THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

EX OFFICIO PROVISIONAL REFUSAL

notified to the International Bureau of the World Intellectual Property Organization (WIPO) according to Art. 5 of the Madrid Protocol

I. Office refusing protection:

National Board of Patents and Registration of Finland
Trademarks
P.O. Box 1170
FIN-00101 HELSINKI
Telephone: **+358-9-6939500**
Telefax: **+358-9-69395328**

II. Number of the international registration which is the subject of the refusal: 1075544

III. Other information concerning the international registration which is subject of the refusal:
Verbal elements of the mark: TANGO INFINITY (word mark).

IV. The grounds for this refusal are the following:

The trademark is liable to be confused with the following national trademark: INFINITY; registered under number 130206 for identical and similar kinds of goods in class 5 (extract of the register of trademarks enclosed).

The trademark is liable to be confused with the following international registration, which is accepted to be valid in Finland: TANGO; registered under number 700616 for identical and similar kinds of goods in class 10 (information on international registration designating Finland enclosed).

The trademark is liable to be confused with the following Community trademark:
TANGO; registered under number 5738224 for identical and similar kinds of goods in class 10.
(The enclosed information of the Community trademark is a printout from the CTM-ONLINE database (Community Trade Mark Consultation Service)).

The trademark is liable to be confused with the following Community trademark:
INFINITY; registered under number 2530178 for identical and similar kinds of goods in classes 1 and 5.
(The enclosed information of the Community trademark is a printout from the CTM-ONLINE database (Community Trade Mark Consultation Service)).

The trademark is liable to be confused with the following Community trademark:
INFINITY; registered under number 2776334 for identical and similar kinds of goods in class 10.
(The enclosed information of the Community trademark is a printout from the CTM-ONLINE database (Community Trade Mark Consultation Service)).

The trademark is liable to be confused with the following Community trademark:
INFINITY; registered under number 3852167 for identical and similar kinds of goods in class 10.
(The enclosed information of the Community trademark is a printout from the CTM-ONLINE database (Community Trade Mark Consultation Service)).

V. Provisions of the Finnish Trademarks Act applicable on the subject (enclosed):
Art. 6 paragraph 1, Art. 14 paragraph 1 item 6, Art. 14 paragraph 1 item 8, Art. 14 paragraph 1 item 9

VI. Total refusal.

VII. The holder of the registration may request a review of the refusal. The request shall be received by the National Board of Patents and Registration of Finland no later than within 12 weeks from the date of the refusal. **The time limit expires 16.01.2013 (dd.mm.yyyy).**

The request, which is to be drawn up in Finnish or Swedish, has to be filed through the intermediary of a representative resident in the European Economic Area (Art. 56 f).

If the holder of the registration has not within the time limit given above requested for the review, the registration shall not take effect in Finland for the goods/services which are affected by the refusal (Art. 56 b paragraph 3).

If the grounds for this refusal include Community trademarks, Community trademark applications or international registrations designating Finland or European Community they can remain as grounds for this refusal even if

- the Community trademark or the Community trademark application is converted into a national trademark application and it leads to registration (Art. 57 a and Art. 14 paragraph 1 item 6),
- the international registration designating Finland is transformed into a national trademark application and it leads to registration (Art. 56 i and Art. 14 paragraph 1 item6) or
- the international registration designating European Community is, under Council Regulation (EC) No 207/2009 on the Community trademark,
  a) converted into a national trademark application and it leads to registration (Art. 159),
  b) converted to an international registration where Finland is designated and it's accepted to be valid in Finland (Art. 159) or
  c) is transformed into a Community trademark application and it leads to registration (Art. 161).

Please note that if the designation is accepted subsequent to reviewal or appeal an opposition may be filed against the mark within 2 months of the publication of the mark (Art. 56 c).

Oppositions may be filed after the end of the 18-month period (Art. 5(2)(c)(i) of the Madrid Protocol, Rule 16(1) of the Common Regulations).

