



**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: 02 May 2018  
(By registered Mail)

**International Registration No: 1379865  
Mark: EXEED  
Holder: Chery Automobile 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 Mark No:257635  
Mark:Xceed  
Proprietor:Kia Motors Corporation  
12, Heolleung-ro  
Seocho-gu  
Seoul  
Republic of Korea  
Date of Application:13/04/2017  
Date of Registration:13/04/2017  
Class 12 : Automobiles; Vans [Vehicles]; Sports cars.  
Address for Service:FRKelly  
27 Clyde Road  
Ballsbridge  
Dublin 4  
Ireland

Registered European Union Trade Mark No:016606964

Mark:Xceed

Proprietor:KIA MOTORS CORPORATION

12, Heolleung-ro, Seocho-gu

Seoul 137-938

Republic of Korea

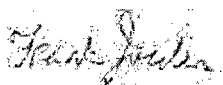
Date of Application:13/04/2017

Date of Registration:02/08/2017

Class 12 : Automobiles; Vans [Vehicles]; Sports cars; structural parts for automobiles; Automobile tires (tyres); Shock absorbers for automobiles; Brake systems for vehicles; Axle bearings for land vehicles; wheel bearings for land vehicles; Motors for land vehicles; Tractors.

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 01/08/2018. 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: **02 May 2018**

Yours faithfully



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Frank Jordan

Trade Mark and Design Examination Division

Direct Line: (056) 7720161

Ext: 4161 [tmexam@patentsoffice.ie](mailto:tmexam@patentsoffice.ie)