



**ESTONIAN PATENT OFFICE
TRADEMARK DEPARTMENT**

**THE PROTOCOL RELATING TO THE MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS**

NOTIFICATION OF PROVISIONAL REFUSAL BASED ON AN OPPOSITION

notified to the International Bureau of the World Intellectual Property Organization (WIPO)
according to Article 5 of the Madrid Protocol

I. Name and address of the office refusing protection:

**The Estonian Patent Office
Trademark Department
Toompuiestee 7
15041 Tallinn
ESTONIA
Telephone: + 372 62 77 931
Telefax: + 372 62 77 912**

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

1232192

III. Other information concerning the international registration which is the subject of the provisional refusal:

Verbal elements of the mark: ENIGMA BY SIBERIAN HEALTH

IV. The grounds for this provisional refusal are the following:

Opposition made 30.10.2015 by RDPR Limited on the grounds that the company has an earlier Community Trademark No 010918662 ENIGMA, Filing date: 28/05/2012, Priority: 28/11/2011, Registration date 09/10/2012.

The name and the address of the opponent are:

Name: RDPR Limited

Address: 41 New England Street, New England Quarter, Brighton BN1 4GQ, REINO UNIDO, GB

V. Provision of the Estonian Trademark Act applicable on the subject (enclosed):

Section(s) 10 subsection 1(2), Section 11 subsection 1(6), Section 41 subsections 2 and 3.

VI. The ground referred to in item IV affects all the goods.

VII. The holder of the registration has right to participate in the procedure at the Board of Appeal of Intellectual Property of Estonia.

The request has to be filed through the patent agent of the Republic of Estonia (section 13 subsection 2 of the Estonian Trademark Act). List of patent agents is available at <http://www.epa.ee/>

The request for participation in the procedure and the power of attorney must be received by the Board of Appeal no later than within 3 months from the date of the acceptance of the opposition for processing.

Name and address of the Board of Appeal:
Board of Appeal of Intellectual Property
Ministry of Justice
Tõnismägi str. 5A
15191 Tallinn
ESTONIA

The time limit expires 15/02/2016 (dd/mm/yyyy). The extension of the time limit is not possible.

Please note that the matter will be examined by the Board of Appeal even if the holder of the registration does not request participation in the procedure at the Board of Appeal.

VIII. Date on which the refusal was pronounced: 18/11/2015 (dd/mm/yyyy).

IX. Signature of the Office:



Signe Holm
Senior Examiner of the Second International Trademark Examination Division

Number of continuation sheets: 2



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

CTM file information

ENIGMA
010918662

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		mail@jakemp.com
		Address	14 South Square Gray's Inn		

IR transformation

No entry

Seniority

No entry

Exhibition priority

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
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

§ 10. Relative circumstances which preclude legal protection

(1) Legal protection is not granted to the following trade marks:

2) trade marks which are identical or similar to an earlier trade mark which has been granted legal protection with regard to identical goods or services or goods or services of a similar kind designated by the trade mark, if there exists a likelihood of confusion on the part of the consumers, which includes association of the trade mark with the earlier trade mark.

(2) Circumstances specified in clauses (1) 2)–6) of this section which preclude legal protection are not taken into account if the proprietor of the earlier trade mark or another earlier right consents to the grant of legal protection in writing.

§ 11. Earlier trade mark and other earlier rights

6) a Community trade mark registered on the basis of the Community Trade Mark Regulation if the filing date of the application, date of priority or the seniority date granted on the basis of the Estonian registration is earlier.

§ 13. Representative for performing acts related to legal protection of trade marks

(2) A person with no residence, seat or commercial or industrial enterprise operating in Estonia shall authorise a patent attorney as the person's representative to perform procedures related to trade marks at the Patent Office and at the Board of Appeal, except the filing of an application.

§ 41. Adjudication of appeals and revocation applications

(2) An interested person may contest an applicant's right to a trade mark at the Industrial Property Board of Appeal if circumstances specified in subsection 9 (1) or § 10 of this Act which preclude legal protection exist. The term for filing a revocation application is two months from the publication of the notice of the decision to register a trade mark.

(3) In case an appeal or revocation application is granted in whole or in part, the Board of Appeal shall annul the decision of the Patent Office and require the Patent Office to continue the processing taking into account the facts set out in the decision of the Board of Appeal.

§ 70. Processing of international registration

(7) Decisions on international registrations made by the Patent Office and the rights of applicants can be contested pursuant to the provisions of this Act, taking account of the specifications arising from the Madrid Protocol and its Common Regulations. The Bureau shall be notified of a contestation and the decision made in the matter.