

The International Bureau, WIPO  
34, chemin des Colombettes  
1211 Geneva  
Switzerland

Danish Patent  
and Trademark Office

Helgeshøj Allé 81  
2630 Taastrup

Tel. : 43 50 80 00  
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E-mail : pvs@dkpto.dk  
Web : www.dkpto.dk  
CVR-nr. : 17 03 94 15

Danish Ministry of Economic  
and Business Affairs

 **nordic patent institute** Partner

Our Reference: MP1103380  
Your Reference: 854628  
International Registration: 1103380  
Holder: Dochirnie pidpryemstvo  
"Konditerska korporatsiia "Roshen"  
Mark: FINE CHOCOLATE ROSHEN SINCE  
1996 CLASSIC

19 July 2012

Dear Madam/Sir

### **Notification of Provisional Refusal Based on Opposition according to Rule 17(3)**

An opposition against the validity of the above-mentioned designation of Denmark has been filed with the Danish Patent and Trademark Office by:

Ferrero S.p.A.  
Piazzale Pietro Ferrero  
I-12051 Alba (CN),  
,  
Italien

Consequently, the mark is provisionally refused protection in Denmark **for all of the goods/services** covered by the designation.

### **Grounds for the opposition**

The opponent has stated the following reasons for the opposition:

- Identity/risk of confusion with an earlier registered trademark, cf. Section 15(1) (see appendix for trade marks cited by the opponent)

Please note that the opposed registration is subject to full examination by the Danish Patent and Trademark Office, cf. Section 23 of the Danish Trademark Act. We have enclosed an abstract of the relevant sections of the Danish Trade Marks Act and the Order on application and registration, as well as a copy of the opposition

**Final decision and appeal**

If we do not receive a request for review within the time-limit mentioned above, we will issue a final decision, which is subject to appeal to the Board of Appeal for Patents and Trademarks.

**Further information**

We have enclosed guidelines on our opposition procedures as well as an abstract of the relevant sections of the Danish Trade Marks Act. For further information about opposition procedures, please contact the examiner.

**Request for review of the provisional refusal**

The opponent has been granted a two-month time limit to submit further evidence in support of the grounds for the opposition mentioned above. When the opponent's two month time limit has expired, the holder will be granted a four-month time limit to request a review of the provisional refusal.

The holder will be notified of the time limit when the four-month period begins. Please observe that a request for review of the provisional refusal should be filed in Danish.

Yours faithfully

Lone Steinbrecher  
Examiner, Trademarks/Design

# Appendix

## Guidelines on oppositions

We deal with oppositions in two phases:

- The hearing during which the opponent and the holder exchange arguments and documentation through our Office.
- The decision phase during which we review the arguments and documents and make a decision on this basis.

### Hearing Procedure

Both parties are entitled to put forth their opinions and arguments. The extent of the hearing depends on the complexity of the case.

It is the role of the Office to make sure that each party is allowed the opportunity to present their arguments. We also provide guidance on aspects we find relevant to the case. The holder is always given the opportunity to respond to the opposition. Thus, at least one exchange of letters will take place.

### When the opponent's mark is subject to the requirement of use

Please note that the holder may request the opponent to document that the opponent's mark has been used in accordance with the regulations of requirement of use of The Danish Trade Marks Act, Section 25. Under this provision, a Danish registration must have been in use in Denmark within the last five years. A Community trademark must have been used in at least one of the member states within the last five years. The holder must be able to prove that the mark has been used in relation to the goods and/or services covered by the registration. Otherwise, during the case, the registration will only be seen to cover the goods and services for which use has been documented.

### Documents submitted to the Office

Please be aware that any documents submitted to us will be available to the public according to the regulations of The Danish Access to Public Administration Files Act. The material will also be sent to the opponent for comments according to the regulations of The Administration Act.

### Time limits

During the hearing, both parties must reply within the time limits laid down by the Office. A time limit may be extended, usually for one or two months, if deemed reasonable.

If one party informs the Office that negotiations for a settlement are taking place, we will suspend the hearing procedure for 6 months. The hearing may be resumed at any time, if one of the parties wish so, or the opposition may remain suspended for 6 months at a time as long as negotiations are ongoing.

### Decision

When we judge that the case is sufficiently elucidated, we inform the parties that the hearing procedure is finished, and the case ready to be decided.

