

The International Bureau, WIPO
34, Chemin des Colombettes
1211 Geneva 20
Switzerland

Reykjavik, 3 January 2017

Ref: 201612-11802,4.3

Notification of provisional refusal based on an opposition according to Article 5 and Rule 17(3)

I. Office making the notification:

The Icelandic Patent Office

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 Kavacık, ISTANBUL, Turkey.

IV. Information on publication and opposition period:

The registration of the trademark was published in the IPO Gazette on 15 December 2016.

The opposition period was 2 months from the date of publication, i.e.: 15 February 2017.

The opposition was filed on 23 December 2016.

V. ☒ Provisional refusal based on an opposition

Opponent: The Procter & Gamble Company, One Procter & Gamble Plaza, Cincinnati, OH
45202, United States of America.

Representative of the opponent: Árnason Faktor, Guðríðarstíg 2-4, 113 Reykjavík, Iceland.

VI. ☒ Provisional refusal for all the goods and/or services

☐ Provisional refusal for some of the goods and/or services:



Class 3	<i>Bleaching and cleaning preparations, detergents other than for use in manufacturing operations and for medical purposes, laundry bleach, fabric softeners for laundry use, stain removers; dishwasher detergents; perfumery; cosmetics; fragrances; deodorants for personal use and animals; soaps.</i>
Class 5	<i>Pharmaceutical and veterinary preparations for medical purposes; chemical preparations for medical and veterinary purposes, chemical reagents for pharmaceutical and veterinary purposes; sanitary preparations for medical use; hygienic pads; hygienic tampons; plasters; materials for dressings; diapers, including those made of paper and textiles.</i>

VII. Grounds for the opposition:

The opposition is based on Articles 14(1)(6) and 4(1) of the Icelandic Trademark Act No. 45/1997 cf. Item XII, with reference to registered trademarks of the proprietor cf. Item XI.

VIII. Information relating to subsequent procedure:

(i) Time limit for requesting review:

4 months from the date of this notification, i.e. 3 May 2017.

(ii) Authority to which such request for review should be made:

The Icelandic Patent Office, cf. Item I.

(iii) Indications concerning the appointment of a representative:

According to Article 35(1) of the Icelandic Trademark Act No. 45/1997, a request for review has to be filed via the intermediary of a representative residing in the European Economic Area, a member state of the European Free Trade Association (EFTA) or the Faroe Islands.

The Icelandic Patent Office communicates with applicants and proprietors of trademark registrations or their representatives in Icelandic according to Article 35(4). The office may accept documentation in foreign languages in exceptional circumstances.

(iv) Information on appeal procedure:

A final decision of the Icelandic Patent Office may be appealed to the Board of Appeal by either party within 2 months from the date of the decision.

IX. Date of the notification of opposition:

3 January 2017



X. Signature or official seal of the Office notifying the opposition:

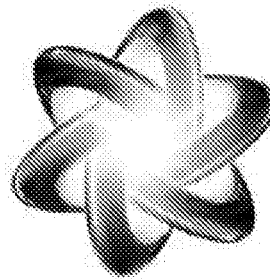


Jóna Halldórsdóttir

XI. Extract from the Icelandic Trademark Register:

(111) Registration number:	31/2014
(151) Date of registration:	3 February 2014
(210) Application number:	3268/2013
(220) Date of filing:	21 November 2013
(180) Registration valid to:	3 February 2024

(540) Trademark:



(730) Applicant/Owner:

The Procter & Gamble Company, One Procter & Gamble Plaza, Cincinnati, OH 45202, United States of America.

(740) Agent:

Árnason Faktor ehf., Guðríðarstíg 2-4, 113 Reykjavík, Iceland.

