

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

EX OFFICIO PROVISIONAL TOTAL 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:
Finnish Patent and Registration Office
Trademarks
P.O. Box 1170
FIN-00101 HELSINKI
Telephone: +358-29-509 5000
Telefax: +358-29-509 5328
-

- II. Number of the international registration which is the subject of the refusal: 1175515
-

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

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

The services 'sales promotion for others, including wholesale and retail services' in class 35 do not specify the goods that the wholesale and retail services relate to. Specification of the goods is required according to Finnish trademarks act and legal praxis.

The trademark is in respect of the goods and services in classes 25 and 35 liable to be confused with the following Finnish trade name: Icefox Oy; registered 25.5.2011 (dd.mm.yyyy) in the Trade Register under number 2407092-7 for a field of activities covering identical and similar kinds of goods and services (extract from the trade name register enclosed).

The name and the address of the holder of the company (holder, address, country):
Icefox Oy, Piispantilankuja 4, 02240 Espoo, FI

The trademark is in respect of part of the services in class 35 liable to be confused with the following Community trademark: FOX; registered under number 545616 for identical and similar kinds of services in class 35. (The enclosed information of the Community trademark is a printout from eSearch plus (OHIM's Database)).

The trademark is in respect of part of the services in class 35 liable to be confused with the following Community trademark: FOX; registered under number 2080992 for identical and similar kinds of services in class 35. (The enclosed information of the Community trademark is a printout from eSearch plus (OHIM's Database)).

The trademark is in respect of all services in class 35 liable to be confused with the following Community trademark: .FOX; registered under number 8291361 for identical and similar kinds of services in class 35. (The enclosed information of the Community trademark is a printout from eSearch plus (OHIM's Database)).

The trademark is in respect of all goods in class 25 liable to be confused with the following Community trademark (cancellation pending): FOX; registered under number 3019361 for identical and similar kinds of goods in class 25. (The enclosed information of the Community trademark is a printout from eSearch plus (OHIM's Database)).

V. Provisions of the Finnish Trademarks Act applicable on the subject (enclosed):
Art. 6 paragraph 1, Art. 14 paragraph 1 item 6, Art. 6 paragraph 1, Art. 14 paragraph 1 item 9, Art. 17

VI. Total refusal.

VII. The holder of the registration may request a review of the refusal. The request shall be received by Finnish Patent and Registration Office no later than within 12 weeks from the date of the refusal. **The time limit expires 26.11.2014 (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

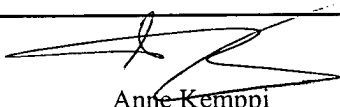
- the Community trademark or the Community trademark application is converted into a national trademark application and it leads to registration (Art. 57 a and Art. 14 paragraph 1 item 6),
- the international registration designating Finland is transformed into a national trademark application and it leads to registration (Art. 56 i and Art. 14 paragraph 1 item 6) 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: 03.09.2014 (dd.mm.yyyy)

IX. Signature of the Office


Anne Kemppi
Legal Officer
Tel. +358-9-6939 5738



OSAOTTEEN TIEDOT
YRITYKSEN TOIMINIMI- JA TOIMIALATIEDOT

Toiminimi: Icefox Oy
Y-tunnus: 2407092-7
Yritys rekisteröity: 25.05.2011
Yritysmuoto: Osakeyhtiö
Kotipaikka: Helsinki
Oteen sisältö: 25.08.2014 11:34:10 rekisterissä olleet tiedot.

Yhteystiedot:
Postiosoite: Piispantilankuja 4 02240 Espoo
Käyntiosoite: Piispantilankuja 4 02240 Espoo
Puhelin: 0108375400
Faksi: 096121209
Sähköposti: icefox@icefox.fi
Kotisivun osoite: www.icefox.fi

Rekisterimerkinnät:

TOIMINIMI (Rekisteröity 25.05.2011)
Icefox Oy.

RINNAKKAISTOIMINIMI (Rekisteröity 25.05.2011)
Rinnakkaistoiminimi (englanti): Icefox Ltd.

