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PATENTS OFFICE

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Hebron Road
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**WORLD INTELLECTUAL PROPERTY ORGANISATION
34, CHEMIN DES COLOMBETTES
PO BOX 18
1211 GENEVA 20
SWITZERLAND**

Date of Notification: 18 February 2019
(By registered Mail)

International Registration No: 1373925

Mark: NutriPerfect

Holder: PACIFIC PHARMACEUTICALS PTE LTD of Singapore

Notification of the Irish Patents Office of Total 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 8(1)(b)

- The mark is devoid of distinctive character.

For a mark to possess distinctive character it must serve to identify the goods in respect of which protection is sought as originating from a particular undertaking, and thus to distinguish those goods from the goods of other undertakings.

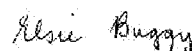
It is contended that the mark, for which protection is sought, is incapable of performing the essential function of a trade mark, namely that of identifying the origin of the goods specified.

The Office considers that the designation NutriPerfect is descriptive of the goods applied for and would not enable the relevant public to distinguish the goods that are included in the application from those of a different commercial origin. It is considered that the term applied for would not be perceived by relevant consumers as a badge of origin without them being educated to this fact.

The term 'perfect' means 'complete, absolute or having all the required or desired elements, qualities, or characteristics; as good as it is possible to be'. The term 'nutri' means to feed, nourish, to eat, to indulge, to harbour, foster, cultivate'. The average consumer would see the term 'NutriPerfect' as meaning 'perfect nutrition' for the class 5 goods - 'supplements and pharmaceutical drugs'

2. This refusal is in respect of all of the goods for which protection is sought.
3. The holder may make representations in writing, or may request an extension of time for doing so, not later than **17 May 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.
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 No. 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. Date of refusal: **18 February 2019**

Yours faithfully



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