

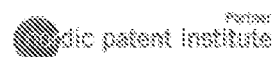
The International Bureau, WIPO
34, chemin des Colombettes
CH-1211 Geneva
Switzerland

Danish Patent
and Trademark Office

Højsgadej Allé 81
2500 Rosstrup

Tel. : 43 50 80 00
Fax : 43 50 80 01
E-mail : ipr@dkpto.dk
Web : www.dkpto.dk
CVR no. : 17 03 94 15

Danish Ministry of Economic
and Business Affairs



Our ref: MP1412439
International Registration: 1412439
Holder: L'OREAL
Mark: HYALURON SHOT
Time limit: 11 February 2019

11 October 2018

Dear Madam/Sir

Notification of Total Provisional Refusal of IR 1412439 according to Rule 17(2)

The above-mentioned mark is provisionally refused protection in Denmark for all of the goods/services covered by the designation.

The reasons for the refusal are given in the enclosed examination report. The holder may request a review of the refusal before **11 February 2019**. Further information about procedures is found in the report.

Yours faithfully

Zebbie Elisabeth Oyier Gaya
Legal Adviser, Trademarks/Design, Master of Law LLM

Examination Report

Grounds for refusal

We have found that the mark is descriptive and thus lacks distinctive character, cf. the Danish Trade Marks Act, Sections 13(1) and 13(2)(1).

The mark consists of word elements HYALURON and SHOT.

HYALURON is commonly used as an abbreviation or reference to hyaluronic acid, especially in connection to skincare products. Hyaluronic acid is a polysaccharide molecule which is one of the chief components of connective tissue, forming a gelatinous matrix that surrounds cells, cf. Oxford Dictionaries. Hyaluronic acid is often used in different types of skincare and anti-aging products. In Appendix C, we have attached documentation for the common use of the word HYALURON in connection with skin care products containing hyaluronic acid.

The word SHOT can in connection to the goods applied for indicate that a you or your skin will get a shot of hyaluronic acid, as the word SHOT is not only used for something one drinks but also with the meaning that, for example, the skin gets a shot of energy. The word SHOT may also indicate that the hyaluronic acid comes in shot portions.

Consequently, the mark may serve to designate the kind or purpose of the goods, namely that it is cosmetic preparations for skin care in the form of hyaluronic acid shots or that it is cosmetic preparations that give the skin a shot of hyaluronic acid. In Appendix D, we have attached documentation that the word SHOT is used in conjunction with creams and similar preparation that can give the skin a shot of energy, hyaluronic acid etc.

Please be informed that the Danish Trade Marks Act Section 13(3) allows for the registration of marks, which have acquired distinctiveness through use.

Request for review of the provisional refusal

You may request a review of the provisional refusal **within 4 months** from the date of issue of the provisional refusal.

Please observe that documents or evidence submitted by you will be available to the public according to the regulations of The Danish Access to Public Administration Files Act.

A request for review shall be send by post or e-mail to:

Address

Patent- og Varemærkestyrelsen
Helgeshøj Allé 81
DK-2630 Taastrup
Denmark

E-mail

pvs@dkpto.dk

Final refusal and appeal

If you do not reply within the time limit mentioned above, we will issue a final refusal, which is subject to appeal to the Board of Appeal for Patents and Trademarks.

Further information

We have enclosed guidelines on our search of **earlier rights** (relative grounds for refusal) as well as an abstract of the relevant sections of the Danish Trade Marks Act. See appendices A and B.

Should you have any questions to the above you are welcome to contact us.

Appendix A: Information about search results

Appendix B: Abstract of the Danish Trade Marks Act

Appendix C: Documentation on the common use of the word HYALURON

Appendix D: Documentation on the use of the word SHOT in connection with skincare .

Appendix A

Information about search results

We have conducted a search in the relevant Danish registers for earlier conflicting rights, such as trademarks, company names and personal names.

Please find the result of our search by following the link below:

<http://onlineweb.dkpto.dk/pvsonline/Varemaerke?action=104&sagID=MP1412439&language=en>

Please note that the search result has not been examined for relative grounds. You can request an examination of relative grounds by contacting our Office.

