



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

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Ref.: 31212-249/2016-4

105SP(434)

Date: 13.07.2016

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: 1291862
III.	Name of the holder: ABC DETERJAN SANAYI VE TICARET ANONIM SIRKETI, Rüzgarlibaçe Mahallesi, Cumhuriyet Caddesi, Gülsan Plaza No: 22 Kat: 4 Kavacik ISTANBUL, TR
IV.	Provisional refusal based on an opposition filed by: The Procter & Gamble Company,,One Procter & Gamble Plaza,US-Cincinnati, Ohio,US Representative of the opponent: ITEM d.o.o.,Zastopniška pisarna za patente in,blagovne znamke,Resljeva 16,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

<p>VII. Information relating to an earlier mark/or marks of the opponent</p> <p>i) Number: EUTM 7437874, 9939984</p> <p>ii) Reproduction of the mark and the list of all or relevant goods and/or services: see additional information under XII</p>
<p>VIII. Information relating to subsequent procedure:</p> <p>(i) Time limit for requesting review:</p> <p>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</p> <p>(ii) Authority to which such request for review or appeal should be made:</p> <p>Office indicated under I</p> <p>(iii) Indications concerning the appointment of a representative:</p> <p>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/</p>
<p>IX. Date of the notification of provisional refusal: 13.07.2016</p>
<p>X. Signature or official seal of the Office making the notification: Sasa Polc</p>
<p>XII. Corresponding essential provisions of the applicable law:</p> <p>Article 43</p> <p>Absolute grounds for refusal</p> <p>(1) A sign shall not be eligible for registration as a mark if:</p> <ul style="list-style-type: none"> (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:





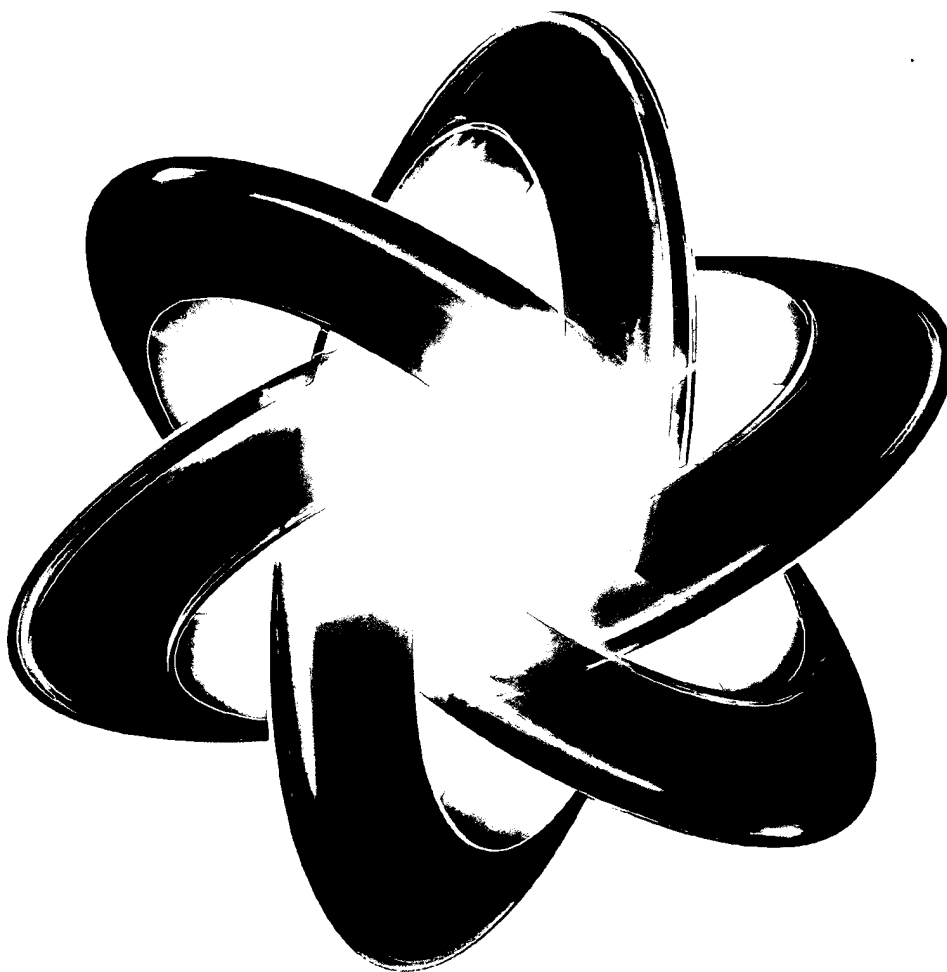
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EUTM file information

(Trade mark without text)
009939984

Timeline

Graphic representation



Trade mark information

Name	(Trade mark without text)	Filing date	04/05/2011
Filing number	009939984	Registration date	14/09/2011
Basis	EUTM	Expiry date	04/05/2021
Date of receipt	04/05/2011	Designation date	
Type	Figurative	Filing language	English
Nature	Individual	Second language	French
Nice classes	3 (Nice Classification)	Application reference	TM-548160-FC
Vienna Classification	10.01.03, 10.01.05, 10.01.11 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en) ☒

3 Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; essential oils; cosmetics; hair care; dentifrices.

