonia), MN (Mongolia), MZ (Mozambique), PL (Poland), PT (Portugal), RO (Romania), RS (Serbia), RU (Russian Federation), SD (Sudan), SI (Slovenia), SK (Slovakia), SL (Sierra Leone), SM (San Marino), SZ (Swaziland), TJ (Tajikistan), UA (Ukraine), VN (Viet Nam)

832 **Designation(s) under the Madrid Protocol**
AG (Antigua and Barbuda), AN (Netherlands Antilles), DK (Denmark), EE (Estonia), FI (Finland),

GE (Georgia), GR (Greece), IE (Ireland), LT (Lithuania), NO (Norway), SE (Sweden), TM (Turkmenistan), TR (Turkey), UZ (Uzbekistan), ZM (Zambia)

527 **Indications regarding use requirements**
IE (Ireland)

Limitation

450 **Publication number and date**
2011/34 Gaz, 15.09.2011

833 **Interested Contracting Party(ies)**
LT (Lithuania)

List limited to:

30 Sweet products consisting of wafer and hazelnut filling.

580 **Date of recording**
20.06.2011

799546

151 **Date of the registration**
28.01.2003

180 **Expected expiration date of the registration/renewal**
28.01.2013

270 **Language of the application**
French

Current Status

732 **Name and address of the holder of the registration**
FERRERO S.P.A. Piazzale Pietro Ferrero, 1 I-12051 ALBA (CN) Italy

812 **Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment**
IT (Italy)

740 **Name and address of the representative**
JACOBACCI & PARTNERS S.P.A. Corso Regio Parco 27 I-10152 TORINO (TO) Italy

770 **Name and address of the previous holder**
FERRERO S.P.A. Piazzale Pietro Ferrero ALBA (CN) Italy

540 **Mark**



531 **International Classification of the Figurative Elements of Marks (Vienna Classification) - VCL(5)**
05.07.06 ; 08.01.19 ; 26.01.02 ; 26.01.05 ; 27.05.01 ; 29.01.01 ; 29.01.02 ; 29.01.07

591 **Information concerning colors claimed**
Gold, red, white, green, light brown, yellow.
Or, rouge, blanc, vert, marron clair, jaune.

571 **Description of the mark**
The mark consists in an oval imprint arranged horizontally and bordered by a thick gold line on a white background, with in its interior a double line of varying widths coloured gold and red; in the centre the denomination, FERRERO ROCHER, of which the word FERRERO forms part of the applicant's commercial name, in original upper-case brown type; below, superimposed on the border line, the image of a chocolate with gold wrapping set in a gold and brown Swedish-style paper cup; on the top of the chocolate, an oval imprint arranged horizontally, with an outer gold line and a fine red inner line and a white fill containing in the centre the denomination FERRERO ROCHER, arranged on two lines, in original brown upper-case type; on the left a partial representation of a brown and light brown unwrapped praline; on the right a representation of a light brown and yellow hazelnut with a green leaf; all on a white background.

La marque consiste dans une empreinte ovale disposée horizontalement limitée par un trait épais de couleur or sur fond blanc, avec à l'intérieur un double trait de différente épaisseur de couleur or et rouge; au centre la dénomination, disposée sur deux lignes, FERRERO ROCHER, dont le mot FERRERO fait partie de la dénomination sociale de la requérante, en caractères d'imprimerie majuscules originaux de couleur marron; dans la partie inférieure, superposée par rapport au trait de limite, l'image d'un chocolat emballé de couleur or posé sur caissette suédoise de couleur or et marron; dans la partie supérieure du chocolat, empreinte ovale disposée horizontalement, avec un trait externe de couleur or et un trait interne, fin et rouge et un fond blanc contenant au centre la dénomination disposée sur deux lignes, FERRERO ROCHER, en caractères d'imprimerie majuscules originaux de couleur marron; sur la gauche, représentation partielle d'une praline sans emballage de couleur marron et marron clair; sur la droite représentation d'une noisette avec feuille verte, marron clair et jaune; le tout sur fond blanc.

