



ESTONIAN PATENT OFFICE
TRADEMARK DEPARTMENT

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

NOTIFICATION OF *EX OFFICIO* PROVISIONAL REFUSAL

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

I. Name and address of the office refusing protection:

The Estonian Patent Office
Trademark Department
Toompuiestee 7
15041 Tallinn
ESTONIA
Telephone: + 372 62 77 931
Telefax: + 372 62 77 912

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

997469

III. Other information concerning the international registration which is the subject of the provisional refusal:

Verbal elements of the mark: Vetra net

IV. The grounds for this provisional refusal are the following:

The trademark is similar to the earlier Community trademark, which has been granted legal protection with regard to the identical and similar kind of goods and there exists a likelihood of confusion on the part of the public, which includes association of the trademark with the earlier trademark (copy of the registration enclosed):

VÊTRA, Trade mark No: 823320, International Registration designation date: 18/07/2011

The name and the address of the owner of the mark :
Owner – TRANSHOLDING

Address: La Chaussée F-72800 LE LUDE
Country: FRANCE

For protection of the international registration in Estonia in class 25 the written consent from the owner of the above-mentioned trademark is required.

V. Provision of the Estonian Trademark Act applicable on the subject (enclosed):
Section 10 subsections 1(2) and 2, Section 11 subsection 1(6).

VI. The ground referred to in item IV affects all goods in class 25.

VII. The owner of the registration may request a review of the provisional refusal. The request shall be received by Estonian Patent Office no later than within 4 months from the date of the provisional refusal.

The time limit expires **27/01/2014** (dd/mm/yyyy).

The request has to be filed through the authorized patent attorney of the Republic of Estonia (section 13 subsection 2 of the Estonian Trademark Act). List of patent attorneys is available at <http://www.epa.ee/>

Please note that if the owner of the registration fails to respond by the due date, the registration shall be deemed to be withdrawn for goods and services mentioned in item VI (section 38 subsection 2 of the Estonian Trademark Act). The owner may request that processing be resumed if the owner failed to perform the acts due to force majeure or some other impediment independent of the owner or the representative of the owner (section 47 subsection 3 of the Estonian Trademark Act).

Please note that if the mark is protected subsequent to reviewal of the provisional refusal an interested person may contest the owners right to a trade mark within two months as of the publication of the trade mark (section 41 subsection 2 of the Estonian Trademark Act).

VIII. Date on which the provisional refusal was pronounced: 25/09/2013 (dd/mm/yyyy).

IX. Signature of the Office:



Signe Holm

Senior Examiner of the Second International Trademark Examination Division

Number of continuation sheets: 2

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CTM-ONLINE - Detailed trade mark information



Trade mark name : VÉTRA
Trade mark No : 0823320
Trade mark basis: IR designating the EC
([➔](#) Madrid Express database)
Date of receipt : 17/11/2011
Number of results: 1 of 1

**Trade mark**

Date of international registration: 19/03/2004
International Registration designation date: 18/07/2011
Date of receipt at OHIM: 17/11/2011
Expiry Date: 19/03/2014
Nice Classification: 25 ([➔](#) Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Status of trade mark: International registration accepted ([➔](#) Glossary)
([➔](#) History of statuses)
WIPO language: French
Second language: English

Graphic representation

No entry for application number: 0823320.

List of goods and services

Nice Classification: 25
List of goods and services Ready-made clothing of all styles and types.

Description **Description of the mark:** -**Owner**

Name: TRANSHOLDING
Address: La Chaussée F-72800 LE LUDE
Country: FRANCE

Representative before OHIM

No entry for application number: 0823320.

Seniority

Country: FRANCE
Status: Accepted
Filing date: 27/04/1982

Priority

No entry for application number: 0823320.

Publication

Bulletin no.: **2011/219**
Date of publication: 18/11/2011
Part: M.1
Bulletin no.: **2012/179**
Date of publication: 19/09/2012
Part: M.3.1

Opposition

No entry for application number: 0823320.

Appeals

No entry for application number: 0823320.

Renewals

No entry for application number: 0823320.

Extract from the Estonian Trademark Act

§ 10. Relative circumstances which preclude legal protection

(1) Legal protection is not granted to the following trade marks:

1) trade marks which are identical with an earlier trade mark which has been granted legal protection with regard to identical goods or services designated by the trade mark;

§ 11. Earlier trade mark and other earlier rights

(1) An "earlier trade mark" means the following:

6) a Community trade mark registered on the basis of the Community Trade Mark Regulation if the filing date of the application, date of priority or the seniority date granted on the basis of the Estonian registration is earlier.

§ 13. Representative for performing acts related to legal protection of trade marks

(2) A person with no residence, seat or commercial or industrial enterprise operating in Estonia shall authorise a patent attorney as the person's representative to perform procedures related to trade marks at the Patent Office and at the Board of Appeal, except the filing of an application.

§ 38. Examination of trade marks

(2) If an examination reveals circumstances which preclude the legal protection of a trade mark, the Patent Office shall notify the applicant thereof and set a term of at least two months for the elimination of the said circumstances or provision of explanations. If the applicant fails to respond by the due date, the application is deemed to be withdrawn.

§ 41. Adjudication of appeals and revocation applications

(2) An interested person may contest an applicant's right to a trade mark at the Industrial Property Board of Appeal if circumstances specified in subsection 9 (1) or § 10 of this Act which preclude legal protection exist. The term for filing a revocation application is two months from the publication of the notice of the decision to register a trade mark.

§ 69. Effect of international registration

(1) Legal protection arising from an international registration valid in Estonia is equal to legal protection arising from a national registration and the rights and obligations arising from an internationally registered trade mark are equal to those arising from a nationally registered trade mark.