



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

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Ref.: 31212-222/2016-3
105SP(434)
Date: 06.07.2016

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: 1290457
III.	Name of the holder: Ilona Olejniczak, Stare Bielice 142c-2 PL-75-039 Biesiekierz, PL
IV.	Provisional refusal based on an opposition filed by: Red Bull GmbH,,Am Brunnen 1,AT - 5330 Fuschl am See,AT Representative of the opponent: PETOŠEVIĆ d.o.o.,Cankarjeva cesta 4,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, d

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

i) Number: IR 961854, 1064924

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: 06.07.2016

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



printed: 06.07.2016

961854 - RED BULL

AL	AU	BA	BG	BH	BX	CH	CN	CY	CZ	DE	DK	EE	EG	ES	FI	FR
GB	GR	HR	HU	IE	IT	LI	LT	LV	MA	MC	MD	ME	MK	PL	PT	RO
RU	SE	SG	SI	SK	SY	TR	UA									

151 Date of the registration

19.03.2008

180 Expected expiration date of the registration/renewal

19.03.2018

270 Language of the application

English

Current Status**732 Name and address of the holder of the registration**

Red Bull GmbH
Am Brunnen 1
A-5330 Fuschl am See
(AT)

812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment

AT

842 Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized

Limited Liability Company, Austria

750 Address for correspondence

Am Brunnen 1
A-5330 Fuschl am See
(AT)

770 Name and address of the previous holder

Red Bull GmbH
Trademark Department
Am Brunnen 1
Fuschl am See
(AT)

540 Mark

RED BULL

541 Reproduction of the mark where the mark is represented in standard characters**511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(9)**

- 25 Clothing, footwear, headgear, including T-shirts, blouses, sweaters, anoraks, windbreakers, aprons, caps, hats, headbands, braces, belts (clothing), money-belts, sun visors; sportswear, footwear for sports, football boots and studs, ski boots; non-slipping devices for shoes; corsetry; babies' napkins of textile.
- 28 Games and playthings; playing cards, card games; practical jokes (novelties), confetti; gymnastic and sporting articles (included in this class); gymnastic and sports equipment, including winter sports equipment, including skis, snowboards, ice skates and snowshoes; tennis equipment; angling equipment; special purpose bags for sports equipment, including skis and surfboards, cricket bags, golf and tennis bags; ski bindings, ski poles, edges for skis, coverings for skis; snowboard bindings; balls; dumb-bells, shot puts, discuses, javelins; tennis racquets, cricket bats, golf clubs and hockey sticks; roller skates, inline roller skates; tables for table tennis; decorations for Christmas trees; snow globes; electric or electronic games other than those adapted for use with television receivers only; scale model vehicles, toy vehicles, radio-controlled scale model vehicles, radio-controlled toy vehicles; coin-operated fruit machines and entertainment machines; fencing weapons; sports bows (archery); nets for ball games, tennis nets; fishing tackle, fishing hooks, landing nets for anglers; swimming webs (flippers); paragliders, hang-gliders; skateboards; surfboards, body boards, windsurfing boards; harnesses and masts for sailboards; elbow and knee pads.
- 32 Non alcoholic beverages including refreshing drinks, energy drinks, whey beverages, isotonic, hypertonic and hypotonic drinks (for use and/or as required by athletes); beer, malt beer, wheat beer, porter, ale, stout and lager; non alcoholic malt beverages; mineral water and aerated waters; fruit drinks and fruit juices; syrups, essences and other preparations for making beverages as well as effervescent (sherbet) tablets and effervescent powders for drinks and non-alcoholic cocktails.
- 41 Education; providing of training; entertainment, including musical performances and radio and television entertainment; sporting and cultural activities, including the staging of sports competitions; night clubs and discotheque services; organization of trade fairs and exhibitions for cultural, sporting and educational purposes; rental of video tapes and cassettes, video tape film production; videotaping and microfilming; publication of electronic books and journals on-line, electronic desktop publishing, providing on-line electronic publications, game services provided on-line; providing karaoke services; digital imaging services; music composition services; layout services, other than for advertising purposes.
- 43 Services for providing food and drink, operation of bars, cafes, cafeterias, canteens, snack bars, restaurants, self-service restaurants; food and drink catering; temporary accommodation including hotels, boarding houses, holiday camps, tourist homes, motels; temporary accommodation reservations; boarding for animals rental of transportable buildings, bars and tents; rental of chairs, tables, table linen, glassware and bar equipment.

