

IR 81/2012-5
IR 414/2012**MADRID AGREEMENT AND PROTOCOL
MADRIDER ABKOMMEN UND PROTOKOLL****PROVISIONAL REFUSAL OF PROTECTION
VORLÄUFIGE SCHUTZVERWEIGERUNG**Rule 17 (1)
Regel 17 (1)

I. Authority pronouncing the refusal: Austrian Patent Office Dresdner Straße 87 A – 1200 Vienna (Austria)	Behörde, die die Schutzverweigerung erlassen hat: Österreichisches Patentamt Dresdner Straße 87 A – 1200 Wien (Österreich)
II. Number of the international registration: 1 103 380 Nr. der internationalen Registrierung: Number of the basic registration / application and country of origin: M201117347 Ukraine Nr. der Basisregistrierung / -anmeldung und Ursprungsland:	
III. <input checked="" type="checkbox"/> Provisional refusal based on opposition(s) Vorläufige Schutzverweigerung wegen eines(mehrerer) Widerspruchs(-sprüche) <input type="checkbox"/> Provisional refusal based on both - <i>ex officio</i> examination and opposition Vorläufige Schutzverweigerung wegen absoluter Gründe und Erhebung eines Widerspruchs	
IV. <input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services Vorläufige Schutzverweigerung für alle Waren und/oder Dienstleistungen <input type="checkbox"/> Provisional refusal for some of the goods and/or services: Vorläufige Schutzverweigerung für die folgenden Waren und/oder Dienstleistungen: <input type="checkbox"/> Admission only for the following goods and/or services: Zulassung nur für folgende Waren und/oder Dienstleistungen:	
V. Grounds for refusal Gründe der vorläufigen Schutzverweigerung <input type="checkbox"/> Absolute grounds <input checked="" type="checkbox"/> Opposition(s) by opponent(s): see VI. Eingelangte Widersprüche: siehe VI.	
VI. Information relating to earlier mark(s) or application(s) Informationen betreffend die ältere(n) Marke(n) oder Anmeldung(en) Type / Registration number / Mark / Filing date / Filing number / Priority date Art / Registernummer / Marke / Anmeldedatum / Anmeldenummer / Prioritätsdatum IR 688.261 / ROCHER / 16/02/1998 / IT, TO 97C 3321 (16/12/1997) Name and address of the owner(s): Name und Adresse des(der) Inhaber(s): FERRERO S.P.A., Piazzale Pietro Ferrero, 1 I-12051 ALBA (CN) (IT)	



Goods and services on which the opposition is based:
Waren und Dienstleistungen, auf die sich der Widerspruch stützt:

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.

☒ see annexes (extract from register or opposition form)
siehe Annex(e) (Auszug aus dem Register oder Widerspruchsformular)

Information relating to earlier mark(s) or application(s)
Informationen betreffend die ältere(n) Marke(n) oder Anmeldung(en)

Type / Registration number / Mark / Filing date / Filing number / Priority date
Art / Registernummer / Marke / Anmeldedatum / Anmeldenummer / Prioritätsdatum
AT 158.226, ROCHER, 15.02.1995 AM 836/1995

Name and address of the owner(s):
Name und Adresse des(der) Inhaber(s):
FERRERO S.P.A., Piazzale Pietro Ferrero, 1
I-12051 ALBA (CN) (IT)

Goods and services on which the opposition is based:
Waren und Dienstleistungen, auf die sich der Widerspruch stützt:

30: Kaffee, Tee, Kakao, Zucker, Reis, Tapioca, Sago, Kaffee-Ersatzmittel; Mehle und Getreidepräparate, Brot, feine Backwaren und Konditorwaren, Speiseeis; Honig, Melassesirup; Schokolade und Schokoladeprodukte; Hefe, Backpulver; Salz, Senf; Essig, Saucen (Würzmittel), Salatsaucen; Gewürze; Kühleis.

