



REPUBLIC OF SLOVENIA  
**MINISTRY OF ECONOMIC DEVELOPMENT AND TECHNOLOGY**  
SLOVENIAN INTELLECTUAL PROPERTY OFFICE

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WIPO (World Intellectual Property Organization)  
34, chemin des Colombettes  
casse postale 18  
CH-1211 GENEVE 20  
Suisse

Ref.: 31212-1110/2015-4  
105SP(434)

Date: 12.02.2016

**MADRID AGREEMENT AND PROTOCOL**  
**PROVISIONAL REFUSAL OF PROTECTION**

**Rule 17(1)**

I.	Office making the notification: Slovenian Intellectual Property Office Kotnikova 6 SI-1000 Ljubljana Slovenia
II.	Number of the international registration: 1268103
III.	Name of the holder: SALOMON SAS, Les Croiselets F-74370 METZ-TESSY, FR
IV.	Provisional refusal based on an opposition filed by: s.Oliver Bernd Freier GmbH & Co. KG,,,s.Oliver-Strasse 1,D-97228 Rottendorf,DE Representative of the opponent: Nina Drnovšek, odvetnica,Miklošičeva 8,Slovenija
V.	Provisional refusal for all the goods and/or services requested
VI.	Grounds for refusal (the relevant provisions of the Slovenian Trademark Act are under XI): 44 (1) b

VII. Information relating to an earlier mark/or marks of the opponent

i) Number: CTM 006893598

ii) Reproduction of the mark and the list of all or relevant goods and/or services: see additional information under XII

VIII. Information relating to subsequent procedure:

(i) Time limit for requesting review:

The holder of the registration may request a review of the provisional refusal. The Slovenian Office must receive the request no later than 3 months\* from the date of this provisional refusal (the time limit starts from the date indicated under point X). After a period the Office will issuing its final decision.

\*with the written request the deadline may be extended for 3 months

(ii) Authority to which such request for review or appeal should be made:

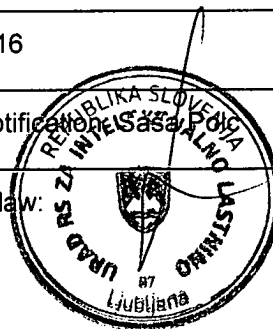
Office indicated under I

(iii) Indications concerning the appointment of a representative:

The request for the review must be filed through the intermediary of a representative domiciled in Slovenia. The list of trademark agents is available on <http://www.uil-sipo.si/sipo/addition/resources/patent-and-trademark-agents/>

IX. Date of the notification of provisional refusal: 12.02.2016

X. Signature or official seal of the Office making the notification



XII. Corresponding essential provisions of the applicable law:

Article 43

Absolute grounds for refusal

(1) A sign shall not be eligible for registration as a mark if:

- (a) it cannot constitute a mark;
- (b) it is devoid of any distinctive character;
- (c) it serves, in trade, to designate merely the kind, quality, quantity, intended purpose, value, geographical origin, or the time of production of the goods or of rendering of the service, or other characteristics of the goods or services;
- (d) it contains or consists of a geographical indication identifying wines or spirits, where the mark application relates to wines or spirits not having this origin;
- (e) it consists exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade;
- (f) it consists exclusively of the shape which results from the nature of the goods themselves or is necessary to obtain a technical result or gives substantial value to the goods;
- (g) it is contrary to public order or morality;
- (h) it deceives the public, in particular to the nature, quality or geographical origin of the goods or services;

- (i) it contains official signs or hallmarks for controlling or guaranteeing the quality of goods, or imitations thereof;
  - (j) it has not been authorized by the competent authorities and should be refused pursuant to Article 6ter of the Paris Convention;
  - (k) it includes or imitates badges, emblems or escutcheons other than those covered by Article 6ter of the Paris Convention and which are of particular public interest, unless the consent of the competent authorities to its registration has been given;
  - (l) it contains or consists of a designation of origin or a geographical indication registered in accordance with the Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 208/92, p. 1), provided that the circumstances referred to in Article 13 of that Regulation exist and the sign does not relate to the same sort of product, and provided that the mark application has been filed after the date of filing of the application for the registration of a designation of origin or a geographical indication with the Commission.
- (2) Paragraph 1(b), (c) and (e) shall not apply to marks which acquired a distinctive character through long-term use.
- (3) A sign which is ineligible for registration because it contains the name or abbreviation of the name, State armorial bearing, emblem, flag or other official sign of the Republic of Slovenia, or a part thereof, which is in breach of the provisions of paragraph (1)(j) and (k), shall not be used in the course of trade without the consent of the Government of the Republic of Slovenia.