TOIMIALA (Rekisteröity 25.05.2011)
Yhtiön toimiala on yritys- ja seuramerkkien, -tunnusten ja -asusteiden ja muiden sales promotion -tuotteiden sekä urheilu- ja vapaa-ajan asusteiden, välineiden ja tavaroiden valmistaminen, maahantuonti, markkinointi ja välittäminen. Yhtiö harjoittaa myös arvopaperikauppaa ja muuta sijoitustoimintaa.

KOTIPAikka (Rekisteröity 25.05.2011)
Helsinki.

TOIMINIMIHISTORIA

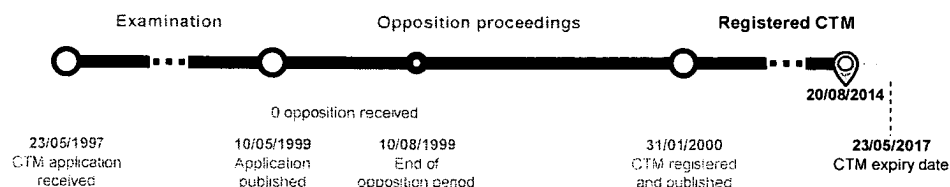
Icefox Oy 25.05.2011 -

Tietolähde: Patentti- ja rekisterihallitus

CTM file information

FOX
000545616

Timeline



Trade mark information

Name	FOX	Filing date	23/05/1997
Filing number	000545616	Registration date	13/12/1999
Basis	CTM	Expiry date	23/05/2017
Date of receipt	23/05/1997	Designation date	
Type	Word	Filing language	English
Nature	INDIVIDUAL	Second language	French
Nice classes	34, 35, 39 (Nice Classification)	Application reference	08 29740
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)



34 Tobacco, tobacco products, pipe tobacco, cigars, cigarettes, cigarillos, cigar and cigarette holders, lighters, ashtrays, cigar and cigarette cutters, matches, smokers' articles, cigarette papers, filters, tobacco substitutes, cigar and cigarette boxes and cases.

35 Advice, information and assistance in the selection of goods; advice, information and assistance in the selection of goods sold by mail order; dissemination of advertising and promotional materials for the selection of goods.

39 Wrapping, packaging, delivery, storage, transportation and postage of goods; wrapping, packaging, delivery, storage, transportation and postage of goods sold by mail order.

Description

No entry

Owners

Fox Managed Services CI Limited

ID	492336	Country	JE - Jersey	Correspondence address	n/a
Organisation	Fox Managed Services CI Limited	State/county	n/a	Fox Managed Services CI Limited	
		Town	St Saviour	La Rue des Pres	n/a
Legal status	Legal Entity	Post code	JE1 3UP	St Saviour JE1 3UP	
		Address	La Rue des Pres	JERSEY	n/a

Representatives

DEHNS

ID	10623	Country	GB - United Kingdom	Correspondence address	00 44-2076327200
Organisation	n/a	State/country	n/a	DEHNS	
Legal status	Legal Person	Town	London	St Bride's House	00 44-2073538895
Type	Association	Post code	EC4Y 8JD	10 Salisbury Square	
		Address	St Bride's House, 10 Salisbury Square	REINO UNIDO	n/a

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	CTM	000545616	Surveillance letter	01/07/2014	
	CTM	000545616	Surveillance letter	31/03/2014	
	CTM	000545616	Surveillance letter	31/03/2014	
	CTM	000545616	Surveillance letter	31/03/2014	
	CTM	000545616	Surveillance letter	03/01/2014	
	CTM	000545616	Surveillance letter	19/02/2013	
	CTM	000545616	Surveillance letter	19/02/2013	
	CTM	000545616	Surveillance letter for CTMs	22/03/2012	
	Recordal	006279742	Transfers - entry on the register.	22/02/2012	
	Recordal	006279742	Cover page	20/02/2012	

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IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

No entry

Publications

Bulletin number	Date	Section	Description
1999/036	10/05/1999	A.1	Applications published under article 40 CTMR

