



REPUBLIKA SLOVENIJA
MINISTRSTVO ZA GOSPODARSKI RAZVOJ IN TEHNOLOGIJO
URAD RS ZA MEROSLOVJE

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Št. dok.: 6433-25/2015/4
Datum: 29. 10. 2015

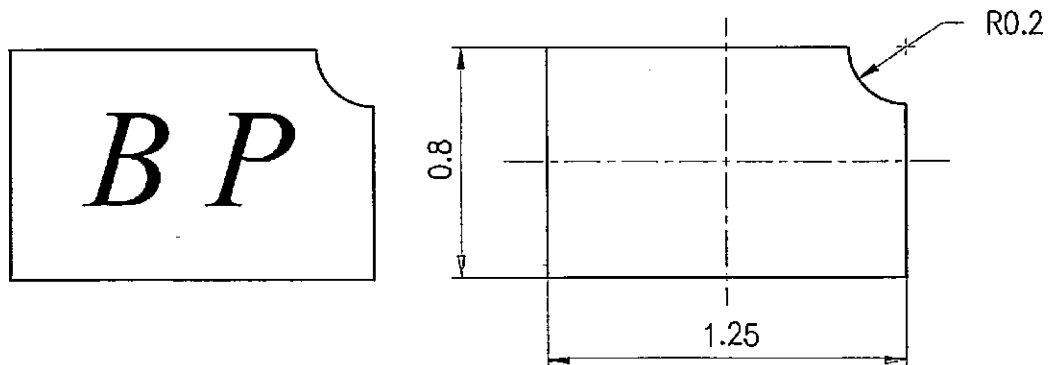
Urad RS za meroslovje, Tkalska 15, Celje (v nadaljevanju: Urad) izdaja na podlagi 3. člena Pravilnika o znaku dobavitelja (Uradni list RS, št. 97/00 in 31/07, v nadaljevanju: pravilnik) v postopku določitve znaka dobavitelja na zahtevo dobavitelja izdelkov iz plemenitih kovin

BANQUECORP PHISICAL GOLD,
trgovanje s plemenitimi kovinami, d.o.o.
Litostrojska cesta 44 B,
1000 Ljubljana

ki ga v postopku zastopa ga. Jasna Pečenko (v nadaljevanju: dobavitelj)

ODLOČBO O ZNAKU DOBAVITELJA – IZDELOVALCA

1. Znak dobavitelja sestavljajo oblika



pod redno številko XIV in črki *BP* v latinici, poševna, mere znaka 1,25 x 0,8 mm. Znak je registriran pri Uradu v registru izdanih odločb pod številko SI-653.

2. Dobavitelj je dolžan predložiti Uradu vse žige z znakom dobavitelja zaradi evidence odtiska.
3. Dobavitelj je dolžan svoje izdelke, preden jih da v promet, predložiti Uradu v preskus in označitev.
4. Dobavitelj je dolžan pisno obvestiti Urad o spremembi svoje firme ali svojega sedeža ali o spremembah pri svojih poslovalnicah ali podružnicah ter o prenehanju opravljanja dejavnosti v roku 15 dni od nastale spremembe oziroma prenehanja opravljanja dejavnosti.
5. Dobavitelj je dolžan po prenehanju opravljanja dejavnosti vse žige z znakom dobavitelja vrniti Uradu.
6. Vsaka zloraba žiga z znakom dobavitelja je kaznivo dejanje.

Obrazložitev:

Dobavitelj je dne 23. 10. 2015 vložil Zahtevo za določitev znaka dobavitelja izdelovalca izdelkov iz plemenitih kovin št. 6433-25/2015/1 (v nadaljevanju: zahteva). Urad določi znak dobavitelja izdelovalca ali izdelovalčevega zastopnika dobavitelju izdelkov iz plemenitih kovin, ki vloži na Urad zahtevo za določitev tega znaka, ki vsebuje vse v 2. členu pravilnika navedene podatke. Ker je bila zahteva dobavitelja popolna, ji je Urad s to odločbo ugodil, pri čemer je dobavitelju naložil določene obveznosti v zvezi s predmetom zahteve.

Dobavitelj mora v skladu s prvim odstavkom 14. člena Zakona o izdelkih iz plemenitih kovin (Ur. l. št.4/06-UPB I, v nadaljevanju: zakon) registrirati svoj znak pri Uradu ali pri instituciji, ki je pooblaščen za registriranje znakov dobaviteljev v drugi državi članici Evropske skupnosti oziroma Evropskega gošpodarskega prostora.

Dobavitelj je v skladu s 3. členom pravilnika dolžan na podlagi odločbe predložiti Uradu žig z znakom dobavitelja, zaradi evidence odtiska.

