


**NOTIFICATION OF PROVISIONAL REFUSAL OF AN INTERNATIONAL REGISTRATION DESIGNATING  
NEW ZEALAND**

1.	<b>Office making the notification:</b> Intellectual Property Office of New Zealand						
2.	<b>Date of the notification of provisional refusal:</b> 3 January 2019						
3.	<b>Number of the international registration:</b> 1438301  <b>Our reference:</b> 1109076						
4.	 <p><b>Representation of the mark:</b></p>						
5.	<b>Name of the holder:</b> Beijing Camel Footwear Co., Ltd						
6.	<b>Basis for refusal:</b> Provisional refusal based on an <i>ex officio</i> examination.						
7.	<b>Scope of refusal:</b> Provisional refusal for all the goods and/or services.						
8.	<p><b>Grounds for refusal:</b></p> <p><b><u>Identical or confusingly similar trade marks</u></b></p> <p><b>Section 25(1) – Identical trade mark</b></p> <table border="1"> <tr> <td>Objection</td> <td>Our search of the trade marks register has revealed at least one trade mark that is identical to yours, and covers the same or similar goods or services. This mark has priority over yours.  For details of the identical mark(s), please see the attached search report.</td> </tr> <tr> <td>Goods and/or services</td> <td>All goods.</td> </tr> <tr> <td>Relevant law</td> <td>The relevant provisions of New Zealand law are listed below at 11.</td> </tr> </table>	Objection	Our search of the trade marks register has revealed at least one trade mark that is identical to yours, and covers the same or similar goods or services. This mark has priority over yours.  For details of the identical mark(s), please see the attached search report.	Goods and/or services	All goods.	Relevant law	The relevant provisions of New Zealand law are listed below at 11.
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Goods and/or services	All goods.						
Relevant law	The relevant provisions of New Zealand law are listed below at 11.						

9. **Information relating to subsequent procedure:**

**Responding to this refusal**

The Holder may respond in writing to this refusal. Any response made to the Office must be filed using the Commissioner's website at [www.iponz.govt.nz](http://www.iponz.govt.nz). You will also need to provide an address for service in New Zealand or Australia.

**Timeframe for responding**

If the Holder does not respond by **6 December 2019**, this refusal becomes final for the specified goods and/or services.

**Refusal still possible following opposition**

If we subsequently accept the designation in New Zealand refusal may still result from an opposition. The opposition period runs for 3 months from the publication of the mark. It is possible that an opposition may be filed more than 18 months from the date we were notified of the International Registration.

10. **Signature by the Office:**

Intellectual Property Office of New Zealand

Chris Salter

Trade Mark Examiner

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For the Commissioner of Trade Marks

11. **Provisions of relevant law:**

**Trade Marks Act 2002**

**5 Interpretation**

(1) In this Act, unless the context otherwise requires,—  
**collective association** means a body (whether incorporated or not) that has or is able to have members, and is—

(a) constituted for the joint benefit of its members for the time being; and

(b) so constituted that its membership at any time can be ascertained

**5 Interpretation**

(1) In this Act, unless the context otherwise requires,—  
**trade mark—**

(a) means any sign capable of—

(i) being represented graphically; and

(ii) distinguishing the goods or services of one person from those of another person

**25 Registrability of identical or similar trade mark**

(1) The Commissioner must not register a trade mark (**trade mark A**) in respect of any

goods or services if—

- (a) it is identical to a trade mark (**trade mark B**) belonging to a different owner and that is registered, or has priority under section 34 or section 36,—
    - (i) in respect of the same goods or services; or
    - (ii) in respect of goods or services that are similar to those goods and services, and its use is likely to deceive or confuse; or
  - (b) it is similar to a trade mark (**trade mark C**) that belongs to a different owner and that is registered, or has priority under section 34 or section 36, in respect of the same goods or services or goods or services that are similar to those goods or services, and its use is likely to deceive or confuse; or
  - (c) it is, or an essential element of it is, identical or similar to, or a translation of, a trade mark that is well known in New Zealand (**trade mark D**), whether through advertising or otherwise, in respect of those goods or services or similar goods or services or any other goods or services if the use of trade mark A would be taken as indicating a connection in the course of trade between those other goods or services and the owner of trade mark D, and would be likely to prejudice the interests of the owner.
- (2) section 26 overrides subsection (1).

