



REPUBLIC OF SLOVENIA  
**MINISTRY OF ECONOMIC DEVELOPMENT AND TECHNOLOGY**  
SLOVENIAN INTELLECTUAL PROPERTY OFFICE

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Ref.: 31212-760/2014-3  
105SP(434)

Date: 11.11.2014

**MADRID AGREEMENT AND PROTOCOL**  
**PROVISIONAL REFUSAL OF PROTECTION**

**Rule 17(1)**

I.	Office making the notification: Slovenian Intellectual Property Office Kotnikova 6 SI-1000 Ljubljana Slovenia
II.	Number of the international registration: 1209550
III.	Name of the holder: Gorokhovskaya Tatyana Germanovna, Krasnyi prospekt, d. 49, kv. 58 RU-630091 Novosibirsk, RU
IV.	Provisional refusal based on an opposition filed by: RDPR Limited,,41 New England Street, Brighton East Sussex,BN1 3GQ,GB Representative of the opponent: PETOŠEVIĆ d.o.o.,Čankarjeva cesta 4,Slovenija
V.	Provisional refusal for all the goods and/or services requested
VI.	Grounds for refusal (the relevant provisions of the Slovenian Trademark Act are under XI): 44 (1) b
VII.	Information relating to an earlier mark/or marks of the opponent i) Number: CTM 010918662  ii) Reproduction of the mark and the list of all or relevant goods and/or services: see additional information under XII
VIII.	Information relating to subsequent procedure:  (i) Time limit for requesting review:

The holder of the registration may request a review of the provisional refusal. The Slovenian Office must receive the request no later than 3 months\* from the date of this provisional refusal (the time limit starts from the date indicated under point X) After a period the Office will issuing its final decision.

\*with the written request the deadline may be extended for 3 months

(ii) Authority to which such request for review or appeal should be made:

Office indicated under I

(iii) Indications concerning the appointment of a representative:

The request for the review must be filed through the intermediary of a representative domiciled in Slovenia. The list of trademark agents is available on <http://www.uil-sipo.si/sipo/addition/resources/patent-and-trademark-agents/>

IX. Date of the notification of provisional refusal: 11.11.2014

X. Signature or official seal of the Office making the notification: Saša Perić

XII. Corresponding essential provisions of the applicable law:

Article 43

Absolute grounds for refusal

(1) A sign shall not be eligible for registration as a mark if:

- (a) it cannot constitute a mark;
- (b) it is devoid of any distinctive character;
- (c) it serves, in trade, to designate merely the kind, quality, quantity, intended purpose, value, geographical origin, or the time of production of the goods or of rendering of the service, or other characteristics of the goods or services;
- (d) it contains or consists of a geographical indication identifying wines or spirits, where the mark application relates to wines or spirits not having this origin;
- (e) it consists exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade;
- (f) it consists exclusively of the shape which results from the nature of the goods themselves or is necessary to obtain a technical result or gives substantial value to the goods;
- (g) it is contrary to public order or morality;
- (h) it deceives the public, in particular to the nature, quality or geographical origin of the goods or services;
- (i) it contains official signs or hallmarks for controlling or guaranteeing the quality of goods, or imitations thereof;
- (j) it has not been authorized by the competent authorities and should be refused pursuant to Article 6ter of the Paris Convention;
- (k) it includes or imitates badges, emblems or escutcheons other than those covered by Article 6ter of the Paris Convention and which are of particular public interest, unless the consent of the competent authorities to its registration has been given;
- (l) it contains or consists of a designation of origin or a geographical indication registered in accordance with the Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 208/92, p. 1), provided that the circumstances referred to in Article 13 of that Regulation exist and the sign does not relate to the same sort of product, and provided that the mark application has been filed after the date of filing of the application for the registration of a designation of origin or a geographical indication with the Commission.

(2) Paragraph 1(b), (c) and (e) shall not apply to marks which acquired a distinctive character



through long-term use.

