

Our Ref: KE/MS/1291862/25142

Date: 8th March, 2018

Your Ref: I.R. NO. 1291862

Head,
Legal Department
Trade Marks, Geographical Indications & Industrial Designs
World Intellectual Property Organization
34, Chemin Des Colombettes
P.O. Box 18
1211 Geneva 20
SWITZERLAND

Dear Sirs,

**RE: I.R NO. 1291862 NOTIFICATION OF TOTAL FINAL REFUSAL BASED ON AN
OPPOSITION**

Reference is made to the above-mentioned matter and to the Assistant Registrar of Trade Mark's Letter dated 16th February, 2017 in regard to the provisional refusal based on an opposition to the International Trade Mark Application designating Kenya under the Madrid Protocol with the following particulars:

Name of Applicant	ABC DETERJAN SANAYI VE TICARET ANONIM SIRKETI Ruzgarlibace Mahallesi, Cumhuriyet Caddesi, Gulsan Plaza No. 22 Kat: 4 Kavacik, ISTANBUL (Turkey)
Trade Mark	ABC (Word and device)
Intl. Registration Number	1291862
Goods Class 3	Bleaching and cleaning preparations, detergents other than for use in manufacturing operations and for medical purposes, laundry bleach, fabric softeners for laundry use, stain removers; dishwasher detergents; perfumery; cosmetics; fragrances; deodorants for personal use and animals; soaps.

Class 5	Pharmaceutical and veterinary preparations for medical purposes; chemical preparations for medical and veterinary purposes, chemical reagents for pharmaceutical and veterinary purposes; sanitary preparations for medical use; hygienic pads; hygienic tampons; plasters; materials for dressings; diapers, including those made of paper and textiles.
Date of Notification	10.03.2016

In the said letter, the grounds of opposition were enclosed and it was stated that the Applicant was required to file its Counter Statement within forty-two (42) days from the date of receipt of the Notification, through a Kenyan based trade marks agent and that there is provision for extension of time upon application under Rule 102 of the Trade Mark Rules.

Since 17th February, 2017 when the letter was sent by registered post, more than 12 months have elapsed and as per the records at the Registry of Trade Marks in Kenya, the Applicant has neither filed a Counter Statement nor has it obtained extension of time.

The above-mentioned application has now been deemed abandoned under the Rule 52A of the Trade Mark Rules and has no legal effect in Kenya. The Notification of provisional refusal based on the opposition communicated to you under the aforementioned letter dated 16th February, 2017 is now final and absolute.

A copy of the said letter of 16th February, 2017 is herewith attached for ease of reference.

Yours faithfully,



Concilia Were
ASSISTANT REGISTRAR OF TRADE MARKS

Encl.

Cc. Kaplan & Stratton Advocates
P.O. Box 40111 - 00100
NAIROBI

Ref: TMS/PR/30/136



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Our Ref: KE/MS/1291862/2514

Date: 16th February, 2017

Your Ref: I.R NO. 1291862

Head,

Legal Department

Trade Marks Geographical Indication & Industrial Designs

World Intellectual Property Organization

34, Chemin Des Colombettes

P.O.Box 18

1211 Geneva 20

SWITZERLAND

Dear Sirs,

**RE: I.R NO. 1291862 NOTIFICATION OF PROVISIONAL REFUSAL BASED ON AN
OPPOSITION**

Reference is made to the International Trade Mark Application designating Kenya under the Madrid Protocol, with the following particulars:

Name of Applicant	ABC DETERJAN SANAYI VE TICARET ANONIM SIRKETI Ruzgarlibace Mahallesi, Cumhuriyet Caddesi, Gulsan Plaza No. 22 Kat: 4 Kavacik, ISTANBUL (Turkey)
Trade Mark	ABC (device)
Intl. Registration Number	1 291 862
Goods Class 3	Bleaching and cleaning preparations, detergents other than for use in manufacturing operations and for medical purposes, laundry bleach, fabric softners for laundry use, stain removers: dishwasher detergents; perfumery; cosmetics; fragrances;

	deodorants for personal use and animals; soaps.
Class 5	Pharmaceutical and veterinary preparations for medical purposes; chemical preparations for medical and veterinary purposes, chemical reagents for pharmaceutical and veterinary purposes; sanitary preparations for medical use; hygienic pads; hygienic tampons; plasters; materials for dressing; diapers, including those made of paper and textiles.
Date of Notification	10.03.2016

I hereby inform you that the same has been opposed, as provided for under sections 14, 15(1) of the Kenya Trade Mark Act and Article 10 *bis* of the Paris Convention based on a registered trade mark with the following particulars:

Registered Proprietors: Procter & Gamble Company
Trade Mark: Atomium device
Registration Number: T.M No. 70110
Class: 3

I hereby confirm that the grounds on which the provisional refusal is based affect the goods in class 3 only in respect to which the above-mentioned application was made.

The grounds of opposition are herewith attached.

The Applicant is required to file its Counter Statement within the next forty-two (42) days from the date of receipt of this notification through a Kenyan based trade mark agent. However, there is a provision for Extension of Time upon application, under Rule 102 of the Trade Mark Rules.

Yours faithfully,


Elvine Apiyo

ASSISTANT REGISTRAR OF TRADE MARKS

Cc. Kaplan & Stratton Advocates

Ref: TMS/PR/30/136

P.O.Box 40111-00100

NAIROBI