☒ see annexes (extract from register or opposition form)
siehe Annex(e) (Auszug aus dem Register oder Widerspruchsformular)

VII. Applicable provisions of the national law (see text last pages)
Anwendbare Bestimmungen des nationalen Gesetzes (siehe Gesetzesauszug auf den letzten Seiten)
Section 29a and the following § 29a ff

VIII. Information relating to subsequent procedure / Information über das weitere Verfahren
Reply/response to the provisional refusal / Äußerung auf die Schutzverweigerung

- (i) Time limit for reply / Äußerungsfrist: 25/08/2012
- (ii) The appointment of a representative or – if applicable – a person domiciled in Austria and entitled to receive communications is compulsory (Section 61 Subsections 1 and 4 Trade Mark Act).
Die Benennung eines Vertreters oder – sofern anwendbar – eines im Inland wohnhaften Zustellungsbevollmächtigten verpflichtend (§ 61 Abs. 1 und 4 MSchG).
- (iii) The original opposition request(s) and any accompanying documents will then be communicated to the person or representative appointed once a written reply has been received.
Der/die Original-Widersprüche und allfällige Beilagen werden dann an die benannte Person oder den benannten Vertreter zugestellt, sobald eine schriftliche Äußerung eingelangt ist.
- (iv) In case the trademark holder does not file within the time limit set out in (i) a written statement, which fulfills the requirements of (ii), the refusal will be declared final without further proceedings by the Austrian Patent Office. In case of more than one opposition the trademark holder has to submit one written statement responding to each opposition raised, otherwise the opposition, to which the trademark holder does not respond, will be granted in total. The same applies if no response to the absolute grounds raised –if applicable– has been submitted. Within the time limit set out in (i) the holder of the trademark also has the opportunity to request the opponent/s to furnish proof of use of the trademark/s the opposition/s is/are based on (§ 29 b (3) MSchG). The written statement and any attachment/s shall be accompanied by copies corresponding to the number of oppositions raised.



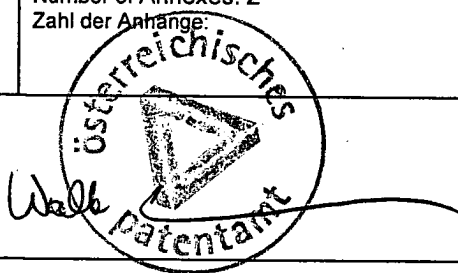
Bringt der Markeninhaber der angegriffenen Marke innerhalb der unter (i) gesetzten Frist keine schriftliche Äußerung, die die Vorgaben aus (ii) erfüllt, ein, so hat das Österreichische Patentamt ohne weiteres Verfahren die endgültige Schutzverweigerung zu verfügen. Im Falle von mehreren Widersprüchen muss sich der Markeninhaber in einem gemeinsamen Schriftsatz erkennbar zu jedem der zugestellten Widersprüche inhaltlich äußern, andernfalls wird einem Widerspruch, auf welchen keine Äußerung des Markeninhabers erfolgt ist, im vollem Umfang stattgegeben. Innerhalb der in (i) genannten Frist hat der Markeninhaber auch die Möglichkeit, den Widersprechenden aufzufordern, den Nachweis der Benutzung für die Widerspruchsmarke/n zu erbringen (§ 29 b Abs. 3 MSchG). Der schriftlichen Äußerung und allfälligen Beilagen sind Kopien in der entsprechenden Anzahl der Widersprüche anzuschließen.

- (v) Authority to address the reply: see I.
Behörde, an die die Äußerung zu richten ist: siehe I.

