

**ARRANGEMENT DE MADRID
CONCERNANT L'ENREGISTREMENT INTERNATIONAL DES MARQUES
ET PROTOCOLE RELATIF À CET ARRANGEMENT**

REFUS PROVISOIRE

notifiée au Bureau international de l'Organisation Mondiale de la Propriété Intellectuelle (OMPI)
selon l'article 5 de l'Arrangement de Madrid et du Protocole de Madrid

I. Office qui notifie le refus OFFICE DES BREVETS DE LA REPUBLIQUE DE LETTONIE 7/70, Citadeles iela, case postale 824 LV 1010, Riga LETONIE		Téléphone 371 67099605 Télécopie 371 67099650
II. N° de l'enregistrement international faisant l'objet du refus		741 975
III. Nom du titulaire de l'enregistrement international faisant l'objet du refus Dochirnie pidpriemstvo "Kondyterska korporatsiia "Roshen" Elektrykiv vul., 26/9 Kyiv 04176 (UA)		
IV. Motifs du refus ROCHER/ FERRERO S.p.A. Piazzale Pietro Ferrero, 1 I-12051 ALBA, CUNEO (IT) titulaire des enregistrements internationaux WO 688 261 et FERRERO ROCHER/ WO 799 546 (fig.) s'oppose à l'enregistrement de la marque.		
V. Dispositions de la loi nationale applicables en la matière (voir feuille supplémentaire) ARTICLE 18, 39 (l'opposition est basée sur l'article 7(1)2) ; 6 (2) ; 8		
VI. ☐ Refus pour la totalité des produits et services ☒ Refus pour les produits et services suivants * la classe 30		
VII. Possibilités de réclamations et de recours Le titulaire de la marque a le droit de présenter ses objections auprès de l'Office des brevets de Lettonie contre le présent refus dans le délai de 3 mois compté de la date de réception de présent avis. Le recours doit être présenté par l'intermédiaire d'un mandataire local . Après l'expiration du délai imparti, la Commission de recours prendra la décision sur l'acceptation de l'opposition ou de son rejet. La décision de Commission de recours peut être attaquée par la voie de recours auprès de Tribunal administratif dans le délai de 3 mois compté de la date de réception de ladite décision.		
VIII. Date à laquelle le refus a été prononcé		05.06.2015
IX. Signature ou sceau officiel de l'Office qui notifie le refus  Dz. Medne 		

WIPO - ROMARIN - International Registration Details

688261

2.6.2015

- 151 Date of the registration**
16.02.1998
- 180 Expected expiration date of the registration/renewal**
16.02.2018
- 270 Language of the application**
French

Current Status

- 732 Name and address of the holder of the registration**
FERRERO S.p.A. Piazzale Pietro Ferrero, 1 I-12051 ALBA, CUNEO Italy
- 812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment**
IT (Italy)
- 740 Name and address of the representative**
Jacobacci & Partners S.p.A. Corso Emilia, 8 I-10152 Torino Italy
- 770 Name and address of the previous holder**
FERRERO S.P.A. Piazzale Pietro Ferrero, 1 ALBA (CN) Italy
- 540 Mark**
ROCHER
- 541 Reproduction of the mark where the mark is represented in standard characters**
- 571 Description of the mark**
The mark consists of the word: ROCHER.
La marque consiste dans le mot: ROCHER.
- 566 Translation of the mark or of words contained in the mark**
ROCHER
- 511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(7)**
- 29 Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruit and vegetables; jellies, jams, compotes; eggs, milk and dairy products; edible oils and fats.
- 30 Coffee, tea, sugar, rice, tapioca, sago, coffee substitutes; flour and milled cereal products (except for fodder); bread, biscuits, cakes, pastry and confectionery, edible ice; honey, treacle; yeast, baking powder; cooking salt, mustard; pepper, vinegar, sauces; spices; ice for refreshment, cocoa, cocoa products, namely paste for cocoa drinks, chocolate paste, toppings and, particularly, chocolate toppings, chocolate, pralines, chocolate articles for use as Christmas tree decorations, food products consisting of an edible chocolate casing filled with alcohol, sweet products, pastries, including fine and long-life pastries; chewing gum, sugar-free chewing gum, sugar-free sweets.
- 822 Basic registration**
IT (Italy), 16.02.1998, 740137
- 300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin**
IT (Italy), 16.12.1997
- 300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin**
IT (Italy), 16.12.1997, TO 97C 3321

- 831 Designation(s) under the Madrid Agreement**
DZ (Algeria)
- 832 Designation(s) under the Madrid Protocol**
AG (Antigua and Barbuda), BQ (Bonaire, Saint Eustatius and Saba), CW (Curaçao), DK (Denmark), EE (Estonia), FI (Finland), GE (Georgia), GR (Greece), IE (Ireland), LT (Lithuania), NO (Norway), SE (Sweden), SX (Sint Maarten (Dutch part)), TM (Turkmenistan), TR (Turkey), UZ (Uzbekistan), ZM (Zambia)
- 834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies**
AL (Albania), AM (Armenia), AT (Austria), AZ (Azerbaijan), BA (Bosnia and Herzegovina), BG (Bulgaria), BX (Benelux), BY (Belarus), CN (China), CU (Cuba), CZ (Czech Republic), EG (Egypt), ES (Spain), HR (Croatia), HU (Hungary), KE (Kenya), KG (Kyrgyzstan), KP (Democratic People's Republic of Korea), KZ (Kazakhstan), LI (Liechtenstein), LR (Liberia), LS (Lesotho), LV (Latvia), MA (Morocco), MC (Monaco), MD (Republic of Moldova), ME (Montenegro), MK (The former Yugoslav Republic of Macedonia), MN (Mongolia), MZ (Mozambique), PL (Poland), PT (Portugal), RO (Romania), RS (Serbia), RU (Russian Federation), SD (Sudan), SI (Slovenia), SK (Slovakia), SL (Sierra Leone), SM (San Marino), SZ (Swaziland), TJ (Tajikistan), UA (Ukraine), VN (Viet Nam)
- 527 Indications regarding use requirements**
IE (Ireland)

