

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

**Rule 17(1)**

I.	Office sending the statement:	<b>Hungarian Intellectual Property Office</b> 1438 Budapest, Pf.415 Fax. : (361) 474 - 5534
II.	Number of the international registration: 126 9362 Date of extension of the mark to Hungary: 2015.06.18	
III.	Name of the holder (or other information enabling the identity of the international registration to be confirmed): ~VINPROM PESHTERA~ S.A.	
IV.	Provisional refusal based on an ex officio examination  <input checked="" type="checkbox"/> [X] Provisional refusal based on an opposition  Provisional refusal based on an observation	
V.	<input checked="" type="checkbox"/> [X] Provisional refusal for all the goods and/or services Provisional refusal for some of the goods and/or services: (followed by an indication of the goods and/or services which are affected or are not affected)	
VI.	Grounds for refusal (where applicable, see item VIII):  4/1/b,4/4	
	Information relating to an earlier mark :  (i) Filing date and number, and, if any, priority date: (ii) Registration date and number (if available): (iii) Name and address of the owner:	



VII. (iv) List of all or relevant goods and/or services:

2013.03.06 011631983

011631983

SENSI VIGNE & VINI S.R.L.,

VIA CERBAIA, 107 - FRAZ. CERBAIA LAMPORECCHIO (PT) (IT)

29,33,35

Corresponding essential provisions of the applicable law

VIII. A sign shall not be granted trademark protection if because of its identity with, or similarity to, the earlier trademark and the identity or similarity of the goods or services there exists a likelihood of confusion on the part of the consumers. For the purposes of this Act, the likelihood of confusion includes the likelihood of association with the earlier trade mark.

Information relating to subsequent procedure:

(i) Time limit for replying the present provisional refusal: 2016.08.15

(ii) Authority to which such reply shall be made:

Hungarian Intellectual Property Office

(iii) Indications concerning the appointment of a representative:

If the applicant is foreign person whose domicile or residence is outside the European Economic Area, he is obliged to appoint an agent entitled to act before the Hungarian Intellectual Property Office

Note: the official language of trademark procedures before the HIPO is Hungarian.

IX. (iv) Procedure in the absence of a reply:

If the applicant fails to reply to a provisional refusal relating to absolute grounds of refusal, the

Office deems the application to be withdrawn in respect of the goods or services affected by the

refusal.

WARNING: In case of an opposition, the expenses arisen in connection with the opposition can be

imposed on the losing party by the Hungarian Intellectual Property Office. The amount shall be found

in the HIPO's decision.

Examiner: Szarka Zoltán

X. Number of decision: A1269362/6

Date: 2016.05.02

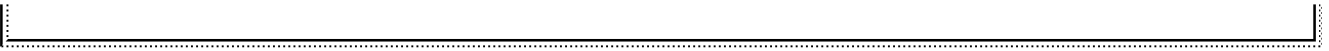
Signature or official seal of the Office sending the statement:

XI.

  
dr. Gabriella Kiss

Head of the International Trademark Section





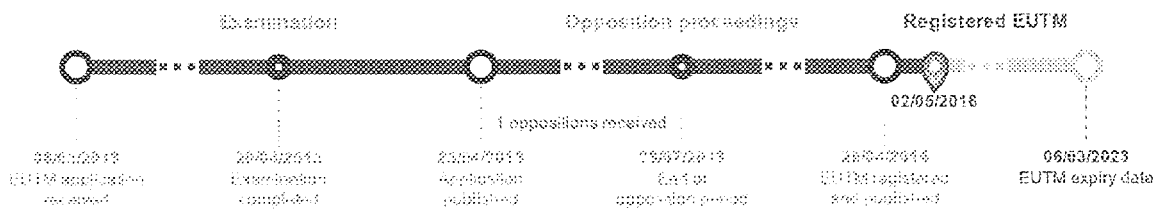


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EUTM file information

SENSI  
011631983

Timeline



Graphic representation



Trade mark information

Name	SENSI	Filing date	06/03/2013
Filing number	011631983	Registration date	25/04/2014
Basis	EUTM	Expiry date	06/03/2023
Date of receipt	06/03/2013	Designation date	
Type	Figurative	Filing language	Italian
Nature	Individual	Second language	French
Nice classes	29, 33, 35 ( Nice Classification )	Application reference	DOTT.FC2013/16/COM
Vienna Classification	27.05.01 ( Vienna	Trade mark status	Registered

## Goods and services

English (en) ▼

**29** Olive oil for food.

**33** Wine; Spirits; Liqueurs; Alcoholic beverages (except beers).

**35** Services carried out for and/or on behalf of others in the advertising and business sectors; Public relations and market research; Advertising and promotion for the marketing of wines, spirits, aperitifs and liqueurs.

