

## Notification of Provisional Refusal based on an Ex Officio Examination (to WIPO)

Pursuant to Rule 17(2) of the Common Regulations under the Madrid Agreement concerning the international registration of marks and the Protocol relating to that Agreement.

<b>I.</b>	<b>Name and address of the Office making the notification:</b>	
	Norwegian Industrial Property Office P.O.Box 8160 Dep., N-0033 OSLO, NORWAY	Telephone: +47 22 38 73 00 Telefax: +47 22 38 73 01 E-mail: mail@patentstyret.no
<b>II.</b>	<b>International registration:</b>	610368 INTERSPORT
<b>III.</b>	<b>Date of Subsequent Designation (if any):</b> (yyyy.mm.dd) 2016.02.09	
<b>IV.</b>	<b>Holder of the international registration:</b> IIC-Intersport International Corporation GmbH, Wölflistrasse 2, CH-3006 BERN, Sveits	
<b>V.</b>	<b>The scope of the refusal:</b>	
	<input type="checkbox"/> <b>Provisional refusal for all goods and/or services</b>	
	<input checked="" type="checkbox"/> <b>Provisional partial refusal for some of the goods and services - see under X</b>	
<b>VI.</b>	<b>Grounds for refusal:</b>	
	<input checked="" type="checkbox"/> <b>Absolute grounds: Trademark Act Section 12.4, cf. Trademark Regulations Section 10.2</b> - The terms "Accommodation agencies (hotels, boarding houses), cafés, cafeterias, providing campground facilities, hotel services, self-service restaurants, rental of temporary accommodation, hotel reservations, holiday camp services (lodging)" and the terms "granting of licences in industrial protection rights, clothing rental" in class 42 are not grouped in the appropriate classes in the Nice Classification system. The correct classification for the terms "Accommodation agencies (hotels, boarding houses), cafés, cafeterias, providing campground facilities, hotel services, self-service restaurants, rental of temporary accommodation, hotel reservations, holiday camp services (lodging)" is considered to be class 43, and the correct classification for the terms "granting of licences in industrial protection rights, clothing rental" is considered to be class 45. Hence, the mark must be refused.	
	<input checked="" type="checkbox"/> <b>Relative grounds: Trademark Act Section 16. a</b> Likelihood of confusion with: National registration number: 110759 INTER 114493 INTER	
<b>VII.</b>	You will find more information about the conflicting mark(s) (if any) enclosed under XIII. The relevant provisions of the Norwegian Trademarks Act are under XII.	
<b>VIII.</b>	<b>Date of provisional refusal:</b> (yyyy.mm.dd) <b>2016.09.23</b> <b>Response must be received within:</b> (yyyy.mm.dd) <b>2016.12.23</b> See more information under XI about the time limit and which actions you need to take if you want to request a review of the provisional refusal.	
<b>IX.</b>	<b>Signature by the Office:</b> <b>THE NORWEGIAN INDUSTRIAL PROPERTY OFFICE</b>	

**X. Scope of the provisional refusal in respect of goods and/or services:**

If the holder does not contest the refusal within 3 months, protection is given for:

*Class 9, 12, 28, 35, 36, 37, 39, 40 and 41 as filed*

*Class 42 limited to: Quality control, styling (industrial design).*

The international registration will be published for protection with the above-reduced list of goods/services.

**Rapid publication of the limited list**

If the holder accepts the proposed limitation of the goods/services, and wishes a publication of the mark for these goods/services as soon as possible, he/she may confirm this in writing to The Norwegian Industrial Property Office. If The Norwegian Industrial Property Office does not receive any such confirmation from the holder, the mark will however be published for protection of the limited list of goods/services, after the expiry of all the time limits.

- XI.** The holder of the registration may request a review of the provisional refusal. The Norwegian Industrial Property Office must receive the request no later than 3 months from the date of this provisional refusal (The time limit is indicated under point VIII). Such request must provide an address of correspondence and be filed in Norwegian, Danish, Swedish or English. The Norwegian Industrial Property Office will respond in Norwegian. Please note that if The Norwegian Industrial Property Office, either subsequent to review or appeal, accept the designation of Norway, a post grant opposition may be filed against the mark within 3 months from the publication of the mark.

If the holder does not respond to this provisional refusal within the time limit, the international registration shall be considered abandoned in Norway for the goods/services that are excluded (Trademark Act Section 70 and 23). The international registration shall be resumed if the holder, within two months from the expiration of the time limit responds to the provisional refusal and pays the stipulated fee (NOK 550,-). Please note that The Norwegian Industrial Property Office does not send any notifications to the holder that the international registration is abandoned in Norway.

