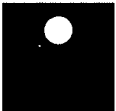


PROVISIONAL REFUSAL OF PROTECTION - PRELIMINARNO ODBIJANJE ZAŠTITE

According to Rule 17 of the Common Regulations under the Madrid Agreement and Protocol / Sukladno Pravilu 17. Zajedničkog pravilnika
uz Madridski sporazum i Protokol

Our reference: UP/I-910-08/15-010/0129 559-04/2-15-004/HB	
I Office making the notification / Nacionalni ured koji je odbio zaštitu:	 State Intellectual Property Office of the Republic of Croatia / Državni zavod za intelektualno vlasništvo Republike Hrvatske Ulica grada Vukovara 78, 10000 Zagreb (Croatia), tel.: +385 1 6106-100, 6106-109, fax.: +385 1 6112-017
II Number of the international registration / Broj međunarodne registracije:	124 9287
III Name and the address of the holder / Ime i adresa nositelja:	Philip Morris Products S.A. Quai Jeanrenaud 3 Neuchâtel (Switzerland (CH))
IV Provisional refusal based on opposition/ Privremeno odbijanje na temelju prigovora	
V Grounds for refusal (see the text in column X) / Razlozi odbijanja (vidjeti tekst u rubrici X) :	
VI Corresponding essential provisions of the applicable law (see the text in column XI) / Odgovarajuće bitne odredbe nacionalnog zakona koji se primjenjuje (vidjeti tekst u rubrici XI) : Art. 6 para. 1 point 2	
VII Scope of the provisional refusal / Opseg privremenog odbijanja ☒ Provisional refusal for all the goods / Odbijanje za sve proizvode	
VIII Information relating to subsequent procedure / Obavijesti o daljnjem tijeku postupka: The holder of the international trademark registration may file her/his observations on the provisional refusal. She/he shall file her/his observations to the State Intellectual Property Office only by the intermediary of a representative established in the Republic of Croatia. A copy of the opposition shall be communicated to the representative after the filing of a power of attorney for representation. The time limit for filing the power of attorney shall be 4 months, counting from the date of the notification of refusal, or up to 29 February 2016, and the time limit for filing observations shall be 60 days counting from the day of receipt of a copy of the opposition by the representative. If the power of attorney is not filed up to the mentioned date, the requested registration of the trademark shall be refused within the limits of the requests referred to in the opposition. Nositelj međunarodne registracije žiga se može očitovati na privremeno odbijanje. Očitovanje treba podnijeti Državnom zavodu za intelektualno vlasništvo Republike Hrvatske isključivo uz posredovanje domaćega zastupnika. Primjerak prigovora bit će dostavljen zastupniku nakon podnošenja punomoći o zastupanju. Rok za podnošenje punomoći je 4 mjeseca računajući od datuma obavijesti o odbijanju odnosno, do 29. veljače 2016., a rok za očitovanje je 60 dana od dana primitka primjerka prigovora od strane zastupnika. Ako punomoć ne bude podnesena do navedenoga datuma, zatražena registracija će biti odbijena u granicama zahtjeva navedenih u prigovoru.	
IX	29/10/2015 Date of the notification of provisional refusal / Datum obavijesti o privremenom odbijanju Signature or official seal / Potpis službeni pečat

X

On 30 September 2015, the applicant British American Tobacco (Brands) Limited, Globe House, 4 Temple Place, London WC2R 2PG, (GB), represented by authorized representative ZMP IP d.o.o., (Baruna Trenka 7, HR-10000 Zagreb, Croatia), filed an opposition to the international trademark registration no. 124 9287 in the Republic of Croatia for all the goods, based on an earlier international trademark registration CTM n°009505348.

Trademark information : CTM n°009505348

Applicant: British American Tobacco (Brands) Limited

Address of the holder: Globe House, 4 Temple Place, London WC2R 2PG, (GB)

Registration date: 26 04 2011

Goods: class 34 (attachment list)

The signs are in conflict for all the goods of the international registration n°124 9287.

Due to the mentioned opposition, the protection in the Republic of Croatia shall not be provisionally granted to the international registration no. 124 9287 for all the goods.