Description

No entry

Owners

The Procter & Gamble Company

ID	110	Country	US - United States	Correspondence address	
Organisation	The Procter & Gamble Company	State/county	Ohio	The Procter & Gamble Company One Procter & Gamble Plaza Cincinnati, Ohio 45202-3315 ESTADOS UNIDOS (DE AMÉRICA)	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Cincinnati,		
State, district or t...	Ohio	Post code	45202-3315		Can be accessed and changed by authorised user via the User Area
		Address	One Procter & Gamble Plaza		Can be accessed and changed by authorised user via the User Area

Representatives

Brincat, Deborah

ID	17218	Country	FR - France	Correspondence address	
Organisation	PROCTER & GAMBLE France SAS	State/county	n/a	PROCTER & GAMBLE France SAS Deborah Brincat 163, quai Aulagnier F-92665 Asnières Cédex FRANCIA	00 33-140885441
Legal status	Individual	Town	Asnières Cédex		00 33-140887907
Type	Employee	Post code	92665		
		Address	163, quai Aulagnier		

Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
Loading ... Processing...						
Showing 0 to 0 of 0 entries						

IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

No entry

Publications

Bulletin number	Date	Section	Description
2011/106	07/06/2011	A.1	Applications published under article 40 EUTMR
2011/164	31/08/2011	C.2.1	Representative - Change of name and professional address
2011/177	19/09/2011	B.2	Registrations with amendments since the application was published
2014/221	24/11/2014	C.2.2	Representative - Replacement of a representative
Showing 1 to 4 of 4 entries			

Cancellation

No entry

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2011/164	31/08/2011	C.2.1	005867984	Representative	Change of name and professional address
2014/221	24/11/2014	C.2.2	009009799	Representative	Replacement of representative
Showing 1 to 2 of 2 entries					

Oppositions

No entry

Appeals

No entry

Decisions

No entry

Renewals

No entry

Trade mark relations

No entry



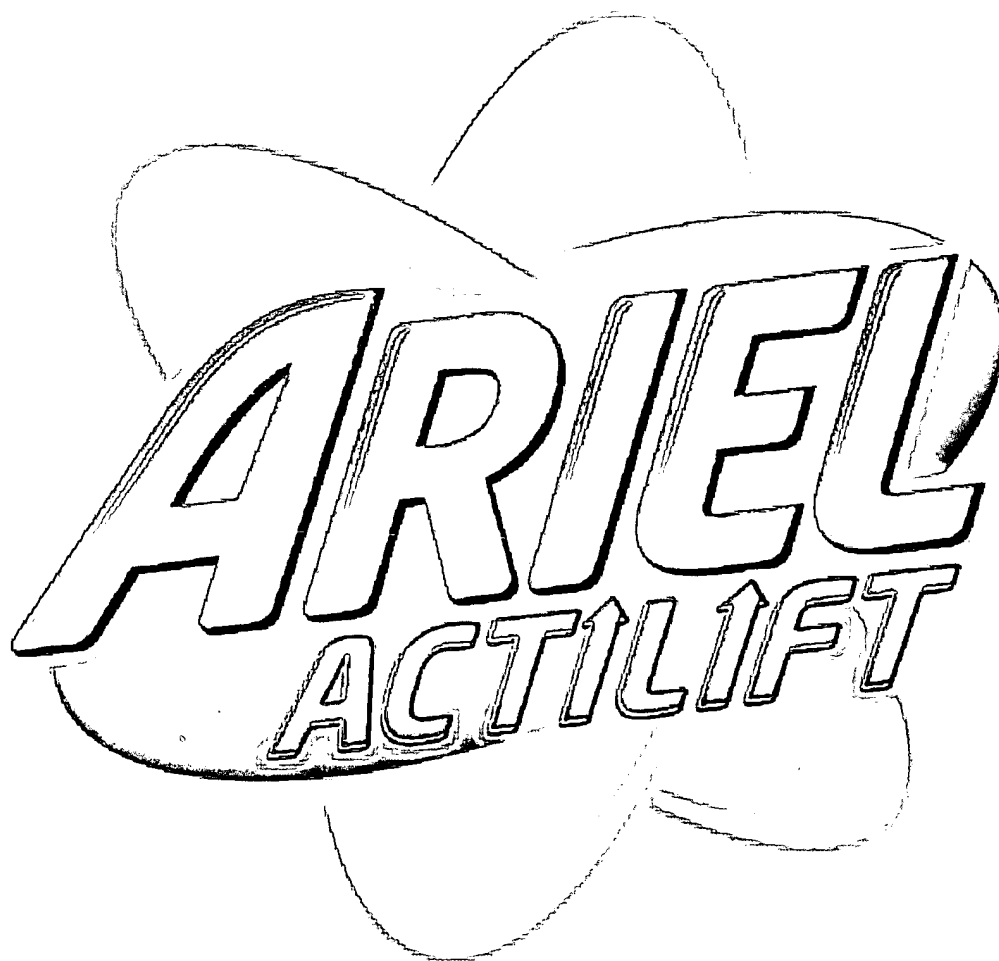
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EUTM file information

