



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

Kotnikova 6, 1000 Ljubljana, Slovenia

T: +386 1 620 31 00

F: +386 1 620 31 11

E: sipo@uil-sipo.si

www.uil-sipo.si/sipo/

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

Ref.: 31212-1134/2015-6
105SP(434)
Date: 25.05.2016

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: 1269362
III.	Name of the holder: "VINPROM PESHTERA" S.A., 5 "Dunav" bul. BG-4000 Plovdiv, BG
IV.	Provisional refusal based on an opposition filed by: SENSEI VIGNE & VINI S.R.L., VIA CERABIA, 107-FRAZ.CERABIA,I-51035 LAMPORECCHIO (PT),IT Representative of the opponent: ZIVKO MIJATOVIC & PARTNERS, d.o.o.,Ulica stare pravde 10,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, c

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

i) Number: EUTM 4371696, 11631983, 12167409, 13409719

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: 25.05.2016

X. Signature or official seal of the Office making the notification: Gaša Polc



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:

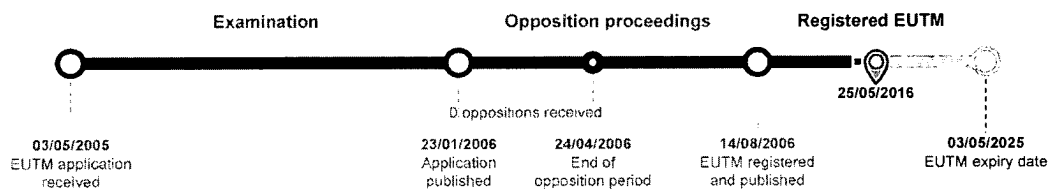


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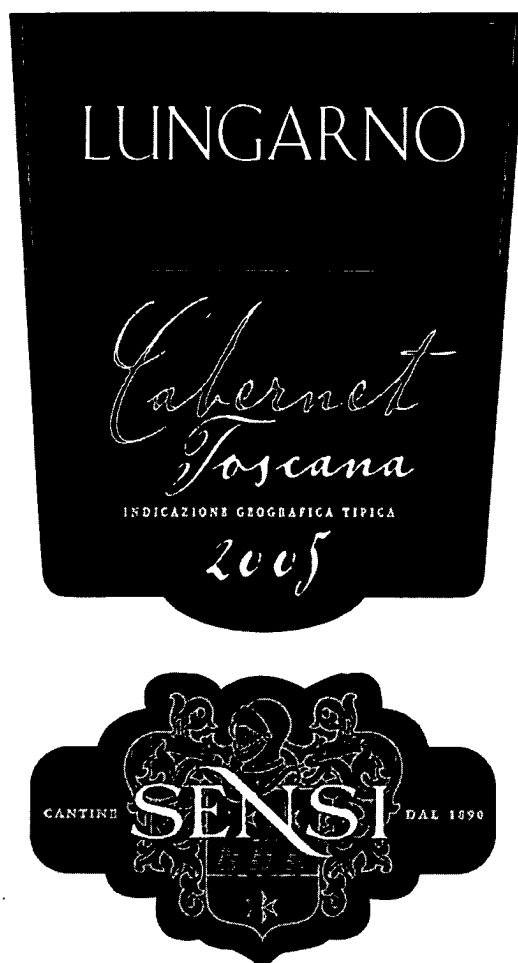
EUTM file information

**LUNGARNO Cabernet Toscana INDICAZIONI
GEOGRAFICA TIPICA 2005 CANTINE SENSI DAL
1890**
004371696

Timeline



Graphic representation



Trade mark information

Name	LUNGARNO Cabernet Toscana INDICAZIONI GEOGRAFICA TIPICA 2005 CANTINE SENS DAL 1890	Filing date	03/05/2005
		Registration date	04/08/2006
		Expiry date	03/05/2025
Filing number	004371696	Designation date	
Basis	EUTM	Filing language	Italian
Date of receipt	03/05/2005	Second language	French
Type	Figurative	Application reference	GC/mm - 05-2/0620
Nature	Individual	Trade mark status	Registered
Nice classes	33 (Nice Classification)	Acquired distinctiveness	No
Vienna Classification	01.01.04, 01.01.10, 23.05.05, 24.01.03, 24.01.07, 24.01.18, 25.01.17, 25.01.25 (Vienna Classification)		

Goods and services

English (en)



33 Wines from Tuscany.

Description

English (en)



Description The trademark consists of two irregularly-shaped labels; in the first label, at the top, is the word "LUNGARNO" written in fancy block capitals inside an essentially rectangular figure with a fancy design in the background; below is the word "CABERNET" written in fancy lower case italics except for the letter "C", which is in upper case; beneath all these words is written "TOSCANA" in fancy lower case italics except for the letter "T", which is in upper case, and "INDICAZIONE GEOGRAFICA TIPICA" in fancy block capitals, which are smaller than the previous words and "2005"; in the second label is the word "SENSI" in fancy block capitals with a coat of arms in the background, and to the left and right of the coat of arms are the words "CANTINE" and "DAL 1890" respectively.

