Notification of *ex-officio* provisional partial refusal of protection (Article 5 of the Madrid Protocol, Rule 17(1) and (2) of the Common Regulations under the Madrid Agreement and Protocol, Article 33(2), Articles 41 and 193 EUTMR, and Article 33 EUTMIR)

Alicante, 23/01/2019

International registration number:	**1289673**
Name of the holder:	**JEMAKO International GmbH**
Trade mark:	**Spülbutler**

Protection of the abovementioned mark is provisionally refused for the European Union for the following goods and services:

Class 35:

- Retail services provided via the internet in the fields of **chemists' articles, household goods, health sector goods, machines, metalware, hobby needs and craft supplies, electric and electronic articles, vehicle accessories, bag makers' goods;**
- Wholesale services provided via the internet in the fields of **chemists' articles, household goods, health sector goods, machines, metalware, hobby needs and craft supplies, electric and electronic articles, vehicle accessories, bag makers' goods;**
- Retail services in the fields of **chemists' articles, household goods, health sector goods, machines, metalware, hobby needs and craft supplies, electric and electronic articles, vehicle accessories, bag makers' goods;**
- Retail services provided via teleshopping broadcasts in the fields of **chemists' articles, household goods, health sector goods, machines, metalware, hobby needs and craft supplies, electric and electronic articles, vehicle accessories, bag makers' goods;**
- Wholesale services in the fields of **chemists' articles, household goods, health sector goods, machines, metalware, hobby needs and craft supplies, electric and electronic articles, vehicle accessories, bag makers' goods;**
- Wholesale services provided via teleshopping broadcasts in the fields of **chemists' articles, household goods, health sector goods, machines, metalware, hobby needs and craft supplies, electric and electronic articles, vehicle accessories, bag makers' goods;**

- Online or catalogue mail order services in the fields of **chemists' articles, household goods, health sector goods, machines, metalware, hobby needs and craft supplies, electric and electronic articles, vehicle accessories, bag makers' goods;**

I. Grounds

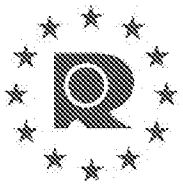
The list of goods and services does not entirely comply with Article 33(2) EUTMR.

The terms 'Retail services provided via the internet in the fields of **chemists' articles, household goods, health sector goods, machines, metalware, hobby needs and craft supplies, electric and electronic articles, vehicle accessories, bag makers' goods;** Wholesale services provided via the internet in the fields of **chemists' articles, household goods, health sector goods, machines, metalware, hobby needs and craft supplies, electric and electronic articles, vehicle accessories, bag makers' goods;** Retail services in the fields of **chemists' articles, household goods, health sector goods, machines, metalware, hobby needs and craft supplies, electric and electronic articles, vehicle accessories, bag makers' goods;** Retail services provided via teleshopping broadcasts in the fields of **chemists' articles, household goods, health sector goods, machines, metalware, hobby needs and craft supplies, electric and electronic articles, vehicle accessories, bag makers' goods;** Wholesale services in the fields of **chemists' articles, household goods, health sector goods, machines, metalware, hobby needs and craft supplies, electric and electronic articles, vehicle accessories, bag makers' goods;** Wholesale services provided via teleshopping broadcasts in the fields of **chemists' articles, household goods, health sector goods, machines, metalware, hobby needs and craft supplies, electric and electronic articles, vehicle accessories, bag makers' goods;** Online or catalogue mail order services in the fields of **chemists' articles, household goods, health sector goods, machines, metalware, hobby needs and craft supplies, electric and electronic articles, vehicle accessories, bag makers' goods**' lack clarity and precision, and must be further specified. For retail services or similar services in Class 35 in relation to the sale of goods, such as wholesale services, mail order services and e-commerce services, the Office applies the judgment of 07/07/2005, C-418/02, Praktiker, EU:C:2005:425. The term 'retail services' is only acceptable where the type of goods to be sold or brought together for the benefit of others is indicated with sufficient clarity and precision.

In order to remedy this deficiency, the Office recommends that you consult the Harmonised Database (HDB) at http://tmclass.tmdn.org/ec2/?lang=en . The HDB brings together a list of acceptable terms from every IP Office of the EU and ensures that the goods and services you choose will be immediately accepted.

II. Time Limit

The holder of the international registration is hereby given a time limit of two months to overcome the ground for refusing protection indicated. Failure to do so will mean that after expiry of the time limit, the Office will render a decision in which it refuses the protection in whole or in part. Said decision may be appealed. The time limit of two months to reply to the present refusal will start on the day the present notification was issued by the Office (Article 193(2), (3) and (4) EUTMR). Any such reply of the holder of the international registration shall be addressed to the EUIPO only.



CID GONZALEZ, Alfonso