
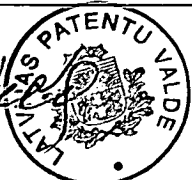


**MADRID AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF MARKS
AND PROTOCOL RELATING TO THAT AGREEMENT
PROVISIONAL REFUSAL OF PROTECTION**

Notified to the World Intellectual Property Organisation (WIPO)
according to Article 5 of the Madrid Agreement and Madrid Protocol

I. Office making the notification of refusal PATENT OFFICE OF THE REPUBLIC OF LATVIA 7/70, Citadeles iela LV 1010, Riga LATVIA	Phone 371 67099604 Fax 371 67099650
II. Number of the international registration which is the subject of refusal 1 263 394	
III. Name of the holder of the international registration concerning the subject of refusal BiBA GmbH Daimlerstraße 3 47167 Duisburg (DE)	
IV. The grounds of refusal: Opposition submitted by House of Fraser (Stores) Ltd , Granite House, 31 Stockwell Street, G1 4RZ Glasgow, GB - United Kingdom, holder of CTM 005090196 /BIBA/ and CTM 005297502 /BIBA/.	
V. Reference to the corresponding essential provisions of the Law of the Republic of Latvia On Trade Marks and Indications of Geographical Origin (see materials attached): Section 18, 39 (5) and (6). Opposition is based on Section 39³.	
VI. <input checked="" type="checkbox"/> Refusal for all the goods and services. <input type="checkbox"/> Refusal for the following goods and services:	
VII. Possibilities to review or appeal The holder is entitled, within three months from the date on which the International Bureau has notified of the Provisional Refusal, to submit a substantiated appeal to the Patent Office through a professional local patent attorney (Law On Trade Marks and Indications of Geographical Origin, Section 17. ¹ ; Law on Industrial Property Institutions and Procedures, Section 58). After expiration of the said period the Board of Appeal shall take a decision to satisfy the opposition, fully or in part, or to dismiss it. The Case can be reviewed, within three months from the date of notification of the Board of Appeal's decision, by a civil action initiated before the Riga City Vidzeme Suburb Court.	
VIII. Date on which the refusal was pronounced 05.01.2016	
IX. Signature and seal of the office making the notification of refusal Head of Division of International marks L.Rinka  	

Section 18. Opposition to the Registration of a Trade Mark

(1) Within three months from the date of the publication of a trade mark, interested persons may file with the Patent Office an application for opposition to the registration of a trade mark. The filing of the application for opposition, the progress and examination of it shall be executed/carried out according to the provisions of the Law on Industrial Property Institutions and Procedures.

[21 October 2004][19 November 2015]

Section 39. Validity of an International Registration in Latvia

[..]

(5) An application for opposition to the entry into effect of an international registration of a trade mark in Latvia, as provided for in Section 18 of this Law, shall be filed within four months from the date of publication of a notice of trade mark registration with respect to Latvia (territorial extension to Latvia) in the official gazette of international registration of trade marks.

(6) If, as a result of an examination, it is determined that an international trade mark does not comply with the requirements of Paragraph four of this Section, or if an opposition has been filed to such registration, the Patent Office shall, within the terms and in accordance with the procedures laid down in the rules on the international registration of trade marks, notify the International Bureau of the refusal of the particular international registration (provisional refusal). Within three months from the date on which the International Bureau has notified of the refusal, the owner of the international registration is entitled to submit a notice of appeal (a reply to the application for opposition) as provided for in Section 17.¹ of this Law.

[21 October 2004][19 November 2015]

Section 39.³ Additional Provisions for the Protection of the Community Trade Mark

(1) An opposition to the registration of a trade mark (Section 18) and the claim for invalidation of the registration of a trade mark (Section 31) apart from the earlier rights provided for in Sections 7, 8 and 9 of this Law may also be justified with an earlier identical or similar Community trade mark, which has a good reputation in the European Community and which is registered for goods or services which are not similar to those goods and services, which have a trade mark registered later (contested), but on condition that the use of the later trade mark without due cause takes unfair advantage of, or is detrimental to the distinctive character or the reputation of the Community trade mark or that such use of the later trade mark may be seen by consumers as a sign of connection between these goods and services and the owner of the referred to Community trade mark and such use may be detrimental to the interests of the owner of the Community trade mark. Such opposition and such claim may be submitted by the owner of the Community trade mark (or his or her successor in title) or his or her representative.

(2) In case of the illegal use of the Community Trade mark, the provisions of Sections 27 and 28 of this Law, the Civil Procedure Law and the provisions of other laws and regulations shall be applicable, unless otherwise laid down in Council Regulation No 207/2009.

