



World Intellectual Property  
Organisation (WIPO)  
International Bureau  
34, Chemin des Colombettes  
1211 Geneva 20  
Switzerland

**Your Reference:**  
**International Registration No:**  
WO0000001323354  
**Examiner:** Alun Lewis  
**Direct Telephone:** +44(0)1633811144  
**Date:** 04 January 2017

Please reply by **04 March 2017** quoting the International Registration number

Dear Sir/Madam,

**Intl Reg No:** WO0000001323354  
**Mark:** (3D)  
**Holder:** EOS PRODUCTS, LLC  
**Classes:** 3, 5

**Notification of a Provisional Total Refusal of Protection (not based on an opposition) by the Intellectual Property Office**

I have examined your designation under the Trade Marks Act 1994 and carried out a search of the relevant trade mark registers. Your designation does not appear to meet the requirements for Protection for the following reason.

**Absolute grounds for refusal**

**Section 3(1)(b)**

The designation is not acceptable in Classes 3 and 5. There is an objection under Section 3(1) (b) of the Act as the mark is devoid of any distinctive character. This is because the mark consists exclusively of a representation of a non-distinctive container for holding the goods. The container is not sufficiently stylised to act as a badge of origin.

I will reconsider the objection if you provide examples of use of the mark as filed in relation to the goods for which cover is being sought.

**Next steps**

If you disagree with my assessment of your designation, you can write or telephone me. My contact details are shown at the top of this letter.

If following this discussion, you still disagree with my findings you have the right to request a hearing with a senior officer to discuss the matter further.

If your address is outside of the European Community, the Isle of Man or the European Economic Area you must provide us with a contact address in one of

the above areas. This can be done by filling in and returning a form TM33 "Appointment of change of Representative (for trade mark owners or holders)". This form is available at:

[ipo.gov.uk/tmforms](http://ipo.gov.uk/tmforms)

**If the issue raised in the examination report is not resolved by the date shown above, the designation will be refused under the provisions of Section 37(4) of the Trade marks Act 1994.**

Yours faithfully

*Alun Lewis*

**Trade Marks Registry**