IX. Date of provisional refusal
Datum der vorläufigen Schutzverweigerung
25/05/2012

Number of Annexes: 2
Zahl der Anhänge:

X. Signature or official seal of the Office
Unterschrift oder Amtsstempel der Behörde
Rechtskundiges Mitglied Walter Ledermüller



XI. Supplementary information
Zusätzliche Information

Data concerning the trademark(s) cited as base for opposition may be found using the following links:
Registerdaten der Widerspruchsmarke(n) finden Sie unter:

<http://www.patentamt.at>

<http://www.wipo.int/ipdl/en/madrid>

http://oami.europa.eu/CTMOnline/RequestManager/de_SearchBasic

XII.

Corresponding essential provisions of the applicable law: Austrian Trade Mark Act
(Federal Law Gazette/ Bundesgesetzblatt No. 260/1970, No. 126/2009)

Section 1

A trade mark may consist of any sign capable of being represented graphically, particularly words, including personal names, designs, letters, numerals, the shape of goods or of their packaging, provided that such signs are capable of distinguishing the goods or services of one undertaking from those of other undertakings.

Section 4

(1) Excluded from registration shall be signs which

1. consist exclusively

- (a) of state coats of arms, national flags or other national emblems or of the coats of arms of Austrian provincial or local authorities;
- (b) of official certification or guarantee signs which are used in Austria or – pursuant to a notice to be published in the Federal Law Gazette (Section 6(2)) – in a foreign state, for the same goods or services as those for which the mark is intended for, or for similar goods or services;
- (c) of signs of international organizations to which a member state of the Paris Union for the Protection of Industrial Property belongs, provided the signs have been promulgated in the Federal Law Gazette. The last sentence of Section 6(2) shall apply to such promulgation;

2. cannot constitute a trade mark in accordance with Section 1;

3. are devoid of any distinctive character;

4. consist exclusively 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 rendering of the service, or other characteristics of the goods or services;

5. consist exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade to designate the good or service;

6. consist exclusively of the shape which results from the nature of the goods themselves, or of the shape of goods which is necessary to obtain a technical result, or of the shape which gives substantial value to the goods;

7. are contrary to public policy or to accepted principles of morality;



8. are of such a nature as to deceive the public, for instance as to the nature, quality or geographical origin of the good or service;

9. contain or consist of a geographical indication identifying wines and intended for wines which do not have that origin, or identifying spirits and intended for spirits which do not have that origin.

(2) Registration shall, however, be admissible in the cases of subsection 1 clauses 3, 4 and 5, if the sign has acquired a distinctive character in Austria in the circles concerned following the use which has been made of it prior to application.

Section 29a

(1) Within a period of three months following the date of publication of the registration of a mark (Section 17 subsection 5), opposition to this registration may be raised. It shall only be based on a mark fulfilling the conditions of Section 30 subsection 1. The same applies for applications subject to their registration.

(2) In case of registration of a mark under the Madrid Agreement concerning the international registration of marks, Federal Law Gazette No. 400/1973 and under the Protocol relating to the Madrid Agreement concerning the international registration of marks, Federal Law Gazette No. 32/1999, the publication in the gazette, issued by the International Bureau of the World Intellectual Property Organization, replaces the publication referred to in subsection 1. The opposition period starts on the first day of the month following the month the gazette has been issued, in which the publication of the international registration is contained.

(3) The substantiated opposition must be received by the Patent Office at the last day of the time period at the latest. It shall be filed in writing and along with all attachments also in duplicate.

(4) ...

(5) ...

(6) The opportunities to file a request for cancellation with the Cancellation Department remain unaffected.

Section 29b

(1) Upon expiration of the opposition period the owner of the mark shall be informed about all oppositions timely received and be invited to submit a written reply within a reasonable period of time which may be extended upon justified reasons. Section 42 subsection 3 shall apply mutatis mutandis even if the opposition is based on an application which, at the date the decision is taken, has not yet been registered.

(2) ...

