

Notification of Provisional Refusal based on an Ex Officio Examination (to WIPO)

Pursuant to Rule 17(2) of the Common Regulations under the Madrid Agreement concerning the international registration of marks and the Protocol relating to that Agreement.

- I. National office that notifies the refusal of protection:**
The Swedish Patent and Registration Office
Box 530, S-826 27 SÖDERHAMN, SWEDEN
- Telephone: + 46 8 782 25 00
Telefax: + 46 270 173 51
- II. International registration: No: 1370783,**
- III. Holder of the international registration:**
RION SPORTS PRODUCTS CO.,LTD
Workshop Four Floor, Honghaier Company, A Building, No.65, Chongrong Street, Detai Road, Economic-
Technological Development Area, Quanzhou City
362000 Fujian Province
Kina
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- IV. The scope of the refusal:**
Provisional refusal for ALL goods and/or services

- V. Grounds for refusal:**

Absolute grounds:

Trademark Act Chapter 5 Art 8:2, Chapter 1 Article 5 and Chapter 2 Article 5:

The trademark is considered to be devoid of any distinctive character in respect of the following goods/services:

Class 25: Clothing; layettes [clothing]; bathing suits; waterproof clothing; football boots; shoes; headgear for wear; hosiery; neckties; leather belts [clothing].

- VI.** You will find more information about the conflicting mark(s) (if any) enclosed under XII.
The relevant provisions of the Swedish Trademark Act are under XII.
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- VII.** Date of provisional refusal: 08/06/2018
Response must be received within: 08/09/2018

- VIII.** Signature by the Office:
THE SWEDISH PATENT AND REGISTRATION OFFICE

Marta Hugosson

IX. If the holder does not contest the provisional refusal within 3 months, protection is given for:

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Rapid publishing of the limited list

If the holder wishes for rapid publishing of the designated trade mark – for the goods/services which are not subject to refusal – the holder may send an explicit request to PRV that the designation of Sweden is partially withdrawn for the goods/services which are subject to the provisional refusal. This request must be signed in original.

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X. Request for a review

The holder of the registration may request a review of the provisional refusal. The Swedish Patent and Registration Office must receive the request no later than 3 months from the date of this provisional refusal. Such request must provide an address for correspondence and be filed in Swedish, Danish, Norwegian or English. The Swedish Patent and Registration Office will respond in Swedish.

XI. Final decision

If this provisional refusal is not contested, or if any of the invoked grounds remain after a request for review, the Swedish Patent and Registration Office will issue a final decision in this matter.

Only applicable to partial refusals: once the final decision takes legal effect (no appeal is filed), the international registration designating Sweden will be published for protection with this above list of goods and services. If the final decision is appealed the case will be remitted to the Patent and Market Court.

Post grant opposition

Please note that to the extent the designation of Sweden is accepted, a post grant opposition may be filed against the mark within 3 months from the publication of the mark.

XII. The relevant provisions of the Swedish Trademarks Act regarding the grounds of this provisional refusal:
Trademark Act Chapter 5 Art 8:2, Chapter 1 Article 5 and Chapter 2 Article 5

Number of continuation sheets: 3

Article 8. If the Patent and Registration Office receives a notification from the International Bureau to the effect that someone has applied for an international trademark registration to be extended to Sweden, the Office shall examine whether there exists any obstacle to this.

An obstacle to the extension to Sweden of the international trademark application exists if there would have been an obstacle to a national registration of the trademark pursuant to Chapter 2, Articles 4 to 11.

If the Patent and Registration Office considers that an obstacle exists under the second Paragraph, the Office shall inform the International Bureau that the international trademark registration cannot, wholly or in part, be extended to Sweden. Such information shall be given within 18 months from the date of the notification and contain the grounds why the registration cannot be extended here.

Article 9. If the Patent and Registration Office has informed the International Bureau under Article 8, third Paragraph, the Office shall not earlier than three months after the information was transmitted decide that the international trademark registration shall not, wholly or in part, extend to Sweden if at that point in time an obstacle referred to in Chapter 2, Articles 4 to 11 still exists.

Article 10. If no obstacle referred to in Chapter 2, Articles 4 to 11 exists, the Patent and Trademark Office shall enter the trademark in the Trademark Register and publish a notice that the international trademark registration is valid in Sweden.

If the Patent and Trademark Office has decided that the international trademark registration shall partly not be valid in Sweden, the entry of the trademark in the Trademark Register and the publication of a notice shall concern only the remainder of the goods or services when the decision has taken legal force.

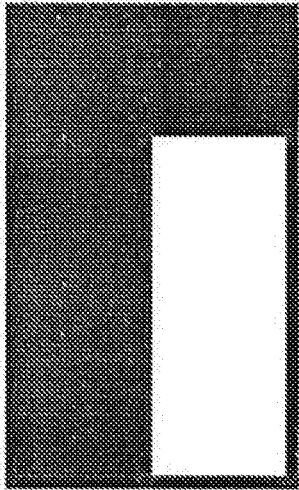
Article 15. After an opposition has been filed, the Patent and Registration Office shall decide that the international trademark registration shall, wholly or in part, not extend to Sweden if an obstacle referred to Chapter 2, Articles 4 to 11, exists to its extension here. If no such obstacle exists, the opposition shall be rejected. An opposition that is wholly or in part based on an obstacle referred to in Chapter 2, Articles 8 to 10, shall be rejected in those parts if it has been filed by someone who does not act in his own interest and the holder of the registration so requests.

A decision that the registration shall not extend to Sweden may be based only on a circumstance that has been communicated to the International Bureau within 18 months from the date of the notification under Article 8, first Paragraph. If the time for opposition has expired after that time limit, the decision may nevertheless be based on circumstances that have been communicated to the International Bureau within a month from the expiry of the time limit for opposition. This applies on condition that the Patent and Registration Office within the time limit of 18 months has informed the International Bureau that a notification about such a decision may be communicated later.

If, due to an opposition, the Patent and Registration Office, decides that the registration shall, wholly or in part, not extend to Sweden, the trademark shall to a corresponding extent be removed from the Trademark Register when the decision has taken legal force. A notice about the decision shall be published.

BILAGA

Registreringsnummer: 1370783
Registreringsdatum: 2017-07-24
Ansökningsnummer: 1370783
Ingivningsdatum: 2017-07-24



Märkestyp: Figur

Klassificering:

25: Clothing; layettes [clothing]; bathing suits; waterproof clothing; football boots; shoes; headgear for wear; hosiery; neckties; leather belts [clothing].

Innehavare: RION SPORTS PRODUCTS CO.,LTD , Workshop Four Floor, Honghaier Company, A Building, No.65, Chongrong Street, Detai Road, Economic-Technological Development Area, Quanzhou City 362000 Fujian Province, Kina.