



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

**PROVISIONAL REFUSAL OF PROTECTION**

notified to the World Intellectual Property Organisation (WIPO)  
according to Article 5 of the Madrid Agreement and Madrid Protocol

<b>I. Office making the notification of refusal</b> <b>PATENT OFFICE OF THE REPUBLIC OF LATVIA</b> <b>7/70, Citadeles iela</b> <b>LV 1010, Rīga</b> <b>LATVIA</b>		<b>Phone</b> 371 67099602 <b>Fax</b> 371 67099650
<b>II. Number of the international registration which is the subject of refusal</b> <b>WO 1 182 230</b>		
<b>III. Name of the holder of the international registration concerning the subject of refusal:</b> <b>Tovarystvo z obmezhenoiu vidpovidalnistiu "Vydavnychiy dim "VAVYLON", vul. Syretska, bud. 24, Kyiv 04073 (Ukraine) /Pink/.</b>		
<b>IV. The grounds of refusal:</b> <b>Opposition submitted by: PINK TV, Société par actions simplifié, 20/22, rue de Turenne, F-75004 Paris, FRANCIA, holder of CTM: 009595869 /PINK/.</b>		
<b>V. Reference to the corresponding essential provisions of the law (see materials attached)</b> <b>Grounds of refusal: Latvian Law on trademarks and indications of geographical origin Section 18, 39, opposition has based on Section 7.(1)2).</b>		
<b>VI.</b>	<input type="checkbox"/> Refusal for all goods and services <input checked="" type="checkbox"/> <b>Refusal for the following goods and services: CI 38., 41</b>	
<b>VII. Possibilities to review or appeal</b> <b>The holder of the mark has the right, within 3 months from the date of reception of present decision, to submit his objections to the Patent Office of the Republic of Latvia through a professional local patent attorney. After expiration of the said period the Patent Office shall take a final decision.</b>		
<b>VIII. Date on which the present decision was pronounced</b>		<b>03.04.2014</b>
<b>IX. Signature and seal of the office making the notification of refusal</b>		
<div style="display: flex; justify-content: space-between; align-items: center;"><div style="text-align: center;"><p><b>Senior Examiner</b></p></div><div style="text-align: right;"><p><b>Maira Egle</b></p></div></div>		

## LAW ON TRADEMARKS AND INDICATIONS OF GEOGRAPHICAL ORIGIN

<b>Has been adopted:</b>	<b>Come into force:</b>	<b>Published:</b>
16.06.1999	15.07.1999	Vēstnesis, 01.07.1999, Nr. 216

### Section 7. An Earlier Trademark as Grounds for Invalidation of a Registration

(1) A trademark registration may be declared invalid pursuant to the provisions of this Law in the following cases:  
1) if it is identical to an earlier trademark, and the goods or services for which the trademark was registered are identical to the goods or services with respect to which the earlier trademark was registered;

**2) if because of its identity or similarity to an earlier trademark belonging to another person and because of the identity or similarity of the respective goods or services, there exists a likelihood of confusion of the trademarks or a likelihood of association between the trademarks on behalf of the relevant consumers.**

(2) "Earlier trademarks" within the meaning of Paragraph 1 of this Article means:

1) trademarks valid in Latvia, which have been registered under national or international registration procedures, with a date of application for registration which is earlier than the date of application for registration of the opposed trademark, also taking into account the priorities accorded to those trademarks;

2) applications for the registration of trademarks referred to in the previous Sub-paragraph, provided that they are registered.

### Section 18. Opposition to a Trademark Registration

(1) Within three months from the date of the publication of a trademark, interested persons may, upon payment of the applicable fee, submit an opposition to the registration of a trademark. The opposition shall be filed with the Board of Appeal in writing, substantiated by appropriate arguments and references to the provisions of law. After the expiration of the said term, the opponent does not have the right to change (expand) the initial legal basis of the opposition, but may, up until the decision of the Board of Appeal is adopted, submit additional documents and materials, that confirm (specify) the facts on which the opposition is based.

