

In reply please quote our reference

Your reference : N.A.
Our reference : 2018/4709958560Q
Date : 24 September 2018

WORLD INTELLECTUAL PROPERTY ORGANIZATION
INTERNATIONAL REGISTRATIONS DEPARTMENT
34, CHEMIN DES COLOMBETTES, 1211 GENEVA 20
SWITZERLAND

Dear Sir/Madam

NOTIFICATION OF PROVISIONAL REFUSAL OF PROTECTION TO THE INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION ACCORDING TO ARTICLE 5 OF THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

1. Office making the notification:

Intellectual Property Office of Singapore (IPOS)

2. International Registration Number:

1409709

3. Trade Mark Number(s) issued by the IPOS for this International Registration:

Trade Mark Number : 40201812595U

Class Number(s) : 14

4. Name of holder of the International Registration:

HARRY WINSTON, INC.

5. Ground(s) of the Provisional Refusal:

Provisions of Singapore Law: The relevant provisions of Singapore law are attached.

5.1 Specification of goods and/or services

We note that you have applied for protection of the mark for goods and/or services in Class 14. However, we are raising objections under rule 19(2)(b)(ii)(A) of the Trade Marks Rules for the following goods and/or services:

Class 14

- a) "goods made of these materials or coated therewith included in this class" in the description "Precious metals and their alloys and goods made of these materials or coated therewith included in this class" - We note that the date of international

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registration (IR) is 18 April 2018, which indicates that the IR is to be examined under the Eleventh Edition, Version 2018 of the Nice Classification ("NCL 11-18"). As the underlined description is no longer acceptable in NCL 11-18, please specify the exact nature of these goods and provide us with the wordings, for our consideration.

- b) "cases" – As "cases" are in principle classified according to the goods that they are adapted for, please clarify or may consider amending to "jewelry cases", if intended, for better conformity.

Please note that no form or fee is required for an amendment to the specification of goods or services of an international registration designating Singapore.

6. Goods and/or services affected by the refusal:

This refusal applies to "goods made of these materials or coated therewith included in this class" in the description "Precious metals and their alloys and goods made of these materials or coated therewith included in this class" and "cases" in Class 14 of the international registration.

7. Request for review:

The holder of the international registration may file a request for a review of this refusal with IPOS.

The request for review must comply with the following:

- (a) quote the International Registration number, relevant trade mark number(s), corresponding class number(s) and Singapore reference number(s).
- (b) furnish an address for service in Singapore. The holder may appoint an agent by filing Form CM1.

Please note that any form(s) filed with the International Bureau of the World Intellectual Property Organization in response to this refusal, will not be treated as a request for a review of this refusal unless the above has been complied with.

8. Extension of time:

The holder may seek an extension of time to request for a review of this refusal by filing Form CM5.

9. Deadline to observe:

If the holder does not file a request for review or apply for an extension of time to do so by **24 January 2019**, the application for the refused goods and/or services indicated in paragraph 6 of this refusal will be treated as withdrawn (reinstatable). Please refer to paragraph 10 on reinstatement of an application that is treated as withdrawn (reinstatable).

10. Reinstatement of an application that is treated as withdrawn (reinstatable):

If the application for the refused goods and/or services indicated in paragraph 6 of this refusal becomes treated as withdrawn (reinstatable), the holder may request to reinstate the application by filing Form CM13 together with the request for review within six months from the deadline in paragraph 9.

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Please note that reinstatement is not automatic. Reinstatement will be allowed only after we have conducted a new conflicting mark search and are satisfied that the mark to be reinstated does not conflict with any trade mark applications filed with IPOS prior to the filing of the required documents.

If the holder also does not request to reinstate the application in time, the application for goods and/or services that are not refused will proceed to publication.

11. Forms and fees:

The forms referred to in this provisional refusal and the relevant fees may be found at <https://www.ip2.sg/>.

12. Further refusal of protection:

Please note that a further refusal of protection may result from an opposition, which may be filed after the expiry of 18 months from the date on which the Intellectual Property Office of Singapore was notified of the international registration. This applies to all goods and/or services claimed in the international registration.

This refusal is issued by:

Ms Nicole Yap Wen Ping
Assistant Registrar
for Registrar of Trade Marks
Singapore
Email: Nicole_YAP@ipos.gov.sg

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PROVISIONS OF SINGAPORE LAW

TRADE MARKS RULES

Rule 19 Specification

(2) Every application form shall contain, for each class of goods or services to which the application relates

(a) the class number as set out in the Nice Classification as in force on the date of that application; and

(b) a specification of those goods or services which

(i) is appropriate to that class;

(ii) is described in such a manner as to

(A) indicate clearly the nature of those goods or services; and

(B) allow those goods or services to be classified in accordance with the Nice Classification as in force on the date of that application; and

(iii) complies with any other requirement of the Registrar.

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