

**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

I. Office making the notification of refusal PATENT OFFICE OF THE REPUBLIC OF LATVIA 7/70, Citadeles iela LV 1010, Rīga LATVIA	Phone 371 67099604 Fax 371 67099650
II. Number of the international registration which is the subject of refusal 1 209 550	
III. Name of the holder of the international registration concerning the subject of refusal Gorokhovskaya Tatyana Germanovna Krasnyi prospekt, d. 49, kv. 58 RU-630091 Novosibirsk (RU)	
IV. The grounds of refusal: Opposition submitted by RDPR Limited , 41 New England Street New England Quarter, BN1 4GQ Brighton, GB – United Kingdom, holder of CTM 010918662 /ENIGMA/.	
V. Reference to the corresponding essential provisions of the law of the Republic of Latvia On Trademarks and Indications of Geographical Origin. (see materials attached) SECTION. 18, 39. Opposition has based on Section 7. (1) 2).	
VI. <input checked="" type="checkbox"/> Refusal for all the goods and services <input type="checkbox"/> Refusal for the following goods and services:	
VII. Possibilities to review or appeal The holder has the right, within three months from the date of receipt of decision, to submit a substantiated appeal to the Patent Office through a professional local patent attorney. After expiration of the said period the Board of Appeal shall take a decision to satisfy the opposition, fully or in part, or to dismiss it. The decision of the Board of Appeal can be appealed, within three months from the date of receipt of the copy of the decision, to the Administrative District Court	
VIII. Date on which the refusal was pronounced 20.11.2014	
IX. Signature and seal of the office making the notification of refusal Head of the Division of International Marks	



Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

8 November 2001;

21 October 2004;

8 February 2007;

14 October 2010.

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted and the President has proclaimed the following law:

Extracts of the Law on Trade Marks and Indications of Geographical Origin

Section 7. Earlier Trade Marks as Grounds for Invalidation of Trade Mark Registration

(1) A trade mark registration may be declared invalid pursuant to the provisions of this Law in the following cases:

1) it is identical to an earlier trade mark, and the goods or services in respect of which the trade mark was registered are identical to the goods or services in respect of which the earlier trade mark was registered; or

2) in connection with its identity or similarity to, an earlier trade mark belonging to another person and the identity or similarity of the respective goods or services, there exists a likelihood of confusion of the trade marks or a likelihood of association between the trade marks on behalf of the relevant consumers.

(2) Earlier trade marks within the meaning of Paragraph one of this Section are:

1) trade marks valid in Latvia, which have been registered under national or international registration procedures, or as European Community trade marks (hereinafter – Community trade mark) in accordance with Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (codified version) (Text with EEA relevance) (hereinafter – Council Regulation No 207/2009) if the date of application for registration thereof is earlier than the date of application for registration of the opposed trade mark, also taking into account the priorities accorded to those trade marks; and

2) applications for the registration of trade marks referred to in the previous Clause, provided that they are registered.

Section 18. Opposition to the Registration of a Trade Mark

(1) Within three months from the date of the publication of a trade mark, interested persons may, upon payment of the applicable fee, submit an opposition to the registration of a trade mark. The opposition shall be filed with the Board of Appeals in writing, substantiated by appropriate arguments and references to provisions of law. After the expiration of the previously mentioned 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 Appeals is taken, submit additional documents and materials, that confirm (detail) the facts on which the opposition is based.

Section 39. Validity of an International Registration in Latvia

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

Section 39.¹ Activities of the Patent Office in Connection with the Registration Procedure of the Community Trade Mark

(1) The functions of the central industrial property office of a Member State, prescribed by Council Regulation No 207/2009 shall be executed in Latvia by the Patent Office. Registration of the Community trade mark may be applied for through the intermediary of the Patent Office.

(2) The Patent Office shall perform the verification of the authenticity of the decision of the Office for Harmonisation in the Internal Market (trade marks and designs) provided for in Article 86 (2) of Council Regulation No 207/2009 for the enforcement thereof in Latvia.

[21 October 2004; 14 October 2010]

Section 39.² Legal Effect of the Community Trade Mark Registration in Latvia

(1) Exclusive rights to a trade mark in Latvia shall also be ensured by the Community trade mark registration. The scope of protection of the Community trade mark shall be determined by Council Regulation No 207/2009.