Colour**Disclaimer** CABERNET, INDICAZIONE GEOGRAFICA TIPICA, TOSCANA, 2005

Owners

SENSI VIGNE & VINI S.R.L.

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

Representatives

DOTT. FRANCO CICOGLA & C.SRL

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

Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
	Recordal	008862727	L607 \:	Notification of the total renewal of the EUTM	28/04/2015	
	Recordal	008862727		Application form and attachment	17/04/2015	
	Recordal	009241111	C.2.1. -	Representative - change of name & address - entry on the register - automatic template	12/02/2015	
	Recordal	008862727	L601A \:	Notification of the need to renew an EUTM registration	06/10/2014	
	Recordal	007245890	T722M -	Registration of recordal C.1.3 / B.2.2	12/03/2013	
	Recordal	007245890		Application form and attachment	08/03/2013	
	Recordal	006870268	T725M -	Registration of recordal C.2.2 / B.9.2	18/10/2012	
	Recordal	006870268		Letter to the EUIPO	16/10/2012	
	Recordal	006870268		Authorised — individual	16/10/2012	
	EUTM	004371696		Certificate of Registration	20/05/2008	

Showing 1 to 10 of 24 entries

IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

No entry

Publications

Bulletin number	Date	Section	Description
2006/004	23/01/2006	A.1	Applications published under article 40 EUTMR
2006/033	14/08/2006	B.1	Registrations with no amendments since the application was published
2007/066	10/12/2007	C.2.1	Representative - Change of name and professional address
2012/201	22/10/2012	C.2.2	Representative - Replacement of a representative
2013/052	14/03/2013	C.1.3	Proprietor - Change of name and address
2015/031	16/02/2015	C.2.1	Representative - Change of name and professional address
2015/079	29/04/2015	D.1	Renewals
Showing 1 to 7 of 7 entries			

Cancellation

No entry

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2007/066	10/12/2007	C.2.1	002894411	Representative	Change of name and professional address
2012/201	22/10/2012	C.2.2	006870268	Representative	Replacement of representative
2013/052	14/03/2013	C.1.3	007245890	Proprietor	Change of name and address
2015/031	16/02/2015	C.2.1	009241111	Representative	Change of name and professional address
2015/079	29/04/2015	D.1	008862727	Renewal	Total Renewal
Showing 1 to 5 of 5 entries					

Oppositions

No entry

Appeals

No entry

Decisions

No entry

Renewals

Title	Filing number	Status	Status date
Renewal	008862727	Trade mark renewed	29/04/2015
Showing 1 to 1 of 1 entries			

Trade mark relations

No entry

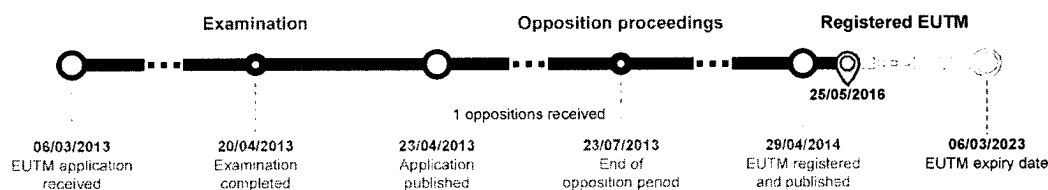


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EUTM file information

SENSI
011631983

Timeline



Graphic representation

SENSI

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 Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

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

Representatives

DOTT. FRANCO CICOGNA & C.SRL

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

	From	Procedure	Filing number	Subject	Date	Actions
		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	
Showing 1 to 10 of 28 entries						

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 Activité, pour le compte de tiers et/ou en faveur de tiers, dans le secteur de la publicité et des affaires; Activité de

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								relations publiques et d'étude de marché; 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 alcoolisées à l'exception des bières.
Showing 1 to 1 of 1 entries								

Appeals

No entry

Decisions

No entry

Renewals

No entry

Trade mark relations

No entry

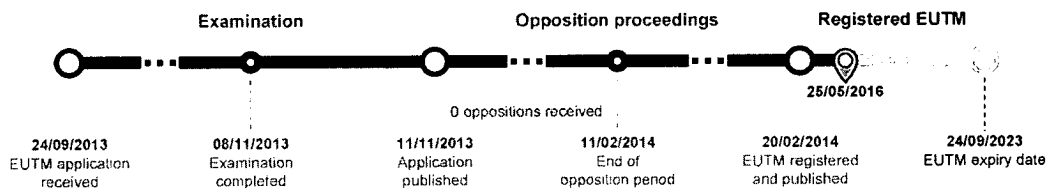


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EUTM file information

18 K SENSI
012167409

Timeline



Trade mark information

Name	18 K SENSI	Filing date	24/09/2013
Filing number	012167409	Registration date	18/02/2014
Basis	EUTM	Expiry date	24/09/2023
Date of receipt	24/09/2013	Designation date	
Type	Word	Filing language	Italian
Nature	Individual	Second language	French
Nice classes	33 (Nice Classification)	Application reference	DOTT.AT2013/102/COM
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

33 Wine; Alcoholic aperitifs; Sparkling wine; Liqueurs and alcoholic beverages (except beers).

Description

No entry

Owners

SENSI VIGNE & VINI S.R.L.