Registration

- 450 Publication number and date**
1998/10 Gaz, 02.07.1998(1998/5 Gaz,23.04.1998)
- 831 Designation(s) under the Madrid Agreement**
AL (Albania), AM (Armenia), AT (Austria), AZ (Azerbaijan), BA (Bosnia and Herzegovina), BG (Bulgaria), BX (Benelux), BY (Belarus), CN (China), CU (Cuba), CZ (Czech Republic), DZ (Algeria), EG (Egypt), ES (Spain), HR (Croatia), HU (Hungary), KG (Kyrgyzstan), KP (Democratic People's Republic of Korea), KZ (Kazakhstan), LI (Liechtenstein), LR (Liberia), LV (Latvia), MA (Morocco), MC (Monaco), MD (Republic of Moldova), MK (The former Yugoslav Republic of Macedonia), MN (Mongolia), PL (Poland), PT (Portugal), RO (Romania), RU (Russian Federation), SD (Sudan), SI (Slovenia), SK (Slovakia), SL (Sierra Leone), TJ (Tajikistan), UA (Ukraine), UZ (Uzbekistan), VN (Viet Nam), YU (Serbia and Montenegro)
- 580 Date of recording (date of notification from which the time limit to notify the refusal starts)**
04.06.1998
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AL (Albania)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AM (Armenia)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AT (Austria)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AZ (Azerbaijan)
- The refusal period has expired and no notification of provisional refusal has been recorded**

(application of Rule 5 preserved)

BA (Bosnia and Herzegovina)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

BG (Bulgaria)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

BX (Benelux)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

CN (China)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

CU (Cuba)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

DZ (Algeria)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

HR (Croatia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

HU (Hungary)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

KP (Democratic People's Republic of Korea)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LI (Liechtenstein)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LR (Liberia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LV (Latvia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MA (Morocco)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MC (Monaco)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MK (The former Yugoslav Republic of Macedonia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MN (Mongolia)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

PT (Portugal)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

RO (Romania)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

SD (Sudan)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

SI (Slovenia)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

SL (Sierra Leone)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

UZ (Uzbekistan)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

VN (Viet Nam)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

YU (Serbia and Montenegro)

861 Total provisional refusal of protection

EG (Egypt)

450 Publication number and date

1999/1 Gaz, 18.02.1999

580 Date of notification

08.01.1999

Date of receipt by the International Bureau

05.01.1999

861 Total provisional refusal of protection

ES (Spain)

450 Publication number and date

1999/1 Gaz, 18.02.1999

580 Date of notification

11.01.1999

Date of receipt by the International Bureau

05.01.1999

861 Total provisional refusal of protection

KG (Kyrgyzstan)

450 Publication number and date

1999/5 Gaz, 15.04.1999

580 **Date of notification**
02.03.1999
Date of receipt by the International Bureau
26.02.1999

861 **Total provisional refusal of protection**
BY (Belarus)

450 **Publication number and date**
1999/5 Gaz, 15.04.1999

580 **Date of notification**
04.03.1999
Date of receipt by the International Bureau
02.03.1999

861 **Total provisional refusal of protection**
RU (Russian Federation)

450 **Publication number and date**
1999/5 Gaz, 15.04.1999

580 **Date of notification**
15.03.1999
Date of receipt by the International Bureau
11.03.1999

862 **Partial provisional refusal of protection**
SK (Slovakia)

450 **Publication number and date**
1999/6 Gaz, 29.04.1999
Delete from list:
30 Pâte de chocolat, couvertures en chocolat, chocolat, pralines, articles de chocolat pour
décorations d'arbres de Noël, produits alimentaires consistant en une enveloppe de chocolat
comestible fourrée à l'alcool, sucreries, bonbons sans sucre.

580 **Date of notification**
18.03.1999
Date of receipt by the International Bureau
15.03.1999

862 **Partial provisional refusal of protection**
MD (Republic of Moldova)

450 **Publication number and date**
1999/6 Gaz, 29.04.1999
Refusé pour tous les produits de la classe 29.

580 **Date of notification**
08.04.1999
Date of receipt by the International Bureau
24.03.1999

862 **Partial provisional refusal of protection**

TJ (Tajikistan)

450 Publication number and date
1999/11 Gaz, 08.07.1999
Refusé pour tous les produits de la classe 29.

580 Date of notification
26.05.1999
Date of receipt by the International Bureau
20.05.1999

862 Partial provisional refusal of protection
UA (Ukraine)

450 Publication number and date
1999/7 Gaz, 13.05.1999
Delete from list:
29 Extraits de viande; graisses comestibles; conserves; aliments et composants d'aliments.