When we make the decision, we review and evaluate the arguments and the material submitted by the parties. We also undertake additional investigations if necessary and review earlier practice.

A decision including grounds is sent to both parties. We will also inform the party or parties ruled against about the means to appeal with the Danish Board of Appeal for Patents and Trademarks.

## **Abstract of the Danish Trade Marks Act and Order on Application and Registration, etc. of Trade Marks and Collective Marks**

### *Signs of which a trade mark may consist*

#### Section 2

(1) A Trade mark may consist of any sign capable of distinguishing the goods or services of one enterprise from those of other enterprises and capable of being represented graphically, in particular:

- (i) words and word combinations, including slogans, personal names, company names or names of real property;
- (ii) letters and numerals;
- (iii) pictures and designs; or
- (iv) the shape, equipment or packaging of the goods.

(2) A trade mark right shall not be acquired for signs which consist exclusively of a shape which is dictated by the goods themselves, a shape of goods which is necessary to obtain a technical result or a shape which gives substantial value to the goods.

### *Registration of trade marks*

#### Section 12

(1) An application for the registration of a trade mark shall be filed with the Patent and Trademark Office. The application shall contain a reproduction of the trade mark and state the applicant's name or company. Furthermore, the goods or services for which registration of the trade mark is applied for shall be stated.

(2) The application shall be drawn up in accordance with the provisions laid down pursuant to section 48. The prescribed fee shall accompany the application.

(3) The Patent and Trade mark Office shall keep a register of trade marks. The Office shall publish registrations, etc.

### *Grounds for refusal*

#### Section 13

(1) For a trademark to be registered it shall be of the nature referred to in section 2, including a distinctive character.

(2) The following trademarks shall not be registered:

- (i) trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of the goods or of rendering the services or other characteristics of the goods or services;
- (ii) trademarks which consist exclusively of signs or indications which are customarily used to designate the goods or services in the current language or in the established practices of the trade.

(3) Irrespective of the provisions of sub-sections (1) and (2) a trademark may be registered if, before the filing of the application in consequence of the use which has been made thereof, it has acquired a distinctive character.

#### Section 14

Furthermore, the following shall not be registered:

- (i) trademarks which are contrary to law, public order or morality;
- (ii) trademarks which are liable to mislead the public, for instance as to the nature, quality or geographical origin of the goods or services;
- (iii) trademarks which have not been authorized by the competent authorities and are to be refused pursuant to Article 6ter of the Paris Convention for the Protection of industrial Property, and trademarks which include badges, emblems and escutcheons which are of public interest, unless the consent of the appropriate authority to their registration has been given;
- (iv) trademarks which without permission consist of or contain an element which can be construed as a personal name or company name to which another party has a legal title, or as a portrayal provided allusion is not made to persons long dead, or which without permission contain a distinctive name of or a picture of the real property of another party;
- (v) trademarks which without permission consist of or contain an element which can be construed as a distinctive title of the protected literary or artistic work of another party or which infringe the copyright in such works or the right to a photograph of another party or the industrial property rights of another party.

#### Section 15

- (1) A trademark shall not be registered if:
  - (i) it is identical with an earlier trademark, and the goods or services for which the trademark is sought registered are identical with the goods or services for which the earlier trademark is protected, or
  - (ii) there exists a likelihood of confusion including a likelihood of association with the earlier trademark, because the later trademark is identical with or similar to the earlier trademark and the goods or services are identical or similar.
- (2) For the purpose of subsection (1) earlier trademarks mean:
  - (i) marks of the following categories in respect of which the date of application for registration is earlier than the date of application for registration of the trademark, taking account, where appropriate, of the priorities claimed in respect of those marks:
    - (a) Community trademarks;
    - (b) Trademarks registered in this country, or
    - (c) Trademarks registered under international agreements and having effect in this country;
  - (ii) Community trademarks which claim seniority, in accordance with the Regulation on the Community trademark, in relation to a trademark referred to under (i)b) and c), even if the latter trademark has been surrendered or has lapsed;
  - (iii) Applications for trademarks referred to under (i) and (ii), subject to their registration;
  - (iv) Trademarks which, on the date of application for registration of the trademark, or, where appropriate, of the priority claimed in respect of the application for registration of the trademark, are well known in this country, in the sense in which the words "well known" are used in Article 6bis of the Paris Convention.
- (3) A trademark shall, furthermore, not be registered if:
  - (i) it is identical with or similar to an earlier Community trademark, cf. Subsection (2) and is sought registered for goods or services which are not similar to those for which the earlier Community trademark is registered, provided that the earlier Community trademark is well known in the European Union and the use of the later trademark will take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier Community trademark;
  - (ii) it is identical with or similar to a "well known" trademark, cf. Subsection (2) (iv), and is sought registered for goods or services which are not similar to those for which the earlier trademark is well known, provided that the use of the later trademark may lead to a likelihood