- XII.** The relevant provisions of the Norwegian Trademarks Act regarding the grounds of this provisional refusal:

**§ 4. Content of a trademark right**

A trademark right has the effect that no one, without the consent of the proprietor of the trademark right (the trademark proprietor), may use in an industrial or commercial undertaking:

- a) any sign which is identical with the trademark for goods or services for which the trademark is protected
- b) any sign which is identical with or similar to the trademark for identical or similar goods or services if there exists a likelihood of confusion, such as if the use of the sign may give the impression that there is a link between the sign and the trademark.

For a trademark which is well known in Norway, the trademark right implies that no one, without the consent of the trademark proprietor, may use a sign that is identical with or similar to the trademark for similar or any other goods or services, if the use of that sign without due cause takes unfair advantage of, or is detrimental to, the distinctive character or repute

(goodwill) of the well-known trademark.

Use is considered to include the following:

- a) affixing the trademark to goods or to the packaging thereof
- b) offering goods for sale or otherwise putting them on the market, stocking or delivering them under the sign, or offering or supplying services thereunder
- c) importing or exporting goods under the trademark
- d) using the sign on business documents and in advertising.

Verbal use of the sign is also considered as use.

#### **§ 14. General conditions of registration**

A trademark to be registered shall consist of a sign which is capable of being protected pursuant to Section 2 and capable of being represented graphically. It shall have distinctive character as a sign for the relevant goods or services.

A trademark cannot be registered if it exclusively, or only with insignificant changes or additions, consists of signs or indications that:

- a) indicate the kind, quality, quantity, intended purpose, value or geographical origin of the goods or services, the time of production of the goods or of the rendering of the services or other characteristics of the goods or services, or
- b) constitute customary designations for the goods or services according to normal linguistic usage or to loyal, established business practice.

The conditions in paragraphs one and two shall be met on both the date of application and the date of registration. When assessing a proposed trademark pursuant to paragraph one, sentence two, and paragraph two, it is necessary to take into consideration all circumstances that prevailed on the date of application, in particular effects of use of the trademark prior to this time.

A sign that is used in an industrial or commercial undertaking to indicate the geographical origin of goods or services may, without impediment by the provisions in paragraph two, be registered as a collective mark.

#### **§ 18. Classes of goods and services**

Trademarks are registered for specific goods or services within specified classes of goods or services. The classification of goods and services shall be set forth by the King.

Continuation sheet no: 3

Int. reg. Number: 610368

**Guide to the following INID codes:**

(111): National registration number/ International registration number
(151): Date of national registration/Date of international registration
(180): Date of expiry
(210): National application number
(220): National application date /Date of notification
(300): Data relating to priority (if any)
(450): Date of publication
(511): List of goods and services
(540): Reproduction of the mark
(541): Indication relating to the nature or kind of mark (in Norwegian)
(546): Indication relating to the nature or kind of mark (in Norwegian)
(551): Collective mark (regulations)
(571): Description of the mark
(731): Name of the applicant
(732): Name of the proprietor
(740): Power of attorney

**XIII. Prior marks cited ex officio**

(111) **Reg.nr.:** 110759  
(151) **Reg.dato.:** 1982.03.04  
(180) **Registreringen utløper:** **2022.03.04**  
(210) **Søknadsnr.:** 19801635  
(220) **Inndato:** 1980.06.06  
(540) **Gjengivelse av merket:**

INTER

(541) **Merketype:**  
Merket er et ordmerke i standard font

(571) **Beskrivelse av merket:**  
INTER

(731) **Søker:**  
Samsung (UK) Ltd, Brentford, Middlesex TW8 9RE, England, GB-,  
Storbritannia

(732) **Innehaver:**  
Samsung (UK) Ltd, Brentford, Middlesex TW8 9RE, England, GB-,  
Storbritannia

(740) **Fullmektig:**  
Acapo AS, Postboks 1880 Nordnes, 5817 BERGEN, Norge

(511) **Vare-/ tjenestefortegnelse:**  
Klasse 25 Skotøy til sports- og fritidsbruk.

(111) **Reg.nr.:** 114493  
(151) **Reg.dato.:** 1983.08.18  
(180) **Registreringen utløper:** **2023.08.18**  
(210) **Søknadsnr.:** 19810944  
(220) **Inndato:** 1981.04.03  
(540) **Gjengivelse av merket:**

**INTER** 

(546) **Merketype:**  
Merket er et kombinert merke eller et rent figurmerke

(571) **Beskrivelse av merket:**  
INTER

(731) **Søker:**  
Samsung (UK) Ltd, Brentford, Middlesex TW8 9RE, England, GB-,  
Storbritannia

(732) **Innehaver:**  
Samsung (UK) Ltd, Brentford, Middlesex TW8 9RE, England, GB-,  
Storbritannia

(740) **Fullmektig:**  
Acapo AS, Postboks 1880 Nordnes, 5817 BERGEN, Norge

(511) **Vare- / tjenestefortegnelse:**  
Klasse 25 Støvler, sko og tøfler.