



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

Your Reference:
International Registration No:
WO0000001370783
Examiner: Leigh Peacock-Evans
Direct Telephone: +44(0)1633 813535
Date: 23 November 2017

Please reply by **23 January 2018** quoting the International Registration number

Dear Sir/Madam,

Intl Reg No: WO0000001370783
Mark: (Figurative)
Holder: RION SPORTS PRODUCTS CO.,LTD
Class: 25

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.

Absolute grounds for refusal

Section 3(1)(b)

The designation is not acceptable in Class 25. 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 logo applied for is a simple geometrical figure that would fail to be recognised as a badge of origin.

It is considered that when confronted with the mark, the average consumer would merely see the basic rectangle shape as a banal shape that would not have any distinctive character when applied to goods such as clothing. Accordingly it's felt that the mark is origin neutral and would not be capable of achieving the primary function of a Trade Mark by distinguishing your goods from those of another undertaking.

In order to function as a Trade Mark the sign must be distinctive and capable of distinguishing one commercial undertaking from that of another.

Further information on what constitutes a distinctive Trade Mark can be found on our website by following [this link](#).

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

Leigh Peacock-Evans

Trade Marks Registry