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Our Ref: KE/MS/1290457

Date: 13th March, 2017

Your Ref: I.R No. 1290457

Head

Legal Department

Trade Marks, Geographical Indications & Industrial Designs

World Intellectual Property Organization

34, Chemin Des Colombettes

P.O. Box 18

1211 Geneva 20

SWITZERLAND

Dear Sirs,

**RE: I.R. NO. 1290457 NOTIFICATION OF TOTAL FINAL REFUSAL BASED ON AN
OPPOSITION**

Reference is made to the International Trade Mark Application designating Kenya under the Madrid Protocol by virtue of Article 9 sexies with the following particulars:

Name of Applicant	Ilona Olejniczak Stare Bielice 142c-2 PL-75-039 Biesiekierz POLAND
Trade Mark	Pitbull (word)
Int. Registration Number	1290457
Class	32
Goods	Non-alcoholics beverages, non-alcoholic fruit extracts, essences for beverage, non-alcoholic cocktails, lemonades, arachid milk, energiziers. isotonic beverages, whey beverages, non-alcoholic fruit juice beverages,

	fruit nectars, fruit juices, vegetable juices, sorbets, lemonade sirups, beverage sirups, mineral sparkling and still water
Date of Notification	03/03/2016

In the said letter the grounds of opposition were enclosed and it was stated that the Applicant was required to file its Counter Statement within forty two (42) days from the date of receipt of the Notification, through a Kenyan based trade marks agent and that there is provision for extension of time upon application under Rule 102 of the Trade Marks Rules.

Since August, 2016 when the letter was sent by registered post, more than seven months have lapsed and as per the records at the Registry of Trade Marks in Kenya, the Applicant has neither filed a Counter Statement nor has it obtained extension of time.

The above-mentioned application has now been deemed abandoned under Rule 52A of the Trade Marks Rules and has no legal effect in Kenya. The Notification of provisional refusal based on the opposition communicated to you is now final and absolute.

A copy of the said letter dated 3rd August, 2016 is herewith attached for ease of reference.

Yours faithfully,



Concilia Were

ASSISTANT REGISTRAR OF TRADE MARKS

Encl.

Cc. Ndungu Njoroge & Kwach Advocates

Ref:11/143/2016/349

P.O. Box 41546-00100

NAIROBI



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Our Ref: KE/MS/1290457

Date: 3rd August, 2016

Your Ref: I.R. NO. 1290457

Head,
Legal Department
Trade Marks Geographical Indications & Industrial Designs
World Intellectual Property Organization
34, Chemin Des Colombettes
P.O. Box 18
1211 Geneva 20
SWITZERLAND

Evelyn Njeri Wanjau

NNK

REGISTERED - 10/8/16 05-08-2016

E.P.

Dear Sirs,

**RE: I.R. NO. 1290457 NOTIFICATION OF PROVISIONAL REFUSAL BASED ON AN
OPPOSITION**

Reference is made to the International Trade Mark Application designating Kenya under the Madrid Protocol by virtue of Article 9 sexies, with the following particulars:

Name of Applicant	Ilona Olejniczak Stare Bielice 142c-2 PL-75-039Biesiekierz POLAND
Trade Mark	Pitbull - Word
Int. Registration Number	1290457
Class	32
Goods:	32 Non-alcoholic beverages, non-alcoholic fruit extracts, essences for beverage, non-alcoholic cocktails, lemonades, arachnid milk, energizers, isotonic beverages, whey beverages, non-alcoholic fruit juice beverages, fruit nectars, fruit juices, vegetable juices,

	sorbets, lemonade sirups, beverage sirups, mineral sparkling and still water.
Date of Notification	03/03/2016

I hereby confirm the same has been opposed, as provided for under sections 2(1), 14 and 15(1), 15A and 20 (1) of the Trade Marks Act based on an International registration and Kenyan registrations with the following particulars:

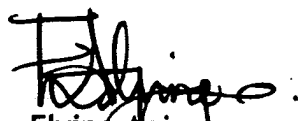
Name of Opponent	Red Bull GmbH
Trade Marks	BULL, RED BULL - Word DOUBLE BULL Device, BULL Device
Int. Registration Number	867085
Trade Mark Numbers	KE/T/2000/050181 KE/T/2000/050186 KE/T/2002/052824
Class	32

I hereby confirm that the grounds on which the provisional refusal is based affect all the goods in Class 32 in respect of which the above-mentioned application was made.

The applicant is required to file its Counter Statement within the next forty-two (42) days from the date of receipt of this notification through a Kenyan based Trade Marks Agent. However there is provision for Extension of Time upon 102 of the Trade Mark Rules.

The grounds of opposition are herewith attached.

Yours faithfully,


Elvine Apiyo
ASSISTANT REGISTRAR OF TRADE MARKS

Encl.

Cc. Ndungu Njoroge & Kwach Advocates
P.O. Box 41546 - 00100
NAIROBI

Ref: 11/143/2016/39