VIII. Date on which the refusal was pronounced: 24.10.2012 (dd.mm.yyyy)

IX. Signature of the Office

Anne Kemppi
Lawyer
Tel. +358-9-6939 5738

PATENTTI- JA REKISTERIHALLITUS * PATENT- OCH REGISTERSTYRELSEN *

PATENTTI- JA REKISTERIHALLITUS
PATENT- OCH REGISTERSTYRELSEN
NATIONAL BOARD OF PATENTS AND
REGISTRATION OF FINLAND

Pvm - Datum - Date 17.10.2012
Sivu - Sida - Page 1
Rek.nro - Reg. nr - Reg. no. 130206

OTE TAVARAMERKKIREKISTERISTÄ

UTDRAG UR VARUMÄRKESREGISTRET

EXTRACT OF THE REGISTER OF TRADEMARKS

Rekisterinumero
Registernummer
Registration number (111) 130206

Rekisteröintipäivä
Registreringsdatum
Date of registration (151) 20.01.1994

Rekisteröinti päättyy
Registreringen upphör
Registration expires (180) 20.01.2014

Hakemusnumero
Ansökningsnummer
Application number (210) T199206001

Hakemispäivä
Ingivandedatum
Filing date (220) 21.12.1992

Haltija - Innehavare - Holder (732)
(Merkitty rekisteriin - Antecknad i registret - Entry in the Register)

DEN-MAT HOLDINGS, LLC, Delaware, US
(31.10.2007)

Asiamies - Ombud - Representative (740)
(Merkitty rekisteriin - Antecknad i registret - Entry in the Register 31.10.2007)

Berggren Oy Ab, Helsingfors

Tavaramerkki - Varumärke - Trademark (540)

INFINITY

Tavarat/palvelut - Varor/tjänster - Goods/services (511)
(Merkitty rekisteriin - Antecknad i register - Entry in the Register)

Luokka/Klass/Class 5 Alla varor, isynnerhet dentalcement.

Rekisterimerkintöjä
Registeranteckningar
Entries in the Register

Merkintä - Anteckning - Entry Merkitty rekisteriin Antecknad i registret Entry in the Register	Hakemispäivä Ingivandedatum Filing date	Luovutuspäivä Datum för överlåtelsen Date of assignment	Sopimuspäivä Datum för avtalet Date of agreement
Selitys - Förklaring - Explanation			
Förnyelse 20.01.2004			
Överlåtelse 31.10.2007	19.09.2007	01.07.2007	

Haltijan ilmoittama osoite - Innehavarens adress enligt anmälan - Reported address of the trademark owner:

2727 Skyway Drive, Santa Maria, California 93455, US

TIETOJA SUOMEEN KOHDISTETUSTA KANSAINVÄLISESTÄ REKISTERÖINNISTÄ

UPPGIFTER OM INTERNATIONELL REGISTRERING VARI FINLAND HAR DESIGNERATS

INFORMATION ON INTERNATIONAL REGISTRATION DESIGNATING FINLAND

Kansainvälinen rekisterinumero - Internationell registernummer - International registration number (111)

700616

Kansainvälinen rekisteröintipvm/myöhemmän laajentamisen pvm - Registreringsdag/dagen för efterföljande designering - Date of international registration/subsequent designation (151)

03.09.1998

Rekisteröinti päättyy - Registreringen upphör - Registration expires (180)

03.09.2018

Haltija - Innehavare - Holder (732)

BIOTEST AG, Frankfurt/Main, DE

Tavaramerkki - Varumärke - Trademark (540)



Väriselitys - Färgbeskrivning - Description of the colours of the mark (591)

Märket är utfört i färgerna svart, rött och vitt.

Tavarat/palvelut - Varor/tjänster - Goods/services (511)

Luokka/Klass/Class 10 Automatic blood grouping devices.