## Description

English (en) ▼

**Description** The trademark consists of the word "SENSI" written in fanciful letters.  
**Colour**

## Owners

### SENSI VIGNE & VINI S.R.L.

ID	<b>587494</b>	Country	<b>IT - Italy</b>	Correspondence address	
Organisation	<b>SENSI VIGNE &amp; VINI S.R.L.</b>	State/country	<b>n/a</b>	SENSI VIGNE & VINI S.R.L. VIA CERBAIA, 107 - FRAZ. CERBAIA	Can be accessed and changed by authorised user via the User Area
Legal status	<b>Legal entity</b>	Town	<b>LAMPORECCH (PT)</b>	I-51035 LAMPORECCHIO (PT) ITALIA	Can be accessed and changed by authorised user via the User Area
		Post code	<b>51035</b>		
		Address	<b>VIA CERBAIA, 107 - FRAZ. CERBAIA</b>		Can be accessed and changed by authorised user via the User Area

## Representatives

### DOTT. FRANCO CICOGNA & C.SRL

ID	<b>14838</b>	Country	<b>IT - Italy</b>	Correspondence address	
Organisation	<b>n/a</b>	State/country	<b>n/a</b>	DOTT. FRANCO CICOGNA & C.SRL	00 39-0276000209
Legal status	<b>Legal person</b>	Town	<b>Milano</b>	Via Visconti di Modrone, 14/A	00 39-0276009604
Type	<b>Association</b>	Post code	<b>20122</b>	I-20122 Milano	
		Address	<b>Via Visconti di Modrone, 14/A</b>	ITALIA	ufficio@brevetticicogna.com

## Correspondence

From	Procedure	Filing number	Subject	Date	Actions
	EUTM	011631983	Surveillance letter	20/04/2016	
	EUTM	011631983	Surveillance letter	19/10/2015	

EUTM	011631983	Surveillance letter	17/02/2015
Recordal	009241111	C.2.1. - Representative - change of name & address - entry on the register - automatic template	12/02/2015
EUTM	011631983	Cover letter for registration certificate.	30/04/2014
EUTM	011631983	Certificate of Registration	29/04/2014
Opposition	002222928	Notification to opponent following withdrawal of opposition after commencement of adversarial part (no limitation).	23/04/2014
Opposition	002222928	Notification to applicant/holder conclusion of opposition proceedings following withdrawal of the opposition (no limitation).	23/04/2014
Opposition	002222928	Letter to the EUIPO	03/04/2014
Opposition	002222928	Suspension of proceedings - to the opponent.	06/02/2014

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## IR transformation

No entry

## Seniority

No entry

## Exhibition priority

No entry

## Priority

No entry

## Publications

Bulletin number	Date	Section	Description
2013/076	23/04/2013	A.1	Applications published under article 40 EUTMR
2014/079	29/04/2014	B.2	Registrations with amendments since the application was published
2015/031	16/02/2015	C.2.1	Representative - Change of name and professional address

Showing 1 to 3 of 3 entries

## Cancellation

No entry

## Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2015/031	16/02/2015	C.2.1	009241111	Representative	Change of name and professional address

Showing 1 to 1 of 1 entries

## Oppositions

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
002222928	23/07/2013	Likelihood of confusion	Sensi: Seed B.V.	V.O.	French	DOTT.FC2013/16/COM	Withdrawn	Class 35 Activit��, pour le compte de tiers et/ou en faveur de tiers, dans le secteur de la publicit�� et des affaires; Activit�� de relations publiques et d��tude de march��; ACTIVITE CONSISTANT EN LA PUBLICITE ET LA PROMOTION DE LA COMMERCIALISATION DE VINS, DE SPIRITUEUX, D'APERITIFS ET DE LIQUEURS.Class 29 Huile d'olive comestible.Class 33 Vins; Spiritueux; Liqueurs; Boissons alcoolis��es �� l'exception des bi��res.
Showing 1 to 1 of 1 entries								

## Appeals

No entry

## Decisions

No entry

## Renewals

No entry

## Trade mark relations

No entry

**-Act XI of 1997 on the Protection of Trademarks and Geographical Indications (extract)**

**Article 1**(1) Trademark protection shall be granted for any signs capable of being represented graphically provided that these are capable of distinguishing goods or services from those of other undertakings.

(2) Signs which may be granted trademark protection are in particular:

- (a) words, combination of words, including personal names and slogans,
- (b) letters, numerals,
- (c) figures, pictures,
- (d) two- or three-dimensional forms, including the shape of goods or of their packaging,
- (e) colors, combination of colors, light signals, holograms,
- (f) sound signals, and
- (g) combination of signs under (a) to (f).