(2) Any person may file an opposition, if the registered trademark does not comply with the provisions of Article 3 of this Law, or if the registration would be invalidated pursuant to the provisions of Article 6, or if the provisions of Article 9, Paragraph 3, Sub-paragraph 1 are applicable.

(3) An opposition based upon the provisions of Articles 7 or 8 of this Law, or Article 9, Paragraph 1, Paragraph 2, Paragraph 3, Sub-paragraph 2, 3 or 4, or Paragraph 4 may be filed by persons who are the owners of earlier trademarks, well-known trademarks, or have other earlier rights, specified in the applicable provisions, or their successors in title, or their representatives.

(4) An opposition based upon the provisions of Article 8 or Article 9, Paragraph 1, Paragraph 2, Paragraph 3, Sub-paragraph 2, 3 or 4, in addition to the persons referred to in the previous Paragraph of this Article, may also be filed by professional associations and associations of manufacturers, traders and providers of services, whose articles of association provide for the protection of the economic interests of their associates (members), as well as by organisations and authorities, whose purpose, under their articles of association, is consumer protection.

(5) The Board of Appeal shall inform the owner of the opposed trademark of the opposition and set a term of three months for the submission of a reply.

(6) If an opposition is not submitted within the term set by the Law, the trademark registration may be contested only in a court.

### Section 39. Validity of an International Registration in Latvia

(1) An international registration of a trademark that has, pursuant to the prescribed procedure, entered into effect in Latvia, shall have the same effect as trademarks that have been, pursuant to the procedures specified in this Law, entered into the Register (registered with the Patent Office under national procedure).

(2) An international registration of a trademark shall be deemed not to have entered into effect at all or insofar as the trademark in question has been refused protection in Latvia pursuant to prescribed procedures.

(3) The priority of an internationally registered trademark in Latvia shall be determined by the date when the mark was internationally registered with respect to Latvia, but in cases where the mark, pursuant to the international procedure of registration, has been granted right of priority from its earlier filing date, by such earlier filing date. If the international registration of a trademark has been extended to Latvia subsequent to the date of its international registration, the priority shall be determined by the date on which the said mark was extended to Latvia. If an international registration, that has entered into effect in Latvia, upon request of the owner and pursuant to the regulations on the international registration of trademarks, replaces an earlier registration of the same trademark effected at the Patent Office, the filing date and priority date of that earlier registration, effected pursuant to the national procedure, shall be attributed to the internationally registered trademark in determining its priority.

(4) The Patent Office shall examine internationally registered trademarks to ascertain their compliance with the requirements of Articles 6 and 8 of this Law. In the case of the registration of a collective mark it shall also be ascertained whether the regulations governing the use of the collective mark that comply with the provisions of Article 35, Paragraph 4 have been attached to the registration.

(5) Opposition to the entry into effect of an international registration of a trademark in Latvia, as provided for in Article 18 of this Law, shall be filed within four months from the date of publication of a notice of trademark registration with respect to Latvia (territorial extension to Latvia) in the official gazette of international registration of trademarks.

(6) If, as a result of examination, it is established that an international trademark does not comply with the requirements of Paragraph 4 of this Article, or if an opposition has been filed to such registration, the Patent Office

shall, within the terms and pursuant to the procedures specified by the regulations on the international registration of trademarks, notify the International Bureau of the refusal of the particular international registration (initial refusal). Within three months from the date of receipt of such a refusal, the owner of the international registration is entitled to submit an appeal (a reply to the opposition) as provided for in Article 13, Paragraph 8 of this Law.

(7) Appeals and oppositions in the Board of Appeal shall be reviewed pursuant to the provisions of Articles 18 and 19 of this Law and, in the case of a collective mark, also pursuant to the provisions of Article 36, Paragraph 1, insofar as the regulations on the international registration of trademarks do not provide otherwise.

(8) The Patent Office shall, pursuant to the prescribed procedures, notify the International Bureau of all the decisions of the Board of Appeal and court judgements which have entered into effect, pursuant to which international registration of a trademark has been invalidated or revoked, in full or in part, or pursuant to which the initial refusal of international registration has been canceled (changed).

