



**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:

1229913

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

Verbal elements of the mark: rio royal

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

Opposition made 02.11.2015 by KEMECO S.R.L. on the grounds that the company has earlier Community Trademarks No 000416156 RIO CASAMIA, Filing date: 27/12/1996, Registration date: 26/11/1998, No 000416164 RIO AZZURRO WC IGIENE TOTALE FINO IN FONDO, Filing date: 27/12/1996, Registration date: 17/09/1998, No 003927753 RIO melaceto, Filing date: 08/07/2004, Registration date: 17/10/2005, No 007586845, Filing date: 06/02/2009, Registration date: 23/02/2011.

The name and the address of the opponent are:

Name: RDPR Limited
Address: Via Partanna Mondello, 39/N, IT- 90151, Palermo, ITALIA

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 in class 3.

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 02/03/2016 (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: 09/12/2015 (dd/mm/yyyy).

IX. Signature of the Office:



Signe Holm
Senior Examiner of the Second International Trademark Examination Division

Number of continuation sheets: 5



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

CTM file information

RIO CASAMIA
000416156

Graphic representation



Trade mark information

Name	RIO CASAMIA	Filing date	27/12/1996
Filing number	000416156	Registration date	26/11/1998
Basis	CTM	Expiry date	27/12/2016
Date of receipt	27/12/1996	Designation date	
Type	Figurative	Filing language	Italian
Nature	Individual	Second language	English
Nice classes	3 (Nice Classification)	Application reference	C000726
Vienna Classification	26.04.02, 26.04.05, 26.04.06, 26.04.24, 27.01.12 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)

3 Cleaning, polishing, scouring and abrasive preparations; domestic and industrial cleaning preparations; detergents for baths and lavatories.

Description

No entry

Owners

KEMECO S.R.L.

ID	20671	Country	IT - Italy	Correspondence address	
Organisation	KEMECO S.R.L.	State/county	n/a	KEMECO S.R.L. Via Partanna Mondello, 39/N IT-90151 Palermo ITALIA	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Palermo		
		Post code	90151		Can be accessed and changed by authorised user via the User Area
		Address	Via Partanna Mondello, 39/N		Can be accessed and changed by authorised user via the User Area

Representatives

JACOBACCI & PARTNERS S.P.A.

ID	11418	Country	IT - Italy	Correspondence address	
Organisation	n/a	State/county	n/a	JACOBACCI & PARTNERS S.P.A. Via Senato, 8 I-20121 Milano (MI) ITALIA	00 39-02772271
Legal status	Legal person	Town	Milano (MI)		
Type	Association	Post code	20121		00 39-02794925
		Address	Via Senato, 8		jpmi@jacobacci.com

IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

No entry

Publications

Bulletin number	Date	Section	Description
1998/040	02/06/1998	A.1	Applications published under article 40 CTMR
1999/005	18/01/1999	B.1	Registrations with no amendments since the application was published
2007/001	08/01/2007	D.1	Renewals
2007/045	27/08/2007	C.2.2	Representative - Replacement of a representative



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

CTM file information

RIO AZZURRO WC IGIENE TOTALE FINO IN FONDO
000416164

Graphic representation



Trade mark information

Name	RIO AZZURRO WC IGIENE TOTALE FINO IN FONDO	Filing date	27/12/1996
Filing number	000416164	Registration date	17/09/1998
Basis	CTM	Expiry date	27/12/2016
Date of receipt	27/12/1996	Designation date	
Type	Figurative	Filing language	Italian
Nature	Individual	Second language	English
Nice classes	3 (Nice Classification)	Application reference	C000725
Vienna Classification	05.03.20, 05.05.19, 05.07.06, 12.03.07, 24.15.02, 25.01.92, 27.01.12 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)

3 Cleaning, polishing, scouring and abrasive preparations; domestic and industrial cleaning preparations; detergents for baths and lavatories.

Description

No entry



Owners

KEMECO S.R.L.

ID	20671	Country	IT - Italy	Correspondence address	
Organisation	KEMECO S.R.L.	State/county	n/a	KEMECO S.R.L. Via Partanna Mondello, 39/N IT-90151 Palermo ITALIA	Can be accessed and changed by authorised user via the User Area
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1998/023	30/03/1998	A.1	Applications published under article 40 CTMR
1998/080	19/10/1998	B.1	Registrations with no amendments since the application was published
2007/001	08/01/2007	D.1	Renewals



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

CTM file information

RIO melaceto
003927753

Graphic representation



Trade mark information

Name	RIO melaceto	Filing date	08/07/2004
Filing number	003927753	Registration date	17/10/2005
Basis	CTM	Expiry date	08/07/2024
Date of receipt	08/07/2004	Designation date	
Type	Figurative	Filing language	Italian
Nature	Individual	Second language	English
Nice classes	3 (Nice Classification)	Application reference	C004528
Vienna Classification	05.07.21, 05.07.23 (Vienna	Trade mark status	Registered

Classification)

Acquired distinctiveness

No

Goods and services

English (en)

3 Cleaning, polishing, scouring and abrasive preparations, household and industrial cleaning preparations; detergents for baths and toilets.

Description

No entry

Owners

KEMECO S.R.L.

ID	20671	Country	IT - Italy	Correspondence address	Can be accessed and changed by authorised user via the User Area
Organisation	KEMECO S.R.L.	State/country	n/a	KEMECO S.R.L. Via Partanna Mondello, 39/N IT-90151 Palermo ITALIA	
Legal status	Legal entity	Town	Palermo		Can be accessed and changed by authorised user via the User Area
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IR transformation

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Seniority

No entry

Exhibition priority

No entry

Priority

No entry



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

CTM file information

RIO AZZURRO BUM BUM
007586845

Graphic representation



Trade mark information

Name	RIO AZZURRO BUM BUM	Filing date	06/02/2009
Filing number	007586845	Registration date	23/02/2011
Basis	CTM	Expiry date	06/02/2019
Date of receipt	06/02/2009	Designation date	
Type	Figurative	Filing language	Italian
Nature	Individual	Second language	English
Nice classes	3 (Nice Classification)	Application reference	C008116
Vienna Classification	01.15.24 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)

3 Toilet soaps; cleaning, polishing and scouring preparations, except for metal cleaning preparations, scouring powder, shoe polish, floor wax, starch and starch preparations, dye additives for linen, stain removing preparations; perfumery.

Description


English (en)

Description

Colour White, blue, light blue.

Owners

KEMECO S.R.L.

ID	20671	Country	IT - Italy	Correspondence address	
Organisation	KEMECO S.R.L.	State/county	n/a	KEMECO S.R.L. Via Partanna Mondello, 39/N IT-90151 Palermo ITALIA	Can be accessed and changed by authorised user via the User Area
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2009/023	22/06/2009	A.1	Applications published under article 40 CTMR

Extract from the Estonian Trademark Act

§ 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

(1) An “earlier trade mark” means the following:

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.