580 Date of notification
09.04.1999
Date of receipt by the International Bureau
29.03.1999

861 Total provisional refusal of protection
PL (Poland)

450 Publication number and date
1999/7 Gaz, 13.05.1999

580 Date of notification
09.04.1999
Date of receipt by the International Bureau
07.04.1999

861 Total provisional refusal of protection
KZ (Kazakhstan)

450 Publication number and date
1999/8 Gaz, 27.05.1999

580 Date of notification
14.04.1999
Date of receipt by the International Bureau
09.04.1999

844 A request for review or an appeal has been lodged
BY (Belarus)

450 Publication number and date
1999/18 Gaz, 14.10.1999

895 Statement indicating that the mark is protected for all the goods and services requested
UA (Ukraine)

450 Publication number and date

1999/20 Gaz, 11.11.1999

580

Date of notification

28.09.1999

Date of receipt by the International Bureau

11.08.1999

895

Statement indicating that the mark is protected for all the goods and services requested

BY (Belarus)

450

Publication number and date

1999/23 Gaz, 23.12.1999

580

Date of notification

17.11.1999

Date of receipt by the International Bureau

29.09.1999

895

Statement indicating that the mark is protected for all the goods and services requested

MD (Republic of Moldova)

450

Publication number and date

1999/25 Gaz, 03.02.2000

580

Date of notification

13.12.1999

Date of receipt by the International Bureau

12.11.1999

897

Statement indicating that protection of the mark is protected for some of the goods and services requested

EG (Egypt)

450

Publication number and date

1999/25 Gaz, 03.02.2000

Refusé pour tous les produits de la classe 29.

580

Date of notification

13.12.1999

Date of receipt by the International Bureau

19.11.1999

895

Statement indicating that the mark is protected for all the goods and services requested

KG (Kyrgyzstan)

450

Publication number and date

1999/25 Gaz, 03.02.2000

580

Date of notification

13.12.1999

Date of receipt by the International Bureau

02.12.1999

897 **Statement indicating that protection of the mark is protected for some of the goods and services requested**
ES (Spain)

450 **Publication number and date**
1999/25 Gaz, 03.02.2000
Admis pour tous les produits de la classe 30; refusé pour tous les produits de la classe 29.

580 **Date of notification**
20.12.1999
Date of receipt by the International Bureau
15.12.1999

895 **Statement indicating that the mark is protected for all the goods and services requested**
SK (Slovakia)

450 **Publication number and date**
2000/3 Gaz, 16.03.2000

580 **Date of notification**
09.02.2000
Date of receipt by the International Bureau
07.02.2000

895 **Statement indicating that the mark is protected for all the goods and services requested**
KZ (Kazakhstan)

450 **Publication number and date**
2000/4 Gaz, 30.03.2000

580 **Date of notification**
28.02.2000
Date of receipt by the International Bureau
23.02.2000

895 **Statement indicating that the mark is protected for all the goods and services requested**
TJ (Tajikistan)

450 **Publication number and date**
2000/13 Gaz, 03.08.2000

580 **Date of notification**
03.07.2000
Date of receipt by the International Bureau
22.06.2000

895 **Statement indicating that the mark is protected for all the goods and services requested**
RU (Russian Federation)

450 **Publication number and date**
2000/19 Gaz, 26.10.2000

580 **Date of notification**

18.09.2000

Date of receipt by the International Bureau

04.09.2000

895 Statement indicating that the mark is protected for all the goods and services requested

ES (Spain)

450 Publication number and date

2001/9 Gaz, 07.06.2001

580 Date of notification

24.04.2001

Date of receipt by the International Bureau

05.04.2001

Subsequent designation

450 Publication number and date

2001/10 Gaz, 21.06.2001

832 Designation(s) under the Madrid Protocol

TR (Turkey)

580 Date of recording (date of notification from which the time limit to notify the refusal starts)

31.05.2001

891 Date of subsequent designation (Rule 24(6) of the Common Regulations)

05.03.2001

Grant of protection subject to opposition

TR (Turkey)

450 Publication number and date

2002/10 Gaz, 27.06.2002

Opposition end date

17.08.2002

895 Statement indicating that the mark is protected for all the goods and services requested

PL (Poland)

450 Publication number and date

2002/12 Gaz, 25.07.2002

580 Date of notification

20.06.2002

Date of receipt by the International Bureau

17.06.2002

Subsequent designation

450 Publication number and date

2003/23 Gaz, 25.12.2003

831 Designation(s) under the Madrid Agreement

CH (Switzerland), KE (Kenya), LS (Lesotho), MZ (Mozambique), SM (San Marino), SZ (Swaziland)

- 832 Designation(s) under the Madrid Protocol**
AG (Antigua and Barbuda), AN (Netherlands Antilles), DK (Denmark), EE (Estonia), FI (Finland), GE (Georgia), GR (Greece), IE (Ireland), LT (Lithuania), NO (Norway), SE (Sweden), TM (Turkmenistan), ZM (Zambia)
- 527 Indications regarding use requirements**
IE (Ireland)
- 851 Limitation of the list of goods and services**
AG (Antigua and Barbuda), AN (Netherlands Antilles), BQ (Bonaire, Saint Eustatius and Saba), CH (Switzerland), CW (Curaçao), DK (Denmark), EE (Estonia), FI (Finland), GE (Georgia), GR (Greece), IE (Ireland), KE (Kenya), LS (Lesotho), LT (Lithuania), MZ (Mozambique), NO (Norway), SE (Sweden), SM (San Marino), SX (Sint Maarten (Dutch part)), SZ (Swaziland), TM (Turkmenistan), ZM (Zambia)
- List limited to:**
- 30 Coffee, tea, sugar, rice, tapioca, sago, coffee substitutes; flour and milled cereal products (except for fodder); bread, biscuits, cakes, pastry and confectionery, edible ice; honey, treacle; yeast, baking powder; cooking salt, mustard; pepper, vinegar, sauces; spices; ice for refreshment, cocoa, cocoa products, namely paste for cocoa drinks, chocolate paste, toppings and, particularly, chocolate toppings, chocolate, pralines, chocolate articles for use as Christmas tree decorations, food products consisting of an edible chocolate casing filled with alcohol, sweet products, pastries, including fine and long-life pastries; chewing gum, sugar-free chewing gum, sugar-free sweets.
- 580 Date of recording (date of notification from which the time limit to notify the refusal starts)**
27.11.2003
- 891 Date of subsequent designation (Rule 24(6) of the Common Regulations)**
29.08.2003
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AG (Antigua and Barbuda)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
AN (Netherlands Antilles)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
DK (Denmark)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
EE (Estonia)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
GR (Greece)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
KE (Kenya)
- The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)**
LS (Lesotho)
- The refusal period has expired and no notification of provisional refusal has been recorded**