Excerpt from the register enclosed

XI Corresponding essential provisions of the applicable law:

Relative grounds for refusal – Article 6 of the Trademarks Act (Official Gazette of the Republic of Croatia: 173/03, 76/07, 30/09 i 49/11)

(1) Upon an opposition as filed, a sign shall not be registered:

1. if it is identical with an earlier trademark registered for identical goods or services,
2. if because of its identity with, or similarity to, the earlier trademark and the identity or similarity of the goods or services, there is a likelihood of confusion on the part of the public, which includes the likelihood of its association with the earlier trademark.

(2) For the purposes of this Act, "earlier trademark" shall mean:

1. trademarks registered in the Republic of Croatia, enjoying priority right referred to in Articles 17, 18 and 19 of this Act,
2. trademarks registered under international treaties, having effect in the Republic of Croatia, and enjoying priority right referred to in Articles 17, 18 and 19 of this Act,
3. applications for the registration of trademarks referred to in item 1 of this paragraph, provided that the trademarks become registered,
4. trademarks which, on the date of application for the registration of a trademark, or, if priority is claimed, on the date of priority right claimed in the application, are well known in the Republic of Croatia, in the sense in which the words "well known" are used in Article 6bis of the Paris Convention.

(3) Upon opposition as filed by the holder of an earlier trademark, a sign shall not be registered if it is identical with, or similar to, an earlier trademark and the registration has been requested for goods or services which are not similar to those for which the earlier trademark is registered, where the earlier trademark has a reputation in the Republic of Croatia and where the use of the later trademark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the reputation of the earlier trademark;

(4) Upon opposition as filed, a sign shall not be registered if its use would infringe one of the following earlier rights:

1. a right to a personal name,
2. a right of personal portrayal,
3. a copyright,
4. industrial property rights.

(5) For the purposes of this Act, "earlier right" shall mean rights acquired on the date which is earlier than the date of application for the registration of a trademark, or, if priority right is claimed, as from the date of priority claimed in the application.

(6) On the basis of opposition as filed, a sign shall not be registered if its use would infringe the right of the person who, at the time of filing of an application for the registration of a trademark, had a firm, provided that such firm or the essential part thereof is identical with or similar to the sign in respect of which the application is filed and provided that identical or similar goods or services are the subject matter of the firm's activity, unless the applicant had the identical or similar firm at the time of filing the application for registration of a trademark.

(7) On the basis of opposition as filed, a sign shall not be registered if it is identical with, or similar to, an earlier trademark which was registered for identical or similar goods or services and conferred on them a right which has expired for failure to renew the registration of the trademark within a period of not more than two years as from the expiry of the trademark, unless the holder of the earlier trademark gave his consent for the registration of the later trademark or did not use his trademark.

Relativni razlozi za odbijanje – Članak 6. Zakona o žigu (Narodne novine Republike Hrvatske 173/03, 76/07, 30/09 i 49/11)

(1) Na temelju podnesenoga prigovora neće se registrirati ni znak:

1. ako je istovjetan s ranijim žigom registriranim za istovjetne proizvode ili usluge,
2. ako zbog njegove istovjetnosti ili sličnosti s ranijim žigom i istovjetnosti ili sličnosti proizvoda ili usluga postoji vjerojatnost dovođenja javnosti u zabludu, što uključuje vjerojatnost dovođenja u svezu s ranijim žigom.

(2) Za potrebe ovoga Zakona pod pojmom »raniji žig« razumijevaju se:

1. žigovi registrirani u Republici Hrvatskoj koji uživaju ranije pravo prvenstva iz članka 17., 18. i 19. ovoga Zakona,
2. žigovi registrirani na temelju međunarodnih sporazuma koji vrijede u Republici Hrvatskoj i koji uživaju ranije pravo prvenstva iz članka 17., 18. i 19. ovoga Zakona,
3. prijave za registraciju žigova iz točke 1. ovoga stavka, pod uvjetom da žigovi budu registrirani,
4. žigovi koji su na dan prijave za registraciju žiga ili, ako je zatraženo pravo prvenstva, na datum prava prvenstva zatraženog u prijavi, dobro poznati u Republici Hrvatskoj u smislu u kojemu se riječi »dobro poznat« rabe u članku 6.bis. Pariške konvencije.

