

**Notification of provisional refusal of protection based on an opposition pursuant to Article 5 of the Madrid Protocol and Rule 17(1) and (2) of the Common Regulations under the Madrid Agreement and Protocol and to Rule 115 EUTMIR**

Alicante, 22/07/2016

*International Registration No:* **1265934**  
*Date of notification to EUIPO:* **24-09-2015**  
*Trade mark:* **FLOW**  
*Holder:* **Scapa Belgium, naamloze vennootschap  
Terbekehofdreef 75  
B-2610 Wilrijk**  
*Opposition number:* **B 2722091**

Protection of the abovementioned mark is provisionally refused for the European Union.

The provisional refusal is based on the fact that an opposition has been filed against the international registration.

I. The grounds for the opposition are as follows:

Conflict with an earlier mark because of identity or similarity of the goods and services and identity or similarity of the marks concerned, and likelihood of confusion (Article 8(1) and (2) EUTMR);

II. Name and address of the opposing party:

**Flow Sports, Inc.  
1021 Calle Recodo  
San Clemente, California 92673  
ESTADOS UNIDOS (DE AMÉRICA)**

III. The opposition is based on a mark which was the subject of an application or registration.

- type of mark : **European Union mark**
- filing date, registration date and, if applicable, priority date: **28/05/1996, 24/11/1999**
- filing number and, if different, registration number: **000292458**
- reproduction of the mark: (see annex)
- list of goods and services on which the opposition is based: (see annex)

IV. The provisional refusal relates to

Only to the following goods and services covered by the designation of the European Union

**25: Clothing, footwear, headgear.**

V. The EUIPO will notify the opposition separately to the holder of the international registration, including all evidence on which it is based, pursuant to Rule 18(1) EUTMIR. The EUIPO will set time limits for the holder. The notification will open an (extendable) cooling-off period of two months and a further period of two months for the opponent to substantiate the opposition. The notification will set a time limit of, in principle, six months for the holder of the international registration to submit observations.

Annex: 2 pages.

Date of document (dd/mm/yyyy)	Number of pages (including current page)
23/06/2016	2

**Reference**

Your reference	N111-69-R
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**Opposition proceedings**

Language of proceedings	EN (English)
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**Opponent(s)**

Opponent number	1	Opponent EUIPO ID\	375874
Type of opponent	Legal entity		
Name of organization	Flow Sports, Inc.		
Nationality	United States		
Street name & house No	1021 Calle Recodo		
City/Town	San Clemente,		
Postal code	92673		
Country	United States		
Postal address			
Telephone number			
Fax number			
Email address			

**Representative(s)**

Representative number	1	EUIPO Representative ID number\	68647
Representative type	Association		
Name of organization	VON BÜLOW & TAMADA		
Street name & house no	Rotbuchenstr. 6		
City/Town	München		
Postal code	81547		
Country	Germany		
Postal address	VON BÜLOW & TAMADA Rotbuchenstr. 6 D-81547 München ALEMANIA		
Telephone number	00 49-896423094		
Fax number	00 49-89646342		
Email address	office@vonbuelow.com		

**Challenged application**

Number		1265934
Trade mark origin	International registration	
Application date	10/08/2015	
Publication date	25/09/2015	
Application representation	FLOW	
Name of the applicant	Scapa Belgium, naamloze vennootschap	
First language	EN (English) Selected	
Second language	FR (French)	

**List of goods & services - Against parts of the goods and services**

Class	Goods & services
25	Clothing, footwear, headgear.

### Basis of the opposition #1 - Trade mark

	Trade mark number	000292458
Trade mark origin	European Union trade mark	
Trade mark name	FLOW	
Application date	28/05/1996	
Registration number	000292458	
Registration date	24/11/1999	
Publication date	29/12/1997	
Type of the representation of the earlier right	Word	
Word element(s) of the earlier right	FLOW	
Reputation claimed	No	

### List of goods & services - Based on all goods and services

Class	Goods & services
18	Sports bags, specifically designed for the objects being carried, namely bags for snowboarding and in-line skating equipment.
25	Sports clothing, namely snowboarding clothing; sports shoes and boots, namely snowboarding shoes and snowboarding boots.
28	Bindings for snowboards and for in-line skating.

### Entitlement

Entitlement of opponent	Owner/Co-owner/Licencee
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### Grounds for the opposition

Grounds #1	Article 8(1)(a) EUTMR - the EUTMA is identical to the earlier mark and covers identical goods and/or services.
Grounds #2	Article 8(1)(b) EUTMR - there exists a likelihood of confusion on the part of the public.

### Payment of fees

Pay by	Bank transfer
Opposition fee	320 EUR

Bank	Address	Account number	BIC Code	IBAN
Banco Bilbao Vizcaya Argentaria	Alicante, SPAIN	0182-5596-90-0092222222	BBVAESMMXXX	ES88 0182 5596 9000 9222 2222
La Caixa	Alicante, SPAIN	2100-2353-01-0700000888	CAIXESBBXXX	ES03 2100 2353 0107 0000 0888

### Signature

First name	Surname	Capacity of the signatory	Position
Sascha	Tamada	The EUIPO professional representative	