(application of Rule 5 preserved)

LT (Lithuania)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MZ (Mozambique)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

SE (Sweden)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

SM (San Marino)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

SZ (Swaziland)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

TM (Turkmenistan)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

ZM (Zambia)

Grant of protection subject to opposition

IE (Ireland)

450

Publication number and date

2004/1 Gaz, 19.02.2004

Opposition end date

28.04.2004

868

Grant of protection

IE (Ireland)

450

Publication number and date

2004/13 Gaz, 24.06.2004

862

Partial provisional refusal of protection

CH (Switzerland)

450

Publication number and date

2004/37 Gaz, 09.12.2004

List limited to:

- 30 Coffee, tea, sugar, rice, tapioca, sago, coffee substitutes; flour and milled cereal products (except for fodder); bread, edible ice; honey, treacle; yeast, baking powder; cooking salt, mustard; pepper, vinegar, sauces; spices; ice for refreshment, cocoa, cocoa products, namely paste for cocoa drinks, chocolate paste, chocolate articles for use as Christmas tree decorations, chewing gum, sugar-free chewing gum, sugar-free sweets.

580

Date of notification

02.11.2004

Date of receipt by the International Bureau

22.10.2004

Grant of protection subject to opposition

GE (Georgia)

450 Publication number and date

2004/36 Gaz, 02.12.2004

Opposition end date

25.01.2005

861 Total provisional refusal of protection

NO (Norway)

450 Publication number and date

2004/43 Gaz, 20.01.2005

580 Date of notification

15.12.2004

Date of receipt by the International Bureau

06.12.2004

861 Total provisional refusal of protection

FI (Finland)

450 Publication number and date

2004/44 Gaz, 03.02.2005

580 Date of notification

22.12.2004

Date of receipt by the International Bureau

13.12.2004

868 Grant of protection

GE (Georgia)

450 Publication number and date

2005/7 Gaz, 24.03.2005

Opposition possible after the 18 months time limit

NO (Norway)

450 Publication number and date

2005/7 Gaz, 24.03.2005

Renunciation

CH (Switzerland)

450 Publication number and date

2005/37 Gaz, 20.10.2005

580 Date of recording

17.03.2005

Opposition possible after the 18 months time limit

FI (Finland)

450 Publication number and date

2005/16 Gaz, 26.05.2005

895 **Statement indicating that the mark is protected for all the goods and services requested**

NO (Norway)

450 **Publication number and date**

2005/37 Gaz, 20.10.2005

580 **Date of notification**

16.09.2005

Date of receipt by the International Bureau

31.08.2005

895 **Statement indicating that the mark is protected for all the goods and services requested**

FI (Finland)

450 **Publication number and date**

2005/50 Gaz, 19.01.2006

580 **Date of notification**

16.12.2005

Date of receipt by the International Bureau

30.11.2005

Continuation of effect

450 **Publication number and date**

2010/2 Gaz, 04.02.2010(2007/39 Gaz,01.11.2007)

833 **Interested Contracting Party(ies)**

ME (Montenegro)

580 **Date of recording**

11.01.2010

Renewal

450 **Publication number and date**

2008/8 Gaz, 27.03.2008

831 **Designation(s) under the Madrid Agreement**

AL (Albania), AM (Armenia), AT (Austria), AZ (Azerbaijan), BA (Bosnia and Herzegovina), BG (Bulgaria), BX (Benelux), BY (Belarus), CN (China), CU (Cuba), CZ (Czech Republic), DZ (Algeria), EG (Egypt), ES (Spain), HR (Croatia), HU (Hungary), KE (Kenya), KG (Kyrgyzstan), KP (Democratic People's Republic of Korea), KZ (Kazakhstan), LI (Liechtenstein), LR (Liberia), LS (Lesotho), LV (Latvia), MA (Morocco), MC (Monaco), MD (Republic of Moldova), ME (Montenegro), MK (The former Yugoslav Republic of Macedonia), MN (Mongolia), MZ (Mozambique), PL (Poland), PT (Portugal), RO (Romania), RS (Serbia), RU (Russian Federation), SD (Sudan), SI (Slovenia), SK (Slovakia), SL (Sierra Leone), SM (San Marino), SZ (Swaziland), TJ (Tajikistan), UA (Ukraine), VN (Viet Nam)

832 **Designation(s) under the Madrid Protocol**

AG (Antigua and Barbuda), AN (Netherlands Antilles), DK (Denmark), EE (Estonia), FI (Finland), GE (Georgia), GR (Greece), IE (Ireland), LT (Lithuania), NO (Norway), SE (Sweden), TM (Turkmenistan), TR (Turkey), UZ (Uzbekistan), ZM (Zambia)

527 **Indications regarding use requirements**

IE (Ireland)

Limitation

450 Publication number and date

2011/34 Gaz, 15.09.2011

833 Interested Contracting Party(ies)

LT (Lithuania)

List limited to:

30 Sweet products consisting of wafer and hazelnut filling.

580 Date of recording

20.06.2011

865 Partial invalidation

CZ (Czech Republic)

450 Publication number and date

2014/18 Gaz, 15.05.2014

Delete from list:

30 Café, thé, sucre, riz, tapioca, sagou, succédanés du café; farines et produits de meunerie de céréales (excepté les fourrages); pain, biscuits, gâteaux, pâtisserie, glaces comestibles; miel, sirop de mélasse; levure, poudre pour faire lever; sel de cuisine, moutarde; poivre, vinaigre, sauces; épices; glace à rafraîchir, cacao, produits de cacao, à savoir pâte pour boisson au cacao, produits alimentaires consistant en une enveloppe de chocolat comestible fourrée à l'alcool, pâtisserie, y compris pâtisserie fine et à longue conservation; gomme à mâcher, gomme à mâcher sans sucre, bonbons sans sucre.