### **Section 39.<sup>3</sup> Additional Provisions for the Protection of the Community Trade Mark**

(1) An opposition to the registration of a trade mark (Section 18) and the claim for invalidation of the registration of a trade mark (Section 31) apart from the earlier rights provided for in Sections 7, 8 and 9 of this Law may also be justified with an earlier identical or similar Community trade mark, which has a good reputation in the European Community and which is registered for goods or services which are not similar to those goods and services, which have a trade mark registered later (contested), but on condition that the use of the later trade mark without due cause takes unfair advantage of, or is detrimental to the distinctive character or the reputation of the Community trade mark or that such use of the later trade mark may be seen by consumers as a sign of connection between these goods and services and the owner of the referred to Community trade mark and such use may be detrimental to the interests of the owner of the Community trade mark. Such opposition and such claim may be submitted by the owner of the Community trade mark (or his or her successor in title) or his or her representative.

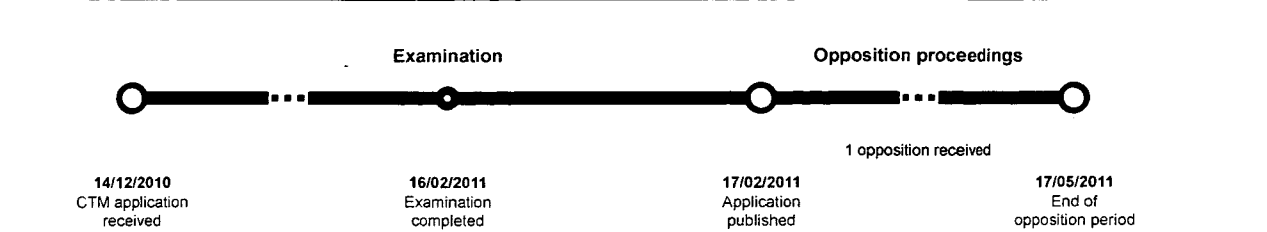
(2) In case of the illegal use of the Community Trade mark, the provisions of Sections 27 and 28 of this Law, the Civil Procedure Law and the provisions of other regulatory enactments shall be applicable, unless otherwise specified by Council Regulation No 207/2009.

(3) If, based on the rights arising from the registration of the Community trade mark, the registration of a later trade mark is contested, which is performed observing the procedures for the registration of trade marks specified by this Law, or in accordance with the rules on the international registration and is extended to Latvia, or if the use of such later trade mark is contested, the provisions of Section 29 of this Law regarding the restrictions of rights as a result of acquiescence shall be observed.

CTM file information

PINK  
009595869

Timeline



Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	CTM	009595869	Surveillance Letter	09/01/2014	
	CTM	009595869	Surveillance Letter	20/08/2013	
	CTM	009595869	Surveillance Letter	19/07/2013	
	CTM	009595869	Surveillance Letter	19/07/2013	
	CTM	009595869	Surveillance Letter	19/07/2013	
	CTM	009595869	Surveillance Letter	18/07/2013	
	CTM	009595869	Surveillance Letter	05/07/2013	
	Opposition	001836785	Suspension Of Proceedings - To The Opposing Party	30/05/2013	
	Opposition	001836785	Suspension Of Proceedings - To The Applicant	30/05/2013	
	Opposition	001836785	Letter to OHIM	28/05/2013	

Showing 1 to 10 of 39 entries

Trade mark information

Name	PINK	Filing date	14/12/2010
Filing number	009595869	Registration date	
Basis	CTM	Expiry date	
Date of receipt	14/12/2010	Designation date	
Type	Word	Filing language	French
Nature	INDIVIDUAL	Second language	English
Nice classes	9, 35, 38, 41 ( Nice classification )	Application reference	AB/NI/LP/M8857UE
Vienna classification		Trade mark status	Application opposed
		Acquired distinctiveness	No

Goods and services

- English (en)
- 9 Photographic, cinematographic apparatus and instruments; Apparatus for recording, transmission or reproduction of sound or images; Media for transmission, reproduction and duplication of sound and/or images; Media for printed or other information; Games software; Computer software (recorded programs);Computer

programs, interactive audiovisual and/or television programs and games (computer software), text and sound databases (computer software), image banks (computer software); Electronic and automatic games adapted for use with television receivers and/or computer screens only; Printed circuits to connect terminals or micro-computers to public and private networks.