ARIEL ACTILIFT
007437874

Timeline

Graphic representation



Trade mark information

Name	ARIEL ACTILIFT	Filing date	03/12/2008
Filing number	007437874	Registration date	21/07/2009
Basis	EUTM	Expiry date	03/12/2018
Date of receipt	03/12/2008	Designation date	
Type	Figurative	Filing language	English
Nature	Individual	Second language	French
Nice classes	3 (Nice Classification)	Application reference	FC08OH510599
Vienna Classification	01.13.01, 27.05.12 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Goods and services

English (en)



- 3** Washing and bleaching preparation for household purposes including laundry-related use; detergents.

Description

English (en) 

Description

Colour Red, green, blue and white.

Owners

The Procter & Gamble Company

ID	110	Country	US - United States	Correspondence address	
Organisation	The Procter & Gamble Company	State/country	Ohio	The Procter & Gamble Company One Procter & Gamble Plaza Cincinnati, Ohio 45202-3315 ESTADOS UNIDOS (DE AMÉRICA)	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Cincinnati,		
State, district or t...	Ohio	Post code	45202-3315		Can be accessed and changed by authorised user via the User Area
		Address	One Procter & Gamble Plaza		Can be accessed and changed by authorised user via the User Area

Representatives

Brincat, Deborah

ID	17218	Country	FR - France	Correspondence address	
Organisation	PROCTER & GAMBLE France SAS	State/country	n/a	PROCTER & GAMBLE France SAS Deborah Brincat 163, quai Aulagnier F-92665 Asnières Cédex FRANCIA	00 33-140885441
Legal status	Individual	Town	Asnières Cédex		00 33-140887907
Type	Employee	Post code	92665		
		Address	163, quai Aulagnier		

Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		EUTM	007437874	Surveillance letter for EUTMs	09/09/2010	
		Recordal	004754647	T725M - Registration of recordal C.2.2 / B.9.2	06/05/2010	
		Recordal	004754647	Letter to the EUIPO	28/04/2010	
		Recordal	004754647	Miscellaneous	28/04/2010	
		EUTM	007437874	Certificate of Registration	14/08/2009	
		EUTM	007437874	Cover letter for registration certificate.	14/08/2009	
		EUTM	007437874	Notification of acceptance for publication	31/03/2009	
		EUTM	007437874	Examination of application finished	20/01/2009	
		Inspection request	001303129	D112 \: Certified copy of the European Union trade mark application	15/12/2008	
		Inspection request	001303129	D108-9\Issue copies / extracts + Notification Information (EUTM+RCD).	15/12/2008	

Showing 1 to 10 of 13 entries

IR transformation

No entry

Seniority

No entry

Exhibition priority

No entry

Priority

No entry

Publications

Bulletin number	Date	Section	Description
2009/007	20/02/2009	A.1	Applications published under article 40 EUTMR
2009/028	27/07/2009	B.1	Registrations with no amendments since the application was published
2010/084	10/05/2010	C.2.2	Representative - Replacement of a representative
Showing 1 to 3 of 3 entries			

Cancellation

No entry

Recordals

Bulletin number	Date	Section	Filing number	Title	Subtitle
2010/084	10/05/2010	C.2.2	004754647	Representative	Replacement of representative
Showing 1 to 1 of 1 entries					

Oppositions

No entry

Appeals

No entry

Decisions

No entry

Renewals

No entry

Trade mark relations

No entry