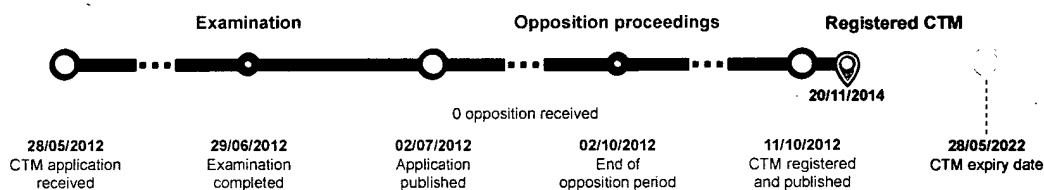


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CTM file information

ENIGMA
010918662

Timeline



Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Recordal	008984414	T722M - Registration of recordal C.1.3 / B.2.2	11/11/2014	
	Recordal	008984414	Letter to OHIM	05/11/2014	
	Recordal	008833157	C.1.3. Owner - change of name & address - entry on the register M - automatic template	23/09/2014	
	CTM	010918662	Cover letter for registration certificate.	16/10/2012	
	CTM	010918662	Certificate of Registration	15/10/2012	
	Recordal	006572989	T725M - Registration of recordal C.2.2 / B.9.2	21/06/2012	
	Recordal	006572989	Cover page	19/06/2012	
	Recordal	006572989	Application form and attachment	19/06/2012	
	CTM	010918662	Search report transmitted (Article 38(1) and (6))	31/05/2012	
	CTM	010918662	Application form and attachment	28/05/2012	

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Trade mark information

Name	ENIGMA	Filing date	28/05/2012
Filing number	010918662	Registration date	09/10/2012
Basis	CTM	Expiry date	28/05/2022
Date of receipt	28/05/2012	Designation date	
Type	Word	Filing language	English
Nature	INDIVIDUAL	Second language	French
Nice classes	3, 4 (Nice Classification)	Application reference	T230295E-CT
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)

- 3** Perfume; fine fragrance.
- 4** Perfumed candles; scented candles.

Description

No entry

Owners**RDPR Limited**

ID	398153	Country	GB - United Kingdom	Correspondence address	
Organisation	RDPR Limited	State/county	n/a	RDPR Limited 41 New England Street New England Quarter Brighton BN1 4GQ REINO UNIDO	Can be accessed and changed by authorised user via the User Area
Legal status	Legal Entity	Town	Brighton		
		Post code	BN1 4GQ		Can be accessed and changed by authorised user via the User Area
		Address	41 New England Street New England Quarter		Can be accessed and changed by authorised user via the User Area

Representatives**J A KEMP**

ID	10662	Country	GB - United Kingdom	Correspondence address	00 44-2030778600
Organisation	n/a	State/county	n/a	J A KEMP 14 South Square Gray's Inn London WC1R 5JJ REINO UNIDO	00 44-2072428932
Legal status	Legal Person	Town	London		
Type	Association	Post code	WC1R 5JJ		mail@jakemp.com
		Address	14 South Square Gray's Inn		

IR transformation

No entry

Seniority

No entry

Priority

Country	Filing number	Date	Status
United Kingdom	2602684	28/11/2011	ACCEPTED

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Publications

Bulletin number	Date	Section	Description
2012/123	02/07/2012	A.1	Applications published under article 40 CTMR
2012/195	11/10/2012	B.1	Registrations with no amendments since the application was published
2014/180	25/09/2014	C.1.3	Proprietor - Change of name and address
2014/214	13/11/2014	C.1.3	Proprietor - Change of name and address
Showing 1 to 4 of 4 entries			

Cancellation

No entry

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			006572989	Representative	Replacement of representative
2014/180	25/09/2014	C.1.3	008833157	Proprietor	Change of name and address
2014/214	13/11/2014	C.1.3	008984414	Proprietor	Change of name and address
Showing 1 to 3 of 3 entries					

Oppositions

No entry

Appeals

No entry

Decisions

No entry

Renewals

No entry

Trade mark relations

No entry

Exhibition priority

No entry