Rekisteröinti kuulutettu: - Registreringen kungjorts: - Registration published:

15.08.2002

Rekisteröinti voimassa Suomessa - Registreringen är giltig i Finland - Registration is valid in Finland

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Haltijan ilmoittama osoite - Innehavarens adress enligt anmälan - Reported address of the trademark owner:

Landsteinerstrasse 5, 63303 DREIEICH, DE

Haltijan ilmoittama asiamies Suomessa - Innehavarens ombud i Finland enligt anmälan -
Reported representative of the trademark owner in Finland (740)

Forssén & Salomaa Oy, Helsingfors

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You are here: Home > Quality plus > Databases

CTM-ONLINE - Detailed trade mark information

Trade mark name : TANGO
Trade mark No : 005738224
Trade mark basis: CTM
Date of receipt : 07/03/2007
Number of results: 1 of 1

Request an Inspection

Certified copy of the Registration Certificate

Trade mark

Filing date: 07/03/2007
Date of registration: 05/06/2010
Expiry Date: 07/03/2017
Nice Classification: 10 (Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Applicant's reference: MEDI722MA3EU
Status of trade mark: Registered (Glossary)
Publication of registration ☑
(Publication B1 or Publication B2)
(History of statuses)
Filing language: English
Second language: French

Graphic representation

No entry for application number: 005738224.

List of goods and services

Nice Classification: 10
List of goods and services Integrated medical systems for the infusion of therapeutic fluid and devices and attachments for these systems.

Description

Description of the mark: -

Owner

Name: Roche Diagnostics GmbH
ID No: 17112
Natural or legal person: Legal entity
Address: Sandhofer Str. 116
Post code: 68305
Town: Mannheim
Country: GERMANY
Correspondence address: Roche Diagnostics GmbH Bereich Recht/Marken Sandhofer Str. 116 D-68305 Mannheim ALEMANIA
Telephone: 00 49-6217596330
Fax: 00 49-6217595379

Representative

No entry for application number: 005738224.

Seniority

No entry for application number: 005738224.

Exhibition priority

No entry for application number: 005738224

Priority

Country:	UNITED STATES
Number of basic application:	77004795
Filing date of basic application:	21/09/2006
Trade mark status:	Accepted

International Registration Transformation

No entry for application number: 005738224.

Publication

Bulletin no.:	**2007/042**
Date of publication:	13/08/2007
Part:	A.1
Bulletin no.:	**2010/107**
Date of publication:	14/06/2010
Part:	B.2

Opposition

Opposition No:	001243551
Reception date:	13/11/2007
Opponent name:	BIOTEST AG
Opponent ID No:	211825

Cancellation

No entry for application number: 005738224

Appeals

No entry for application number: 005738224.

Recordals

No entry for application number: 005738224.

Renewals

No entry for application number: 005738224.

Version: 9.4.7

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Avenida de Europa 4, E-03008 Alicante, Spain - Tel: +34 96 513 9400 - e-mail:

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CTM-ONLINE - Detailed trade mark information

Trade mark name : INFINITY
Trade mark No : 002530178
Trade mark basis: CTM
Date of receipt : 11/01/2002
Number of results: 1 of 1

Request an inspection

Certified copy of the Registration Certificate

Trade mark

Filing date: 11/01/2002
Date of registration: 12/03/2004
Expiry Date: 11/01/2022
Nice Classification: 1, 5, 9, 42 (Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Applicant's reference: T505763CTM/AJM/LM
Status of trade mark: Registered (Glossary)
Publication of registration
(Publication B1 or Publication B2)
(History of statuses)
Filing language: English
Second language: Italian

Graphic representation

No entry for application number: 002530178.

List of goods and services

Nice Classification: 1
List of goods and services
Diagnostic assays and test kits for clinical, laboratory and chemical use to diagnose, prognose, predict or treat diseases and for providing genomic and proteomic profiles useful in the selection of therapeutics; assays and test kits for evaluating efficacy of treatments and treatment progress; prognostic test kits for identifying hereditary risk factors; diagnostic preparations, namely, preparations of extracts, assays, nucleic acids, proteins, polypeptides, and antibodies and molecular arrays of biological materials for clinical or medical laboratory use; diagnostic assays and test kits for scientific, research and medical research use to diagnose, prognose, predict or treat diseases and for providing genomic and proteomic profiles useful in the selection of therapeutics.