- of association between the marks, and the use will take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trademark, or
- (iii) it is identical with or only insignificantly distinct from a trademark, which at the date of filing of the application for registration or, where appropriate, of the priority claimed in respect of the application for registration, has commenced to be used in another country and is still in use there for goods or services which are identical with or similar to those for which the later trademark is sought registered, and the applicant at the date of the filing had, or should have had, knowledge of the foreign trademark.
- (4) A trademark shall moreover not be registered if:
- (i) the trademark is identical with or similar to an earlier Danish trademark within the meaning of subsection (2) and is sought registered for goods or services which are not similar to those for which the earlier trademark is registered, where the earlier trademark is well known in this country and where the use of the later trademark would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trademark, or
  - (ii) in consequence of use in this country a right has been acquired to an identical or confusingly similar trademark or to another identical or confusingly similar sign used in the course of trade prior to the date of filing of the application for registration of the later trademark, or, where appropriate, of the priority claimed in respect of the application for registration of the later trademark, if the proprietor of the earlier right can prohibit the use of the later trademark.
- (5) A trademark shall not be excluded from registration pursuant to the provisions of subsections (1) to (4) where the proprietor of the earlier trademark or other earlier rights consents to the registration of the later trademark.

### *Processing of applications*

#### Section 20

- (1) If the application does not comply with this Act or the provisions laid down pursuant to this Act, or if the Patent and Trademark Office has other objections to the acceptance of the application, the Patent and Trademark Office shall notify the applicant accordingly and invite him to file his observations within a specified time limit.

### *Opposition*

#### Section 23

- (1) When the registration has been published, opposition may be filed against the validity of the registration. The opposition, which shall be reasoned, shall be filed with the Patent Office within two months from the date of publication. A fee, the amount of which shall be fixed by the Minister of Business and Industry, shall accompany the opposition.
- (2) If opposition has been filed, the Patent Office shall examine the registration in accordance with section 20. Section 28 (5) shall also apply during the examination. The proprietor of the registered right shall be notified of the opposition and be given an opportunity to submit his observations.
- (3) If the registration is maintained, the person having filed the opposition and the proprietor of the right shall be given notice hereof.
- (4) If the registration is declared void in part or in full, the decision to that effect shall be published when it is final.

**Order on Application and Registration, etc. of Trade Marks and Collective Marks no. 364 of 21 May 2008**

*Section 2*

(1) The application shall indicate:

(ii) the goods and/or services for which the registration of the mark is requested grouped in classes in compliance with the classification in the Nice Agreement of 1957 with subsequent amendments concerning international classification of goods and services for the purpose of registration of trade-marks...

**Registerudskrift**  
(Extract of Register)

Endelig gyldig

(210) Sagsnummer : MP799546

(100) Reg proc slut d. : 2003-09-02

(800) Offentligg. dato : 2003-07-02

(800) Designeringsdato: 2003-01-28

(730) Indehaver : FERRERO S.p.A.  
Piazzale Pietro Ferrero,  
I-12051 ALBA CN  
Italien

(740) International fuld. : JACOBACCI & PARTNERS S.P.A.  
(750) Adresse : Corso Regio Parco 27  
I-10152 TORINO (TO)  
Italien

(540) Mærke :



(511) Klasser og varefortegnelse : Klasse 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.

(591) Farvetekst : Gold, red, white, green, light brown, yellow.