Bulletin number	Date	Section	Description
2000/009	31/01/2000	B.1	Registrations with no amendments since the application was published
2007/030	02/07/2007	D.1	Renewals
2007/042	13/08/2007	C.2.1	Representative - Change of name and professional address
2007/045	27/08/2007	C.2.1	Representative - Change of name and professional address
2007/055	01/10/2007	C.2.2	Representative - Replacement of a representative
2012/025	06/02/2012	C.2.2	Representative - Replacement of a representative
2012/039	24/02/2012	C.1.1	Proprietor - Total transfers

Showing 1 to 8 of 8 entries

Cancellation

No entry

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2007/030	02/07/2007	D.1	002237710	Renewal	Total Renewal
2007/042	13/08/2007	C.2.1	001086001	Representative	Change of name and professional address
2007/045	27/08/2007	C.2.1	002279613	Representative	Change of name and professional address
2007/055	01/10/2007	C.2.2	002567447	Representative	Replacement of representative
2012/025	06/02/2012	C.2.2	006251568	Representative	Replacement of representative
2012/039	24/02/2012	C.1.1	006279742	Proprietor	Total transfers

Showing 1 to 6 of 6 entries

Oppositions

No entry

Appeals

No entry

Decisions

No entry

Renewals

Title	Filing number	Status	Status date
Renewal	002237710	Trade mark renewed	02/07/2007

Showing 1 to 1 of 1 entries

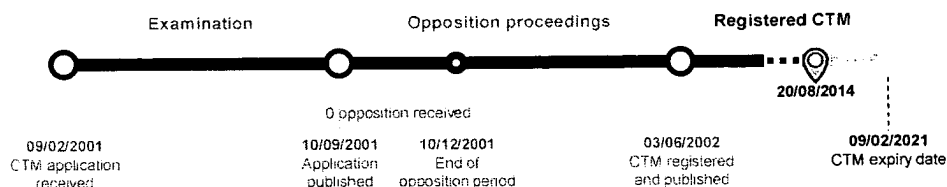
Trade mark relations

No entry

CTM file information

FOX
002080992

Timeline



Trade mark information

Name	FOX	Filing date	09/02/2001
Filing number	002080992	Registration date	18/04/2002
Basis	CTM	Expiry date	09/02/2021
Date of receipt	09/02/2001	Designation date	
Type	Word	Filing language	English
Nature	INDIVIDUAL	Second language	German
Nice classes	35 (Nice Classification)	Application reference	DJC/AM-Fox
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)



35 The bringing together, for the benefit of others, of a variety of angling apparatus, camping, leisure and outdoor pursuits goods, enabling customers to conveniently view and purchase those goods in an angling or outdoor pursuits store.

Description

No entry

Owners

Fox Design International Limited

ID	132345	Country	GB - United Kingdom	Correspondence address	n/a
Organisation	Fox Design International Limited	State/country	Essex	Fox Design International Limited	
		Town	Hainault,	56-58 Fowler Road	n/a
Legal status	Legal Entity	Post code	IG6 3UT	Hainault Industrial Estate	
		Address	56-58 Fowler Road	Hainault, Essex IG6 3UT	
			Hainault Industrial Estate	REINO UNIDO	n/a

Representatives

BROMHEAD JOHNSON

ID	10144	Country	GB - United Kingdom	Correspondence address	00 44-500078787
Organisation	n/a	State/country	n/a	BROMHEAD JOHNSON	
Legal status	Legal Person	Town	London	Sovereign House	00 44-2072407128
Type	Association	Post code	WC2H 8HQ	212-224 Shaftesbury Avenue	
		Address	Sovereign House 212-224 Shaftesbury Avenue	London WC2H 8HQ	
				REINO UNIDO	n/a

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	CTM	002080992	Surveillance letter	01/07/2014	
	CTM	002080992	Surveillance letter	31/03/2014	
	CTM	002080992	Surveillance letter	31/03/2014	
	CTM	002080992	Surveillance letter	31/03/2014	
	CTM	002080992	Surveillance letter	03/01/2014	
	CTM	002080992	Surveillance letter	19/02/2013	
	CTM	002080992	Surveillance letter	19/02/2013	
	Recordal	006781200	T724M - Registration of recordal C.2.1 / B.9.1	11/09/2012	
	Recordal	006781200	Application form and attachment	07/09/2012	
	CTM	002080992	Surveillance letter for CTMs	22/03/2012	

