



ESTONIAN PATENT OFFICE
TRADEMARK DEPARTMENT

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

NOTIFICATION OF *EX OFFICIO* PROVISIONAL REFUSAL

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:

1262754

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

Figurative mark / verbal elements of the mark: **GLOBALONE**

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

The trademark is similar to an earlier trademark, which has been filed for legal protection with regard to identical and similar kind of goods and services and there exists a likelihood of confusion on the part of the public, which includes association of the trademark with the earlier trademark (copy of the registration enclosed).

GLOBALONE, EU trademark filed under the number **013054135** (filing date 04/07/2014)
Owner – PIVOTAL PAYMENTS CORPORATION
Address – 1100 Boul. René-Lévesque West
9th Floor
Montreal, Quebec H3B 4N4
Country – Canada

The written consent from the above-mentioned owner of the trademark is required for protection of the trademark in Estonia.

V. Provision of the Estonian Trademark Act applicable on the subject (enclosed):
Section 10 subsections 1 (2) and 2.

Section 11 subsection 1 (7).

VI. The ground referred to in item IV affects following **goods in class 9**:
magnetic data carriers, cash registers, data processing equipment, computer memory devices; computers; computer software; computer memory devices; identity cards, magnetic; encoded magnetic cards; monitors [computer programs]; magnetic data media; computer software, recorded; computer programmes [programs], recorded; computer programs [downloadable software]; computer operating programs, recorded; processors [central processing units]; electronic publications, downloadable; integrated circuit softs [smart cards]; data processing apparatus; computer software applications, downloadable.

The ground referred to in item IV affects following **services in class 36**:
Financial affairs: monetary affairs; issuance of credit cards; financial information; clearing, financial; financial consultancy; exchanging money; online banking; debit card services; credit card services; providing financial information via a web site; financing services.

VII. The owner of the registration may request a review of the provisional refusal. The request shall be received by Estonian Patent Office no later than within 4 months from the date of the provisional refusal.

The time limit expires **15/08/2016** (dd/mm/yyyy).

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

Please note that if the owner of the registration fails to respond by the due date, the registration shall be deemed to be withdrawn for goods and services mentioned in item VI (section 38 subsection 2 of the Estonian Trademark Act). The owner may request that processing be resumed if the owner failed to perform the acts due to force majeure or some other impediment independent of the owner or the representative of the owner (section 47 subsection 3 of the Estonian Trademark Act).

Please note that if the mark is protected subsequent to reviewal of the provisional refusal an interested person may contest the owners right to a trade mark within two months as of the publication of the trade mark (section 41 subsection 2 of the Estonian Trademark Act).

VIII. Date on which the provisional refusal was pronounced: 15/04/2016 (dd/mm/yyyy).

IX. Signature of the Office:

Erle Eenmaa
Senior Examiner

Number of continuation sheets: 5

Extract from the Estonian Trademark Act

§ 10. Relative circumstances, which preclude legal protection

- (1) Legal protection shall not be granted to the following trademarks:
 - 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 public, 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 registration of the later trade mark in writing.

§ 11. Earlier trade mark and other earlier rights

- (1) "Earlier trade mark" means the following:
 - 7) a Community trade mark filed for registration on the basis of the Community Trade Mark Regulation if the filing date of the application, priority date or the seniority date granted on the basis of Estonian registration is earlier; A trade mark filed for registration shall be an earlier trade mark only if it is registered.

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

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

§ 38. Examination of trademarks

- (2) If an examination reveals circumstances which preclude the legal protection of a trade mark, the Patent Office shall notify the applicant thereof and set a term of at least two months for the elimination of the said circumstances or the provision of explanations. If the applicant fails to respond by the due date, the application shall be deemed to be withdrawn.

§ 41. Adjudication of appeals and revocation applications

- (2) An interested person may contest an applicant's right to a trade mark in 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 the filing of a revocation application is two months as of the publication of the notice of the decision to register a trademark.

§ 47. Withdrawal of applications, termination and resumption of processing

- (3) An applicant may request that processing be resumed if the Patent Office terminated processing having deemed the application to be withdrawn pursuant to §§ 37, 38 or 46 of this Act and if the applicant failed to perform the acts due to force majeure or some other impediment independent of the applicant or the representative of the applicant.

§ 69. Effect of international registration

- (1) Legal protection arising from an international registration valid in Estonia is equal to legal protection arising from a national registration and the rights and obligations arising from an internationally registered trade mark are equal to those arising from a nationally registered trade mark.

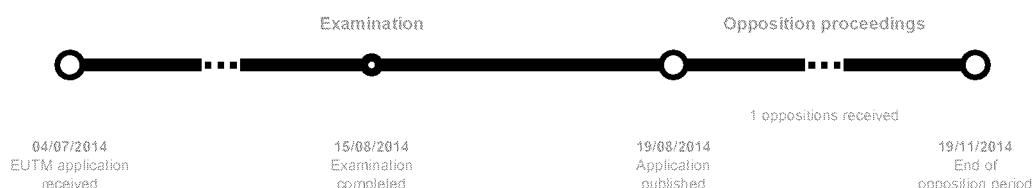


Protect your intellectual property in the European Union

EUTM file information

GLOBALONE
013054135

Timeline



Trade mark information

Name	GLOBALONE	Filing date	04/07/2014
Filing number	013054135	Registration date	
Basis	EUTM	Expiry date	
Date of receipt	04/07/2014	Designation date	
Type	Word	Filing language	English
Nature	Individual	Second language	Italian
Nice classes	9, 16, 36 (Nice Classification)	Application reference	M1126
Vienna Classification		Trade mark status	Application opposed
		Acquired distinctiveness	No

Goods and services

English (en)



9 Electronic payments gateway, for use in making payments by ecommerce, card-not-present, integrated point of sale terminals, virtual terminal and integrated API, credit card and debit card, chip/EMV, mobile applications for processing transactions by use of magnetically encoded card, chip cards, and near field communication cards, credit cards and debit cards; software to which payment applications or other software of Independent Software Vendors can be integrated in order to send financial transactions from a payment terminal for processing, electronic integration, operation and training manuals.