Please be informed that there might be conflicting Community trademarks and/or trademarks under the Protocol relating to the Madrid Agreement of which we either had no knowledge at all or about which we had no information as to the extent of the trademarks at the time of our search. You should also be aware that other rights which are not included in our search, such as design rights, copyright or closely similar company names, may serve as relative grounds.

General information concerning the relative grounds for refusal

Please note that the rights mentioned in the search report can act as possible grounds for refusal, only if the holders of the cited rights should file an opposition against the validity of the designation in Denmark.

Therefore you may choose to have the designation published in the Danish Trademark Gazette irrespective of the earlier rights. This allows a third party to file an opposition within a period of 2 months from the date of publication.

Should an opposition be filed against the designation, we will inform you accordingly and invite you to comment on the opposition before the Danish Patent and Trademark Office makes a decision. If no opposition is filed within the time limit, the designation will be granted full validity in Denmark.

If you wish to overcome the earlier rights before the designation is published, you can choose to:

Supply us with a letter of consent from the proprietors of the earlier rights, permitting you to make use of the trademark in Denmark and have the trademark published in the Danish Trademark Gazette

and/or

Limit the list of goods and services in order to avoid that the designation covers goods and services similar to those covered by the earlier rights. Please note that a limitation of the list of goods and services should be submitted to the International Bureau (Form MM6) according to Rule 25 of the Common Regulations.

The possibility of overcoming earlier rights through a written consent and/or a limitation of the list of goods and services is also at hand during an opposition procedure.

Appendix B

Abstract of the Danish Trade Marks Act and Order on Application and Registration, etc. of Trade Marks and Collective Marks

Signs of which a trade mark may consist

Section 2

(1) A Trade mark may consist of any sign capable of distinguishing the goods or services of one enterprise from those of other enterprises and capable of being represented graphically, in particular:

- (i) words and word combinations, including slogans, personal names, company names or names of real property;
- (ii) letters and numerals;
- (iii) pictures and designs; or
- (iv) the shape, equipment or packaging of the goods.

(2) A trade mark right shall not be acquired for signs which consist exclusively of a shape which is dictated by the goods themselves, a shape of goods which is necessary to obtain a technical result or a shape which gives substantial value to the goods.

Registration of trade marks

Section 12

(1) An application for the registration of a trade mark shall be filed with the Patent and Trademark Office. The application shall contain a reproduction of the trade mark and state the applicant's name or company. Furthermore, the goods or services for which registration of the trade mark is applied for shall be stated.

(2) The application shall be drawn up in accordance with the provisions laid down pursuant to section 48. The prescribed fee shall accompany the application.

(3) The Patent and Trade mark Office shall keep a register of trade marks. The Office shall publish registrations, etc.

Processing of applications

Section 20

(1) If the application does not comply with this Act or the provisions laid down pursuant to this Act, or if the Patent and Trademark Office has other objections to the acceptance of the application, the Patent and Trademark Office shall notify the applicant accordingly and invite him to file his observations within a specified time limit.

Grounds for refusal

Section 13

(1) For a trademark to be registered it shall be of the nature referred to in section 2, including a distinctive character.

(2) The following trademarks shall not be registered:

- (i) trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of the goods or of rendering the services or other characteristics of the goods or services;

- (ii) trademarks which consist exclusively of signs or indications which are customarily used to designate the goods or services in the current language or in the established practices of the trade.
- (3) Irrespective of the provisions of sub-sections (1) and (2) a trademark may be registered if, before the filing of the application in consequence of the use which has been made thereof, it has acquired a distinctive character.

Section 14

Furthermore, the following shall not be registered:

- (i) trademarks which are contrary to law, public order or morality;
- (ii) trademarks which are liable to mislead the public, for instance as to the nature, quality or geographical origin of the goods or services;
- (iii) trademarks which have not been authorized by the competent authorities and are to be refused pursuant to Article 6ter of the Paris Convention for the Protection of industrial Property, and trademarks which include badges, emblems and escutcheons which are of public interest, unless the consent of the appropriate authority to their registration has been given;

Order on Application and Registration, etc. of Trade Marks and Collective Marks no. 364 of 21 May 2008

Section 2

(1) The application shall indicate:

- (ii) the goods and/or services for which the registration of the mark is requested grouped in classes in compliance with the classification in the Nice Agreement of 1957 with subsequent amendments concerning international classification of goods and services for the purpose of registration of trademarks...