#### Article 44

##### Relative grounds for refusal

- (1) Further, a sign shall not be eligible for registration as a mark if:
- (a) it is identical with an earlier mark of another owner, and the goods or services for which the registration is applied for are identical with the goods or services for which the earlier mark is registered;
  - (b) because of its identity with or similarity to the earlier mark of another owner and the identity or similarity of the goods or services covered by the sign and the mark there exist the likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier mark;
  - (c) because of its identity with or similarity to an earlier mark of another owner, registered for goods or services which are not identical with or similar to the goods or services for which the registration has been applied for, the use without due cause of such sign would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier mark, or if it would indicate a connection between the goods or services and the owner of the earlier mark, and provided that the interests of the owner of the earlier mark are likely to be damaged by such use;
  - (d) it is identical with or similar to a mark or unregistered sign, which is in the Republic of Slovenia a well-known mark within the meaning of Article 6bis of the Paris Convention or Article 16(3) of the TRIPS Agreement;
  - (e) the owner of the mark registered in any Member State of the Union established under the Paris Convention, hereinafter referred to as "the Paris Union", or the World Trade Organisation, hereinafter referred to as "the WTO", proves that his agent or representative applied, without the owner's consent, for the registration of the sign in his own name;
  - (f) its use would contradict an earlier right to a name, personal portrayal, plant variety, geographical indication or other industrial property right, or an earlier copyright, unless the owner of the earlier right gives his express consent to the registration of such sign.
- (2) "Earlier mark" within the meaning of paragraph (1) means:
- (a) mark which was applied for or registered in the Republic of Slovenia on the basis of a national application before the date of filing of the application for the later mark or, if priority is claimed, the date of priority;
  - (b) mark for which the protection was sought in the Republic of Slovenia on the basis of an international application before the date of filing of the application for the later mark or, if priority is claimed, the date of priority.

XII: Information relating to an earlier mark/or marks of the opponent

- additional sheets/printout from the register or database:

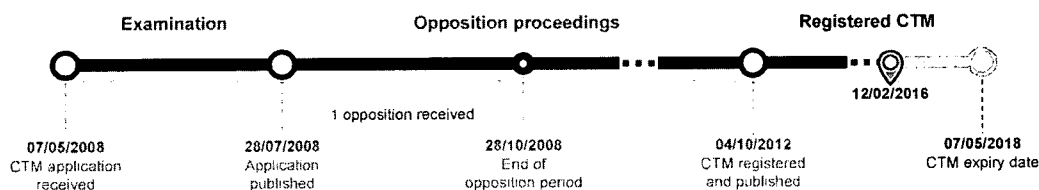


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## CTM file information

**QS**  
**006893598**

### Timeline



### Trade mark information

Name	<b>QS</b>	Filing date	<b>07/05/2008</b>
Filing number	<b>006893598</b>	Registration date	<b>01/10/2012</b>
Basis	<b>CTM</b>	Expiry date	<b>07/05/2018</b>
Date of receipt	<b>07/05/2008</b>	Designation date	
Type	<b>Word</b>	Filing language	<b>German</b>
Nature	<b>Individual</b>	Second language	<b>English</b>
Nice classes	<b>3, 9, 14, 18, 20, 24, 25, 28, 35 ( Nice Classification )</b>	Application reference	
Vienna Classification		Trade mark status	<b>Registered</b>
		Acquired distinctiveness	<b>No</b>

### Goods and services

English (en)



**3** Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

**9** Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

**14** Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.

**18** Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

**20** Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

**24** Textiles and textile goods, not included in other classes; bed and table covers.

**25** Clothing, footwear, headgear.

**28** Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

**35** Retailing of fashion articles of all kinds, in particular perfumery, cosmetic products, spectacles, sunglasses and spectacle cases, jewellery, clocks and watches, bags, umbrellas, parasols, furniture, mirrors and picture frames, clothing, footwear and headgear, games and playthings, gymnastic and sporting equipment and decorations for Christmas trees.