Nice Classification: 5
List of goods and services
Prescription pharmaceutical preparations for use in the diagnosis or treatment of human diseases and disorders, namely, circulatory, respiratory, endocrine, neurologic, cardiovascular, alimentary, oncologic, auto-immune or immune-related, pulmonary, musculoskeletal, lymphatic, gastrointestinal, bone sensory, viral urinary, renal, infectious, metabolic or central nervous system diseases and disorders, excluding analgesics; diagnostic assays and test kits for clinical, laboratory, medical and chemical use to diagnose, prognose, predict or treat diseases and for providing genomic and proteomic profiles useful in the selection of therapeutics; assays and test kits for evaluating efficacy of treatments and treatment progress; prognostic test kits for identifying hereditary risk factors; diagnostic preparations, namely, preparations of extracts, assays, nucleic acids, proteins, polypeptides, and antibodies, and molecular arrays of biological materials for clinical or medical laboratory use.

Nice Classification:	9
List of goods and services	Computer programs and databases stored on CD-ROM in the field of genomics, diagnostics, pharmacogenomics, pharmaceuticals and biotechnology; computer programs for use in database management, integration and manipulation; computer programs for use in characterization of nucleic acid and protein information; computer programs for use in analyzing chemical structure and activity information; computer programs for use in acquisition and interrogation of clinical, pathological, diagnostic, genetic, genomic and biochemical data; computer programs for use in clinical trial design and management; computer programs for use in text and pattern recognition; computer programs for storage, retrieval and analysis of life sciences literature; computer programs for use in managing robot function; computer programs for use in processing toxicological and pharmacological information; computer programs for laboratory instrument control; computer programs for use in control of sample input to mass spectrometers; computer programs for use in spectral analysis; pre-recorded CD-ROMs featuring databases containing life sciences information; pre-configured microprocessors for analysis and storage of life sciences information.
Nice Classification:	42
List of goods and services	Medical and diagnostic services, namely, diagnosing, preventing, and predicting disease, identifying hereditary risk factors, diagnostic testing, prognostic testing, gene and protein testing, identifying physiological characteristics, establishing individual preventative programs, establishing disease treatment based on gene and protein expression and/or activity, evaluating clinical trial progress, drug monitoring and computer tracking of a patient's health progress; research services, namely, research, development, validation, testing, data analysis and product development services in the biomedical, genomic pharmacogenomic, diagnostic, clinical trial design, and biotechnology fields; research consulting services, namely, research, development, validation, testing, data analysis and product development services for others in the biomedical, genomic, pharmaceutical, pharmacogenomics, diagnostic, clinical trial design, and biotechnology fields; computer services, namely, providing access to databases of life sciences information via global, national, and local computer networks in the fields of pharmacogenomics, diagnostics, clinical trial design and biotechnology; computer consulting services, namely, providing access to databases of life sciences information to others via global, national, and local computer networks in the fields of pharmacogenomics, diagnostics, clinical trial designs and biotechnology.

Description

Description of the mark: -

Owner

Name:	Infinity Pharmaceuticals, Inc.
ID No:	131140
Natural or legal person:	Legal entity
Address:	780 Memorial Drive
Post code:	02139
Town:	Cambridge,
State:	Massachusetts
Country:	UNITED STATES
Correspondence address:	Infinity Pharmaceuticals, Inc. 780 Memorial Drive Cambridge, Massachusetts 02139 ESTADOS UNIDOS (DE AMÉRICA)

Representative

Name:	WITHERS & ROGERS LLP
ID No:	10100
Type:	4 - Association
Address:	4 More London Riverside
Post code:	SE1 2AU
Town:	London
Country:	UNITED KINGDOM
Correspondence address:	WITHERS & ROGERS LLP 4 More London Riverside London SE1 2AU REINO UNIDO
Telephone:	00 44-2079403600
Fax:	00 44-2073789680
E-mail:	admin@withersrogers.com

Seniority

No entry for application number: 002530178.