(3) If, based on the rights arising from the registration of the Community trade mark, the registration of a later trade mark is contested, which is performed observing the procedures for registering trade marks laid down in this Law, or in accordance with the rules on the international registration and is extended to Latvia, or if the use of such later trade mark is contested, the provisions of Section 29 of this Law regarding the restrictions of rights as a result of acquiescence shall be observed.

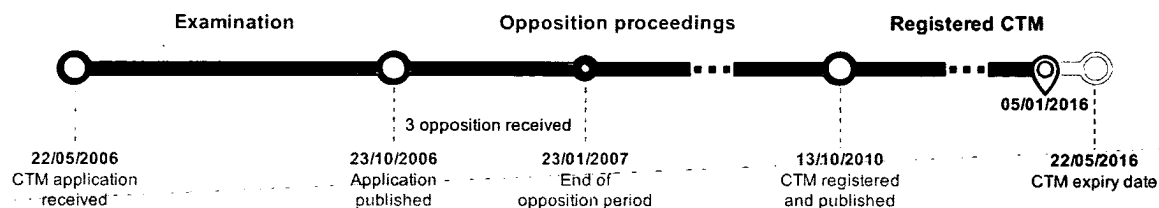
[14 October 2010]



CTM file information

BIBA
005090196

Timeline



Trade mark information

Name	BIBA	Filing date	22/05/2006
Filing number	005090196	Registration date	08/10/2010
Basis	CTM	Expiry date	22/05/2016
Date of receipt	22/05/2006	Designation date	
Type	Word	Filing language	English
Nature	Individual	Second language	Italian
Nice classes	4, 30, 32, 34 (Nice Classification)	Application reference	T14211CT:KG
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en) ▼

- 4** Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.
- 30** Coffee, tea, sugar, rice, tapioca, sago, artificial coffee; flour; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.
- 32** Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.
- 34** Tobacco; smokers' articles; matches.

Description

No entry

Owners

House of Fraser (Stores) Ltd.

ID	135266	Country	GB - United Kingdom	Correspondence address	
Organisation	House of Fraser (Stores) Ltd.	State/county	n/a	House of Fraser (Stores) Ltd. Granite House 31 Stockwell Street Glasgow G1 4RZ REINO UNIDO	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Glasgow		
		Post code	G1 4RZ		Can be accessed and changed by authorised user via the User Area
		Address	Granite House, 31 Stockwell Street		Can be accessed and changed by authorised user via the User Area

Representatives

D YOUNG & CO LLP

ID	10108	Country	GB - United Kingdom	Correspondence address	
Organisation	n/a	State/county	n/a	D YOUNG & CO LLP 120 Holborn London EC1N 2DY REINO UNIDO	00 44-2380719500
Legal status	Legal person	Town	London		00 44-2380719800
Type	Association	Post code	EC1N 2DY		
		Address	120 Holborn		mail@dyoung.co.uk

Correspondence

Processing...

IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

No entry

Publications

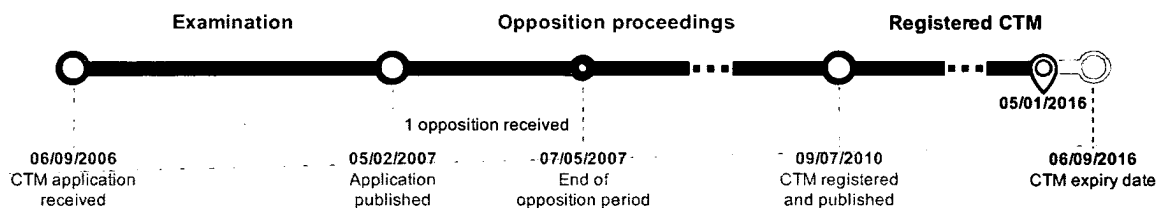
Bulletin number	Date	Section	Description
2006/043	23/10/2006	A.1	Applications published under article 40 CTMR
2010/192	13/10/2010	B.2	Registrations with amendments since the application was published



CTM file information

BIBA
005297502

Timeline



Trade mark information

Name	BIBA	Filing date	06/09/2006
Filing number	005297502	Registration date	23/10/2009
Basis	CTM on which IA is based	Expiry date	06/09/2016
Date of receipt	06/09/2006	Designation date	
Type	Word	Filing language	English
Nature	Individual	Second language	Italian
Nice classes	2, 21, 24, 27 (Nice Classification)	Application reference	T14416CT:KG
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en) ▼

- 2** Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.
- 21** Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.
- 24** Textiles and textile goods, not included in other classes; bed and table covers.
- 27** Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).