(300) Prioritet : 2002-12-06  
TO 2002 C003576  
Italien

(230) Udstillingsprioritet:

(800) Int. reg. dato : 2003-01-28



(800) Gazettenr : 07/2003

Udskrift slut  
(End of Extract)

**Registerudskrift**  
(Extract of Register)

**Endelig gyldig**

(210) Sagsnummer : MP688261

(100) Reg proc slut d. : 2004-07-26

(800) Offentligg. dato : 2004-05-26

(800) Designeringsdato: 2003-08-29

(730) Indehaver : FERRERO S.p.A.  
Piazzale Pietro Ferrero,  
I-12051 ALBA CN  
Italien

(740) International fuld. : JACOBACCI & PARTNERS SpA  
(750) Adresse : Corso Regio Parco, 27  
I-10152 TORINO  
Italien

(740) National fuldm. : Awapatent A/S  
(750) Adresse :

(540) Mærke : ROCHER

(511) Klasser og : Klasse 30: Coffee, tea, sugar, rice, tapioca, sago, coffee substitutes; flour and milled  
varefortegnelse : 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.

(591) Farvetekst :

(800) Int. reg. dato : 1998-02-16

(800) Gazettenr : 23/2003

**Udskrift slut**  
(End of Extract)

## Gitta Storch Priess (PVS)

---

**Fra:** - PVS Patent- og Varemærkestyrelsens officielle postkasse  
**Sendt:** 17. juli 2012 09:05  
**Til:** 3 - PVS Voprettelsen nye sager  
**Emne:** VS: Indsigelse mod dansk designering af MP nr. 1103380 FINE CHOCOLATE ROSHEN  
SINCE 1996 CLASSIC (fig) - vores ref AWA#854628  
**Vedhæftede filer:** 20120717091022401.pdf

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**Fra:** Stine Felten [<mailto:Stine.Felten@awapatent.com>]

**Sendt:** 17. juli 2012 09:03

**Til:** - PVS Patent- og Varemærkestyrelsens officielle postkasse

**Emne:** Indsigelse mod dansk designering af MP nr. 1103380 FINE CHOCOLATE ROSHEN SINCE 1996 CLASSIC (fig) - vores ref AWA#854628

Se venligst vedhæftede.

Med venlig hilsen

Stine Felten  
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Patent- og Varemærkestyrelsen  
Helgeshøj Allé 81  
2630 Taastrup

København  
17. juli 2012

Vores reference  
SWA/SFE/854628

Indsigelse mod dansk designering af MP nr. 1103380 FINE CHOCOLATE ROSHEN  
SINCE 1996 CLASSIC (fig)  
i navnet Dotchirne pidpriemstvo "konditerska korporatzia "Roshen"

På vegne af Ferrero S.P.A., Italien, skal jeg hermed fremsætte

### INDSIGELSE

mod den endelige designering af figurmærket FINE CHOCOLATE ROSHEN SINCE 1996  
CLASSIC i Danmark.

Mærket blev bekendtgjort i Dansk Varemærketidende den 27. juni 2012, p. 1209, og er søgt  
registreret for "chokolade" i klasse 30. Vi vedlægger kopi af bekendtgørelsen.

Indsigelsen baseres på indsigers ældre varemærkeregistreringer nr.

MP 688261 – ROCHER  
MP 799546 – FERRERO ROCHER

Jeg vedlægger kopi af udskrifter fra WIPOs varemærkedatabase.

Endvidere henvises til varemærkelovens § 15, idet der er risiko for forveksling mellem det  
foreløbigt registrerede mærke og indsigers tidligere mærker.

Da vi netop har modtaget instruktioner fra indsiger, anmoder vi om en frist på 2 måneder til  
fremsendelse af yderligere argumentation i sagen.

Indsigelsesgebyret på DKK 2.500 bedes trukket fra deposit-konto IPB43.

Med venlig hilsen  
Awapatent A/S



Thorbjørn Swanstrøm

KØBENHAVN

CVR nr. DK26379342

Rigsgade 11  
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Telefon 43 99 55 11  
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E-mail [dk@awapatent.com](mailto:dk@awapatent.com)  
Homepage [www.awapatent.com](http://www.awapatent.com)

MALMÖ  
STOCKHOLM  
GÖTEBORG  
HELSINGBORG

LINKÖPING  
VÄXJÖ  
JÖNKÖPING  
SÖDERHAMN

ÖSTERSUND  
MÜNCHEN  
LUND  
HORSSENS

## WIPO - ROMARIN - International Registration Details

**688261**

16.7.2012

- 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

**799546**

16.7.2012

- 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