Exhibition priority

No entry for application number: 002530178

Priority

Country:	UNITED STATES
Number of basic application:	76/298573
Filing date of basic application:	10/08/2001
Trade mark status:	Accepted
Country:	UNITED STATES
Number of basic application:	76/298574
Filing date of basic application:	10/08/2001
Trade mark status:	Accepted
Country:	UNITED STATES
Number of basic application:	76/298572
Filing date of basic application:	10/08/2001
Trade mark status:	Accepted
Country:	UNITED STATES
Number of basic application:	76/299002
Filing date of basic application:	10/08/2001
Trade mark status:	Accepted

International Registration Transformation

No entry for application number: 002530178.

Publication

Bulletin no.:	2003/065
Date of publication:	11/08/2003
Part:	A.1
Bulletin no.:	**2004/018**
Date of publication:	03/05/2004
Part:	B.2
Bulletin no.:	**2007/047**
Date of publication:	03/09/2007
Part:	B.4.2
Bulletin no.:	**2011/239**
Date of publication:	19/12/2011
Part:	D.1
Bulletin no.:	**2007/042**
Date of publication:	13/08/2007
Part:	C.2.1
Bulletin no.:	**2007/066**
Date of publication:	10/12/2007
Part:	C.2.1
Bulletin no.:	**2011/173**
Date of publication:	13/09/2011
Part:	C.2.1

Opposition

No entry for application number: 002530178.

Cancellation

No entry for application number: 002530178

Appeals

No entry for application number: 002530178.

Recordals

Title:	Representative
Sub-title:	Change of name and professional address
ID No:	001271462
Bulletin no.:	**2007/042**
Date of publication:	13/08/2007
Part:	C.2.1
Title:	Representative
Sub-title:	Change of name and professional address
ID No:	002886599
Bulletin no.:	**2007/066**
Date of publication:	10/12/2007
Part:	C.2.1
Title:	Representative
Sub-title:	Change of name and professional address
ID No:	005900413
Bulletin no.:	**2011/173**
Date of publication:	13/09/2011

Part: C.2.1

Renewals

No entry for application number: 002530178.

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Avenida de Europa 4, E-03008 Alicante, Spain - Tel: +34 96 513 9400 - e-mail:

OHIM The Trade Marks and Designs Registration Office of the European Union

CTM-ONLINE - Detailed trade mark information

Trade mark name :	INFINITY
Trade mark No :	002776334
Trade mark basis:	CTM
Date of receipt :	15/07/2002
Number of results:	1 of 1

Request an inspection

Certified copy of the Registration Certificate

Trade mark

Filing date:	15/07/2002
Date of registration:	29/09/2005
Expiry Date:	15/07/2022
Nice Classification:	10 (Nice classification)
Trade mark:	Individual
Type of mark:	Word
Acquired distinctiveness:	No
Applicant's reference:	2001W05656 E Lsk/Sd
Status of trade mark:	Registered (Glossary)
	Publication of registration ☑
	(Publication B1 or Publication B2)
	(History of statuses)
Filing language:	German
Second language:	English

Graphic representation

No entry for application number: 002776334.

List of goods and services

Nice Classification:	10
List of goods and services	Patient monitors for the measuring, recording, storage and reproduction of physiological patient data;all the aforesaid goods only for the medical sector, but not for optometric or ophthalmological purposes.

Description

Description of the mark:	-

Owner

Name:	DRAEGER MEDICAL SYSTEMS, INC.
ID No:	196354
Natural or legal person:	Legal entity
Address:	6 Tech Drive
Town:	Andover,
State:	Massachusetts (MA)
Country:	UNITED STATES
Correspondence address:	DRAEGER MEDICAL SYSTEMS, INC. 6 Tech Drive Andover, Massachusetts (MA) ESTADOS UNIDOS (DE AMÉRICA)

Representative

Name:	UEXKÜLL & STOLBERG
ID No:	11081
Type:	4 - Association
Address:	Beselerstr. 4
Post code:	22607
Town:	Hamburg
Country:	GERMANY
Correspondence address:	UEXKÜLL & STOLBERG Beselerstr. 4 D-22607 Hamburg ALEMANIA
Telephone:	00 49-408996540
Fax:	00 49-4089965488
E-mail:	**postmaster@uex.de**

Seniority

No entry for application number: 002776334.