799546

2.6.2015

- 151 Date of the registration**
28.01.2003
- 180 Expected expiration date of the registration/renewal**
28.01.2023
- 270 Language of the application**
French

Current Status

- 732 Name and address of the holder of the registration**
FERRERO S.p.A. Piazzale Pietro Ferrero, 1 I-12051 ALBA, CUNEO Italy
- 812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment**
IT (Italy)
- 740 Name and address of the representative**
Jacobacci & Partners S.p.A. Corso Emilia, 8 I-10152 Torino Italy
- 770 Name and address of the previous holder**
FERRERO S.P.A. Piazzale Pietro Ferrero, 1 ALBA (CN) Italy
- 540 Mark**



- 531 International Classification of the Figurative Elements of Marks (Vienna Classification) - VCL(5)**
05.07.06 ; 08.01.19 ; 26.01.02 ; 26.01.05 ; 27.05.01 ; 29.01.01 ; 29.01.02 ; 29.01.07
- 591 Information concerning colors claimed**
Gold, red, white, green, light brown, yellow.
Or, rouge, blanc, vert, marron clair, jaune.
- 571 Description of the mark**
The mark consists in an oval imprint arranged horizontally and bordered by a thick gold line on a white background, with in its interior a double line of varying widths coloured gold and red; in the centre the denomination, FERRERO ROCHER, of which the word FERRERO forms part of the applicant's commercial name, in original upper-case brown type; below, superimposed on the border line, the image of a chocolate with gold wrapping set in a gold and brown Swedish-style paper cup; on the top of the chocolate, an oval imprint arranged horizontally, with an outer gold line and a fine red inner line and a white fill containing in the centre the denomination FERRERO ROCHER, arranged on two lines, in original brown upper-case type; on the left a partial representation of a brown and light brown unwrapped praline; on the right a representation of a light brown and yellow hazelnut with a green leaf; all on a white background.

La marque consiste dans une empreinte ovale disposée horizontalement limitée par un trait épais de couleur or sur fond blanc, avec à l'intérieur un double trait de différente épaisseur de couleur or et rouge; au centre la dénomination, disposée sur deux lignes, FERRERO ROCHER, dont le mot FERRERO fait partie de la dénomination sociale de la requérante, en caractères d'imprimerie majuscules originaux de couleur marron; dans la partie inférieure, superposée par rapport au trait de limite, l'image d'un chocolat emballé de couleur or posé sur caissette suédoise de couleur or et marron; dans la partie supérieure du chocolat, empreinte ovale disposée horizontalement, avec un trait externe de couleur or et un trait interne, fin et rouge et un fond blanc contenant au centre la dénomination disposée sur deux lignes, FERRERO ROCHER, en caractères d'imprimerie majuscules originaux de couleur marron; sur la gauche, représentation partielle d'une praline sans emballage de couleur marron et marron clair; sur la droite représentation d'une noisette avec feuille verte, marron clair et jaune; le tout sur fond blanc.

511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(8)

- 30 Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flours and milled cereal products (except for fodder); bread, biscuits, cakes, pastry and confectionery, edible ice; honey, treacle; yeast, baking powder; cooking salt, mustard; pepper, vinegar, sauces; spices; ice for refreshment, cocoa, cocoa products, namely paste for cocoa beverages, chocolate paste, toppings and, including, chocolate toppings, chocolate, pralines, chocolate articles for Christmas-tree decorations, food products consisting of an edible chocolate casing filled with an alcoholic liquid, sweet products, pastries, including fine pastry and longlife pastry; chewing-gum, sugarless chewing gum, sugarless candies.

822 Basic registration

IT (Italy), 28.01.2003, 881970

300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin

IT (Italy), 06.12.2002, TO 2002 C003576

831 Designation(s) under the Madrid Agreement

DZ (Algeria)

832 Designation(s) under the Madrid Protocol

AG (Antigua and Barbuda), AU (Australia), DK (Denmark), EE (Estonia), FI (Finland), GB (United Kingdom), GE (Georgia), GR (Greece), IE (Ireland), IS (Iceland), JP (Japan), LT (Lithuania), NO (Norway), SE (Sweden), SG (Singapore), TM (Turkmenistan), TR (Turkey), UZ (Uzbekistan), ZM (Zambia)

834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies

AL (Albania), AM (Armenia), AT (Austria), AZ (Azerbaijan), BA (Bosnia and Herzegovina), BG (Bulgaria), BT (Bhutan), BX (Benelux), BY (Belarus), CH (Switzerland), CN (China), CU (Cuba), CZ (Czech Republic), EG (Egypt), ES (Spain), FR (France), HR (Croatia), HU (Hungary), KE (Kenya), KG (Kyrgyzstan), KP (Democratic People's Republic of Korea), KZ (Kazakhstan), LI (Liechtenstein), LR (Liberia), LS (Lesotho), LV (Latvia), MA (Morocco), MC (Monaco), MD (Republic of Moldova), ME (Montenegro), MK (The former Yugoslav Republic of Macedonia), MN (Mongolia), MZ (Mozambique), PL (Poland), PT (Portugal), RO (Romania), RS (Serbia), RU (Russian Federation), SD (Sudan), SI (Slovenia), SK (Slovakia), SL (Sierra Leone), SM (San Marino), SZ (Swaziland), TJ (Tajikistan), UA (Ukraine), VN (Viet Nam)