## Description

No entry

## Owners

### s.Oliver Bernd Freier GmbH & Co. KG

ID	<b>365434</b>	Country	<b>DE - Germany</b>	Correspondence address	
Organisation	<b>s.Oliver Bernd Freier GmbH &amp; Co. KG</b>	State/county	<b>n/a</b>	s.Oliver Bernd Freier GmbH & Co. KG s.Oliver-Str. 1 D-97228 Rottendorf ALEMANIA	Can be accessed and changed by authorised user via the User Area
Legal status	<b>Legal entity</b>	Town	<b>Rottendorf</b>		
		Post code	<b>97228</b>		
		Address	<b>s.Oliver-Str. 1</b>		Can be accessed and changed by authorised user via the User Area
					Can be accessed and changed by authorised user via the User Area

## Representatives

### WEBER & SAUBERSCHWARZ

ID	<b>11502</b>	Country	<b>DE - Germany</b>	Correspondence address	
Organisation	<b>n/a</b>	State/county	<b>n/a</b>	WEBER & SAUBERSCHWARZ Postfach 20 08 48 D-40105 Düsseldorf ALEMANIA	00 49-2114403930
Legal status	<b>Legal person</b>	Town	<b>Düsseldorf</b>		00 49-21144039399
Type	<b>Association</b>	Post code	<b>40212</b>		
		Address	<b>Königsallee 1</b>		mail@weber-sauberschwarz.de

## Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		CTM	006893598	Surveillance letter	13/08/2015	
		CTM	006893598	Surveillance letter	28/07/2014	
		CTM	006893598	Surveillance letter	21/02/2014	
		CTM	006893598	Surveillance letter	22/01/2014	
		CTM	006893598	Surveillance letter	20/01/2013	
		CTM	006893598	Surveillance letter	18/01/2013	
		CTM	006893598	Cover letter for registration certificate.	08/10/2012	
		CTM	006893598	Certificate of Registration	05/10/2012	
	Opposition	001421793	Notification to applicant/holder conclusion of opposition proceedings following withdrawal of the opposition (no limitation).		02/10/2012	
	Opposition	001421793	Notification to opponent following withdrawal of opposition after commencement of adversarial part (no limitation).		01/10/2012	
Showing 1 to 10 of 68 entries						

## IR transformation

No entry

## Seniority

No entry

## Exhibition priority

No entry

## Priority

No entry

## Publications

Bulletin number	Date	Section	Description
2008/030	28/07/2008	A.1	Applications published under article 40 CTMR
2010/044	08/03/2010	C.1.3	Proprietor - Change of name and address
2012/190	04/10/2012	B.2	Registrations with amendments since the application was published
Showing 1 to 3 of 3 entries			

## Cancellation

No entry

## Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			004527563	Proprietor	Change of name and address
2010/044	08/03/2010	C.1.3	004593888	Proprietor	Change of name and address
Showing 1 to 2 of 2 entries					

## Oppositions

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
001421793	28/10/2008	Earlier non registered TM & right to prohibit use of later TM under national law	QS HOLDINGS Sarl	MARCHAIS ASSOCIES	English		Withdrawn	Class 3 Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices. Class 14 Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments. Class 18 Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery. Class 24 Textiles and textile goods, not

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								included in other classes; bed and table covers. Class 25 Clothing, footwear, headgear. Class 28 Gymnastic and sporting articles not included in other classes. Class 35 Retailing of fashion articles of all kinds, in particular perfumery, cosmetic products, spectacles, sunglasses and spectacle cases, jewellery, clocks and watches, bags, umbrellas, parasols, furniture, mirrors and picture frames, clothing, footwear and headgear, games and playthings, gymnastic and sporting equipment.
Showing 1 to 1 of 1 entries								

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## Appeals

No entry

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## Decisions

No entry

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## Renewals

No entry

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## Trade mark relations

No entry