Exhibition priority

No entry for application number: 002776334

Priority

No entry for application number: 002776334.

International Registration Transformation

No entry for application number: 002776334.

Publication

Bulletin no.: 2003/048
Date of publication: 10/06/2003
Part: A.1

Bulletin no.: 2005/049
Date of publication: 05/12/2005
Part: B.2

Bulletin no.: 2012/037
Date of publication: 22/02/2012
Part: D.1

Bulletin no.: 2007/031
Date of publication: 09/07/2007
Part: C.1.3

Bulletin no.: 2007/039
Date of publication: 06/08/2007
Part: C.1.3

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

Bulletin no.: 2007/047
Date of publication: 03/09/2007
Part: C.2.1

Bulletin no.: 2007/025
Date of publication: 18/06/2007
Part: C.1.1

Opposition

Opposition No: 000639783
Reception date: 10/09/2003
Opponent name: ALCON, INC.
Opponent ID No: 136795

Cancellation

No entry for application number: 002776334

Appeals

No entry for application number: 002776334.

Recordals

Title: Owners
Sub-title: Change of name and adress of owner
ID No: 001290058
Bulletin no.: 2007/031
Date of publication: 09/07/2007
Part: C.1.3

Title: Owners
Sub-title: Change of name and adress of owner
ID No: 002164922
Bulletin no.: 2007/039
Date of publication: 06/08/2007
Part: C.1.3

Title: Representative
Sub-title: Change of name and professional address
ID No: 002279167
Bulletin no.: 2007/045
Date of publication: 27/08/2007
Part: C.2.1

Title: Representative
Sub-title: Change of name and professional address
ID No: 002539594

Bulletin no.:	**2007/047**
Date of publication:	03/09/2007
Part:	C.2.1
Title:	Owners
Sub-title:	Total Transfer
ID No:	001153116
Bulletin no.:	**2007/025**
Date of publication:	18/06/2007
Part:	C.1.1

Renewals

No entry for application number: 002776334.

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CTM-ONLINE - Detailed trade mark information

Trade mark name : INFINITY
Trade mark No : 003852167
Trade mark basis: CTM
Date of receipt : 26/05/2004
Number of results: 1 of 1

Request an inspection

Certified copy of the Registration Certificate

Trade mark

Filing date: 26/05/2004
Date of registration: 08/04/2008
Expiry Date: 26/05/2014
Nice Classification: 10 (Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Applicant's reference: 25632EM
Status of trade mark: Registered (Glossary)
Publication of registration ☑
(Publication B1 or Publication B2)
(History of statuses)
Filing language: English
Second language: German

Graphic representation

No entry for application number: 003852167.

List of goods and services

Nice Classification: 10
List of goods and services Medical devices, namely infusion pumps for infusion of medical and nutritional solutions; all the aforementioned goods not for optometric or ophthalmological purposes.

Description

Description of the mark: -

Owner

Name: Zevex, Inc.
ID No: 81313
Natural or legal person: Legal entity
Address: 4314 Zevex Park Lane
Post code: 84123
Town: Salt Lake City,
State: Utah
Country: UNITED STATES
Correspondence address: Zevex, Inc. 4314 Zevex Park Lane Salt Lake City, Utah 84123 ESTADOS UNIDOS (DE AMÉRICA)

Representative

Name: GLEISS GROSSE SCHRELL & PARTNER
ID No: 11671
Type: 4 - Association
Address: Leitzstr. 45
Post code: 70469
Town: Stuttgart
Country: GERMANY
Correspondence address: GLEISS GROSSE SCHRELL & PARTNER Leitzstr. 45 D-70469 Stuttgart ALEMANIA
Telephone: 00 49-711993110
Fax: 00 49-71199311200
E-mail: office@gleiss-grosse.com

Seniority

No entry for application number: 003852167.