527 Indications regarding use requirements

GB (United Kingdom), IE (Ireland), SG (Singapore)

Registration

450 Publication number and date

2003/7 Gaz, 15.05.2003

831 Designation(s) under the Madrid Agreement

AL (Albania), AM (Armenia), AT (Austria), AZ (Azerbaijan), BA (Bosnia and Herzegovina), BG (Bulgaria), BT (Bhutan), BX (Benelux), BY (Belarus), CH (Switzerland), CN (China), CU (Cuba), CZ (Czech Republic), DZ (Algeria), EG (Egypt), ES (Spain), FR (France), HR (Croatia), HU (Hungary), KE (Kenya), KG (Kyrgyzstan), KP (Democratic People's Republic of Korea), KZ (Kazakhstan), LI (Liechtenstein), LR (Liberia), LS (Lesotho), LV (Latvia), MA (Morocco), MC (Monaco), MD (Republic of Moldova), MK (The former Yugoslav Republic of Macedonia), MN (Mongolia), MZ (Mozambique), PL (Poland), PT (Portugal), RO (Romania), RU (Russian Federation), SD (Sudan), SI (Slovenia), SK (Slovakia), SL (Sierra Leone), SM (San Marino), SZ (Swaziland), TJ (Tajikistan), UA (Ukraine), UZ (Uzbekistan), VN (Viet Nam), YU (Serbia and Montenegro)

832 Designation(s) under the Madrid Protocol

AG (Antigua and Barbuda), AU (Australia), DK (Denmark), EE (Estonia), FI (Finland), GB (United Kingdom), GE (Georgia), GR (Greece), IE (Ireland), IS (Iceland), JP (Japan), LT (Lithuania), NO (Norway), SE (Sweden), SG (Singapore), TM (Turkmenistan), TR (Turkey), ZM (Zambia)

527 Indications regarding use requirements

GB (United Kingdom), IE (Ireland), SG (Singapore)

580 Date of recording (date of notification from which the time limit to notify the refusal starts)

24.04.2003

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

AG (Antigua and Barbuda)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

AL (Albania)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

AM (Armenia)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

AT (Austria)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

AZ (Azerbaijan)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

BA (Bosnia and Herzegovina)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

BG (Bulgaria)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

BT (Bhutan)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

BX (Benelux)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

BY (Belarus)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

CH (Switzerland)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

CN (China)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

CZ (Czech Republic)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

DK (Denmark)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

DZ (Algeria)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

EE (Estonia)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

EG (Egypt)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

ES (Spain)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

FI (Finland)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

FR (France)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

GR (Greece)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

HR (Croatia)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**

HU (Hungary)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

IS (Iceland)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

KE (Kenya)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

KP (Democratic People's Republic of Korea)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

KZ (Kazakhstan)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LI (Liechtenstein)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LR (Liberia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LS (Lesotho)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LT (Lithuania)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

LV (Latvia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MA (Morocco)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MC (Monaco)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MD (Republic of Moldova)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MK (The former Yugoslav Republic of Macedonia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MN (Mongolia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MZ (Mozambique)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

PL (Poland)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**
PT (Portugal)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**
SD (Sudan)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**
SI (Slovenia)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**
SK (Slovakia)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**
SL (Sierra Leone)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**
SM (San Marino)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**
SZ (Swaziland)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**
TJ (Tajikistan)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**
TM (Turkmenistan)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**
UA (Ukraine)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**
UZ (Uzbekistan)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**
VN (Viet Nam)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**
YU (Serbia and Montenegro)

**The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)**
ZM (Zambia)

861 Total provisional refusal of protection

GB (United Kingdom)

450 Publication number and date

2003/11 Gaz, 10.07.2003

580 **Date of notification**
09.06.2003
Date of receipt by the International Bureau
23.05.2003

861 **Total provisional refusal of protection**
AU (Australia)

450 **Publication number and date**
2003/11 Gaz, 10.07.2003

580 **Date of notification**
09.06.2003
Date of receipt by the International Bureau
04.06.2003

861 **Total provisional refusal of protection**
IE (Ireland)

450 **Publication number and date**
2003/13 Gaz, 07.08.2003

580 **Date of notification**
25.06.2003
Date of receipt by the International Bureau
16.06.2003

868 **Grant of protection**
JP (Japan)

450 **Publication number and date**
2003/18 Gaz, 16.10.2003

861 **Total provisional refusal of protection**
SG (Singapore)

450 **Publication number and date**
2003/19 Gaz, 30.10.2003

580 **Date of notification**
29.09.2003
Date of receipt by the International Bureau
15.09.2003

Grant of protection subject to opposition
GE (Georgia)

450 **Publication number and date**
2004/1 Gaz, 19.02.2004
Opposition end date
12.04.2004

Grant of protection subject to opposition
TR (Turkey)

450 **Publication number and date**

2004/2 Gaz, 04.03.2004

Opposition end date

19.04.2004

868 Grant of protection

KG (Kyrgyzstan)

450 Publication number and date

2004/6 Gaz, 29.04.2004

861 Total provisional refusal of protection

NO (Norway)

450 Publication number and date

2004/6 Gaz, 29.04.2004

580 Date of notification

16.03.2004

Date of receipt by the International Bureau

01.03.2004

869 Disclaimer

CU (Cuba)

450 Publication number and date

2004/6 Gaz, 29.04.2004

861 Total provisional refusal of protection

RO (Romania)

450 Publication number and date

2004/6 Gaz, 29.04.2004

580 Date of notification

24.03.2004

Date of receipt by the International Bureau

08.03.2004

Opposition possible after the 18 months time limit

SG (Singapore)