(3) Na temelju podnesenoga prigovora nositelja ranijega žiga neće se registrirati ni znak ako je istovjetan s ranijim žigom ili sličan ranijem žigu, a zatražena je registracija za proizvode ili usluge koji nisu slični onima za koje je registriran raniji žig kada raniji žig ima ugled u Republici Hrvatskoj i kada bi uporaba kasnijega žiga bez opravdanoga razloga nepošteno iskoristila razlikovni karakter ili ugled ranijega žiga ili im naštetila.

(4) Na temelju podnesenoga prigovora znak neće biti registriran ako bi njegova uporaba vrijeđala neko od sljedećih ranijih prava:

1. pravo na osobno ime,
2. pravo na osobnu sliku,
3. autorsko pravo,
4. prava industrijskoga vlasništva.

(5) Za potrebe ovoga Zakona pod pojmom »ranije pravo« razumijevaju se prava stečena na datum koji je raniji od datuma prijave za registraciju žiga ili, ako je zatraženo pravo prvenstva, od datuma prava prvenstva zatraženog u prijavi.

(6) Na temelju podnesenoga prigovora znak neće biti registriran ako bi njegova uporaba vrijeđala pravo osobe koja je u vrijeme podnošenja prijave za registraciju žiga imala tvrtku, pod uvjetom da je ta tvrtka ili bitni dio tvrtke istovjetan s prijavljenim znakom ili sličan prijavljenom znaku i pod uvjetom da su istovjetni ili slični proizvodi ili usluge predmet djelatnosti te tvrtke, osim ako je podnositelj prijave u trenutku prijave imao istovjetnu ili sličnu tvrtku.

(7) Na temelju podnesenoga prigovora znak neće biti registriran ako je istovjetan s ranijim žigom ili sličan ranijem žigu koji je bio registriran za istovjetne ili slične proizvode ili usluge, a iz kojega proizlazi pravo koje je isteklo zbog neproduženja registracije žiga u razdoblju od najviše dvije godine od datuma isteka vrijednosti žiga, osim ako je nositelj ranijega žiga dao svoju suglasnost za registraciju kasnijega žiga ili nije rabio svoj žig.

Expand all sections | Collapse all sections


☐ Trade mark
**CLICK**

(210)/(260)Application number	009505348
(270) Application language	en
(220) Application date	2010-11-08
Second language	fr
Application reference	81237096
Trade mark office	OHIM - OHIM
(190) Registration office	EM
Receiving office number	E62626252
(151) Registration date	2011-04-26
Receiving office date	2010-11-08
(141) Expiry date	2020-11-08
(550) Trade mark type	Word
(551) Kind of mark	Individual
(511) Nice classification	34
Current trade mark status	Registration cancellation pending
Status date	2015-04-01
Opposition period start date	2011-01-14
Opposition period end date	2011-04-14
(521) Acquired distinctiveness	false

☐ (510) List of goods and services

Classification version
Mark standard character
☐ EN

(511) Nice class 34

Expand all sections | Collapse all sections

☐ EN

number

List of goods and services

Cigarettes; tobacco; tobacco products (not including snus); lighters; matches; smokers' articles.

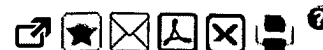
 TranslateService provided by [TMclass](#)☐ (730)/(731)/(732)/(733) Owner

Applicant identifier	54602
Organization name	BRITISH AMERICAN TOBACCO (BRANDS) LIMITED
(842) Applicant legal entity	Legal Entity
(811) Applicant nationality code	GB
Applicant incorporation country code	GB
Address country	GB
Street	Globe House 4 Temple Place
City	London
Postcode	WC2R 2PG

☐ (740) Representative

Representative identifier	10014
Name	HOGAN LOVELLS
Legal entity	Legal Person
Representative kind	Association
Representative nationality code	ES
Representative incorporation country code	ES
Address country	ES
Street	Avenida Maisonnave 22
City	Alicante

