



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

Your Reference:
International Registration No:
WO0000001342685
Examiner: Douglas Adams
Direct Telephone: +44(0)1633814474
Date: 08 May 2017

Please reply by **08 July 2017** quoting the International Registration number

Dear Sir/Madam,

Intl Reg No: WO0000001342685
Mark: PREMIUM QUALITY (Figurative)
Holder: Toruńskie Zakłady Materiałów
Opatrunkowych, Spółka Akcyjna
Classes: 5, 10

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(s).

Absolute grounds for refusal

Section 3(1)(b)

The designation is not acceptable in Classes 05 and 10. 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 'PREMIUM QUALITY' with a figurative element would merely be perceived as a non-distinctive quality statement that could apply to any undertaking.

It is considered the figurative element of a semi-circle comprising of parallel lines along with the presentation of the words is insufficient and adds no distinctive character to the mark.

It is therefore considered that the sign as a whole 'PREMIUM QUALITY' and figurative element would be viewed and understood by the relevant consumer merely as a laudatory statement indicated the goods are superior and that they would not attach any trade mark significance to the sign indicating trade origin capable of denoting one trader from that of another.

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

If the issues raised in the examination report is/are 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

Douglas Adams

Trade Marks Registry