



**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: **03 November 2017**
(By registered Mail)

International Registration No: 1204161

Mark: BIOPLAST

Holder: Bio-tec Biologische Naturverpackungen GmbH & Co. KG of Germany

Notification of the Irish Patents Office of Partial 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 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:002962561

Mark:bioplast

Proprietor:AQUAEL JANUSZ JANKIEWICZ Sp. z o.o.

ul. Krasnowolska 50

02-849 Warszawa

Poland

Date of Application:05/12/2002

Date of Registration:29/06/2006

Class 1 : Chemicals for treating water and adjusting pH, in particular for ponds and aquariums; pH indicators; manures; adsorbents for domestic animal waste; preparations for removing scum from ponds, included in class 01; test kits for determining pH; nitrite, nitrate; CO₂, carbonate, total hardness and ammonia in water; filter media with a base of natural and synthetic materials,

namely with a base of ceramic and ceramic foam, cotton wool, peat, activated carbons, hard coal and charcoal.

Class 5 : Veterinary preparations for domestic animals and ornamental fish; vitamin preparations; algacides; disinfectants; all the aforesaid goods other than manufactured from thermoplastically-processable granules, mainly consisting of starch for pharmaceutical purposes.

Class 11 : Lighting equipment and devices for aquariums, terrariums, birdcages; osmosis systems; water filters, including external and internal filters, sulphur and trickle filters; scum removers for water surfaces.

Class 16 : Indoor aquaria.

Class 18 : Covers for animals.

Class 19 : Aquaria (structures).

Class 21 : Cages for animals.

Registered European Union Trade Mark No:005408265

Mark:Bioplastic de Barbier

Proprietor:SOCIETE D'EXTRUSION DU POLYETHYLENE A. BARBIER ET CIE, Société par actions simplifiée

La Guide

43600 Ste Sigolene

France

Date of Application:23/10/2006

Date of Registration:07/08/2007

Priority Date: 14/06/2006

Class 16 : Bags, sachets, envelopes, pouches, wrapping, covers made of paper, for packaging any goods and objects; paper sheets; bags, wrapping, covers, small bags, envelopes, pouches of plastic for packaging all goods and items; rubbish bags.

Class 17 : Sheets of plastic; film, wrappings, covers, of plastic; semi-processed plastic substances; shrinkable films, shrinkable wrapping and covers, printed film, film, stretch covers and wrapping; film, wrapping and covers for soil mulching; plastic film for palletisation, ensilage, baling, agricultural use, storage and protection of fodder; greenhouse covers of plastic; films, covers and sheaths for irrigation; films, covers and sheaths for disinfecting the ground; film, covers and sheaths for solarisation; film, covers and sheaths for packaging and palletisation.

International Registration No:0960524

Mark:BIO PLAST BIODEGRADABLE PLASTICS

Holder:BIOPLAST BIOLOJIK PLASTIK TICARET VE SANAYI LIMITED SIRKETI

Bagdat Cad. Sumer Sok.

Veska Bloklari B Blok Ergin Ap. No: 16 D:10

Idaltepe/Istanbul

Turkey

Date of Application:03/03/2008

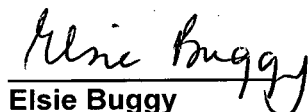
Date of Registration:03/03/2008

Class 16 : Plastic materials for packaging; plastic garbage bags, plastic carrier

bags, plastic polyethylene films and products, plastic film for wrapping.

2. This refusal is in respect of the following goods for which protection is sought: classes 1, 5 and 16.
3. The holder may make representations in writing, or may request an extension of time for doing so, not later than **2 February 2018**. 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 in respect of the goods listed in paragraph 2.
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 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. In the absence of any representations, the mark will be published in the Official Journal in respect of the remaining goods, i.e. other than those listed in paragraph 2, 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.
8. Date of refusal: **03 November 2017**

Yours faithfully



Elsie Buggy

Trade Mark and Design Examination Division

Direct Line: (056) 7720140

Ext: 4140

tmexam@patentsoffice.ie