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IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

Country	Filing number	Date	Status
United Kingdom	2242964	18/08/2000	ACCEPTED

Showing 1 to 1 of 1 entries

Publications

Bulletin number	Date	Section	Description
2001/080	10/09/2001	A.1	Applications published under article 40 CTMR
2002/044	03/06/2002	B.1	Registrations with no amendments since the application was published
2007/023	11/06/2007	C.1.3	Proprietor - Change of name and address
2007/045	27/08/2007	C.2.1	Representative - Change of name and professional address
2007/045	27/08/2007	C.2.1	Representative - Change of name and professional address
2007/047	03/09/2007	C.2.2	Representative - Replacement of a representative
2007/047	03/09/2007	C.2.1	Representative - Change of name and professional address
2011/047	09/03/2011	D.1	Renewals
2012/175	13/09/2012	C.2.1	Representative - Change of name and professional address

Showing 1 to 9 of 9 entries

Cancellation

No entry

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			000390552	Representative	Change of name and professional address
			000408396	Representative	Change of name and professional address
2007/023	11/06/2007	C.1.3	000612427	Proprietor	Change of name and address
2007/045	27/08/2007	C.2.1	002278805	Representative	Change of name and professional address
2007/045	27/08/2007	C.2.1	002171679	Representative	Change of name and professional address
2007/047	03/09/2007	C.2.1	002290131	Representative	Change of name and professional address
2007/047	03/09/2007	C.2.2	001040024	Representative	Replacement of representative
2011/047	09/03/2011	D.1	004922525	Renewal	Total Renewal
2012/175	13/09/2012	C.2.1	006781200	Representative	Change of name and professional address

Showing 1 to 9 of 9 entries

Oppositions

No entry

Appeals

No entry

Decisions

No entry

Renewals

Title	Filing number	Status	Status date
Renewal	004922525	Trade mark renewed	09/03/2011

Showing 1 to 1 of 1 entries

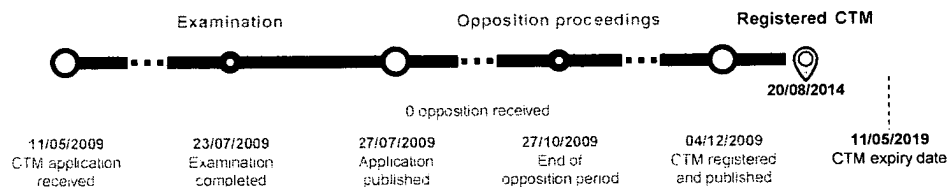
Trade mark relations

No entry

CTM file information

.FOX
008291361

Timeline



Trade mark information

Name	.FOX	Filing date	11/05/2009
Filing number	008291361	Registration date	01/12/2009
Basis	CTM	Expiry date	11/05/2019
Date of receipt	11/05/2009	Designation date	
Type	Word	Filing language	English
Nature	INDIVIDUAL	Second language	German
Nice classes	35 (Nice Classification)	Application reference	M32447/EU
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)

35 Advertising, promotion and marketing services; business management; business administration; office functions.

Description

No entry

Owners

TWENTIETH CENTURY FOX FILM CORPORATION

ID	11012	Country	US - United States	Correspondence address	00 1-3103691000
Organisation	TWENTIETH CENTURY FOX FILM CORPORATION	State/county	California	TWENTIETH CENTURY FOX FILM CORPORATION	
		Town	Los Angeles,	10201 West Pico Boulevard	00 1-3103691000
		Post code	90035	Los Angeles, California 90035	
Legal status	Legal Entity	Address	10201 West Pico Boulevard	ESTADOS UNIDOS (EE UU)	n/a
State, district or t...	Delaware				

Representatives

SIMMONS & SIMMONS LLP

ID	12947	Country	GB - United Kingdom	Correspondence address	00 44-2076282020
Organisation	n/a	State/county	n/a	SIMMONS & SIMMONS LLP	
Legal status	Legal Person	Town	London	CityPoint	00 44-2076282070
Type	Association	Post code	EC2Y 9SS	One Ropemaker Street	
		Address	CityPoint One Ropemaker Street	London EC2Y 9SS	
				REINO UNIDO	n/a