**Article 2** (1) A sign may not be granted trademark protection if it does not meet the requirements of Article 1.

(2) A sign shall be excluded from trademark protection if:

(a) it is devoid of any distinctive character, in particular if it consists exclusively of signs or indications which may serve, in trade, to designate 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, or which have become customary in the current language or in the practices of trade;

(b) it consists exclusively of a shape which results from the nature of the goods themselves or which is necessary to obtain a technical result or which gives substantial value to the goods.

(3) A sign shall not be excluded from trademark protection in accordance with paragraph (2)(a) if, either before or after the date of priority, it has acquired a distinctive character.

**Article 3** (1) A sign may not be granted trademark protection if:

- (a) it is contrary to public policy or to accepted principles of morality;
- (b) it is liable to deceive consumers as to the nature, quality, geographical origin or other characteristics of the goods or services;
- (c) its registration was applied for in bad faith.

(2) A sign shall be excluded from trademark protection if:

(a) it consists exclusively of State emblems or other emblems of an authority or international organization as defined in the Paris Convention for the Protection of Industrial Property;

(b) it relates to medals, badges, armorial bearings, not covered by subparagraph (a) above, or to official signs and hallmarks indicating control and warranty which are of public interest;

(c) it consists of symbols having a close relation to religious or other beliefs.

(3) Trademark protection shall be granted with the consent of the competent authority to signs of which the emblems defined under paragraph 2 (a) and (b) form only an element.

(4) A sign may not be granted trademark protection if it consists of or contains a geographical indication registered pursuant to this Act or to European Community law. This provision shall apply to goods which do not originate in a geographical area corresponding to the geographical indication or in connection with which the geographical indication cannot be used for any other reason on the basis of the provisions of this Act or of European Community law.

**Article 4** (1) A sign may not be granted trademark protection:

(a) with respect to identical goods or services, if the sign with the later date of priority is identical with an earlier trademark;

(b) if because of its identity with or similarity to the earlier trademark and the identity or similarity of the goods or services there exists a likelihood of confusion on the part of the consumers;

(c) with respect to dissimilar goods or services if the sign with the later date of priority is identical with or similar to an earlier trademark having a reputation in the country where the use without due cause of the later sign would take unfair advantage of or be detrimental to the distinctive character or the repute of the earlier trademark.

(2) "Earlier trademark" means a trademark whose registration was applied for with an earlier date of priority or – for the purposes of paragraph (1)(a) and (b) – a sign which has become well-known at an earlier date in the country under the Paris Convention for the Protection of Industrial Property even if that sign is not registered. "Earlier trademark" shall also mean – depending on the registration of the sign – an earlier trademark application.

(3) A sign may not be refused trademark protection if it conflicts with an earlier trademark, which has not been used by the holder in accordance with the provisions of Article 18.

(4) For the purposes of this Act, the likelihood of confusion includes the likelihood of association with the earlier trademark.

**Article (5)** A sign may not be granted trademark protection:

(a) if it would infringe earlier personal rights of others, in particular a right in a name or of personal portrayal;

(b) if it would conflict with an earlier copyright or industrial property right of others, including conflict with the name of a protected plant variety.

(2) A sign shall not be granted trademark protection

(a) if it has been used effectively in the country without registration where the use of the sign without the consent of the prior user would be contrary to law; and

(b) if, with respect to identical or similar goods or services, it is identical with or similar to a trademark whose protection has lapsed by reason of expiration and less than two years have elapsed since the lapse, unless the earlier trademark had not been used in conformity with the provisions of Article 18.

(3) In determining whether a right, use or expiration is deemed as earlier within the meaning of paragraphs (1) and (2), the priority of the application for registration shall be taken into account.

**Article (6)** A sign shall be excluded from trademark protection if the representative or agent applies for registration in his own name without the holder's authorization, unless the representative or agent justifies his action.

**Article 7**(1) A sign may not be refused trademark protection in accordance with Articles 4 and 5 if the holder of the earlier right consents to the registration of the later sign.

(2) A declaration of consent shall be valid if drawn up as a public instrument or a private document providing sufficient evidence.

(3) A declaration of consent may be contested under those provisions of the Civil Code that concern actions for avoidance of a contract by reason of mistake, deception or threat; the declaration may not be withdrawn and may not be replaced by the decision of a Court.

**Article 8**(1) Trademark protection shall be granted for a sign if

(a) it satisfies the requirements of Article 1 and is not excluded from trademark protection under the terms of Articles 2 to 7 and

(b) the relevant application complies with the requirements laid down by this Act.