- 35** **Impresarios:** professional management of artistic affairs, publication of publicity texts.
- 38** Dissemination and transmission of text, messages, information, sound, images and data; Computer-aided transmission of messages and images; Providing access to online discussion forums for the transmission of messages among computer users; Transmission of radio and television programmes, text, messages, information, sound and images via communication and computer networks; Broadcasting of programmes via the Internet; Broadcasting, distribution and transmission of visual images, audio information, graphics, data and other information by radio, telecommunications apparatus, electronic media and the Internet; Providing access to online Internet chatrooms; Electronic transmission of data via computer and communication networks and via the Internet; Access to telecommunications networks by means of a computer, telephone or television; Providing access to pay-TV channels on the Internet for the downloading of videos; Broadcasting of television programmes; Providing access to digital music via telecommunications means; Communication services for access to information, text, sound, images and data via communication and computer networks; On-line and information services, namely the preparation, compilation and transmission of audiovisual messages and information of all kinds, in the form of sound and images; Transmission of audiovisual data or images via a global computer network or the Internet; News agency; Information about telecommunications; Providing of access to a database server; Dissemination (transmission) of visual images, audio information, graphics, data and other information by radio, telecommunications apparatus, electronic media and the Internet; Transmission and distribution of data or audio visual images via a global computer network or the Internet.
- 41** Education; Providing of training; Entertainment; Sporting and cultural activities; Entertainers' services; Amusement park; Rental of video tapes; Video-tape film production; Providing movie theatre facilities; Movie studios; Club services; Entertainment and education; The organisation of competitions; Entertainment and courses; Arranging and conducting of congresses, arranging and conducting of dances, rental of show scenery, discotheques, radio entertainment, television entertainment, rental of sound recordings, providing online publications, non-downloadable, rental of cine-films, recreation information, games provided online from a computer network, publication of books, rental of videotapes, production of radio and television programmes, providing museum facilities (presentation, exhibitions), music-halls, orchestras, organisation of exhibitions for cultural or educational purposes, organisation of balls, organisation of competitions (entertainment or education), organisation of shows, impresarios: organisation of shows, dubbing, production of films, theatre productions, production of shows, dance, music and theatre performances, selection and compilation of pre-recorded music for broadcasting by others, entertainment information, games services, interactive entertainment and competitions for cultural or educational purposes, all provided on global computer networks or on the Internet, night clubs, publication of electronic books and journals online, booking of seats for shows, consultancy relating to cinematographic and musical production, except business consultancy, production of sound recordings.

## Description

No entry

## Owners

### PINK TV, Société par actions simplifiée

ID	<b>136907</b>	Country	<b>FR - France</b>	Correspondence Address	
Organisation	<b>PINK TV, Société par actions simplifiée</b>	State/county	<b>n/a</b>	PINK TV, Société par actions simplifiée 20/22, rue de Turenne F-75004 Paris FRANCIA	n/a
		Town	<b>Paris</b>		
		Postcode	<b>75004</b>		n/a
Legal	<b>Legal Entity</b>	Address	<b>20/22, rue de Turenne</b>		n/a

## Representatives

### PROMARK

ID	<b>14265</b>	Country	<b>FR - France</b>	Correspondence Address	
Organisation	<b>n/a</b>	State/county	<b>n/a</b>	PROMARK	00 33-156596080
Legal	<b>Legal Person</b>	Town	<b>Paris</b>	152, avenue des Champs-Élysées	00 33-156596088
Type	<b>Association</b>	Postcode	<b>75008</b>	F-75008 Paris	
		Address	<b>152, avenue des Champs-Élysées</b>	FRANCIA	n/a

## IR transformation

No entry

## Seniority

No entry

## Exhibition Priority

No entry

## Priority

Country	Filing number	Date	Status
France	10 3 760 776	17/08/2010	ACCEPTED
Showing 1 to 1 of 1 entries			