Exhibition priority

No entry for application number: 003852167

Priority

Country:	UNITED STATES
Number of basic application:	78/407001
Filing date of basic application:	23/04/2004
Trade mark status:	Accepted

International Registration Transformation

No entry for application number: 003852167.

Publication

Bulletin no.:	**2005/009**
Date of publication:	28/02/2005
Part:	A.1
Bulletin no.:	**2008/015**
Date of publication:	14/04/2008
Part:	B.2
Bulletin no.:	**2007/042**
Date of publication:	13/08/2007
Part:	C.2.1
Bulletin no.:	**2007/045**
Date of publication:	27/08/2007
Part:	C.2.1

Opposition

Opposition No:	000850844
Reception date:	30/05/2005
Opponent name:	ALCON, INC.
Opponent ID No:	136795
Opposition No:	000845760
Reception date:	25/05/2005
Opponent name:	DRAEGER MEDICAL SYSTEMS, INC.
Opponent ID No:	196354

Cancellation

No entry for application number: 003852167

Appeals

No entry for application number: 003852167.

Recordals

Title:	Representative
Sub-title:	Change of name and professional address
ID No:	001185217
Bulletin no.:	**2007/042**
Date of publication:	13/08/2007
Part:	C.2.1
Title:	Representative
Sub-title:	Change of name and professional address
ID No:	002280975
Bulletin no.:	**2007/045**
Date of publication:	27/08/2007
Part:	C.2.1

Renewals

No entry for application number: 003852167.

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Extract from the Finnish Trademarks Act
No. 7 of January 10, 1964, as amended
(Unofficial translation)

Article 1

Registration shall confer exclusive rights in a trademark as a special symbol for distinguishing goods to be offered for sale, or otherwise purveyed in business, from those of others.

Any kind of mark that can be represented graphically and by means of which goods marketed in business can be distinguished from those of others may be a trademark. A trademark may in particular consist of words, including personal names, figures, letters, numerals or the shape of goods or of their packaging.

The provisions of this Act concerning goods shall apply by analogy to services.

Article 3

Any person may use his surname, address or trade name in his business as a trade symbol for his goods unless that use is liable to cause confusion with another's protected trademark, or with a name, address or trade name already being lawfully used by another in his business.

The foregoing provision on trade names applies also to the auxiliary trade name and secondary symbol referred to in the Trade Names Act.

The name or trade name of another may not be included in a trademark; neither may the auxiliary trade name or secondary symbol of another be included in a trademark except where they lack distinguishing power or where the branches of trade or kinds of goods concerned are different.

Article 6

Trade symbols shall be regarded under this Act as liable to cause confusion only if they apply to goods of identical or similar type.

Notwithstanding the foregoing, the confusability of trade symbols may be judged in favor of a symbol that has a reputation in Finland where the use of another's trade symbol without due cause would constitute unfair exploitation of, or action detrimental to, the distinctive character or fame of the earlier trade symbol.

The second paragraph of this Article shall apply also to the auxiliary trade names and secondary symbols referred to in the third paragraph of Article 3.

Article 13

To be eligible for registration, a trademark must be capable of distinguishing its proprietor's goods from those of others. A mark that denotes either alone or with only few alterations or additions, the kind, quality, quantity, use, price or place or time of manufacture of the goods shall not, as such, be regarded as distinctive. Neither shall a mark be regarded as distinctive, if it is solely composed of a form that is characteristic of the goods, necessary for achieving a technical result or that substantially increases the value of the goods. In assessing whether a trademark possesses distinguishing power, all the factual circumstances shall be borne in mind, particularly the length of time and extent to which the mark has been used.

