

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)

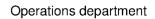
IV. The provisional refusal relates to

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	ng current page)		
23/06/2016						
	20/00	72010	2			
Reference						
Your reference		N111-69-R				
Tour reference		14111-09-11				
Opposition pro	ceedings					
Language of procee	edings	EN (English)				
_						
Opponent(s)						
	Opp	onent number 1	Opponent EUIPO ID\	375874		
Type of opponent		Legal entity				
Name of organization	on	Flow Sports, Inc.				
Nationality		United States				
Street name & house	se No	1021 Calle Recodo				
City/Town		San Clemente,				
Postal code		92673				
Country		United States				
Postal address		Cinica ciales				
Telephone number						
Fax number						
Email address						
Representative	<u>(S)</u>					
	Rep	resentative number 1	EUIPO Representative	68647		
			ID number∖			
Representative type	Э	Association				
Name of organization	on	VON BÜLOW & TAMADA				
Street name & hous		Rotbuchenstr. 6				
City/Town		München				
Postal code		81547				
Country		Germany				
Postal address		VON BÜLOW & TAMADA				
Fosiai addiess		Rotbuchenstr. 6				
		D-81547 München				
		ALEMANIA				
Telephone number		00 49-896423094				
Fax number		00 49-89646342				
Email address		office@vonbuelow.com				
Challenged ap	nlination					
Citalienidea ab	PHEARIUIT					
			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, foo	twear, headgear.				



Basis of the o	pposition #	t1 - 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 service	3			
Class		Goods & services				
18	Sports bags skating equi	orts bags, specifically designed for the objects being carried, namely bags for snowboarding and in-line ting equipment.				
25	Sports clothi snowboardir	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				
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	Alicar	nte, SPAIN	0182-5596-90- 0092222222	BBVAESMMXXX	ES88 0182 5596 9000 9222 2222
La Caixa	Alicar	nte, 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		