Expand all sections | Collapse all sections



Postcode 03003

Phone 965138300

Fax 965138303

Email alicante@hoganlovells.com

☐ **(750) Correspondence address**

☐ **(350) Seniority**


No entry for application number EM500000009505348

☐ **Exhibition priority**


No entry for application number EM500000009505348

☐ **Priority**


(330) Priority country	(310) Priority number	(320) Priority date	Partial priority	Partial priority	Priority status
AZ	20100466	2010-05-20		false	Accepted

☐ **International registration transformation**


No entry for application number EM500000009505348

☐ **Publication**


Publication number	Publication section	Publication date	Publication page
2011/009	A.1	2011-01-14	0
2011/078	C.2.1	2011-04-21	0
2011/080	C.3.6	2011-04-27	0
2011/081	B.2	2011-04-28	0
2015/064	C.9.1	2015-04-07	0
2015/087	C.2.2	2015-05-12	0

☐ **Opposition**


No entry for application number EM500000009505348

☐ **Records**


Trade mark events

Expand all sections | Collapse all sections



(580) Event date	Event description
2010-11-08T04:41:13	T_EXA_MOD_DOSSIER_MILESTONE
2011-01-14T06:25:31	T_EXA_REQ_TRANS
2011-04-26T10:56:08	T_EXA_REGISTRATION
2011-04-28T05:02:50	T_EXA_PUBB2
2010-11-08T04:41:42	T_EXA_PROV_FIL_DATE
2010-11-08T04:40:46	T_EXA_KEY_IN
2010-11-09T12:04:57	T_EXA_MODIFY_FILE_INFORMATION
2011-01-14T06:13:23	T_EXA_MOD_DOSSIER_MILESTONE
2011-04-28T05:02:51	T_EXA_MOD_DOSSIER_MILESTONE
2010-11-08T04:42:02	T_EXA_FORM
2010-11-09T12:06:09	T_EXA_PRIO_SENIO
2011-01-14T06:13:22	T_EXA_PUBL_A1
2011-04-28T05:53:51	T_EXA_REG_CERT
2015-04-01T10:35:00	T_EXA_MOD_DOSSIER_LS
2010-11-09T01:14:16	T_EXA_LANG_CHECK
2010-11-08T04:42:37	T_EXA_COM_SEARCH
2010-11-09T12:06:09	T_EXA_CLASSIFICATION
2010-11-10T04:52:23	T_EXA_ABS_GROUNDS
2010-12-08T07:39:42	T_EXA_FEES_FIN_CHECK
2010-12-08T07:39:35	T_EXA_VALID_BASIC_FEE
2011-04-26T10:43:54	T_EXA_REGRESSION
2011-04-26T10:49:31	T_EXA_MOD_DOSSIER_MILESTONE

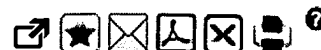
☐ 005565554

Kind of record	Representative - Change of name and professional address
Record identifier	005565554
Record reference	C.2.1
Publication date	2011-04-21
Record status	Published
Record status date	2011-04-21

Representative details

Representative identifier	11647
----------------------------------	-------

Expand all sections | Collapse all sections


☐ 005565554

Name	BATMARK LIMITED
Legal entity	Legal Person
Representative kind	Association
Representative nationality code	GB
Representative incorporation country code	GB
Address country	GB
Street	Globe House, 4 Temple Place
City	London
Postcode	WC2R 2PG
Phone	00 44-2078451491
Fax	00 44-2073950226
Email	lucy_marian@bat.com

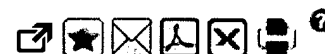
☐ 005578466

Kind of record	Trade mark - International trade marks
Record identifier	005578466
Record reference	C.3.6
Publication date	2011-04-27
Record status	Published
Record status date	2011-04-27

Original proprietor details

Applicant identifier	54602
Organization name	BRITISH AMERICAN TOBACCO (BRANDS) LIMITED
(842) Applicant legal entity	Legal Entity
(811) Applicant nationality code	GB
Applicant incorporation country code	GB
Address country	GB

Expand all sections | Collapse all sections


☐ **005578466**

Street	Globe House 4 Temple Place
City	London
Postcode	WC2R 2PG

Claimant details

Applicant identifier	54602
Organization name	BRITISH AMERICAN TOBACCO (BRANDS) LIMITED
(842) Applicant legal entity	Legal Entity
(811) Applicant nationality code	GB
Applicant incorporation country code	GB
Address country	GB
Street	Globe House 4 Temple Place
City	London
Postcode	WC2R 2PG