450 Publication number and date

2004/7 Gaz, 13.05.2004

Opposition end date

10.05.2004

897 Statement indicating that protection of the mark is protected for some of the goods and services requested

IE (Ireland)

450 Publication number and date

2004/7 Gaz, 13.05.2004

List limited to:

30 Pastry and confectionery, chocolate products, cocoa products, ice cream.

580 Date of notification

09.04.2004

Date of receipt by the International Bureau

18.03.2004

862 Partial provisional refusal of protection

RU (Russian Federation)

450 Publication number and date

2004/8 Gaz, 20.05.2004

Delete from list:

- 30 Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flours and milled cereal products (except for fodder); bread, biscuits, cakes, pastry, edible ice; honey, treacle; yeast, baking powder; cooking salt, mustard; pepper, vinegar, sauces; spices; ice for refreshment, cocoa, cocoa products, namely paste for cocoa beverages, pastries, including fine pastry and longlife pastry; chewing-gum, sugarless chewing gum, sugarless candies.

580 Date of notification

19.04.2004

Date of receipt by the International Bureau

01.04.2004

868 Grant of protection

GE (Georgia)

450 Publication number and date

2004/11 Gaz, 10.06.2004

895 Statement indicating that the mark is protected for all the goods and services requested

GB (United Kingdom)

450 Publication number and date

2004/16 Gaz, 15.07.2004

580 Date of notification

09.06.2004

Date of receipt by the International Bureau

27.05.2004

Opposition possible after the 18 months time limit

NO (Norway)

450 Publication number and date

2004/21 Gaz, 19.08.2004

861 Total provisional refusal of protection

SE (Sweden)

450 Publication number and date

2004/21 Gaz, 19.08.2004

580 Date of notification

16.07.2004

Date of receipt by the International Bureau

06.07.2004

Opposition possible after the 18 months time limit

SE (Sweden)

450

Publication number and date

2004/23 Gaz, 02.09.2004

897

Statement indicating that protection of the mark is protected for some of the goods and services requested

RU (Russian Federation)

450

Publication number and date

2004/24 Gaz, 09.09.2004

List limited to:

- 30 Biscuits, cakes, pastry and confectionery, edible ice; ice for refreshment, chocolate paste, toppings and, in particular, chocolate toppings, chocolate, pralines, chocolate articles for Christmas-tree decorations, food products consisting of an edible chocolate casing filled with an alcoholic liquid, pastries, including fine pastry and long-life pastry; sugarless candies.

580

Date of notification

09.08.2004

Date of receipt by the International Bureau

21.07.2004

Opposition possible after the 18 months time limit

AU (Australia)

450

Publication number and date

2004/32 Gaz, 04.11.2004

Opposition possible after the 18 months time limit

NO (Norway)

450

Publication number and date

2004/37 Gaz, 09.12.2004

Opposition end date

26.09.2004

895

Statement indicating that the mark is protected for all the goods and services requested

RO (Romania)

450

Publication number and date

2004/37 Gaz, 09.12.2004

580

Date of notification

05.11.2004

Date of receipt by the International Bureau

26.10.2004

895

Statement indicating that the mark is protected for all the goods and services requested

AU (Australia)

450

Publication number and date

2004/43 Gaz, 20.01.2005

580

Date of notification

14.12.2004

Date of receipt by the International Bureau

30.11.2004

895

Statement indicating that the mark is protected for all the goods and services requested

SG (Singapore)

450

Publication number and date

2005/19 Gaz, 16.06.2005

580

Date of notification

16.05.2005

Date of receipt by the International Bureau

02.05.2005

895

Statement indicating that the mark is protected for all the goods and services requested

SE (Sweden)

450

Publication number and date

2005/43 Gaz, 01.12.2005

580

Date of notification

26.10.2005

Date of receipt by the International Bureau

11.10.2005

Continuation of effect

450

Publication number and date

2010/2 Gaz, 04.02.2010(2007/39 Gaz,01.11.2007)

833

Interested Contracting Party(ies)

ME (Montenegro)

580

Date of recording

11.01.2010

897

Statement indicating that protection of the mark is protected for some of the goods and services requested

CU (Cuba)

450

Publication number and date

2008/26 Gaz, 31.07.2008

The mark is protected subject to the following reservation: registration does not confer any exclusive right over the words FERRERO ROCHER and the drawing of its letters.

580

Date of notification

10.07.2008

Date of receipt by the International Bureau

26.02.2008

868

Grant of protection

TR (Turkey)

450 **Publication number and date**
2008/49 Gaz, 08.01.2009

897 **Statement indicating that protection of the mark is protected for some of the goods and services requested**

CU (Cuba)

450 **Publication number and date**
2009/6 Gaz, 26.02.2009

The mark is protected subject to the following reservation: the registration only confers an exclusive right over the words "FERRERO ROCHER" and the graphic of their letters.

580 **Date of notification**
03.02.2009

Date of receipt by the International Bureau
23.01.2009

Renewal

450 **Publication number and date**
2013/5 Gaz, 21.02.2013

831 **Designation(s) under the Madrid Agreement**
DZ (Algeria)

832 **Designation(s) under the Madrid Protocol**
AG (Antigua and Barbuda), AU (Australia), DK (Denmark), EE (Estonia), FI (Finland), GB (United Kingdom), GE (Georgia), GR (Greece), IE (Ireland), IS (Iceland), JP (Japan), LT (Lithuania), NO (Norway), SE (Sweden), SG (Singapore), TM (Turkmenistan), TR (Turkey), UZ (Uzbekistan), ZM (Zambia)

