

**Notification of *ex officio* provisional partial refusal of protection  
(Article 5 of the Madrid Protocol, Rule 17(1) and (2) of the Common Regulations  
under the Madrid Agreement and Protocol, Article 28(2) and Articles 36 and 145  
EUTMR, Rule 9(3)(a) and Rule 113 EUTMR)**

Alicante, 18/07/2017

*International registration number:* **1353977**  
*Name of the holder:* **Tetsuwan Pty Ltd**  
*Trade mark:* **AtomIC**

Protection of the abovementioned mark is provisionally refused for the European Union for the following goods and services:

**Class 9: hand-held terminal devices**

## **I. Grounds**

The list of goods and services does not entirely comply with Article 28(2) EUTMR.

The term '**hand-held terminal devices**' in Class 9 is imprecise and the type of terminal device must be further clarified. Please note that the proposed clarified terms should always fall within the same class as the original wording of the International Register.

In order to remedy this deficiency, the Office recommends that you consult the Harmonised Database (HDB) at <http://tmclass.tmdn.org/ec2/?lang=en>. The HDB brings together a list of acceptable terms from every IP Office of the EU and ensures that the goods and services you choose will be immediately accepted.

## **Representative**

The holder of the international registration is obliged to be represented before the EUIPO by a legal practitioner or professional representative who is entitled to represent third parties before the EUIPO (Articles 92(2) and 93(1) EUTMR). Protection of the international registration for the European Union will be partially refused if a representative is not appointed within **2 months**.

## **II. Time Limit**

The holder of the international registration is hereby given a time limit of **2 months** to overcome the ground for refusing protection indicated and to comply with the requirements indicated above. Failure to do so will mean that after expiry of the time limit, the EUIPO will render a decision in which it refuses the protection in whole or in part. Said decision may be appealed. The time limit of **2 months** to reply to the present refusal will start on the day the present notification was issued by the EUIPO (Article 154(2), (3) and (4) EUTMR). Any such reply of the holder of the international registration shall be addressed to the EUIPO only.

**William MORELL**