## Publications

Bulletin number	Date	Section	Description
2011/033	17/02/2011	A.1	Applications published under article 40 CTMR
2012/176	14/09/2012	C.2.1	Representative - Change of name and professional address
Showing 1 to 2 of 2 entries			

## Cancellation

No entry

## Records

Bulletin number	Date	Section	Filing number	Title	Subtitle
2012/176	14/09/2012	C.2.1	006782331	Representative	Change of name and professional address
Showing 1 to 1 of 1 entries					

## Oppositions

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
001836785	17/05/2011	Likelihood of confusion Earlier non registered TM	Lefty Paw Print, LLC	MISHCON DE REYA SOLICITORS	English	AB/NI/LP /M8857UE	Suspended	Class 9 Photographic, cinematographic apparatus and instruments;

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
		& right to prohibit use of later TM under national law Identity of marks and G&S Unfair advantage /detriment to distinctiveness or repute						Apparatus for recording, transmission or reproduction of sound or images; Media for transmission, reproduction and duplication of sound and/or images; Media for printed or other information; Games software; Computer software (recorded programs); Computer programs, interactive audiovisual and/or television programs and games (computer software), text and sound databases (computer software), image banks (computer software); Electronic and automatic games adapted for use with television receivers and/or computer screens only; Printed circuits to connect terminals or micro-computers to public and private networks. Class 35 Impresarios: professional management of artistic affairs, publication of publicity texts. Class 38 Dissemination and transmission of text, messages, information, sound, images and data; Computer-aided transmission of messages and images; Providing access to online discussion forums for the transmission of messages among computer users; Transmission of radio and television programmes, text, messages, information, sound and images via communication and computer networks; Broadcasting of programmes via the Internet; Broadcasting, distribution and transmission of visual images, audio information, graphics, data and other information by radio, telecommunications apparatus, electronic media and the Internet; Providing access to online Internet chatrooms; Electronic transmission of data via computer and communication networks and via the

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								<p>Internet; Access to telecommunications networks by means of a computer, telephone or television; Providing access to pay-TV channels on the Internet for the downloading of videos; Broadcasting of television programmes; Providing access to digital music via telecommunications means; Communication services for access to information, text, sound, images and data via communication and computer networks; On-line and information services, namely the preparation, compilation and transmission of audiovisual messages and information of all kinds, in the form of sound and images; Transmission of audiovisual data or images via a global computer network or the Internet; News agency; Information about telecommunications; Providing of access to a database server; Dissemination (transmission) of visual images, audio information, graphics, data and other information by radio, telecommunications apparatus, electronic media and the Internet; Transmission and distribution of data or audio visual images via a global computer network or the Internet. Class 41 Education; Providing of training; Entertainment; Sporting and cultural activities; Entertainers' services; Amusement park; Rental of video tapes; Video-tape film production; Providing movie theatre facilities; Movie studios; Club services; Entertainment and education; The organisation of competitions; Entertainment and courses; Arranging and conducting of congresses, arranging and conducting of dances, rental of show scenery, discotheques,</p>



Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								radio entertainment, television entertainment, rental of sound recordings, providing online publications, non-downloadable, rental of cine-films, recreation information, games provided online from a computer network, publication of books, rental of videotapes, production of radio and television programmes, providing museum facilities (presentation, exhibitions), music-halls, orchestras, organisation of exhibitions for cultural or educational purposes, organisation of balls, organisation of competitions (entertainment or education), organisation of shows, impresarios: organisation of shows, dubbing, production of films, theatre productions, production of shows, dance, music and theatre performances, selection and compilation of pre-recorded music for broadcasting by others, entertainment information, games services, interactive entertainment and competitions for cultural or educational purposes, all provided on global computer networks or on the Internet, night clubs, publication of electronic books and journals online, booking of seats for shows, consultancy relating to cinematographic and musical production, except business consultancy, production of sound recordings. ... Show more

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## Appeals

No entry

## Decisions

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No entry

## Renewals

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No entry

## Trade mark relations

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No entry