

**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 67099602

Fax 371 67099650

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

WO 1 232 192

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) /ENIGMA BY SIBERIAN HEALTH/.

IV. The grounds of refusal: **Opposition submitted by: RDPR Limited, 41 New England Street, New England Quarter (GB), holder of CTM 010918662 /ENIGMA/.**

V. Reference to the corresponding essential provisions of the law (see materials attached)

Grounds of refusal: Latvian Law on trademarks and indications of geographical origin Section 18, 39, opposition has based on Section 7.(1)2).

VI. ☒ **Refusal for all goods and services**
☐ Refusal for the following goods and services

VII. Possibilities to review or appeal

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.

VIII. Date on which the present decision was pronounced

24.03.2015

IX. Signature and seal of the office making the notification of refusal

Senior Examiner



Maira Egle

LAW ON TRADEMARKS AND INDICATIONS OF GEOGRAPHICAL ORIGIN

Has been adopted:

16.06.1999

Come into force:

15.07.1999

Published:

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 Section 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 Section 6, or if the provisions of Section 9, Paragraph 3, Sub-paragraph 1 are applicable.
- (3) An opposition based upon the provisions of Section 7 or 8 of this Law, or Section 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 Section 8 or Section 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 Section, 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 Section 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 Section, 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 Section 13, Paragraph 8 of this Law.

(7) Appeals and oppositions in the Board of Appeal shall be reviewed pursuant to the provisions of Section 18 and 19 of this Law and, in the case of a collective mark, also pursuant to the provisions of Section 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 39.³ 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.



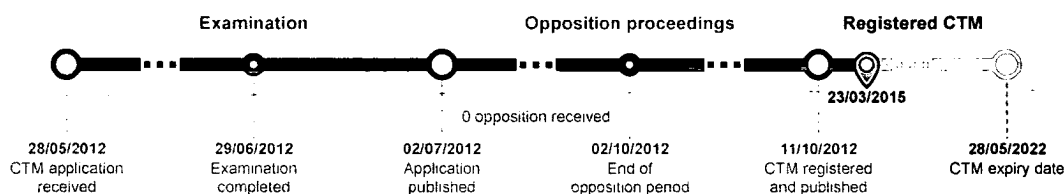
**OFFICE FOR HARMONIZATION
IN THE INTERNAL MARKET**
(TRADE MARKS AND DESIGNS)

Protect your intellectual property in the European Union

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	

Showing 1 to 10 of 10 entries

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

IR transformation

No entry

Seniority

No entry

Priority

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

Showing 1 to 1 of 1 entries

Publications

Bulletin number	Date	Section	Description
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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