511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(8)

- 30 Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flours and milled cereal products (except for fodder); bread, biscuits, cakes, pastry and confectionery, edible ice; honey, treacle; yeast, baking powder; cooking salt, mustard; pepper, vinegar, sauces; spices; ice for refreshment, cocoa, cocoa products, namely paste for cocoa beverages, chocolate paste, toppings and, including, chocolate toppings, chocolate, pralines, chocolate articles for Christmas-tree decorations, food products consisting of an edible chocolate casing filled with an alcoholic liquid, sweet products, pastries, including fine pastry and longlife pastry; chewing-gum, sugarless chewing gum, sugarless candies.

822 Basic registration

IT (Italy), 28.01.2003, 881970

300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin

IT (Italy), 06.12.2002, TO 2002 C003576

831 Designation(s) under the Madrid Agreement

DZ (Algeria)

832 Designation(s) under the Madrid Protocol

AG (Antigua and Barbuda), AU (Australia), DK (Denmark), EE (Estonia), FI (Finland), GB (United Kingdom), GE (Georgia), GR (Greece), IE (Ireland), IS (Iceland), JP (Japan), LT (Lithuania), NO (Norway), SE (Sweden), SG (Singapore), TM (Turkmenistan), TR (Turkey), UZ (Uzbekistan), ZM (Zambia)

834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies

AL (Albania), AM (Armenia), AT (Austria), AZ (Azerbaijan), BA (Bosnia and Herzegovina), BG (Bulgaria), BT (Bhutan), BX (Benelux), BY (Belarus), CH (Switzerland), CN (China), CU (Cuba), CZ (Czech Republic), EG (Egypt), ES (Spain), FR (France), HR (Croatia), HU (Hungary), KE (Kenya), KG (Kyrgyzstan), KP (Democratic People's Republic of Korea), KZ (Kazakhstan), LI (Liechtenstein), LR (Liberia), LS (Lesotho), LV (Latvia), MA (Morocco), MC (Monaco), MD (Republic of Moldova), ME (Montenegro), MK (The former Yugoslav Republic of Macedonia), MN (Mongolia), MZ (Mozambique), PL (Poland), PT (Portugal), RO (Romania), RS (Serbia), RU (Russian Federation), SD (Sudan), SI (Slovenia), SK (Slovakia), SL (Sierra Leone), SM (San Marino), SZ (Swaziland), TJ (Tajikistan), UA (Ukraine), VN (Viet Nam)

527 Indications regarding use requirements

GB (United Kingdom), IE (Ireland), SG (Singapore)

Registration

- 450 **Publication number and date**
2003/7 Gaz, 15.05.2003
- 831 **Designation(s) under the Madrid Agreement**
AL (Albania), AM (Armenia), AT (Austria), AZ (Azerbaijan), BA (Bosnia and Herzegovina), BG (Bulgaria), BT (Bhutan), BX (Benelux), BY (Belarus), CH (Switzerland), CN (China), CU (Cuba), CZ (Czech Republic), DZ (Algeria), EG (Egypt), ES (Spain), FR (France), HR (Croatia), HU (Hungary), KE (Kenya), KG (Kyrgyzstan), KP (Democratic People's Republic of Korea), KZ (Kazakhstan), LI (Liechtenstein), LR (Liberia), LS (Lesotho), LV (Latvia), MA (Morocco), MC (Monaco), MD (Republic of Moldova), MK (The former Yugoslav Republic of Macedonia), MN (Mongolia), MZ (Mozambique), PL (Poland), PT (Portugal), RO (Romania), RU (Russian Federation), SD (Sudan), SI (Slovenia), SK (Slovakia), SL (Sierra Leone), SM (San Marino), SZ (Swaziland), TJ (Tajikistan), UA (Ukraine), UZ (Uzbekistan), VN (Viet Nam), YU (Serbia and Montenegro)
- 832 **Designation(s) under the Madrid Protocol**
AG (Antigua and Barbuda), AU (Australia), DK (Denmark), EE (Estonia), FI (Finland), GB (United Kingdom), GE (Georgia), GR (Greece), IE (Ireland), IS (Iceland), JP (Japan), LT (Lithuania), NO (Norway), SE (Sweden), SG (Singapore), TM (Turkmenistan), TR (Turkey), ZM (Zambia)
- 527 **Indications regarding use requirements**
GB (United Kingdom), IE (Ireland), SG (Singapore)
- 580 **Date of recording (date of notification from which the time limit to notify the refusal starts)**
24.04.2003
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AG (Antigua and Barbuda)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AL (Albania)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AM (Armenia)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AT (Austria)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AZ (Azerbaijan)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
BA (Bosnia and Herzegovina)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
BG (Bulgaria)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**