Zakon v 15. členu določa, da je dobavitelj dolžan zagotoviti skladnost izdelkov iz plemenitih kovin s predpisanimi tehničnimi zahtevami bodisi z vzdrževanjem predpisane tehnične dokumentacije bodisi s predložitvijo izdelkov Uradu v preskus in označitev z oznako skladnosti. Dobavitelj je v Zahtevi za določitev znaka dobavitelja izdelovalca izdelkov št. 6433-25/2015/1 z dne 23. 10. 2015 navedel, da bo zagotavljal skladnost izdelkov iz plemenitih kovin, s predložitvijo izdelkov v preskus in označitev Uradu, zato mora svoje izdelke, preden jih da v promet, predložiti Uradu v preskus in označitev.

V skladu z 256. členom Kazenskega zakonika (Uradni list RS, št. 55/08 in nasl.) je vsakršna zloraba znamenj za zaznamovanje domačega ali tujega blaga, kakor so pečati, žigi ipd., s katerimi se zaznamuje zlato, srebro ali kako drugo blago, kaznivo dejanje, ki se kaznuje z denarno kaznijo ali zaporom.

Dobavitelj mora v skladu s tretjim odstavkom 14. člena zakona pisno obvestiti Urad o spremembi svoje firme ali svojega sedeža ali o spremembah pri svojih poslovalnicah ali podružnicah ter o prenehanju opravljanja dejavnosti v roku 15 dni od nastale spremembe oziroma prenehanja opravljanja dejavnosti. V skladu z 9. členom pravilnika mora v primeru prenehanja opravljanja dejavnosti vrniti znak dobavitelja.

Slednje pomeni, da mora Uradu predložiti vse žige z znakom dobavitelja v uničenje. S tem Urad prepreči morebitno neupravičeno uporabo navedenih znakov.

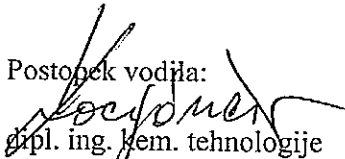
Urad je preveril registracijo dejavnosti dobavitelja z elektronskim dostopom v Poslovni register Slovenije dne 29. 10. 2015.

Pouk o pravnem sredstvu:

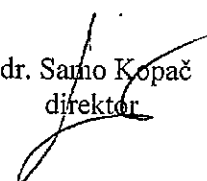
Zoper to odločbo je dovoljena pritožba na Ministrstvo za gospodarski razvoj in tehnologijo, v roku 15 dni od vročitve odločbe. Pritožba se vloži pisno ali da ustno na zapisnik ali elektronsko z varnim elektronskim podpisom s kvalificiranim potrdilom pri Uradu RS za mroslovje, Tkalska 15, 3000 Celje. Za pritožbo je treba poravnati upravno takso po tar. števil. 2 Zakona o upravnih taksah (Uradni list RS, št. 106/10 – UPB5) v višini 18.12 € na TRR št. 01100-1000315637 s sklicem 11 21326 - 7111002.

Taksa za vlogo in to odločbo po tar. št. 1 in 53 Zakona o upravnih taksah v znesku 52,84 € je poravnana.

Postopek vodi:


dipl. ing. kem. tehnologije
Suzana Kocijančič
svetovalka




dr. Samo Kopač
direktor

(TRANSLATION)

(coat of arms of the Republic of Slovenia)

REPUBLIC OF SLOVENIA

MINISTRY OF ECONOMIC DEVELOPMENT AND TECHNOLOGY

METROLOGY INSTITUTE OF THE REPUBLIC OF SLOVENIA

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Doc. No.: 6433-25/2015/4

Date: 29 October 2015

Pursuant to Article 3 of the Rules on the supplier's mark (Official Gazette of the Republic of Slovenia, Nos. 97/00 and 31/07; hereinafter: the Rules), the Metrology Institute of the Republic of Slovenia, Tkalska 15, Celje (hereinafter: the Institute) hereby issues, in the procedure for determining the supplier's mark, which was initiated by the supplier of precious metal articles,

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trgovanje s plemenitimi kovinami d.o.o.
Litostrojska cesta 44B
SI-1000 Ljubljana

represented in the procedure by Ms. Jasna Pečenko (hereinafter: the Supplier)

DECISION ON THE SUPPLIER'S/MANUFACTURER'S MARK

1. The Supplier's mark shall be comprised of the form

(technical drawing)

under serial number **XIV** and letters **BP** in Latin script, italic, mark dimensions being 1.25 x 0.8mm. The mark has been registered with the Institute in the register of issued decisions under No. **SI-653**.

(TRANSLATION)

2. The Supplier shall be obliged to submit to the Institute all stamps containing the Supplier's mark for the purpose keeping their impression on file.
3. Before placing them on the market, the Supplier shall be obliged to submit the imported products to the Institute for the purpose of assaying and affixing marks.
4. The Supplier shall be obliged to notify the Institute in writing of any change of company name or registered office or of any change in its establishments or branches as well as of the winding up of operations within 15 days of the change or winding up of operations.
5. Upon the winding up of operations, the Supplier shall be obliged to submit to the Institute all stamps containing the Supplier's mark.
6. Any misuse of the stamps containing the Supplier's mark shall constitute a criminal offence.

