

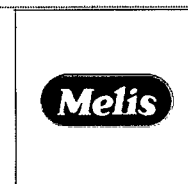
## Notification of Provisional Refusal based on an Ex Officio Examination (to WIPO)

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. Name and address of the Office making the notification:

Norwegian Industrial Property Office	Telephone:	+47 22 38 73 00
P.O.Box 8160 Dep., N-0033 OSLO, NORWAY	Telefax:	+47 22 38 73 01
	E-mail:	mail@patentstyret.no

### II. International registration: 797455



### III. Date of Subsequent Designation (if any):(yyyy.mm.dd) 2017.01.04

### IV. Holder of the international registration:

EURO GIDA SANAYI VE TICARET LIMITED SIRKETI, Hisar Cad. Setüstü Sk. No: 2 A.  
Hisari, TR-BEYKOZ, Tyrkia

### V. The scope of the refusal:

☐ Provisional refusal for all goods and/or services

☒ Provisional partial refusal for some of the goods - see under X

### VI. Grounds for refusal:

☒ Absolute grounds: **Trademark Act Section 15.1.b** - The trademark is likely to deceive the public with regards to the kind of goods or contents contained in the goods claimed in the international registration. The mark consists of the term MELIS. MELIS is the Norwegian word for «icing sugar» and is claimed for sugar, tapioca, sago, flour, honey and treacle. Consequently, the average consumer will perceive the goods as consisting of icing sugar which will be incorrect as the list of goods instead consists of sugar, tapioca, sago, flour, honey and treacle. It is likely that this will affect the choice of the average consumer when purchasing goods such as those claimed in the international registration; therefore the mark must be refused.

☐ Relative grounds:  
Likelihood of confusion with:

### VII. The relevant provisions of the Norwegian Trademarks Act are under XII.

### VIII. Date of provisional refusal: (yyyy.mm.dd) 2018.09.14

Response must be received within: (yyyy.mm.dd) 2018.12.14

See more information under XI about the time limit and which actions you need to take if you want to request a review of the provisional refusal.

### IX. Signature by the Office:

Continuation sheet no: 1

Int. reg. number: 0797455

**THE NORWEGIAN INDUSTRIAL PROPERTY OFFICE**

Synnøve Heimdahl

(National reference no.: 201717261)

Number of continuation sheets: 2

**X. Scope of the provisional refusal in respect of goods:**

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

*Class 29,31 as filed*

*Class 30 limited to:*

Coffee, tea, cocoa, rice, artificial coffee; preparations made from cereals, bread, pastry and confectionery, ices; salt.

The international registration will be published for protection with the above-reduced list of goods/services.

**Rapid publication of the limited list**

If the holder accepts the proposed limitation of the goods/services, and wishes a publication of the mark for these goods/services as soon as possible, he/she may confirm this in writing to The Norwegian Industrial Property Office. If The Norwegian Industrial Property Office does not receive any such confirmation from the holder, the mark will however be published for protection of the limited list of goods/services, after the expiry of all the time limits.

- XI.** The holder of the registration may request a review of the provisional refusal. The Norwegian Industrial Property Office must receive the request no later than 3 months from the date of this provisional refusal (The time limit is indicated under point VIII). Such request must provide an address of correspondence and be filed in Norwegian, Danish, Swedish or English. The Norwegian Industrial Property Office will respond in Norwegian. Please note that if The Norwegian Industrial Property Office, either subsequent to review or appeal, accept the designation of Norway, a post grant opposition may be filed against the mark within 3 months from the publication of the mark.

If the holder does not respond to this provisional refusal within the time limit, the international registration shall be considered abandoned in Norway for the goods/services that are excluded (Trademark Act Section 70 and 23). The international registration shall be resumed if the holder, within two months from the expiration of the time limit responds to the provisional refusal and pays the stipulated fee (NOK 550,-). Please note that The Norwegian Industrial Property Office does not send any notifications to the holder that the international registration is abandoned in Norway.

- XII.** The relevant provisions of the Norwegian Trademarks Act regarding the grounds of this provisional refusal:

**§ 15. Trademarks that conflict with public interests**

A trademark cannot be registered if it:

- a) is contrary to law or public order or is liable to cause offence,
- b) is liable to deceive, for example in respect of the nature, quality or geographical origin of the goods or services, or
- c) contains, without authorisation, escutcheons or another sign covered by Section 15, paragraph one, no. 4, or paragraph two of the Norwegian Penal Code, a national flag or anything that is liable to be understood as such a sign or flag.

For wine and spirits, it is not permissible to register a trademark that consists of or contains anything that is liable to be understood as a geographical indication of origin, unless the geographical origin of the goods is in accordance with the indication.

Continuation sheet no: 3

Int. reg. number: 0797455