(3) If opposition is based on a mark which, at the date of the registration of the mark opposed, has been registered more than 5 years ago, the opposition shall only be granted if, following a request by the owner of the mark opposed, satisfactory evidence is provided within a reasonable period of time that the conditions for cancellation of Section 33a (no genuine use) do not apply. If within the period of 2 months following the transmittal of the documents presented to furnish evidence of genuine use the owner of the mark files a request for cancellation based on Section 33a with the competent authorities directed at the mark of the opponent and, within a reasonable period of time, furnishes evidence about this fact the opposition procedure shall be adjourned and resumed ex officio or upon request after the decision in the cancellation procedure has become final.

(4) ...

(5) ...

(6) As far as a mark has been finally declared invalid, or, as far as, following ex officio legal examination (Section 20), protection of an international registration has been refused finally, or, as far as a mark has been cancelled based on a final decision concerning a request to the Cancellation Department with retroactive effect to the beginning of the period of protection, a pending opposition to the mark shall be deemed settled to the respective extent and the parties shall be informed about this fact. The opposition procedure shall be closed in the same manner if during the pendency of the opposition procedure the procedure to register the application, the opposition is based on, is closed without leading to registration, or, if the mark, opposition is based on, finally loses protection in Austria.

(7) Costs of the opposition procedure shall be borne by each party on its own.

Section 30 subsection 1

(1) The owner of an earlier mark being still valid may request the cancellation of a mark provided that either

1. the two marks and the goods and services the marks are registered for are identical,

or

2. the two marks and the goods and services the marks are registered for are identical or similar so that there exists a likelihood of confusion on the part of the public which includes the likelihood of association with the earlier mark.

Section 42 subsection 3

(3) If the owner of a contested mark does not reply in writing within the time period prescribed, the Cancellation Department shall, in accordance with the request, without any further proceedings order the total or partial cancellation or the transfer of the mark or declare a posteriori the total or partial invalidity of the mark.

Section 61 subsections 1 and 4

(1) Anyone acting as representative before the Patent Office or the Supreme Patent and Trademark Senate shall have his domicile or principal place of business in Austria; in regard to attorneys at law, patent attorneys and notaries public though the respective professional regulations shall apply. The representative shall demonstrate his authorisation by a written power of attorney which shall be presented in original version or by way of a duly certified copy. If several individuals are authorised collectively, each of them shall also be authorised to represent individually.

(4) A person having neither domicile nor principal place of business in Austria may claim rights under this Federal Act before the Patent Office only when being represented by a representative fulfilling the requirements of subsection 1. Before the Appeals- and Cancellations-Department of the Patent Office as well as before the Supreme Patent and Trademark Senate such persons may only claim rights when being represented by an attorney at law, a patent attorney or a notary public. If domicile or principal place of business are within the EEA or in the Swiss Confederation the appointment of a person domiciled in Austria and authorized to receive communications will suffice to claim rights under this Federal Act.

Aktenzeichen: **AM 836/1995**

Register-Nr.: **158226**

Anmeldetag: 15.02.1995

Beginn der Schutzdauer: 26.05.1995

Priorität:

Status: Registriert

Markeninhaber:

FERRERO S.P.A., 12051 ALBA CN, PIAZZALE PIETRO FERRERO, 1 (IT)

Vertreter:

(R) ZEINER HANS GEORG DR., WINZBERGER BRIGITTE DR., 1010 WIEN, SCHELLINGGASSE 6 (AT)

Marke:

ROCHER

Waren bzw. Dienstleistungen:

Kl.30: Kaffee, Tee, Kakao, Zucker, Reis, Tapioca, Sago, Kaffee-Ersatzmittel; Mehle und Getreidepräparate, Brot, feine Backwaren und Konditorwaren, Speiseeis; Honig, Melassesirup; Schokolade und Schokoladeprodukte; Hefe, Backpulver; Salz, Senf; Essig, Saucen (Würzmittel), Salatsaucen; Gewürze; Kühleis.

Anmerkungen:

Liste der gelöschten Eintragungen:

WIPO - ROMARIN - International Registration Details

688261

25.5.2012

- 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