



The International Bureau, WIPO  
34, chemin des Colombettes  
1211 Geneva 20  
Switzerland

Reykjavík, 22 January 2019

Our ref.: 201805-4467, 4.1.  
Your ref.: 1400991

Provisional refusal of protection in Iceland according to Article 5 and Rule 17(1)

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I. Office making the notification:

**Icelandic Patent Office**

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II. Number of the international registration:

**1400991**

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III. Name of the holder:

OCTOVISIO GMBH, Kurfuerstendamm 224, 10719 Berlin, DE.

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IV. ☒ Provisional refusal based on an *ex officio* examination:

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V. ☐ Provisional refusal for all the goods and/or services

☒ Provisional refusal for some of the goods and/or services:

Class 35: the bringing together, for the benefit of others, of a variety of goods enabling customers to conveniently view and purchase those goods, such services may be provided by retail stores, wholesale outlets, by means of electronic media or through mail order catalogues.

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VI. Grounds for refusal (see further item VII if Article 14):

☒ Absolute grounds: The term *"the bringing together, for the benefit of others, of a variety of goods enabling customers to conveniently view and purchase those goods, such services may be provided by retail stores, wholesale outlets, by means of electronic media or through mail order catalogues"* in class 35 is too vague and is not sufficiently specified with regards to the services applied for, as the term does not specify the goods that are being brought together.



☐ Relative grounds:

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VII. Corresponding essential provisions of the applicable law (see Item XII):

Article 16 of the Icelandic Trademark Act No. 45/1997.

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VIII. Information relating to subsequent procedure:

(i) *Time limit for requesting review or appeal:*

3 months from the date of this notification, i.e. **22 April 2019**.

(ii) *Authority to which such request for review or appeal should be made:*

The Icelandic Patent Office

(iii) *Indications concerning the appointment of a representative:*

According to Article 35(1) of the Icelandic Trademark Act No. 45/1997, a request for review has to be filed via the intermediary of a representative residing in the European Economic Area, a member state of the European Free Trade Association (EFTA) or the Faroe Islands.

The Icelandic Patent Office communicates with applicants and proprietors of trademark registrations or their representatives in Icelandic according to Article 35(4). The office may accept documentation in foreign languages in exceptional circumstances.

If the abovementioned time limit expires, without a request for review being made to the Icelandic Patent Office, the International Registration shall be considered abandoned in Iceland, cf. Article 19(2) of the Icelandic Trademark Act, No. 45/1997 (see Item XII), for the goods and/or services affected by the provisional refusal but registered for the remaining list of goods and/or services. The registration of the mark will be published in the IPO Gazette and the holder will be notified about the final decision on rejection in part with information on the possibility to appeal to the Board of Appeal for Industrial Intellectual Property Rights.

If the time limit expires, the international registration can be resumed if the holder, within two months from the expiration of the time limit responds to the provisional refusal and pays a fee according to Regulation no. 818/2016 on fees for Patents, Trade Marks, Designs etc.

IX. Date of the notification of provisional refusal:

**22 January 2019**

X. Signature of the Office making the notification:

Elfar Elí S. Jakobsson  
Trademark Examiner

XI. Corresponding essential provisions of the applicable law:

Articles 16 and 19 of the Icelandic Trademark Act, No. 45/1997.



## Article 16

A trade mark shall be registered for a specific class or classes of goods or services. Marks may not be registered for an entire class or classes without specifying the goods or services for which trade mark registration is requested. The classification of goods and services shall be determined by the Minister and advertised.

## Article 19

If an application for the registration of a trade mark does not comply with legal provisions or if the Patent Office is of the opinion that other barriers should cause the rejection of the registration, the applicant shall be sent a reasoned statement of refusal and he shall be given the opportunity to express himself or emend the application within a specified time limit. Upon the expiry of this period the Patent Office will re-examine its position towards the application.

Should the applicant fail to submit comments or emend the application within the specified time limit referred to in the first paragraph, the application shall be cancelled.

At the request of the applicant, an application shall be re-examined if the applicant, within two months of the expiration of the time limit referred to in the first paragraph, expresses himself concerning the case or emends the application, and provided the re-examination fee is paid.

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