



**OIFIG NA bPAITINNÍ
PATENTS OFFICE**

Oifigí an Rialtais
Bóthar Hebron
Cill Chainnigh
Éire

Government Buildings
Hebron Road
Kilkenny
Ireland

**WORLD INTELLECTUAL PROPERTY ORGANISATION
34, CHEMIN DES COLOMBETTES
PO BOX 18
1211 GENEVA 20
SWITZERLAND**

Date of Notification: 05 July 2017
(By registered Mail)

**International Registration No: 1346302
Mark: MEGABET
Holder: Mega Brands Limited of United Kingdom**

Notification of the Irish Patents Office of Total Provisional Refusal

Dear Sir/Madam,

This notification is issued pursuant to Article 5 of the Protocol relating to the Madrid Agreement concerning the International Registration of Marks and Rule 17(2) of the Common Regulations under the Agreement and Protocol, and is to inform you that protection for this mark is refused for the reasons set out below. Any references to Sections are to Sections of the Trade Marks Act, 1996 and to Rules are to Rules of the Trade Marks Rules, 1996.

1.

Section 8(1)(b)

- The mark is devoid of distinctive character.

For a mark to possess distinctive character it must serve to identify the goods/services in respect of which protection is sought as originating from a particular undertaking, and thus to distinguish those goods/services from the goods/services of other undertakings.

It is contended that the mark, for which protection is sought, is incapable of performing the essential function of a trade mark, namely that of identifying the origin of the goods/services specified.

Section 8(1)(c)

The mark consists exclusively of signs or indications which may serve in trade, to designate the The wording should therefore remain free for all economic operators in that field to use.

- intended purpose of the services specified

Section 10(2)

There exists a likelihood of confusion on the part of the public between the mark and the following earlier mark(s):

Registered European Union Trade Mark No:004506473

Mark:Mega-bet SPORTWETTEN

Proprietor:BC-Wetten Beteiligungsgesellschaft m.b.H.

Louizalaan 149/24

1050 Brüssel

Belgium

Date of Application:22/06/2005

Date of Registration:20/06/2006

Priority Date: 12/05/2005

Class 9 : Data processing equipment, computers, computer software for betting, computer games, scanning terminals for betting; image, sound and data carriers of all kinds, including CDs, CD-ROMs, computer floppy discs, video and audio cassettes and discs; video games (included in class 9).

Class 16 : Printed matter, namely newspapers, periodicals, magazines, pamphlets, leaflets, prospectuses, programmes, press folders, photo albums, books, calendars, included in class 16, including in book form; printed jackets for sound carriers, image/sound carriers and films; photographs, posters, transparencies, telephone cards, included in class 16, entrance tickets, participant tickets, included in class 16, invitation cards, postcards, including in the form of adhesive postcards, identity cards, included in class 16, stationery, including writing and drawing implements, office requisites, namely stamps, stamp pads, stamp inks, letter openers, paper knives, letters trays, document files for stationery, desk pads, including of leather, cases and containers for writing implements, including of leather, note holders and containers, including of leather, hole-punches, staplers, paper clips and staples, stickers, including self-adhesive stickers, transfers, instructional and teaching materials (except apparatus) in the form of printed matter, games, globes, wall boards and drawing implements for wall boards, plastic materials for packaging, namely sleeves, pouches, bags.

Class 35 : Advertising, business management, business administration, office functions, in particular with regard to customer account management in connection with betting.

Class 36 : Monetary affairs.

Class 38 : Telecommunications.

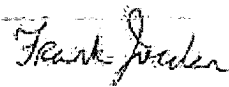
Class 41 : Film and television productions and publication thereof; publication of printed matter, conducting sporting and entertainment events, and publication of text information (except publicity texts), graphics, image and sound data which can be reproduced electronically, including the aforesaid data recorded on carriers or in files and/or accessible via data networks; providing an online betting system (on a computer network); conducting telephone betting; organising and arranging of sports betting; creation of betting protocols, operating betting offices; providing information on the Internet, namely betting odds, betting events, betting results.

2. This refusal is in respect of all of the services for which protection is sought.
3. The holder may make representations in writing, or may request an extension of time for doing so, not later than 05/10/2017. A request for an extension of

time received after that date may be granted at the discretion of the Controller.

4. If representations or a request for an extension of time are not received by the specified date, protection of the mark will be refused.
5. Representations to the Controller or a request for a hearing in relation to this notification of refusal must be accompanied by an address for service within the European Economic Area as required by Rule 10(1)(a) as amended by Statutory Instrument No. 410 of 2010; failure to furnish such address will result in the holder being deemed to have abandoned his request for protection.
6. If, following the receipt of representations, it is considered that the requirements for protection are met, the mark will be published in the Official Journal and protection of it will be subject to opposition and observations by third parties. A refusal based on opposition or observations received may subsequently be issued.
7. Date of refusal: **05 July 2017**

Yours faithfully



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