- (3) A sign which is ineligible for registration because it contains the name or abbreviation of the name, State armorial bearing, emblem, flag or other official sign of the Republic of Slovenia, or a part thereof, which is in breach of the provisions of paragraph (1)(j) and (k), shall not be used in the course of trade without the consent of the Government of the Republic of Slovenia.

#### Article 44

##### Relative grounds for refusal

- (1) Further, a sign shall not be eligible for registration as a mark if:

- (a) it is identical with an earlier mark of another owner, and the goods or services for which the registration is applied for are identical with the goods or services for which the earlier mark is registered;
- (b) because of its identity with or similarity to the earlier mark of another owner and the identity or similarity of the goods or services covered by the sign and the mark there exist the likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier mark;
- (c) because of its identity with or similarity to an earlier mark of another owner, registered for goods or services which are not identical with or similar to the goods or services for which the registration has been applied for, the use without due cause of such sign would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier mark, or if it would indicate a connection between the goods or services and the owner of the earlier mark, and provided that the interests of the owner of the earlier mark are likely to be damaged by such use;
- (d) it is identical with or similar to a mark or unregistered sign, which is in the Republic of Slovenia a well-known mark within the meaning of Article 6bis of the Paris Convention or Article 16(3) of the TRIPS Agreement;
- (e) the owner of the mark registered in any Member State of the Union established under the Paris Convention, hereinafter referred to as "the Paris Union", or the World Trade Organisation, hereinafter referred to as "the WTO", proves that his agent or representative applied, without the owner's consent, for the registration of the sign in his own name;
- (f) its use would contradict an earlier right to a name, personal portrayal, plant variety, geographical indication or other industrial property right, or an earlier copyright, unless the owner of the earlier right gives his express consent to the registration of such sign.

- (2) "Earlier mark" within the meaning of paragraph (1) means:

- (a) mark which was applied for or registered in the Republic of Slovenia on the basis of a national application before the date of filing of the application for the later mark or, if priority is claimed, the date of priority;
- (b) mark for which the protection was sought in the Republic of Slovenia on the basis of an international application before the date of filing of the application for the later mark or, if priority is claimed, the date of priority.

#### XII: Information relating to an earlier mark/or marks of the opponent

- additional sheets/printout from the register or database:



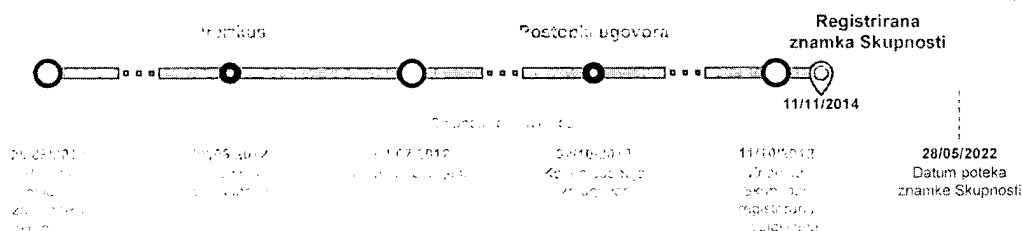
URAD ZA USKLAJEVANJE  
NA NOTRANJEM TRGU  
IZNAMKE IN MODELI

Zaščitite svojo intelektualno lastnino v Evropski uniji

## Podatki o datoteki znamke Skupnosti

**ENIGMA**  
010918662

### Časovni okvir



### Informacije o znamki

Ime	ENIGMA	Datum vložitve	28/05/2012
Številka vložitve	010918662	Datum registracije	09/10/2012
Podlaga	CTM	Datum poteka	28/05/2022
Datum prejema	28/05/2012	Datum imenovanja	
Vrsta	Word	Jezik vložitve	angleščina
Narava	INDIVIDUAL	Drugi jezik	francoščina
Razredi po Nicejski klasifikaciji	3, 4 ( Nicejska klasifikacija )	Sklic zahteve	T230295E-CT
Dunajska klasifikacija		Status znamke	Registered
		Pridobljen razlikovalni učinek	No

### Blago in storitve

slovenščina (sl)

- 3 Parfumi; Fina dišava.
- 4 Parfumiranje sveče (razsvetljava); Dišeče sveče.