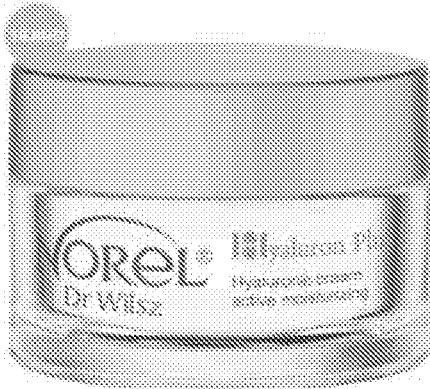
Appendix C

DERMADAY

[BESTSELLER](#)
[DERMADOLLER SYSTEM](#)
[ANSIGTERPLEJE](#)
[KROPSPLEJE](#)
[HÅNDPLEJE](#)
[SKYKKER](#)
[TILBUD](#)

BRANDS

[Hjem](#) / [Om os](#) / [Kontakt os](#) / [Kundeservice](#) / [Ansigtspleje](#) / [Kropspleje](#) / [Håndpleje](#) / [Skikker](#) / [Tilbud](#)



HYALURON CREME - MODEN HUD

DKK 164,00
DKK 179,00
Vejl. udsalgsspris DKK 179,00

NOREL
Aktiv fugtgivende hyaluron creme

Cremeren genopbygger modens fugt og hjælper med at holde huden smid og elastisk.

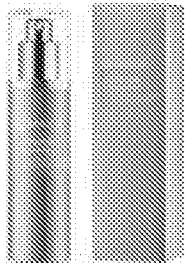
Hyaluronsyren er bygget i flere lag og danner en silikongel, der fylder og optager vand i huden, og reducerer dermed aldersrelateret rynkning.

Kombinationen af hyaluronsyre, gode proteiner som collagen og E-vitamin tilfører huden masser af fugt.

Cremeren tilfører ikke hyaluronsyre, så huden kan absorbere den.

https://dermaday.dk/produkter/144-moden-hud/355-hyaluron-creme/?gelid=EA1aIQobChMIyMPLusi-3QIVxLTtCh2EjgkLEAQYBSABEgLi-fD_BwE

[Hjem](#) / [Om os](#) / [Kontakt os](#) / [Kundeservice](#) / [Ansigtspleje](#) / [Kropspleje](#) / [Håndpleje](#) / [Skikker](#) / [Tilbud](#)



Ultra Pure Solutions Hyaluron & Collagen Facial Nano Spray

750,00 DKK

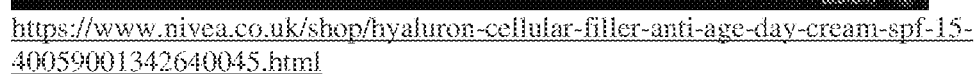
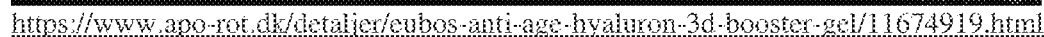
1 500

Skin Revitalizer

ULTRA PURE SOLUTIONS HYALURON & COLLAGEN FACIAL NANO SPRAY er en effektiv og let anvendt hudpleje, der giver huden en fantastisk og langvarig fugt og elasticitet. Den indeholder hyaluronsyre og collagen, som er de vigtigste ingredienser til at holde huden smid og elastisk. Den giver også en dejlig duft og er perfekt til at bruge som en daglig hudpleje.

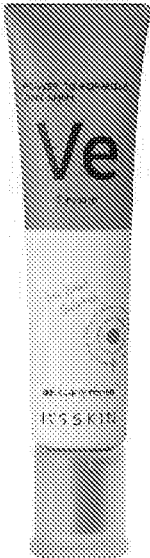
De fire ingredienser, nemlig hyaluronsyre, collagen, vitamin C og E, er de vigtigste ingredienser til at holde huden smid og elastisk. Den giver også en dejlig duft og er perfekt til at bruge som en daglig hudpleje.