882 Basic registration

AT, 15.01.2008, 242873

300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin

AT, 27.09.2007, AM6723/2007

832 Designation(s) under the Madrid Protocol

AU - BH - DK - EE - FI - GB - GR - IE - LT - SE - SY - TR

834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies

AL - BA - BG - BX - CH - CY - CZ - DE - EG - ES - FR - HR - HU - IT - LI - LV - MA - MC - MD - ME - MK - PL - PT - RO - RU - SI - SK - UA

527 Indications regarding use requirements

GB - IE

Registration : 2008/20 Gaz, 19.06.2008, AL, AU, BA, BG, BH, BX, CH, CN, CY, CZ, DE, DK, EE, EG, ES, FI, FR, GB, GR, HR, HU, IE, IT, LI, LT, LV, MA, MC, MD, ME, MK, PL, PT, RO, RU, SE, SG, SI, SK, SY, TR, UA
Total provisional refusal of protection : 2008/27 Gaz, 07.08.2008, SG
Partial assignment : 2008/50 Gaz, 15.01.2009
Grant of protection subject to opposition : 2008/36 Gaz, 09.10.2008, IE
Grant of protection : 2008/38 Gaz, 23.10.2008, BX
Grant of protection : 2008/51 Gaz, 22.01.2009, AU
Grant of protection subject to opposition : 2008/51 Gaz, 22.01.2009, TR
Grant of protection : 2008/51 Gaz, 22.01.2009, GB
Grant of protection subject to opposition : 2009/1 Gaz, 05.02.2009, HU
Total provisional refusal of protection : 2009/1 Gaz, 05.02.2009, ES
Grant of protection : 2009/2 Gaz, 05.02.2009, IE
Grant of protection : 2009/20 Gaz, 04.06.2009, SY
Statement indicating that the mark is protected for all the goods and services requested : 2009/21 Gaz, 11.06.2009, ES
Partial provisional refusal of protection : 2009/24 Gaz, 02.07.2009, CH
Statement indicating that protection of the mark is protected for some of the goods and services requested : 2013/15 Gaz, 02.05.2013, CH
Opposition possible after the 18 months time limit : 2009/38 Gaz, 08.10.2009, SE
Total provisional refusal of protection : 2009/38 Gaz, 08.10.2009, SE
Statement of grant of protection made under Rule 18ter(1) : 2009/40 Gaz, 22.10.2009, TR
Opposition possible after the 18 months time limit : 2010/5 Gaz, 25.02.2010, SE
Statement of grant of protection following a provisional refusal under Rule 18ter(2)(i) : 2010/20 Gaz, 10.06.2010, SE

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1064924 - BULL

AL	AU	BA	BG	BH	BX	CH	CY	CZ	DE	DK	EE	EG	ES	FI	FR	GB
GR	HR	HU	IE	IL	IT	KR	LI	LT	LV	MA	MC	MD	ME	MK	NO	PL
PT	RO	SE	SG	SI	SK	TR	UA									

151 Date of the registration

18.11.2010

180 Expected expiration date of the registration/renewal

18.11.2020

270 Language of the application

English

Current Status**732 Name and address of the holder of the registration**

Red Bull GmbH

Am Brunnen 1

A-5330 Fuschl am See

(AT)

812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment

AT

842 Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized

Limited Liability Company, Austria

750 Address for correspondence

Am Brunnen 1

A-5330 Fuschl am See

(AT)

770 Name and address of the previous holder

Red Bull GmbH

Trademark Department

Am Brunnen 1

Fuschl am See

(AT)

540 Mark

BULL

541 Reproduction of the mark where the mark is represented in standard characters**511** International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(9)

32 Non-alcoholic beverages including refreshing drinks, energy drinks, whey beverages, isotonic, hypertonic and hypotonic drinks (for use and/or as required by athletes); beer, malt beer, wheat beer, porter, ale, stout and lager; non-alcoholic malt beverages; mineral water and aerated waters; fruit drinks and fruit juices; syrups, essences and other preparations for making beverages as well as effervescent tablets and effervescent powders for drinks and non-alcoholic cocktails.

821 Basic application

AT, 26.05.2010, AM3152/2010

882 Basic registration

AT, 15.07.2010, 257919

300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin

AT, 26.05.2010, AM3152/2010

832 Designation(s) under the Madrid Protocol

AU - BH - DK - EE - FI - GB - GR - IE - IL - KR - LT - NO - SE - SG - TR

834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies

AL - BA - BG - BX - CH - CY - CZ - DE - EG - ES - FR - HR - HU - IT - LI - LV - MA - MC - MD - ME - MK - PL - PT - RO - SI - SK - UA

527 Indications regarding use requirements

GB - IE - SG

Registration : 2011/37 Gaz, 06.10.2011, AU, BA, BG, BX, CH, CY, CZ, DE, DK, EE, EG, ES, FI, FR, GB, GR, HR, HU, IE, IL, IT, KR, LI, LT, LV, MA, MC, MD, ME, MK, NO, PL, PT, RO, SE, SG, SI, SK, TR

Total provisional refusal of protection : 2011/13 Gaz, 21.04.2011, SG

Partial assignment : 2011/23 Gaz, 30.06.2011

Total provisional refusal of protection : 2011/16 Gaz, 12.05.2011, AU

Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1) : 2011/25 Gaz, 14.07.2011, IE

Statement of grant of protection made under Rule 18ter(1) : 2011/26 Gaz, 21.07.2011, BX

Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1) : 2011/26 Gaz, 21.07.2011, NO

Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1) : 2011/27 Gaz, 28.07.2011, TR