ID	587494	Country	IT - Italy	Correspondence address	
Organisation	SENSI VIGNE & VINI S.R.L.	State/country	n/a	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	Legal entity	Town	LAMPORECCHIO (PT)	I-51035 LAMPORECCHIO (PT) ITALIA	Can be accessed and changed by authorised user via the User Area
		Post code	51035		
		Address			

VIA CERBAIA,
107 - FRAZ.
CERBAIA

Can be accessed and
changed by authorised user
via the User Area

Representatives

DOTT. FRANCO CICOGLA & C.SRL

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

Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		EUTM	012167409	Surveillance letter	19/10/2015	
		Recordal	009241111	C.2.1. - Representative - change of name & address - entry on the register - automatic template	12/02/2015	
		EUTM	012167409	Cover letter for registration certificate.	21/02/2014	
		EUTM	012167409	Certificate of Registration	20/02/2014	
		EUTM	012167409	Search report transmitted (Article 38(1) and (6))	02/10/2013	
		EUTM	012167409	Application form and attachment	24/09/2013	
Showing 1 to 6 of 6 entries						

IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

Country	Filing number	Date	Status
Italy	MI2013C006484	28/06/2013	Accepted
Showing 1 to 1 of 1 entries			

Publications

Bulletin number	Date	Section	Description
2013/214	11/11/2013	A.1	Applications published under article 40 EUTMR

Bulletin number	Date	Section	Description
2014/034	20/02/2014	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
			008064720	Representative	Replacement of representative
2015/031	16/02/2015	C.2.1	009241111	Representative	Change of name and professional address
Showing 1 to 2 of 2 entries					

Oppositions

No entry

Appeals

No entry

Decisions

No entry

Renewals

No entry

Trade mark relations

No entry



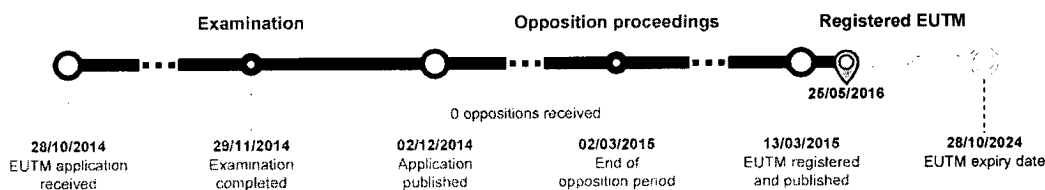
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EUTM file information

SPRITZIN' BY SENSI

013409719

Timeline



Trade mark information

Name	SPRITZIN' BY SENSI	Filing date	28/10/2014
Filing number	013409719	Registration date	11/03/2015
Basis	EUTM	Expiry date	28/10/2024
Date of receipt	28/10/2014	Designation date	
Type	Word	Filing language	Italian
Nature	Individual	Second language	French
Nice classes	33 (Nice Classification)	Application reference	DOTTFC2014111COM
Vienna Classification		Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)



33 Wine; Alcoholic aperitifs; Sparkling wines; Liqueurs and Alcoholic beverages (except beers).

Description

No entry

Owners

SENSI VIGNE & VINI S.R.L.

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

VIA CERBAIA,
107 - FRAZ.
CERBAIA

Can be accessed and
changed by authorised user
via the User Area

Representatives

DOTT. FRANCO CICOGNA & C.SRL

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

Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		EUTM	013409719	Cover letter for registration certificate.	16/03/2015	
		EUTM	013409719	Certificate of Registration	13/03/2015	
		Recordal	009241111	C.2.1. - Representative - change of name & address - entry on the register - automatic template	12/02/2015	
		EUTM	013409719	Search report transmitted (Article 38(1) and (6))	30/10/2014	
		EUTM	013409719	Application form and attachment	28/10/2014	
Showing 1 to 5 of 5 entries						

IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

No entry

Publications

Bulletin number	Date	Section	Description
2014/227	02/12/2014	A.1	Applications published under article 40 EUTMR
2015/031	16/02/2015	C.2.1	Representative - Change of name and professional address
2015/050	13/03/2015	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
2015/031	16/02/2015	C.2.1	009241111	Representative	Change of name and professional address
Showing 1 to 1 of 1 entries					

Oppositions

No entry

Appeals

No entry

Decisions

No entry

Renewals

No entry

Trade mark relations

No entry