Explanatory note:

On 23 October 2015, the Supplier lodged a Request for determining the mark of the supplier manufacturer of precious metal articles No. 6433-25/2015/1 (hereinafter: the Request). The Institute shall determine the supplier's manufacturer's mark or manufacturer's agent's mark to the supplier of precious metal articles who had lodged with the Institute the request for the determination of such mark which contains all the data required in Article 2 of the Rules. The Supplier's request was complete, thus the Institute granted it by way of the present Decision, while it imposed on the Supplier certain obligations concerning the subject of the request.

Pursuant to Article 14, first paragraph, of the Precious Metal Articles Act (Official Gazette of the Republic of Slovenia, No. 4/06 – official consolidated text UPB1; hereinafter: the Act), the Supplier must have its mark registered by the Institute or by an institution competent for the registration of supplier's marks in another European Union or European Economic Area member state.

Pursuant to Article 3 of the Rules, the Supplier shall be obliged, on the basis of the Decision, to submit to the Institute the stamp containing the Supplier's mark for the purpose of keeping the impression on file.

Article 15 of the Act stipulates that the Supplier shall be obliged to ensure the conformity of the precious metal articles with the prescribed technical requirements either by maintaining the prescribed technical documentation or by submitting the articles to the Institute for assaying and affixing the mark of conformity. In the Request for determining the mark of the supplier of manufacturer of articles No. 6433-25/2015/1 dated 23 October 2015, the Supplier indicated that it would ensure the conformity of precious metal articles by submitting the articles to the Institute for assaying and affixing, thus it must submit its articles to the Institute for assaying and affixing before placing them on the market.

(TRANSLATION)

Pursuant to Article 256 of the Criminal Code (Official Gazette of the Republic of Slovenia, No. 55/08 et seq.), any misuse of the marks for the marking of domestic or foreign commodities, such as seals, stamps or other prescribed marks for the marking of gold, silver or other commodities, shall be a criminal offence punished by a fine or imprisonment.

Pursuant to Article 14, third paragraph, of the Act, the Supplier must notify the Institute in writing of any change of company name or registered office or of any change in its establishments or branches as well as of the winding up of operations within 15 days of the change or winding up of operations. Pursuant to Article 9 of the Rules, it must return the Supplier's mark in case of the winding up of operations. This means that it must submit to the Institute all stamps containing the Supplier's mark for them to be destroyed. In this manner, the Institute shall prevent any potential unauthorised use of the above marks.

The Institute verified the registration of Supplier's operations by way of electronic access to the Slovenian Business Register on 29 October 2015.

Legal caution:

An appeal against the present Decision is admissible and shall be lodged with the Ministry of Economic Development and Technology within 15 days from the date of service hereof. The appeal shall be lodged in writing or orally on the record or in electronic form, with secure electronic signature based on a qualified certificate, with the Metrology Institute of the Republic of Slovenia, Tkalska 15, SI-3000 Celje. An administrative fee pursuant to tariff number 2 of the Administrative Fees Act (Official Gazette of the Republic of Slovenia No. 106/10 - official consolidated text UPB5) in the amount of EUR18.12 must be paid to current account No. 01100-1000315637, reference number 11 21326-7111002.

The fee for the application and present decision pursuant to tariff numbers 1 and 53 of the Administrative Fees Act in the amount of EUR52.84 has been paid.

Procedure conducted by:
(signature illegible)

Grad. Eng. of Chem. Techn.
Suzana Kocijančič
Adviser

/stamp: REPUBLIC OF SLOVENIA;
MINISTRY OF ECONOMIC DEVELOPMENT
AND TECHNOLOGY; Metrology
Institute of the Republic of Slovenia;
CELJE; 2/

Dr. Samo Kopač
Director
(signature illegible)

OVERITEV

Podpisani Tomaž Poličar, z odločbo Ministrstva za pravosodje Republike Slovenije z dne 23.03.2010, št. 705-66/2009, imenovani sodni tolmač za ANGLEŠKI JEZIK, potrjujem, da se ta prevod popolnoma ujema z izvirnikom, ki je sestavljen v slovenskem jeziku.

CERTIFICATION

I, the undersigned Tomaž Poličar, court interpreter for the ENGLISH LANGUAGE appointed by Decree Number 705-66/2009 of the Ministry of Justice of the Republic of Slovenia issued on 23 March 2010, hereby declare that this translation entirely corresponds to the original text in the Slovene language.



Podpisano in žigosano v Radovljici dne 26. 1. 2016

Signed and sealed in Radovljica on 26 January 2016

