



**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: 19 February 2018
(By registered Mail)

International Registration No: 1376060

Mark: FAENZA

Holder: FOSHAN CITY FAENZA SANITARY WARE CO., LTD of China

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 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:010828267

Mark:LAFENZA CERAMICA

Proprietor:COOPERATIVA CERAMICA D'IMOLA S.C.

Via Vittorio Veneto, 13

40026 Imola (Bologna)

Italy

Date of Application:23/04/2012

Date of Registration:20/09/2012

Class 19 : Building materials (non-metallic); Flooring materials (non-metallic);

Non-metallic tiles; floor, wall and ceiling tiles, not of metal; Non-metallic wall panels; Flooring panels (non-metallic-).

Class 35 : Advertising; Business management; Business administration; Office functions; Retailing and wholesaling of building materials (non-metallic), materials, not of metal, for flooring, tiles, not of metal, tiles, not of metal, for walls, floors or ceilings, panels for walls, not of metal, panels for floors, not of metal.

Class 39 : Transport of building materials, in particular tiles.

Registered European Union Trade Mark No:015093099

Mark:LAFENZA TILE WITH STYLE

Proprietor:COOPERATIVA CERAMICA D'IMOLA S.C.

Via Vittorio Veneto, 13

40026 Imola (Bologna)

Italy

Date of Application:09/02/2016

Date of Registration:06/07/2016

Priority Date: 04/09/2015

Class 19 : Floorboards; Paving blocks made of non-metallic materials; Paving stones; Signs, and information and advertising displays, non-metallic; Paving stones; Screed coatings; Non-metal coverings for ceilings; Veneers; Signs made of plastics [non-luminous and non-mechanical]; Building panels, not of metal; Roofing plates, not of metal; Marble for construction; Roof construction materials (Non-metallic -); Building and construction materials and elements, not of metal; Flooring materials (Non-metallic-); Building bricks (Non-metallic -); Facing bricks (Non-metallic -); Facing bricks (Non-metallic -); Refractory bricks and tiles; Works of art of stone; Cement and marble, included in this class; Non-metallic interlocking panels for building; Cladding panels (Non-metallic -) for roofs; Facing panels of non-metallic materials; Facing panels, not of metal; Cladding panels (Non-metallic -) for roofs; Waterproofing boards (non-metallic); Wall panelling made of non-metallic materials; Wall panelling made of non-metallic materials; Building panels, not of metal; Non-metal floor panels; Non-metal ceiling panels; Non-metallic roofing tiles; Translucent building panels made from plastics materials; Partition walls, not of metal; Parquet flooring; Paving stones; Floors, not of metal; Parquet wood flooring; Non-metallic paving; Tiles; Ceramic tiles for internal walls; Ceramic tiles for external floors; Ceramic tiles for flooring and lining; Ceramic tiles for flooring and lining; Non-metallic facing tiles for use in buildings; Ceiling tiles (non-metallic-); Ceiling boards, not of metal; Fireproof tiles; Translucent tiles (non-metallic-); Paving stones; paving products (non-metallic -); Flooring screeds; Flooring screeds; Cladding (non-metallic); Cementitious waterproofing coatings; Ceramic paving and surfacing; Wall coverings, not of metal; Cladding (non-metallic-) for ceilings; cladding for building purposes; Parquet floor boards; Non-metal roofing tiles; Building glass; Floorboards; Non-metal roofing; Non-metal roofing; Cement slabs; Luminous paving blocks; Marble; Mosaics for building; Signalling panels, non-luminous and non-mechanical, not of metal; Parquet flooring and parquet slabs; Tile floorings, not of metal; Floors, not of metal; Wall tiles, not of metal, for building; Stones; Building stone; Wood panelling; Ceilings, not of metal; Partitions, not of metal.

Class 35 : Commercial information agencies; Business administration;

Commercial or industrial management assistance; Consultancy in relation to personnel management; Shop window dressings; Dissemination of advertising matter; Demonstration of goods for promotional or advertising purposes; Sample distribution; Commercial presentation of goods for promotional activities; Business management; Commercial information and consultancy for consumers; Signs for commercial establishments; Office functions; Merchandising of goods; Negotiation and conclusion of commercial transactions for third parties; Arranging and conducting of events for advertising or promotional purposes; Arranging, promotion and conducting of shows, colloquiums, events and trade fairs for commercial and advertising purposes; Presentation of goods on communication media, for retail purposes; production of films for advertising purposes; Sales promotion for others; Public relations; External advertising (signs); Market research and surveys; Advertising agencies; Procurement services for others (purchasing of goods and services for other businesses); business management assistance services; Management consultancy services; Import and export services; Relocation of companies; Promotional sponsorship of events; Conducting of marketing studies; Rental of advertising space; Organisation of trade fairs for commercial purposes; Advertising; Sponsorship search; Conducting of marketing studies; Business research.
Class 39 : Packaging of goods; Delivery of goods; Delivery of goods; Packaging and storage of goods; services for the carriage of goods; Storage of goods.

2. This refusal is in respect of all of the goods/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 19/05/2018. 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.
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: **19 February 2018**

Yours faithfully

Frank Jordan

Frank Jordan
Trade Mark and Design Examination Division
Direct Line: (056) 7720161
Ext: 4161
tmexam@patentsoffice.ie