16 Operational and training manuals.

36 Multi-currency (MCP) enabled electronic payments gateway, capable of authorizing bankcard, non-bankcard, debit card, emv card not present and point of sale transactions in a cardholder's chosen local foreign currency, with settlement occurring to the merchant in multiple currencies, one-time and subscription billing options, hosted payment pages, tokenization - secure card storage, intelligent transaction routing; decline transaction salvage, access by virtual terminal (web based) or direct integration via standard API (provided to merchant/partner), web based real time reporting and reconciliation tools.

Description

No entry

Owners

PIVOTAL PAYMENTS CORPORATION

ID	643643	Country	CA - Canada	Correspondence address	
Organisation	PIVOTAL PAYMENTS CORPORATION	State/country	Quebec	PIVOTAL PAYMENTS CORPORATION 1100 Boul. René-Lévesque West	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Montreal,	9th Floor	
		Post code	H3B 4N4	Montreal, Quebec H3B 4N4	Can be accessed and changed by authorised user via the User Area
		Address	1100 Boul. René-Lévesque West 9th Floor	CANADÁ	Can be accessed and changed by authorised user via the User Area

Representatives

RAPISARDI INTELLECTUAL PROPERTY LIMITED

ID	34069	Country	GB - United Kingdom	Correspondence address	00 44-2074302998
Organisation	n/a	State/country	n/a	RAPISARDI INTELLECTUAL PROPERTY LIMITED 2A Collier House 163/169 Brompton Road	00 44-2074300165
Legal status	Legal person	Town	London	London SW3 1PY	
Type	Association	Post code	SW3 1PY	REINO UNIDO	rapisardi@rapisardi.com
		Address	2A Collier House 163/169 Brompton Road		

Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	Appeal	R0498/2016-1	Communication of the Registry to appellant	18/03/2016	
	Appeal	R0498/2016-1	Communication of the Registry to respondent	18/03/2016	
	Appeal	R0498/2016-1	Letter to the EUIPO	17/03/2016	
	Appeal	R0498/2016-1	Acknowledgement of receipt of appeal to appellant (inter partes)	17/03/2016	
	Appeal	R0498/2016-1	Notification of receipt of an appeal to respondent (inter partes)	16/03/2016	
	Appeal	R0498/2016-1	Application form and attachment	15/03/2016	
	Opposition	002439068	catintdoc_1	03/02/2016	
	Opposition	002439068	Notification of a decision to the opposing party	03/02/2016	
	Opposition	002439068	Notification to the applicant of a decision	03/02/2016	
	Opposition	002439068	Communication to the applicant of the opposing party's observations	01/12/2015	

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IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

No entry

Publications

Bulletin number	Date	Section	Description
2014/153	19/08/2014	A.1	Applications published under article 40 EUTMR
2015/088	13/05/2015	C.2.1	Representative - Change of name and professional address

Showing 1 to 2 of 2 entries

Cancellation

No entry

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
			008742648	Proprietor	Change of name and address
2015/088	13/05/2015	C.2.1	009505523	Representative	Change of name and professional address

Showing 1 to 2 of 2 entries

Oppositions

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
002439068	18/11/2014	Likelihood of confusion	MARKANT Handels- und Service GmbH	WEICKMANN & WEICKMANN PATENTANWÄLTE - RECHTSANWALT PARTMBB	English	OP1192	Appealed	Class 9 Electronic payments gateway, for use in making payments by ecommerce, card-not-present, integrated point of sale terminals, virtual terminal and integrated API, credit card and debit card, chip/EMV, mobile applications for processing transactions by use of magnetically encoded card, chip cards, and near field communication cards, credit cards and debit cards; software to which payment applications or other software of Independent Software Vendors can be integrated in order to send financial transactions from a payment terminal for processing, electronic integration, operation and training manuals. Class 16 Operational and training manuals. Class 36 Multi-currency (MCP)

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								enabled electronic payments gateway, capable of authorizing bankcard, non-bankcard, debit card, emv card not present and point of sale transactions in a cardholder's chosen local foreign currency, with settlement occurring to the merchant in multiple currencies, one-time and subscription billing options, hosted payment pages, tokenization - secure card storage, intelligent transaction routing; decline transaction salvage, access by virtual terminal (web based) or direct integration via standard API (provided to merchant/partner), web based real time reporting and reconciliation tools.

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Appeals

	Filing number	Contested decision	Type	Date of receipt	Status date	Language
+	R0498/2016-1	Opposition 002439068	Opposition	15/03/2016	16/03/2016	English

Showing 1 to 1 of 1 entries

Decisions

	Case number	Type	Case	Legal status	Keywords	Status	Decision date
+	Opposition 002439068	Opposition		Article 8(1)(b) CTMR		EUTMA/IR refused	03/02/2016

Showing 1 to 1 of 1 entries

Renewals

No entry

Trade mark relations

No entry