Article 14

A trademark shall not be registered:
(1) if it is contrary to law and order, or to morality;
(2) if it is liable to mislead the public;
(3) if, without proper permission, it incorporates national armorial bearings, a national flag or other emblem, a sign or hallmark indicating control and warranty used by the State for goods of the same type as those for which the trademark is sought or a similar type, the armorial bearings of a Finnish commune, or the flag, armorial bearings or other emblem, name or abbreviated name of an international organization or any device or emblem, name or abbreviated name liable to be confused with the symbols or emblems, marks, names or abbreviations referred to in this item;
(4) if it is composed of or contains anything likely to give the impression of being the protected trade name of another or the auxiliary trade name or secondary symbol of another as referred to in the third paragraph of Article 3, or of being the name or likeness of another person, unless such name or likeness plainly relates to a person long dead;
(5) if it is composed of or contains anything likely to give the impression of being the title of another's protected literary or artistic work, such title being original in character, or if it constitutes an infringement of another's copyright in such a work or of his rights in a photographic illustration or a protected design;
(6) if it is liable to be confused with the name or protected trade name of another trader, with an auxiliary trade name or secondary symbol of the kind referred to in the third paragraph of Article 3, with the trademark of another which has been registered on the basis of an earlier application or with the trade symbol of another party that is already established when registration is sought;
(7) if it is liable to be confused with a trade symbol being used by another party for his goods at the time of the application, and if the applicant was aware of that use at the time of his application and had not used his own mark before the other trade symbol came into

use;
(8) if it is liable to be confused with a trademark protected by an international registration valid in Finland or the European Community that on the basis of this registration enjoys an earlier right in Finland or the European Community;
(9) if it is liable to be confused with a Community trade mark within the meaning of Article 57 that has been registered on the basis of an earlier application or that has seniority from Finland under Article 34 or 35 of the Council Regulation referred to in Article 57;
10) if it is liable to be confused with a registered name of a plant variety; or
11) if there is an obstacle to registration within the meaning of Council Regulation (EEC) No. 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

In the cases referred to in items (4) to (9), registration may be granted if the person whose right is concerned agrees thereto, and provided that the registration does not contravene any of the other provisions of the first paragraph of this Article.

Article 15

The exclusive rights in a trademark acquired by registration do not cover any part of the mark that cannot be registered as such.

If the trademark contains any such part and there are special reasons to believe that its registration may cause uncertainty regarding the extent of the exclusive rights granted, protection of the part may be specifically disclaimed when the registration is made.

If a part of a trademark excluded from protection later becomes registrable, a new registration may be made to cover that part or the entire trademark without the exclusion of the part from protection.

Article 17

The application for registration of a trademark shall be filed in writing with the registering authority. The application shall indicate the name or trade name of the applicant and the goods and classes of goods for which the mark is intended. The mark shall be clearly shown in the application.

A filing fee shall be paid on the filing of the application. The application shall not be considered filed until the fee has been paid.

Article 56a

When the registration authority receives a notification of an international registration having effect in Finland from the International Bureau, it shall examine whether there is any obstacle to the registration.

Article 56b

If the registration authority finds that a trademark filed for international registration does not comply with the conditions of registration laid down in this Act, it shall notify the International Bureau that the international registration has no effect in Finland. The registration authority shall notify its refusal, together with a statement of all grounds, to the International Bureau before the expiry of a period of 18 months from the date of the International Bureau notification referred to in Article 56a.

If the statement issued by the proprietor of an international registration commenting on the notification by the registration authority referred to in the foregoing paragraph does not present any grounds on which the trademark could be deemed to comply with the conditions of registration laid down in this Act, the registration authority shall rule that the international registration has no or only a partial effect in Finland.

If the proprietor of an international registration has not within the given time limit submitted his statement commenting on the registration authority's notification referred to in paragraph 1, the international registration shall not take effect in Finland. If the said notification only concerned some of the goods in the international registration, the international registration shall take effect in Finland in respect of those of the goods that the notification did not concern.

Article 56c

If no obstacle to registration is found, the registration authority shall give public notice of the International Bureau notification referred to in Article 56a as laid down in the first paragraph of Article 20. The public notice shall specify the date accorded to the international registration by the International Bureau.

Any opposition to an international registration in Finland shall be filed in writing with the registration authority within two months of the date of the public notice.

Article 56 f

If the proprietor of an international registration who is not domiciled in Finland wishes to submit a statement to the National Board of Patents and Registration of Finland, the proprietor must appoint a representative resident in the European Economic Area. A corporate body domiciled in the European Economic Area may also act as a representative.