(511) Classification of goods and services:

Class 3 *Bleikiefni og önnur efni til að nota við fatapvott, svo sem þvotta- og hreinsiefni, efni fyrir fegur og meðferð efna; þvottaefni; bleikisölt; bleikisódi; efni sem notuð eru til að fjarlægja bletti og draga úr rafmagni í fatnaði og efnum; blámi til þvotta; ilmaukandi efni fyrir þvott; klútar vætt með hreinsiefni til hreinsunar; efni til að lýsa upp líti til heimilisnota; efni til að fjarlægja lit; þurhreinunarefni; efnabætur og mykingarefni; þvottableikiefni; þvottablámi; þvottagljái; þvottableytiefni; þvottasterkja; þvottavax; bleikiefni fyrir leður; ilmpúðar til að setja ilm á tau; sódalútur; blettahreinsir; sterkjugljái til þvotta; þvottasódi til hreinsunar; hvíttunarefni; sápur t heimilisnota; sápur til að lýsa vefnað; efnablöndur fyrir umhirðu, meðhöndlum og fegrun efna*



ilmblöndur; reykelsi; ollur fyrir ilmvötn og ilm; ilmvötn til heimilisnota og til að nota á efni; ilmviður; ilmefni; ilmollur; svæliefni til að senda út í loftið, andrúmsloftið eða setja á efni í formi reyks, gufu eða gass; efni sem senda frá sér ilm út í loftið; ilmollur til ilmólumeðferðar; sápur, efni til að hreinsa yfirborðsfleti; hreinsiefni og fituhreinsir fyrir ofna og grill; klútar og skrúbbar vættir með hreinsiefni til hreinsunar; efni til að hreinsa skán, til heimilisnota; fituhreinsiefni; sótthreinsisápur; stöm fljótandi efni fyrir gólf; stamt vax fyrir gólf; gólfvax; efni til að fjarlægja gólfvax (ræstiefni); fægiefni og glansefni; efni til að hreinsa klósettskálar; einnota hreinsiblautklútar með hreinsilausn til að hreinsa harða fleti; húsgagnabón; alhliða hreinsiefni; afrafmagnandi efni til heimilisnota; efni til að nota við ræstingu, fægingu, hreinsun og slípu; efnablöndur til hreinsunar, umhirðu og fegrunar hnífapara og diska; uppvottaduft; uppvottaefni; uppvottablöndur; þurrkefni fyrir uppvottavélar.

XII. Corresponding essential provisions of the applicable law:

The following are the applicable provisions of the Icelandic Trademark Act No. 45/1997:

Article 4

Trade mark right prevents anyone other than the proprietor of the trade mark from using commercially a sign which is the same as or similar to his trade mark if:

1. it is used for the same or similar goods or services as are covered by the trade mark right and
2. there is a danger of confusion, including the conclusion that there is a connection between marks.

Despite the provisions of the first paragraph concerning the same or similar goods and services, the proprietor of a trade mark may also prohibit its use for other goods and services if the trade mark is well known in this country and the use would comprise misuse or lessen the distinctive nature of the characteristics or reputation of the known mark.

The mark may not be referred to in selling spare parts or accessories for a product without the consent of the proprietor, if this is done in such manner that it could be assumed that the accessories originated with the proprietor or that he had authorised the use of the mark.

Article 14

A trade mark may not be registered:

1. if it contains, without authorisation, state emblems, official international symbols, emblems of Icelandic municipalities, official inspection or quality signs, specific names of these identifications of anything else likely to be confused with the abovementioned symbols and emblems; the prohibition shall include only official inspection and quality signs if registration of the mark is sought for the same or similar products as those for which the above-mentioned signs and symbols are used;



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2. if the mark is liable to cause confusion, for instance, as to the type of product, condition or origin.
 3. if the mark is contrary to law or public order or likely to cause offence,
 4. if the mark contains anything which may give cause to conclude that it is the name of an active commercial operation or the name or portrait of another person, providing this does not involve individuals long dead or if the mark includes a distinctive name of real property or an illustration of it,
 5. if the mark contains anything which may cause it to be interpreted as the distinctive title of a protected literary or artistic work or if it infringes the copyright of another person to such work or other intellectual property right,
 6. if the mark is liable to be confused with a trade mark which has been registered in this country or which has been in use here when the application for registration was filed and is still in use here,
 7. if the mark is liable to be confused with a mark which may be considered to have been widely known in this country at the time the application for registration was filed,
 8. if the mark is liable to be confused with a trade mark which has been internationally registered, provided that this registration was valid in this country before the application was filed, cf. Article 59,
 9. if the mark is liable to be confused with a mark which has been in use in another country, at the time the application was filed or from the priority date, and is still in use there for the same or similar goods/services as the younger mark is to be registered for, and the applicant knew or should have known of the foreign mark.
 10. if there already is a product name, protected under the Law on protection of product names referring to origin, geographical area or traditional specialities, for the same or similar products as the application for the registration of a mark applies and the application for the protection of the product name was filed before the application for the registration of said trademark.]