#### **Trade Mark Regulations 2003**

#### **42 Information required in application for registration on filing**

- (1) The application must contain the following information when it is filed:
  - (a) the applicant's name and address or, in the case of joint applicants, the name and address of each applicant unless regulation 13(2) applies;
  - (b) a clear representation of the trade mark;
  - (c) if the application is for registration of a series of trade marks, a clear representation of each trade mark in the series;
  - (d) the goods and services for which registration is required.
- (2) The information provided under subclause 1(a) relating to the applicant's address may also contain any or all of the following:
  - (a) a telephone number
  - (b) a fax number
  - (c) an email address
  - (d) an alternative address
- (3) In this regulation, **address** means a postal address that is sufficiently detailed to enable the Commissioner to contact the applicant at that address.

#### **44 Information that must be supplied before acceptance of application**

An applicant must supply the following information before the application can be accepted, and may supply it after filing the application:

- (a) the applicant's address for service
- (b) whether the application is for a certification or a collective trade mark; and
- (c) the class or classes of the edition of the Nice Classification in effect at the time of the application in which registration is sought; and

- (d) in the case of a certification trade mark, the regulations governing the use of the trade mark approved by the Commissioner; and
- (e) a transliteration of any foreign characters in the trade mark; and
- (f) a translation of any foreign words in the trade mark; and
- (g) if the trade mark is a colour or colours, a description acceptable to the Commissioner of the colour or colours; and
- (h) if the trade mark is limited as to colour, a description acceptable to the Commissioner of the colour or colours in the trade mark; and
- (i) if the applicant has made a claim for convention priority, the information specified in regulation 47; and
- (j) a statement by the applicant that the trade mark is being used or is proposed to be used.

**45 Commissioner may request further information**

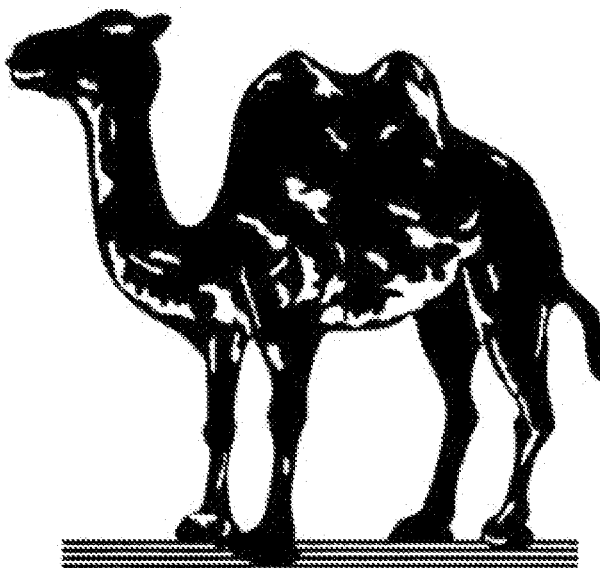
The Commissioner may request further information from an applicant that will assist in the examination of the application.

**59 Requirements for collective trade mark application**

An application for registration of a collective trade mark must—

- (a) comply with the requirements of regulation 41, regulation 42, and regulation 44; and
- (b) contain a declaration that the applicant is a collective association as defined in section 5(1) of the Act.

**Search Report**

Trademark Number	1109617
Name of Owner	Guangdong Camel apparel Co., Ltd
Address of Owner	Ganjiao Shangjie Village 9,, Lishui, Nanhai District,, Foshan City Guangdong Province, China
Mark Name	
Representation	
Mark Description	The mark is a graphic design of camel and has no meaning.
Status	20 Under Examination
Application date	07.09.2018
Registration date	
Priority date	
Domain	Trade Mark
Nice classes	22
Goods/ Services	<b>Class 22</b> Packing string; fishing nets; vehicle covers [not fitted]; hammocks; tents; awnings; Mongolian yurt; bags [envelopes, pouches] of textile, for packaging; wadding for filtering; fleece wool.