BT (Bhutan)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

BX (Benelux)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

BY (Belarus)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

CH (Switzerland)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

CN (China)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

CZ (Czech Republic)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

DK (Denmark)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

DZ (Algeria)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

EE (Estonia)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

EG (Egypt)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

ES (Spain)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

FI (Finland)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

FR (France)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

GR (Greece)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

HR (Croatia)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

HU (Hungary)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

IS (Iceland)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

KE (Kenya)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

KP (Democratic People's Republic of Korea)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

KZ (Kazakhstan)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LI (Liechtenstein)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LR (Liberia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LS (Lesotho)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LT (Lithuania)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LV (Latvia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MA (Morocco)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MC (Monaco)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MD (Republic of Moldova)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MK (The former Yugoslav Republic of Macedonia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MN (Mongolia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MZ (Mozambique)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

PL (Poland)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

PT (Portugal)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

SD (Sudan)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

SI (Slovenia)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

SK (Slovakia)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

SL (Sierra Leone)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

SM (San Marino)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

SZ (Swaziland)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

TJ (Tajikistan)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

TM (Turkmenistan)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

UA (Ukraine)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

UZ (Uzbekistan)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

VN (Viet Nam)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

YU (Serbia and Montenegro)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

ZM (Zambia)

861

Total provisional refusal of protection

GB (United Kingdom)

450

Publication number and date

2003/11 Gaz, 10.07.2003

Date of notification

09.06.2003

Date of receipt by the International Bureau

23.05.2003

861 Total provisional refusal of protection

AU (Australia)

450 Publication number and date

2003/11 Gaz, 10.07.2003

Date of notification

09.06.2003

Date of receipt by the International Bureau

04.06.2003

861 Total provisional refusal of protection

IE (Ireland)

450 Publication number and date

2003/13 Gaz, 07.08.2003

Date of notification

25.06.2003

Date of receipt by the International Bureau

16.06.2003

868 Grant of protection

JP (Japan)

450 Publication number and date

2003/18 Gaz, 16.10.2003

861 Total provisional refusal of protection

SG (Singapore)

450 Publication number and date

2003/19 Gaz, 30.10.2003

Date of notification

29.09.2003

Date of receipt by the International Bureau

15.09.2003

Grant of protection subject to opposition

GE (Georgia)

450 Publication number and date

2004/1 Gaz, 19.02.2004

Opposition end date

12.04.2004

Grant of protection subject to opposition

TR (Turkey)

450 Publication number and date

2004/2 Gaz, 04.03.2004

Opposition end date

19.04.2004

868 Grant of protection

KG (Kyrgyzstan)

450 Publication number and date

2004/6 Gaz, 29.04.2004

861 Total provisional refusal of protection

NO (Norway)

450 Publication number and date

2004/6 Gaz, 29.04.2004

Date of notification

16.03.2004

Date of receipt by the International Bureau

01.03.2004

869 Disclaimer

CU (Cuba)

450 Publication number and date

2004/6 Gaz, 29.04.2004

861 Total provisional refusal of protection

RO (Romania)

450 Publication number and date

2004/6 Gaz, 29.04.2004

Date of notification

24.03.2004

Date of receipt by the International Bureau

08.03.2004

Opposition possible after the 18 months time limit

SG (Singapore)

450 Publication number and date

2004/7 Gaz, 13.05.2004

Opposition end date

10.05.2004

897 Statement indicating that protection of the mark is protected for some of the goods and services requested

IE (Ireland)