☐ **009385934**

Kind of record	Revocation and declaration of invalidity - Application for revocation or for a declaration of invalidity
Record identifier	009385934
Record reference	C.9.1
Publication date	2015-04-07
Record status	Published
Record status date	2015-04-07

Original proprietor details

Applicant identifier	54602
Organization name	BRITISH AMERICAN TOBACCO (BRANDS) LIMITED
(842) Applicant legal entity	Legal Entity
(811) Applicant nationality code	GB

Expand all sections | Collapse all sections



009385934

Applicant incorporation country code	GB
Address country	GB
Street	Globe House 4 Temple Place
City	London
Postcode	WC2R 2PG

Claimant details

Applicant identifier	54602
Organization name	BRITISH AMERICAN TOBACCO (BRANDS) LIMITED
(842) Applicant legal entity	Legal Entity
(811) Applicant nationality code	GB
Applicant incorporation country code	GB
Address country	GB
Street	Globe House 4 Temple Place
City	London
Postcode	WC2R 2PG

Representative details

Representative identifier	11647
Name	BATMARK LIMITED
Legal entity	Legal Person
Representative kind	Association
Representative nationality code	GB
Representative incorporation country code	GB
Address country	GB
Street	Globe House, 4 Temple Place
City	London

Expand all sections | Collapse all sections

☐ 009385934

Postcode	WC2R 2PG
Phone	00 44-2078451491
Fax	00 44-2073950226
Email	lucy_marian@bat.com

☐ 009493944

Kind of record	Representative - Replacement of representative
Record identifier	009493944
Record reference	C.2.2
Publication date	2015-05-12
Record status	Published
Record status date	2015-05-12

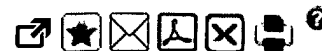
Original proprietor details

Applicant identifier	54602
Organization name	BRITISH AMERICAN TOBACCO (BRANDS) LIMITED
(842) Applicant legal entity	Legal Entity
(811) Applicant nationality code	GB
Applicant incorporation country code	GB
Address country	GB
Street	Globe House 4 Temple Place
City	London
Postcode	WC2R 2PG

Claimant details

Applicant identifier	54602
Organization name	BRITISH AMERICAN TOBACCO (BRANDS) LIMITED
(842) Applicant legal entity	Legal Entity

Expand all sections | Collapse all sections


☐ 009493944

(811) Applicant nationality code	GB
Applicant incorporation country code	GB
Address country	GB
Street	Globe House 4 Temple Place
City	London
Postcode	WC2R 2PG

Representative details

Representative identifier	10014
Name	HOGAN LOVELLS
Legal entity	Legal Person
Representative kind	Association
Representative nationality code	ES
Representative incorporation country code	ES
Address country	ES
Street	Avenida Maisonnave 22
City	Alicante
Postcode	03003
Phone	965138300
Fax	965138303
Email	alicante@hoganlovells.com

☐ Cancellation
 ▲ ?
☐ 000010628

Kind of record	Cancellation - Cancellation based on invalidity
Record identifier	000010628
Record status	Cancellation notified

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☐ 000010628**Record status date** 2015-03-31**Claimant details**

Applicant identifier	586121
Organization name	LANDEWYCK TOBACCO S.A.
Legal form	société anonyme
(842) Applicant legal entity	Legal Entity
(811) Applicant nationality code	LU
Applicant incorporation country code	LU
Address country	LU
Street	31 rue de Hollerich
City	LUXEMBOURG
Postcode	1741

Representative details

Representative identifier	10861
Name	OFFICE FREYLINGER S.A.
Legal entity	Legal Person
Representative kind	Association
Representative nationality code	LU
Representative incorporation country code	LU
Address country	LU
Street	234, route d'Arlon B.P. 48
City	Strassen
Postcode	8001
Phone	00 352-313830
Fax	00 352-313833
Email	office@freylinger.com

Expand all sections | Collapse all sections



No entry for application number EM500000009505348

☐ Renewals



No entry for application number EM500000009505348

Expand all sections | Collapse all sections

