



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: **31 July 2018**
(By registered Mail)

International Registration No: 1400991
Mark: EXATHLON BRASIL WORLD'S MOST CHALLENGING PERFORMANCE
GAME
Holder: OCTOVISIO GMBH of Germany

Notification of the Irish Patents Office of Partial 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 39(2)

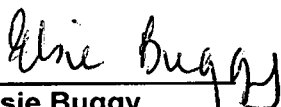
The Office considers the term 'the bringing together, for the benefit of others, of a variety of goods enabling customers to conveniently view and purchase those goods, such services may be provided by retail stores, wholesale outlets, by means of electronic media or through mail order catalogues' in class 35.

2. This refusal is in respect of the following services for which protection is sought: the term 'the bringing together, for the benefit of others, of a variety of goods enabling customers to conveniently view and purchase those goods, such services may be provided by retail stores, wholesale outlets, by means of electronic media or through mail order catalogues' in class 35.
3. The holder may make representations in writing, or may request an extension of time for doing so, not later than 30 October 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 in respect of the services listed in paragraph 2.
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 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. In the absence of any representations, the mark will be published in the Official Journal in respect of the remaining services, i.e. other than those listed in paragraph 2, 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.
8. Date of refusal: **31 July 2018**

Yours faithfully



Elsie Buggy
Trade Mark and Design Examination Division
Direct Line: (056) 7720140
Ext: 4140
tmexam@patentsoffice.ie