<http://www.m2beaute.dk/shop/34-facial-care/53-ultra-pure-solutions-hyaluron-amp-collagen-facial-nano-spray/>



Appendix D

[Boozt](#) / [Kvinder](#) / [Beauty](#) / [Hudpleje](#) / [Ansigt](#) / [Fugtpleje](#)



NEW

It's SKIN

It's SKIN Power 10 Formula One Shot VE Cream

193 kr

♥ 3

Vælg størrelse:

35 ML

LÆG I KURV

Levering: 1-2 dage - Gratis på ordre over 499 kr -
Gratis retur

Om produktet:

Hudtype

Anvendelse: Using an adequate amount, apply on clean skin and smooth in gently all over face.

Mere Produktinformation +

Se mere:

It's SKIN

Serum

Hudpleje

K-beauty

Korea

Udvalgte

Fugtpleje

Essencer

Nyheder

Fri fragt

1-2 hverdage - på
ordre over 499 kr

Kundeservice

Tel: 39 38 11 34
customerservice_dk@boozt.com

5 stjerner på
Trustpilot

106 000 anmeldelser
Perfect 9 of 10

Gratis retur

30 dage -
Forudbetalt returandel

50 000 styles

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REN KEEP YOUNG AND BEAUTIFUL INSTANT FIRMING BEAUTY SHOT

Størrelse
30 ml
Status: På lager

Normale pris: 225,00 kr
Medlemspris: 195,00 kr

- ✓ Gratis fragt på alle ordrer
- ✓ Store besparelser



Præmie på KlubHub giver dig kun for medlemmer! Du bliver automatisk medlem med din første ordre. Den første måned er gratis (herefter 100 DKK) og kun opsigtsfrie, når du har 100 DKK. Læs alle betingelser her.

TRUSTPILOT - Feedback E-mail - din sikkerhed



Gratis fragt



Snitlig
levering
1-2 dage



24 timers
returret



100% oplyst
produktet

https://klubklub.dk/ren-keep-young-and-beautiful-instant-firming-beauty-shot-30-ml.html?gclid=EAfaIQobChMIqKzz6cn-3QIV6pPtCh33DAuEAOYAiABEGI2jvD_BwE



emma.dk

SPAR
OP TIL
85%

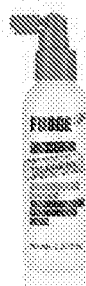


SØG EMMA...



FUDGE 1 SHOT TREATMENT SPRAY 150 ML

SPAR 58%



KØB INDEN

KØB

NORMAL PRIS

189 KR

EMMA RABAT

110 KR

GRATIS FRAGT

0 KR

☒ EMMA PRIS

79 KR

DU SPARER 110 KR 58%

OP TIL 2 CASHPOINTS

EMMA PRIS ER KUN GÆLDENDE FOR MEDLEMMER, DER HAR FULGT DE GRÆNSEVÆRDISBETINGELSER. OG SOM UDFYLDER DERES RABAT-ORDR



NORMAL PRIS

189 KR

emma.dk

emma anvender cookies som husker dine tidligere handlinger, for at optimere brugeroplevelsen. Ved at bruge siden accepterer du dette. LÆS

OK

NEJ, TAK TIL COOKIES



DAN

16:26

2018-10-11



[https://www.emma.dk/produkt/fudge-1-shot-treatment-spray-150-ml-](https://www.emma.dk/produkt/fudge-1-shot-treatment-spray-150-ml-3236.html?g=1&gelid=EAlalQobChMI7eX_zL_-3QIV4ZPtCh0vLQoEEAQYAyABEglaIvD_BwE)

[3236.html?g=1&gelid=EAlalQobChMI7eX_zL_-3QIV4ZPtCh0vLQoEEAQYAyABEglaIvD_BwE](https://www.emma.dk/produkt/fudge-1-shot-treatment-spray-150-ml-3236.html?g=1&gelid=EAlalQobChMI7eX_zL_-3QIV4ZPtCh0vLQoEEAQYAyABEglaIvD_BwE)