450 Publication number and date

2004/7 Gaz, 13.05.2004

List limited to:

30 Pastry and confectionery, chocolate products, cocoa products, ice cream.

Date of notification

09.04.2004

Date of receipt by the International Bureau

18.03.2004

862 Partial provisional refusal of protection

RU (Russian Federation)

450 Publication number and date

2004/8 Gaz, 20.05.2004

Delete from list:

- 30 Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flours and milled cereal products (except for fodder); bread, biscuits, cakes, pastry, edible ice; honey, treacle; yeast, baking powder; cooking salt, mustard; pepper, vinegar, sauces; spices; ice for refreshment, cocoa, cocoa products, namely paste for cocoa beverages, pastries, including fine pastry and longlife pastry; chewing-gum, sugarless chewing gum, sugarless candies.

Date of notification

19.04.2004

Date of receipt by the International Bureau

01.04.2004

868 Grant of protection

GE (Georgia)

450 Publication number and date

2004/11 Gaz, 10.06.2004

895 Statement indicating that the mark is protected for all the goods and services requested

GB (United Kingdom)

450 Publication number and date

2004/16 Gaz, 15.07.2004

Date of notification

09.06.2004

Date of receipt by the International Bureau

27.05.2004

Opposition possible after the 18 months time limit

NO (Norway)

450 Publication number and date

2004/21 Gaz, 19.08.2004

861 Total provisional refusal of protection

SE (Sweden)

450 Publication number and date

2004/21 Gaz, 19.08.2004

Date of notification

16.07.2004

Date of receipt by the International Bureau

06.07.2004

Opposition possible after the 18 months time limit

SE (Sweden)

450 **Publication number and date**
2004/23 Gaz, 02.09.2004

897 Statement indicating that protection of the mark is protected for some of the goods and services requested

RU (Russian Federation)

450 **Publication number and date**
2004/24 Gaz, 09.09.2004

List limited to:

- 30 Biscuits, cakes, pastry and confectionery, edible ice; ice for refreshment, chocolate paste, toppings and, in particular, chocolate toppings, chocolate, pralines, chocolate articles for Christmas-tree decorations, food products consisting of an edible chocolate casing filled with an alcoholic liquid, pastries, including fine pastry and long-life pastry; sugarless candies.

Date of notification

09.08.2004

Date of receipt by the International Bureau

21.07.2004

Opposition possible after the 18 months time limit

AU (Australia)

450 **Publication number and date**
2004/32 Gaz, 04.11.2004

Opposition possible after the 18 months time limit

NO (Norway)

450 **Publication number and date**
2004/37 Gaz, 09.12.2004

Opposition end date

26.09.2004

895 Statement indicating that the mark is protected for all the goods and services requested

RO (Romania)

450 **Publication number and date**
2004/37 Gaz, 09.12.2004

Date of notification

05.11.2004

Date of receipt by the International Bureau

26.10.2004

895 Statement indicating that the mark is protected for all the goods and services requested

AU (Australia)

450 **Publication number and date**

2004/43 Gaz, 20.01.2005

Date of notification

14.12.2004

Date of receipt by the International Bureau

30.11.2004

895 **Statement indicating that the mark is protected for all the goods and services requested**

SG (Singapore)

450 **Publication number and date**

2005/19 Gaz, 16.06.2005

Date of notification

16.05.2005

Date of receipt by the International Bureau

02.05.2005

895 **Statement indicating that the mark is protected for all the goods and services requested**

SE (Sweden)

450 **Publication number and date**

2005/43 Gaz, 01.12.2005

Date of notification

26.10.2005

Date of receipt by the International Bureau

11.10.2005

Continuation of effect

450 **Publication number and date**

2010/2 Gaz, 04.02.2010(2007/39 Gaz,01.11.2007)

833 **Interested Contracting Party(ies)**

ME (Montenegro)

580 **Date of recording**

11.01.2010

897 **Statement indicating that protection of the mark is protected for some of the goods and services requested**

CU (Cuba)

450 **Publication number and date**

2008/26 Gaz, 31.07.2008

The mark is protected subject to the following reservation: registration does not confer any exclusive right over the words FERRERO ROCHER and the drawing of its letters.

