

**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 **1 102 759**

III. Name of the holder of the international registration concerning the subject of refusal

Dochirne pidpryemstvo
Kondyterska korporatsiia "Roshen"
vul. Elektrykiv, 26/9
Kyiv 04176
(Ukraine)

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 **688 261 /ROCHER/** and **799 546 /FERRERO ROCHER, Fig./**.

V. Reference to the corresponding essential provisions of the law (see materials attached)

Extracts of the Law of the Republic of Latvia on Trademarks and Indications of geographical Origin.
Section. 18, 39. **Opposition has been based on Section 7.(1)2); 8.(1); 6.(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

25.05.2012

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

L.Rinka



WIPO - ROMARIN - International Registration Details

688261

18.5.2012

- 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

WIPO - ROMARIN - International Registration Details

799546

18.5.2012

- 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

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 *Saeima*¹ 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 8. Well-known Trade Marks as Grounds for Refusal or Invalidation of Trade Mark Registration

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

(2) In addition to the provisions of Paragraph one of this Section, the registration of a trade mark may be refused or invalidated also if the goods or services regarding which trade mark registration has been applied for are not similar to the goods or services covered by a well-known trade mark in Latvia, provided that the use of the trade mark applied for (opposed) in relation to such goods or services may be perceived by consumers as an indication of a connection between such goods and services, and the owner of the well-known trade mark, and that such use may be detrimental to the interests of the owner of the well-known trade mark.

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.

Section 6. Absolute Grounds for Refusal and Invalidation of Trade Mark Registration

(1) The following signs may not be registered as trade marks (if they have been registered, such registration may be declared invalid pursuant to the provisions of this Law):

1) those which cannot constitute a trade mark, that is, signs which do not comply with the provisions of Section 3 of this Law;

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

3) those which consist solely of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose (functional task), 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 (general signs) 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;

5) those which consist solely of a shape which is directly determined by the kind of goods (the shape 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 order or to socially accepted principles of morality;

7) those which may deceive consumers regarding the nature, quality or geographical origin, or the like, 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 hallmarks (assay marks), control and warranty marks, as well as the emblems, flags, and names of international organisations and the abbreviations thereof, without authorisation by the competent authorities;

9) those which, without authorisation by the competent authorities given pursuant to the procedures specified in the regulatory enactments of the Republic of Latvia, contain the official heraldry approved at the State level, national decorations, Official Service insignia, as well as signs for official hallmarks (assay marks), control, quality, warranty, and 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 - those 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 trade mark registration has been applied; and

11) those which are intended for the marking of agricultural and food products and contain an indication of geographical origin protected in regard to the same agricultural or food products or consist of such protected indication of geographical origin, if the products for which trade mark registration has been applied, do not have the respective origin or if the use of the sign applied for in connection with these products is contradictory to the regulatory enactments regulating the protection of geographical indications and designations of origin.

(2) A trade mark 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 trade mark was clearly made in bad faith by the applicant.

(3) A trade mark registration may not be refused on the basis of the provisions of Paragraph one, Clauses 2, 3 or 4 of this Section, 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.