### Opis

Ni vnosa

### Imetniki

**RDPR Limited**

ID	398153	Država	GB - ZDRUŽENO KRALJESTVO	Naslov za pošiljanje pošte	Dostop in spremembe so pooblaščenemu uporabniku omogočeni prek uporabniškega območja User Area.
Organizacija	RDPR Limited			RDPR Limited	
Pravni subjekt	Legal Entity	Država/regija	East Sussex	41 New England Street	
		Kraj	Brighton	Brighton East Sussex BN1 3GQ	
				REINO UNIDO	

Poštna številka **BN1 3GQ**Naslov  
**41 New  
England  
Street**

Dostop in spremembe so  
pooblaščenemu uporabniku  
omogočeni prek  
uporabniškega območja User  
Area.

Dostop in spremembe so  
pooblaščenemu uporabniku  
omogočeni prek  
uporabniškega območja User  
Area.

## Zastopniki

### J A KEMP

ID	<b>10662</b>	Država	<b>GB - ZDRUŽENO KRALJESTVO</b>	Naslov za pošiljanje pošte	00 44-2030778600
Organizacija	<b>n/a</b>			J A KEMP	
Pravni subjekt	<b>Legal Person</b>	Država/regija	<b>n/a</b>	14 South Square	00 44-2072428932
Vrsta	<b>Association</b>	Kraj	<b>London</b>	Gray's Inn	
		Poštna številka	<b>WC1R 5JJ</b>	London WC1R 5JJ	
		Naslov	<b>14 South Square Gray's Inn</b>	REINO UNIDO	mail@jakemp.com

## Pošta

Od	Postopek	Številka vložitve	Zadeva	Datum	Dejanja
	Vpis	008833157	C.1.3. Owner - change of name & address - entry on the register M - automatic template	23/09/2014	
	Znamka Skupnosti	010918662	Cover letter for registration certificate.	16/10/2012	
	Znamka Skupnosti	010918662	Potrdilo o registraciji	15/10/2012	
	Vpis	006572989	T725M - Registration of recordal C.2.2 / B.9.2	21/06/2012	
	Vpis	006572989	Naslovnica	19/06/2012	
	Vpis	006572989		19/06/2012	
	Znamka Skupnosti	010918662	Search report transmitted (Article 38(1) and (6))	31/05/2012	
	Znamka Skupnosti	010918662	Obrazec za prijavo in priponka	28/05/2012	

Prikazujem od 1 do 8 od 8 vpisov

## Sprememba mednarodne registracije

Ni vnosa

## Prednost starejše znamke

Ni vnosa

## Razstavna prednostna pravica

Ni vnosa

## Prednostna pravica

Država	Številka vložitve	Datum	Status
ZDRUŽENO KRALJESTVO	2602684	28/11/2011	ACCEPTED

Prikazujem od 1 do 1 od 1 vpisov

## Objave

Številka biltena	Datum	Razdelki:	Opis
2012/123	02/07/2012	A.1	Zahteve, objavljene v skladu s členom 39 Uredbe o znamki Skupnosti
2012/195	11/10/2012	B.1	Registracije brez sprememb od objave prijave
2014/180	25/09/2014	C.1.3	Imetnik – Sprememba imena in naslova

Prikazujem od 1 do 3 od 3 vpisov

## Izbris

Ni vnosa
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## Vpisi

Številka biltena	Datum	Razdelki:	Številka vložitve	Naslov	Podnaslov
			006572989	Zastopnik	Replacement of representative
2014/180	25/09/2014	C.1.3	008833157	Imetnik	Change of name and address

Prikazujem od 1 do 2 od 2 vpisov

## Ugovori

Ni vnosa
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## Pritožbe

Ni vnosa
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## Odločbe

Ni vnosa
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## Podaljšanja veljavnosti

Ni vnosa
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## Odnosi med znamkami

Ni vnosa
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