



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: **24 January 2019**
(By registered Mail)

International Registration No: 1428399
Mark: FreshBox
Holder: COASTROCK HOLDINGS LIMITED of Cyprus

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 10(2)

There exists a likelihood of confusion on the part of the public between the mark and the following earlier mark(s):

Registered European Union Trade Mark No:011736824

Mark:The Fresh Box

Proprietor:Hirschmann Automotive GmbH

Oberer Paspelsweg 6-8

6830 Rankweil-Brederis

Austria

Date of Application:13/04/2013

Date of Registration:26/08/2013

Class 7 : Machines and machine tools; Motors and engines (except for land vehicles); Machine coupling and transmission components (except for land vehicles); Agricultural implements other than hand-operated; Incubators for eggs; Automatic vending machines.

Class 9 : Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media; Mechanisms for coin-operated apparatus; Cash

registers, calculating machines, data processing equipment, computers; Computer software; Fire-extinguishing apparatus.

Class 11 : Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

2. This refusal is in respect of the following goods for which protection is sought:
Classes 7 and 11
3. The holder may make representations in writing, or may request an extension of time for doing so, not later than **23 April 2019**. 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 goods 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 goods, 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: **24 January 2019**

Yours faithfully

Paula Murphy

Paula Murphy
Trade Mark and Design Examination Division
Direct Line: (056) 7720135
Ext: 4135
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