834 **Designation(s) under the Madrid Protocol by virtue of Article 9sexies**
AL (Albania), AM (Armenia), AT (Austria), AZ (Azerbaijan), BA (Bosnia and Herzegovina), BG (Bulgaria), BT (Bhutan), BX (Benelux), BY (Belarus), CH (Switzerland), CN (China), CU (Cuba), CZ (Czech Republic), EG (Egypt), ES (Spain), FR (France), HR (Croatia), HU (Hungary), KE (Kenya), KG (Kyrgyzstan), KP (Democratic People's Republic of Korea), KZ (Kazakhstan), LI (Liechtenstein), LR (Liberia), LS (Lesotho), LV (Latvia), MA (Morocco), MC (Monaco), MD (Republic of Moldova), ME (Montenegro), MK (The former Yugoslav Republic of Macedonia), MN (Mongolia), MZ (Mozambique), PL (Poland), PT (Portugal), RO (Romania), RS (Serbia), RU (Russian Federation), SD (Sudan), SI (Slovenia), SK (Slovakia), SL (Sierra Leone), SM (San Marino), SZ (Swaziland), TJ (Tajikistan), UA (Ukraine), VN (Viet Nam)

527 **Indications regarding use requirements**
GB (United Kingdom), IE (Ireland), SG (Singapore)

Extraits de la loi de la République de Lettonie sur les marques et indications géographiques, Loi, 16/06/1999

Article 18. Opposition à un enregistrement de la marque

(1)

Dans les trois mois à compter de la date de la publication de la marque, les personnes intéressées peuvent, moyennant le paiement de la redevance applicable, présenter une opposition à l'enregistrement d'une marque. L'opposition doit être déposée auprès de la chambre de recours écrite, motivée par des arguments et références appropriées aux dispositions de la loi. Après l'expiration de ladite période, l'adversaire n'a pas le droit de modifier (élargir) la base juridique initiale de l'opposition, mais peut, jusqu'à la décision de la chambre de recours est adopté, soumettre des documents et des éléments supplémentaires qui confirmer (préciser) les faits sur lesquels est fondée l'opposition.

Article 39. Validité d'un enregistrement international en Lettonie

(5)

L'opposition à l'entrée en vigueur d'un enregistrement international d'une marque en Lettonie, comme prévu à l'article 18 de la présente loi, doit être déposé dans les quatre mois à compter de la date de publication d'un avis d'enregistrement de la marque à l'égard de la Lettonie (extension territoriale à la Lettonie) dans le journal officiel de l'enregistrement international des marques.

Article 7. Marque antérieure en tant que motif d'invalidation de l'enregistrement

(1) L'enregistrement d'une marque peut être déclaré nul, en vertu des dispositions de la présente loi dans les cas suivants :

- 1) si elle est identique à une marque antérieure, et les produits ou services pour lesquels la marque a été enregistrée sont identiques à des biens ou des services à l'égard desquels la marque antérieure a été enregistrée ;
- 2) si, en raison de son identité ou de la similitude avec une marque antérieure appartenant à une autre personne et en raison de l'identité ou de la similitude des produits ou services respectifs, il existe un risque de confusion des marques de commerce ou d'un risque d'association entre les marques au nom des consommateurs concernés.

Article 6. Les motifs absolus de refus et d'invalidation de l'enregistrement de la marque

(2)

Une marque aussi ne sera pas enregistré ou, si elle est enregistrée, peut être susceptible d'être déclarée invalide en vertu des dispositions de la présente loi si la demande d'enregistrement de la marque a été clairement faite de mauvaise foi par le demandeur.

Article 8. Les marques bien connus comme motif de refus ou invalidation de l'enregistrement

(1)

Nonobstant les dispositions de l'article 7, l'enregistrement d'une marque peut être refusé ou, si elle est enregistrée, l'enregistrement peut être invalidé en vertu des dispositions de la présente loi, si la marque constitue une reproduction, une imitation, une traduction ou une translittération, susceptible de créer une confusion, d'une autre marque, qui, même si enregistrée, était bien connu en Lettonie à l'égard de produits ou services identiques ou similaires, à la date de dépôt de la demande de (contre) l'enregistrement de la marque (ou la date de priorité si une priorité a été accordé).

(2)

Outre les dispositions du paragraphe 1 du présent article, un enregistrement de la marque peut également être refusé ou invalidé si les biens ou services, par rapport à laquelle l'enregistrement de la marque est demandé, ne sont pas similaires à ceux d'une marque qui est bien connu en Lettonie, à condition que les consommateurs peuvent percevoir l'utilisation de la (contre) marque appliquée par rapport à ces produits ou services indique un lien entre ces produits ou services et le propriétaire de la marque notoire, et à condition que cette utilisation peut préjudiciable aux intérêts du propriétaire de la marque bien connue.

(3)

Pour déterminer si une marque est bien connue, il est tenu compte de la connaissance de cette marque dans le groupe de consommateurs concernée, y compris de telles connaissances en Lettonie qui a été obtenu à la suite des activités de publicité ou d'autres circonstances qui ont contribué à sa publicité.

(4)

Pour déterminer si les dispositions des paragraphes 1 et 2 du présent article sont applicables en ce qui concerne un signe qui a été appliquée pour l'enregistrement ou à l'égard d'une marque déposée, il sera tenu compte des dispositions de l'article 6 bis de la Convention de Paris sur les marques bien connues, y compris la mise à disposition sur l'irrecevabilité de la reproduction ou l'imitation de la marque bien connue dans une partie essentielle d'une autre marque; lesdites dispositions sont également applicables, mutatis mutandis, aux marques de services.

(5)

Les dispositions des paragraphes 1 et 2 du présent article en ce qui concerne le refus d'enregistrement ne sont pas applicables pendant la procédure d'examen si la demande d'enregistrement de marque a été déposée avec le consentement du propriétaire de la marque bien connue.