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	CTM	008291361	Surveillance letter	01/07/2014	
	Recordal	005820454	T725M - Registration of recordal C.2.2 / B.9.2	10/08/2011	
	Recordal	005401263	Empty letter for Technical Service	09/08/2011	
	Recordal	005820454	Cover page	09/08/2011	
	Recordal	005820454	Letter to OHIM	09/08/2011	
	Recordal	005820454	Miscellaneous	09/08/2011	
	Recordal	005401263	Empty letter for Technical Service	14/02/2011	
	Recordal	005401263	Letter to OHIM	11/02/2011	
	Recordal	005401263	T725M - Registration of recordal C.2.2 / B.9.2	11/02/2011	
	Recordal	005401263	Letter to OHIM	10/02/2011	

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IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

No entry

Publications

Bulletin number	Date	Section	Description
2009/028	27/07/2009	A.1	Applications published under article 40 CTMR
2009/054	04/12/2009	B.1	Registrations with no amendments since the application was published
2011/031	15/02/2011	C.2.2	Representative - Replacement of a representative
2011/152	12/08/2011	C.2.2	Representative - Replacement of a representative

Showing 1 to 4 of 4 entries

Cancellation

No entry

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2011/031	15/02/2011	C.2.2	005401263	Representative	Replacement of representative
2011/152	12/08/2011	C.2.2	005820454	Representative	Replacement of representative

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Oppositions

No entry

Appeals

No entry

Decisions

No entry

Renewals

No entry

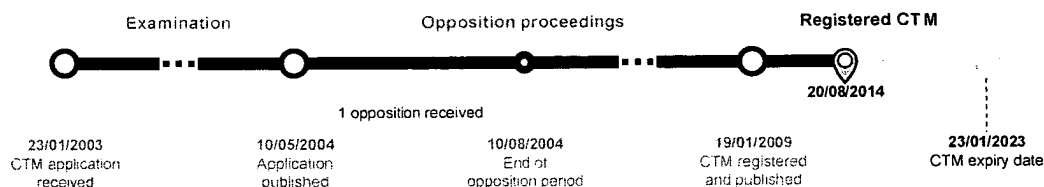
Trade mark relations

No entry

CTM file information

FOX
003019361

Timeline



Trade mark information

Name	FOX	Filing date	23/01/2003
Filing number	003019361	Registration date	14/01/2009
Basis	CTM on which IA is based	Expiry date	23/01/2023
Date of receipt	23/01/2003	Designation date	
Date of receipt of International Registrat...	05/04/2007	Filing language	English
IR number	0933591	Second language	German
Type	Word	Application reference	DJC/AM-Fox
Nature	INDIVIDUAL	Trade mark status	Registration cancellation pending
Nice classes	18, 22, 25, 28 (Nice Classification)	Acquired distinctiveness	No
Vienna Classification			

Goods and services

English (en)

- 18** Umbrellas, umbrellas for use in angling; luggage; backpacks; rucksacks; luggage for retaining angling equipment; parts and fittings for all the aforesaid goods.
- 22** Canopies, tents; canopies for use in angling, tents for use in angling; parts and fittings for all the aforesaid goods.
- 25** Clothing; clothing for anglers; suits, one-piece suits, salopettes, jackets and trousers; headgear.
- 28** Angling apparatus; angling accessories.

Description

No entry

Owners

Fox International Group Limited

ID	153186	Country	GB - United Kingdom	Correspondence address	n/a
Organisation	Fox International Group Limited	State/country	Essex	Fox International Group Limited	n/a
		Town	Hainault,	56-58 Fowler Road	n/a
		Post code	IG6 3UT	Hainault Industrial Estate	
Legal status	Legal Entity	Address	56-58 Fowler Road	Hainault, Essex IG6 3UT	n/a
				REINO UNIDO	