Date of notification

10.07.2008

Date of receipt by the International Bureau

26.02.2008

868 **Grant of protection**

TR (Turkey)

450

Publication number and date

2008/49 Gaz, 08.01.2009

897

Statement indicating that protection of the mark is protected for some of the goods and services requested

CU (Cuba)

450

Publication number and date

2009/6 Gaz, 26.02.2009

The mark is protected subject to the following reservation: the registration only confers an exclusive right over the words "FERRERO ROCHER" and the graphic of their letters.

Date of notification

03.02.2009

Date of receipt by the International Bureau

23.01.2009

LAW ON TRADEMARKS AND INDICATIONS OF GEOGRAPHICAL ORIGIN

Has been adopted:

16.06.1999

Come into force:

15.07.1999

Published:

Vēstnesis, 01.07.1999, Nr. 216

Article 6. Absolute Grounds for Refusal and Invalidation of a Trademark Registration

(1) The following signs shall not be registered as trademarks (if they have been registered, these registrations may be declared invalid pursuant to the provisions of this Law):

1) those which cannot constitute a trademark, that is, which do not comply with the provisions of Article 3 of this Law;

2) those which lack any distinctive character with respect to the applied goods or services;

3) those which consist solely of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, or the time of production of the goods or of providing the services, or other characteristics of the goods or services;

4) those which consist solely of signs or indications which have become customary in the current language or in fair and established practices of the trade to designate the goods or services applied for (general designations);

5) those which consist solely of a shape which is directly determined by the kind of goods (which results directly from the nature of the goods themselves), or which is necessary to obtain a particular technical result, or which gives substantial value to the goods;

6) those which are contrary to public policy or to socially accepted principles of morality;

7) those which are of such a nature as to mislead the consumers, for example, as to the nature, quality or geographical origin of the goods or services;

8) those which contain signs, the registration of which would be refused or invalidated pursuant to Article 6-ter of the Paris Convention, including coats of arms and flags of the member countries of the Paris Union, their official marks indicating control, quality, and warranty, and hallmarks, as well as emblems, flags, names of international organisations and their abbreviations, without authorization by the competent authorities;

9) those which, without authorization by the competent authorities given pursuant to the procedures set out in the statutory enactments of Latvia, contain the official heraldry approved by the State, national decorations, official Service insignia, as well as official marks indicating control, quality and warranty, official hallmarks, and signs indicating the safety of utilising goods which are used with respect to identical or similar goods or services in Latvia, or any other marks of high symbolic value, as well as religious symbols;

10) with respect to wines - those which contain or consist of an indication of geographical origin identifying wines of particular origin, or with respect to spirits which contain or consist of an indication of geographical origin identifying spirits of particular origin, if such is not the genuine place of origin of the wines or spirits for which the trademark registration has been applied for.

(2) A trademark also shall not be registered or, if registered, may be liable to be declared invalid pursuant to the provisions of this Law if the application for registration of the trademark was clearly made in bad faith by the applicant.

(3) A trademark registration may not be refused on the basis of the provisions of Paragraph 1, Sub-paragraphs 2, 3 or 4 of this Article, and shall not be declared invalid on the basis of the same provisions if, as a result of the use of the mark, it has acquired a distinctive character in the perception of the relevant consumers in Latvia with respect to the goods and services for which registration has been applied for.

Article 7. An Earlier Trademark as Grounds for Invalidation of a Registration

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

1) if it is identical to an earlier trademark, and the goods or services for which the trademark was registered are identical to the goods or services with respect to which the earlier trademark was registered;

2) if because of its identity or similarity to an earlier trademark belonging to another person and because of the identity or similarity of the respective goods or services, there exists a likelihood of confusion of the trademarks or a likelihood of association between the trademarks on behalf of the relevant consumers.

