



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

Trade Marks Department

B211

**Communication to the applicant/holder setting a date
for the commencement of the adversarial part of the opposition proceedings
(Rules 18 (1), 20 (2) of the Implementing Regulation)**

Alicante, 15/12/2010

MACARAJA
Francis Faulhaber
9, avenue Pierre Sangnier
F-94350 Villiers Sur Marne
FRANCIA

Your reference: **MACARAJA/MACARAJA**
Number of the opposition: **B 001766701**
*Number of the trade mark against which
opposition is entered:* **009285677**
Name of the applicant/holder: **MACARAJA**

The Office received your communication of 12/12/2010. This communication shall not be taken into consideration because it was not written in the language of the opposition proceedings, namely English, according to the Implementing Regulation. You may provide a translation in the time limit of one month of the receipt of the present communication, in the language of the opposition proceedings.

The notice of opposition to the above trade mark, which was communicated to you on **09/12/2010**, has been found admissible at least insofar as it is based on the following earlier right: **CTM No. 002108223**.

Should the opposition be based on any other earlier rights, please note that the examination of the admissibility of these other earlier rights has not yet taken place. This is in line with the new practice established in Communication N° 5/07 of 12/09/2007 of the President of the Office on changes of practice in opposition proceedings.

The above earlier right which has been found admissible, and any other earlier rights filed as bases of the opposition, must be substantiated by the opponent within the time limit set below. If this is not the case any non-substantiated earlier rights will not be taken into account.

The relevant periods and time limits for the present proceedings are as follows:

1. The "cooling off" period expires on **16/02/2011**. The adversarial part of the opposition proceedings will begin on **17/02/2011**.

Avenida de Europa, 4 • E-03008 Alicante • Spain.

Tel. + 34-96-513.91.21 • Fax: + 34-96-513.13.44. Internet: <http://oami.europa.eu>

2. The time limit for the opponent to substantiate the earlier rights and submit further material expires on **16/04/2011**.
3. The time limit for you to submit your observations in reply expires on **16/06/2011**.

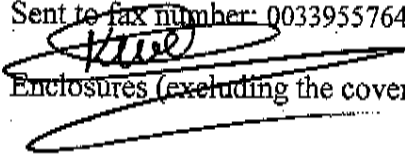
Please quote the above number of opposition in all future communications about the opposition.

Please read carefully the information sheet attached. It contains important guidance on the proceedings.

Konstantinos BEKIARPOULOS

No. of pages : 2 + 1

Sent to fax number: 0033955764040


Enclosures (excluding the cover letter and information sheet): None.

INFORMATION ON THE PROCEEDINGS

“Cooling Off” period – This is the period referred to in Rule 18(1) CTM IR. During this period the parties are given the possibility of terminating the proceedings without incurring in additional costs. If during this period the opponent withdraws the opposition or you withdraw your trade mark or restrict it to goods and services against which the opposition is not directed, the proceedings will be concluded with no decision on costs. The cooling off period may be extended at the request of both parties provided that such request is filed before it expires. If the cooling off period is extended, the subsequent time limits set to the parties will also be extended accordingly.

Adversarial part of the opposition proceedings – During the adversarial part the parties are given the chance of exchanging observations and evidence in support of their cases. For such purpose, the Office sets a time limit for the opponent to substantiate the earlier rights and submit further material and a subsequent time limit for you to reply. Time limits during the adversarial part of the proceedings may be extended in accordance with the conditions set out in Rule 71 CTM IR. Requests for extension must be filed before the expiry of the prescribed term and must include a suitable explanation showing that the extension is appropriate.

a) Time limit for the opponent to substantiate the earlier rights and submit further material. Within this time limit the opponent may file any further facts, arguments and evidence that may be necessary or useful to support the opposition. In particular, the opponent is required to substantiate all the earlier rights on which the opposition is based, that is, to prove the existence, ownership and validity of such rights, by submitting appropriate evidence. Any such material will be forwarded to you.

b) Time limit for you to reply. Once the opponent's time limit expires you have two months to submit your observations in reply and to file any supporting documents or other evidence you may consider useful. This period will be extended by the Office if this is necessary to ensure that you have at least two full months to respond to any new material submitted by the opponent. In these instances you will receive a further communication setting a new time limit as appropriate.

Unless submitted by fax transmission, any supporting documents or other evidence shall be presented in two copies, one being for transmission to the other party (see Rule 79a CTM IR). Any document or item of evidence, other than that consisting of loose sheets, that has been submitted to the Office by post, personal delivery or any other means shall be accompanied by a copy. **If no copy is provided, these documents or items of evidence will not be taken into account.**

If you do not submit any observations, the Office will give a ruling on the basis of the evidence before it.