Hainault
Industrial
Estate

Representatives

BROMHEAD JOHNSON

ID	10144	Country	GB - United Kingdom	Correspondence address	00 44-500078787
Organisation	n/a	State/country	n/a	BROMHEAD JOHNSON	
Legal status	Legal Person	Town	London	Sovereign House	
Type	Association	Post code	WC2H 8HQ	212-224 Shaftesbury Avenue	00 44-2072407128
		Address	Sovereign House 212-224 Shaftesbury Avenue	London WC2H 8HQ	
				REINO UNIDO	n/a

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	CTM	003019361	Surveillance letter	01/07/2014	
	Recordal	008566914	C.9.1. & C.9.3.- Revocation & invalidity (applications/counterclaims) Notification of entry.	23/06/2014	
	Cancellation	000009427	Notification to the CTM proprietor/IR holder of an application for revocation and invitation to submit [proof of genuine use and/or] observations in reply (Rule 40(1) and (5) CTMIR)	20/06/2014	
	Cancellation	000009427	Confirmation of notification to the applicant [and of the invitation to submit evidence of use (Rule 40(1) and (5) CTMIR)]	20/06/2014	
	Cancellation	000009427	Application form and attachment	04/06/2014	
	Cancellation	000009427	Observations	04/06/2014	
	Cancellation	000009427	Miscellaneous	04/06/2014	
	Cancellation	000009427	Miscellaneous	04/06/2014	
	CTM	003019361	Surveillance letter	20/08/2013	
	CTM	003019361	Surveillance letter	21/06/2013	

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IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority


No entry

Publications

Bulletin number	Date	Section	Description
2004/019	10/05/2004	A.1	Applications published under article 40 CTMR
2007/045	27/08/2007	C.2.1	Representative - Change of name and professional address
2007/045	27/08/2007	C.2.1	Representative - Change of name and professional address
2007/047	03/09/2007	C.2.2	Representative - Replacement of a representative
2007/047	03/09/2007	C.2.1	Representative - Change of name and professional address
2009/002	19/01/2009	B.2	Registrations with amendments since the application was published
2009/003	26/01/2009	C.3.6	International trade marks
2012/175	13/09/2012	C.2.1	Representative - Change of name and professional address
2013/027	07/02/2013	D.1	Renewals
2014/116	26/06/2014	C.9.1	Application for revocation or for a declaration of invalidity

Showing 1 to 10 of 10 entries

Cancellation

Filing number	Subtitle	Status	Status date
 000009427	Cancellation based on revocation	Cancellation notified	20/06/2014

Showing 1 to 1 of 1 entries

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			000009427	Cancellation	Cancellation based on revocation
2007/045	27/08/2007	C.2.1	002278805	Representative	Change of name and professional address
2007/045	27/08/2007	C.2.1	002171679	Representative	Change of name and professional address
2007/047	03/09/2007	C.2.1	002290131	Representative	Change of name and professional address
2007/047	03/09/2007	C.2.2	001040024	Representative	Replacement of representative
2009/003	26/01/2009	C.3.6	003621656	Trade mark	International trade marks
2012/175	13/09/2012	C.2.1	006781200	Representative	Change of name and professional address
2013/027	07/02/2013	D.1	006598414	Renewal	Total Renewal
2014/116	26/06/2014	C.9.1	008566914	Revocation and declaration of invalidity	Application for revocation or for a declaration of invalidity

Showing 1 to 9 of 9 entries

Oppositions


Filing number	Date	Grounds	Opponent	Representative	language	Reference	Status	Extent of opposition
000713422	20/07/2004	Likelihood of confusion	Rapala VMC Oyj	HEINONEN & CO	English	DJC/AM-Fox	Closed	Class 28: Angling apparatus; angling accessories.

Showing 1 to 1 of 1 entries

Appeals

No entry

Decisions

Case number	Type	Case	Legal status	Keywords	Status	DecisionDate
 Opposition 000713422	Opposition		Rule 20(1) CTMIR		Reject opposition	08/04/2008

Showing 1 to 1 of 1 entries

Renewals

Title	Filing number	Status	Status date
Renewal	006598414	Trade mark renewed	07/02/2013

Showing 1 to 1 of 1 entries

Trade mark relations

No entry

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.