(2) "Earlier trademarks" within the meaning of Paragraph 1 of this Article means:

1) trademarks valid in Latvia, which have been registered under national or international registration procedures, with a date of application for registration which is earlier than the date of application for registration of the opposed trademark, also taking into account the priorities accorded to those trademarks;

2) applications for the registration of trademarks referred to in the previous Sub-paragraph, provided that they are registered.

Article 8. A Well-Known Trademark as Grounds for Refusal or Invalidation of a Registration

(1) Notwithstanding the provisions of Article 7, a trademark registration may be refused or, if registered, the registration may be invalidated under the provisions of this Law, if the trademark constitutes a reproduction, an imitation, a translation or a transliteration, liable to create confusion, of another trademark, which, even though unregistered, was well-known in Latvia with respect to identical or similar goods or services, on the filing date of the applied for (opposed) registration of trademark (or the date of priority if priority has been accorded).

(2) In addition to the provisions of Paragraph 1 of this Article, a trademark registration may also be refused or invalidated if the goods or services, in relation to which the trademark registration is applied for, are not similar to those of a trademark that is well-known in Latvia, provided that consumers may perceive the use of the applied (opposed) trademark in relation to these goods or services as indicating a connection between these goods or

services and the owner of the well-known trademark, and provided that such use may be detrimental to the interests of the owner of the well-known trademark.

(3) In determining whether a trademark is well-known, account shall be taken of the knowledge of this trademark in the relevant group of consumers, including such knowledge in Latvia that has been obtained as a result of the advertising activities or any other circumstances that have contributed to its publicity.

(4) In determining whether the provisions of Paragraphs 1 and 2 of this Article shall apply with respect to a sign that has been applied for registration or with respect to a registered trademark, account shall be taken of the provisions of Article 6-bis of the Paris Convention on well-known marks, including the provision on the inadmissibility of a reproduction or imitation of the well-known mark in an essential part of another trademark; the said provisions shall also apply, *mutatis mutandis*, to service marks.

(5) The provisions of Paragraphs 1 and 2 of this Article with respect to refusal of registration shall not apply during the examination procedure if the application for trademark registration has been filed with the consent of the owner of the well-known trademark.

Article 9. Other Earlier Rights as Grounds for Invalidation of a Trademark Registration

(1) A trademark registration may also be declared invalid on the basis that the trademark is identical or similar to an earlier collective trademark for which the period of validity has expired within last three years preceding the application date of the opposed trademark.

(2) A trademark registration may also be declared invalid on the basis that the trademark is identical or similar to an earlier trademark which was registered for identical or similar goods or services and for which the period of validity has expired for failure to renew within last two years preceding the application date of the opposed trademark, except in cases where the owner of the earlier trademark has consented to the registration of the opposed mark or has not used the trademark.

(3) A trademark registration may also be declared invalid on the basis that another person has, prior to the trademark application date (also taking into account its priority date), acquired in Latvia other rights which allow the prohibition of the use of the trademark, including the following rights which may be invoked against the registration:

1) rights of a person, that is, rights pertaining to the forename, surname, pseudonym, portrait or facsimile of a person well known to the general public, unless this person has been deceased for 50 or more years;

2) copyright;

3) commercial rights, that is, rights pertaining to a trade name (commercial designation, name of a mass medium, or other similar sign) that is used in an identical or similar business sector, if its fair and lawful use in the course of trade in Latvia was commenced before the date of application for registration of the trademark or its priority date respectively, or to a trade name (commercial designation, name of a mass medium, other similar sign) of Latvia or of a foreign country that was well known in Latvia;

4) other industrial property rights.

(4) A person who is the owner of a trademark in another country of the Paris Union shall also be entitled to request invalidation of the trademark, if an agent or representative of the owner has registered the mark in their own name in Latvia without the owner's authorization, except in cases where such agent or representative has sufficient justification for their action.

Article 18. Opposition to a Trademark Registration

(1) Within three months from the date of the publication of a trademark, interested persons may, upon payment of the applicable fee, submit an opposition to the registration of a trademark. The opposition shall be filed with the Board of Appeal in writing, substantiated by appropriate arguments and references to the provisions of law. After the expiration of the said 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 Appeal is adopted, submit additional documents and materials, that confirm (specify) the facts on which the opposition is based.