Description

No entry

Owners

House of Fraser (Stores) Ltd.

ID	135266	Country	GB - United Kingdom	Correspondence address	
Organisation	House of Fraser (Stores) Ltd.	State/county	n/a	House of Fraser (Stores) Ltd. Granite House 31 Stockwell Street Glasgow G1 4RZ REINO UNIDO	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Glasgow		
		Post code	G1 4RZ		Can be accessed and changed by authorised user via the User Area
		Address	Granite House, 31 Stockwell Street		Can be accessed and changed by authorised user via the User Area

Representatives

D YOUNG & CO LLP

ID	10108	Country	GB - United Kingdom	Correspondence address	
Organisation	n/a	State/county	n/a	D YOUNG & CO LLP 120 Holborn London EC1N 2DY REINO UNIDO	00 44-2380719500
Legal status	Legal person	Town	London		00 44-2380719800
Type	Association	Post code	EC1N 2DY		
		Address	120 Holborn		mail@dyoung.co.uk

Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
	Recordal		008417324	C.9.2. & C.9.4. Revocation & Invalidity (Decisions/Judgements) Notification of entry.	25/04/2014	
	Appeal		R0590/2012-1	Notification of decision to appellant.	18/03/2014	
	Appeal		R0590/2012-1	Notification of decision to respondent.	18/03/2014	
	Appeal		R0590/2012-1	Communication of the Registry to respondent	18/03/2014	
	Appeal		R0590/2012-1	Letter to OHIM	07/03/2014	
	Appeal		R0590/2012-1	catintdoc_1	21/02/2014	
	Appeal		R0590/2012-1	Letter to OHIM	07/01/2014	
	Recordal		008085576	Transfers - entry on the register.	24/12/2013	
	Appeal		R0590/2012-1	Cover page	19/12/2013	
	Appeal		R0590/2012-1	Letter to OHIM	19/12/2013	
Showing 1 to 10 of 128 entries						

IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

No entry

Publications

Bulletin number	Date	Section	Description
2007/005	05/02/2007	A.1	Applications published under article 40 CTMR
2009/006	16/02/2009	A.2.4.1	Total refusals
2009/024	29/06/2009	A.2.1.1	Correction of errors or mistakes - Absolute errors
2009/037	28/09/2009	C.3.6	International trade marks
2010/125	09/07/2010	B.2	Registrations with amendments since the application was published
2011/058	24/03/2011	C.9.1	Application for revocation or for a declaration of invalidity
2012/127	06/07/2012	C.2.4	Representative - Deletion of the representative
2013/244	02/01/2014	C.1.1	Proprietor - Total transfers
2014/079	29/04/2014	C.9.2	Decision on application for revocation or for a declaration of invalidity
Showing 1 to 9 of 9 entries			

Cancellation

	Filing number	Subtitle	Status	Status date
+	000005246	Cancellation based on invalidity	Final decision on costs – Request withdrawn	25/04/2014
Showing 1 to 1 of 1 entries				

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			000005246	Cancellation	Cancellation based on invalidity
			003640235	Representative	Deletion of the representative
2009/037	28/09/2009	C.3.6	004164722	Trade mark	International trade mark
2011/058	24/03/2011	C.9.1	005462562	Revocation and declaration of invalidity	Applications for revocation or for a declaration of invalidity
2012/127	06/07/2012	C.2.4	006609252	Representative	Deletion of the representative
2013/244	02/01/2014	C.1.1	008085576	Proprietor	Total transfers
2014/079	29/04/2014	C.9.2	008417324	Revocation and declaration of invalidity	Decisions on applications for revocation or for a declaration of invalidity
Showing 1 to 7 of 7 entries					

Oppositions

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
001118779	14/02/2007	Likelihood of confusion Unfair advantage /detriment to distinctiveness or repute	BIBA GmbH	CLARKE, MODET & CO.		T14416CT:KG	Closed	
Showing 1 to 1 of 1 entries								

Appeals

	Filing number	Contested decision	Type	Date of receipt	Status date	Language
+	R0590/2012-1	Cancellation 000005246	Cancellation	23/03/2012	24/03/2014	English
Showing 1 to 1 of 1 entries						

Decisions

	Case number	Type	Case	Legal status	Keywords	Status	Decision date
+	Appeal R0590/2012-1	Appeal				Proceedings terminated	21/02/2014
+	Opposition 001118779	Opposition		Article 8(1)(b) CTMR,Article 8(5) CTMR		Reject opposition	31/10/2008
Showing 1 to 2 of 2 entries							

Renewals

No entry

Trade mark relations

No entry