Statement of grant of protection made under Rule 18ter(1) : 2011/37 Gaz, 06.10.2011, PT

Statement of grant of protection made under Rule 18ter(1) : 2011/28 Gaz, 04.08.2011, MC
Statement of grant of protection made under Rule 18ter(1) : 2011/24 Gaz, 07.07.2011, ES
Statement of grant of protection made under Rule 18ter(1) : 2011/26 Gaz, 21.07.2011, IT
Statement of grant of protection made under Rule 18ter(1) : 2011/30 Gaz, 18.08.2011, DE
Subsequent designation : 2011/32 Gaz, 01.09.2011, AL
Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1) : 2011/39 Gaz, 20.10.2011, HU
Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1) : 2011/39 Gaz, 20.10.2011, RO
Statement of grant of protection made under Rule 18ter(1) : 2011/42 Gaz, 10.11.2011, CY
Statement of grant of protection made under Rule 18ter(1) : 2011/40 Gaz, 27.10.2011, PL
Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1) : 2011/45 Gaz, 01.12.2011, IL
Statement of grant of protection made under Rule 18ter(1) : 2011/41 Gaz, 03.11.2011, IE
Statement of grant of protection made under Rule 18ter(1) : 2011/35 Gaz, 22.09.2011, SI
Statement of grant of protection made under Rule 18ter(1) : 2011/37 Gaz, 06.10.2011, NO
Statement of grant of protection made under Rule 18ter(1) : 2011/48 Gaz, 22.12.2011, CH
Statement of grant of protection made under Rule 18ter(1) : 2011/40 Gaz, 27.10.2011, LV
Statement of grant of protection made under Rule 18ter(1) : 2011/48 Gaz, 22.12.2011, GB
Statement of grant of protection made under Rule 18ter(1) : 2011/49 Gaz, 29.12.2011, LT
Statement of grant of protection made under Rule 18ter(1) : 2011/42 Gaz, 10.11.2011, SK
Statement of grant of protection made under Rule 18ter(1) : 2012/8 Gaz, 15.03.2012, IL
Total provisional refusal of protection : 2012/1 Gaz, 26.01.2012, EE
Statement of grant of protection made under Rule 18ter(1) : 2011/52 Gaz, 19.01.2012, MD
Statement of grant of protection made under Rule 18ter(1) : 2011/52 Gaz, 19.01.2012, HR
Statement of grant of protection made under Rule 18ter(1) : 2012/1 Gaz, 26.01.2012, RO
Statement of grant of protection made under Rule 18ter(1) : 2012/2 Gaz, 02.02.2012, BG
Total provisional refusal of protection : 2012/7 Gaz, 08.03.2012, CZ
Statement of grant of protection made under Rule 18ter(1) : 2012/4 Gaz, 16.02.2012, DK
Opposition possible after the 18 months time limit : 2012/8 Gaz, 15.03.2012, AU
Statement of grant of protection made under Rule 18ter(1) : 2012/9 Gaz, 22.03.2012, BA
Statement of grant of protection made under Rule 18ter(1) : 2012/12 Gaz, 12.04.2012, CH
Total provisional refusal of protection : 2012/18 Gaz, 24.05.2012, SE

Opposition possible after the 18 months time limit : 2012/31 Gaz, 23.08.2012, SE
Total provisional refusal of protection : 2012/19 Gaz, 31.05.2012, FI
Opposition possible after the 18 months time limit : 2012/27 Gaz, 26.07.2012, FI
Opposition possible after the 18 months time limit : 2012/31 Gaz, 23.08.2012, FI
Opposition possible after the 18 months time limit : 2012/31 Gaz, 23.08.2012, EE
Statement indicating the goods and services for which protection of the mark is granted under Rule 18ter(2)(ii) : 2012/36 Gaz, 27.09.2012, EE
Statement of grant of protection following a provisional refusal under Rule 18ter(2)(i) : 2012/43 Gaz, 15.11.2012, FI
Statement of grant of protection made under Rule 18ter(1) : 2012/49 Gaz, 27.12.2012, TR
Statement of grant of protection made under Rule 18ter(1) : 2013/3 Gaz, 07.02.2013, ME
Statement of grant of protection made under Rule 18ter(1) : 2013/35 Gaz, 19.09.2013, MK
Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1) : 2013/45 Gaz, 28.11.2013, AU
Subsequent designation : 2013/48 Gaz, 19.12.2013, BH, UA
Statement indicating the goods and services for which protection of the mark is granted under Rule 18ter(2)(ii) : 2013/50 Gaz, 02.01.2014, AU
Opposition possible after the 18 months time limit : 2014/30 Gaz, 07.08.2014, SE
Statement of grant of protection following a provisional refusal under Rule 18ter(2)(i) : 2014/23 Gaz, 19.06.2014, CZ
Statement indicating the goods and services for which protection of the mark is granted under Rule 18ter(2)(ii) : 2014/31 Gaz, 14.08.2014, SE
Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1) : 2014/34 Gaz, 04.09.2014, UA
Statement of grant of protection made under Rule 18ter(1) : 2014/48 Gaz, 11.12.2014, UA

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