Notwithstanding the provisions of points 4-9, a mark may be registered if the consent of the trade mark proprietor or other rightholder has been given.

A trade mark for wines and spirits which implies a geographical name for wine or spirits may not be registered unless the product originates at the location in question.

Article 19

If an application for the registration of a trade mark does not comply with legal provisions or if the Patent Office is of the opinion that other barriers should cause the rejection of the registration, the applicant shall be sent a reasoned statement of refusal and he shall be given the opportunity to express himself or emend the application within a specified time limit.

Upon the expiry of this period the Patent Office will re-examine its position towards the application.



Should the applicant fail to submit comments or emend the application within the specified time limit referred to in the first paragraph, the application shall be cancelled.

At the request of the applicant, an application shall be re-examined if the applicant, within two months of the expiration of the time limit referred to in the first paragraph, expresses himself concerning the case or emends the application, and provided the re-examination fee is paid.

Article 22

The registration of a trade mark may be opposed after its publication. Oppositions shall be filed in writing to the Patent Office within two months of the date of publication and include the grounds for opposition and the prescribed fee.

If oppositions are raised to the registration of a trade mark the Patent Office shall reexamine the registration in accordance with the provisions of Article 19. The proprietor of the registration shall be notified of the oppositions and given the opportunity to file his comments thereon.

If the Patent Office does not take the oppositions into consideration a formal ruling to this effect shall be made known to the opponent and the proprietor of the registration.

If the Patent Office does take the oppositions into consideration a formal ruling on the full or partial invalidation of the registration of the mark, shall be made known to the opponent and the proprietor of the registration.

The result of the ruling referred to in the third and fourth paragraphs shall be published in the Patent Gazette.

Article 35

The proprietor of a trade mark, who is not domiciled in this country, must have an agent residing in the European Economic Area, a member state of the European Free Trade Association (EFTA) or the Faroe Islands. The agent must be authorised by the proprietor of the mark to receive summons, as well as other notification concerning the mark, on his behalf with binding effect on the proprietor. The name and address of the agent shall be entered in the Register of Trade Marks.

Should no agent be appointed or should an agent resign from such representation, the proprietor of a mark is obliged to rectify this matter within a time limit decided by the Patent Office. If the address of the proprietor of a trade mark is unknown the notice of the time limit should be published in the Patent Gazette. Should no agent be appointed in accordance with the above before the expiry of the time limit the mark shall be eradicated from the Register.

The legal venue in court cases filed in accordance with this Act, where the proprietor of a trade mark is not domiciled in this country, shall be in Reykjavík.

The Patent Office shall communicate with applicants and proprietors of trade mark registrations or their agents in Icelandic. In exceptional instances the Office may accept documentation in foreign languages.



Article 63

Decisions and rulings by the Patent Office in accordance with this Act may be referred to the Board of Appeal by the parties involved in the case within two months from the date the decision was taken. The appeal fee shall be paid within the same time limit. Should payment not be received with the time limit prescribed, the appeal shall be rejected as inadmissible.

A three-person committee, the Board of Appeal, appointed by the Minister shall issue a ruling in cases of dispute. The chairman of the committee, who shall be a lawyer with specialised knowledge of intellectual property rights, shall be appointed by the Minister for a three-year term at a time. The Minister shall appoint other members of the committee to issue rulings in individual cases of dispute.

Should the parties involved seek a ruling from a Court, they should initiate proceedings within three months of the date when the Patent Office or the Board of Appeal made its decision.

Copy: Árnason Faktor ehf. Guðríðarstíg 2-4, 113 Reykjavík.