(2) Any person may file an opposition, if the registered trademark does not comply with the provisions of Article 3 of this Law, or if the registration would be invalidated pursuant to the provisions of Article 6, or if the provisions of Article 9, Paragraph 3, Sub-paragraph 1 are applicable.

(3) An opposition based upon the provisions of Articles 7 or 8 of this Law, or Article 9, Paragraph 1, Paragraph 2, Paragraph 3, Sub-paragraph 2, 3 or 4, or Paragraph 4 may be filed by persons who are the owners of earlier trademarks, well-known trademarks, or have other earlier rights, specified in the applicable provisions, or their successors in title, or their representatives.

(4) An opposition based upon the provisions of Article 8 or Article 9, Paragraph 1, Paragraph 2, Paragraph 3, Sub-paragraph 2, 3 or 4, in addition to the persons referred to in the previous Paragraph of this Article, may also be filed by professional associations and associations of manufacturers, traders and providers of services, whose articles of association provide for the protection of the economic interests of their associates (members), as well as by organisations and authorities, whose purpose, under their articles of association, is consumer protection.

(5) The Board of Appeal shall inform the owner of the opposed trademark of the opposition and set a term of three months for the submission of a reply.

(6) If an opposition is not submitted within the term set by the Law, the trademark registration may be contested only in a court.

Article 39. Validity of an International Registration in Latvia

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

- (2) An international registration of a trademark shall be deemed not to have entered into effect at all or insofar as the trademark in question has been refused protection in Latvia pursuant to prescribed procedures.
- (3) The priority of an internationally registered trademark in Latvia shall be determined by the date when the mark was internationally registered with respect to Latvia, but in cases where the mark, pursuant to the international procedure of registration, has been granted right of priority from its earlier filing date, by such earlier filing date. If the international registration of a trademark has been extended to Latvia subsequent to the date of its international registration, the priority shall be determined by the date on which the said mark was extended to Latvia. If an international registration, that has entered into effect in Latvia, upon request of the owner and pursuant to the regulations on the international registration of trademarks, replaces an earlier registration of the same trademark effected at the Patent Office, the filing date and priority date of that earlier registration, effected pursuant to the national procedure, shall be attributed to the internationally registered trademark in determining its priority.
- (4) The Patent Office shall examine internationally registered trademarks to ascertain their compliance with the requirements of Articles 6 and 8 of this Law. In the case of the registration of a collective mark it shall also be ascertained whether the regulations governing the use of the collective mark that comply with the provisions of Article 35, Paragraph 4 have been attached to the registration.
- (5) Opposition to the entry into effect of an international registration of a trademark in Latvia, as provided for in Article 18 of this Law, shall be filed within four months from the date of publication of a notice of trademark registration with respect to Latvia (territorial extension to Latvia) in the official gazette of international registration of trademarks.
- (6) If, as a result of examination, it is established that an international trademark does not comply with the requirements of Paragraph 4 of this Article, or if an opposition has been filed to such registration, the Patent Office shall, within the terms and pursuant to the procedures specified by the regulations on the international registration of trademarks, notify the International Bureau of the refusal of the particular international registration (initial refusal). Within three months from the date of receipt of such a refusal, the owner of the international registration is entitled to submit an appeal (a reply to the opposition) as provided for in Article 13, Paragraph 8 of this Law.
- (7) Appeals and oppositions in the Board of Appeal shall be reviewed pursuant to the provisions of Articles 18 and 19 of this Law and, in the case of a collective mark, also pursuant to the provisions of Article 36, Paragraph 1, insofar as the regulations on the international registration of trademarks do not provide otherwise.
- (8) The Patent Office shall, pursuant to the prescribed procedures, notify the International Bureau of all the decisions of the Board of Appeal and court judgements which have entered into effect, pursuant to which international registration of a trademark has been invalidated or revoked, in full or in part, or pursuant to which the initial refusal of international registration has been canceled (changed).