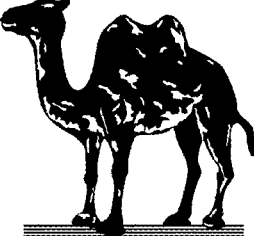


**NOTIFICATION OF PROVISIONAL REFUSAL OF AN INTERNATIONAL REGISTRATION DESIGNATING
NEW ZEALAND**

1.	Office making the notification: Intellectual Property Office of New Zealand						
2.	Date of the notification of provisional refusal: 23 February 2019						
3.	Number of the international registration: 1439058 Our reference: 1109617						
4.	<p align="center">  </p> <p>Representation of the mark:</p>						
5.	Name of the holder: Guangdong Camel apparel Co., Ltd						
6.	Basis for refusal: Provisional refusal based on an <i>ex officio</i> examination.						
7.	Scope of refusal: Provisional refusal for some of the goods, namely: Class 22: bags [envelopes, pouches] of textile, for packaging.						
8.	Grounds for refusal: <u>Identical or confusingly similar trade marks</u> Section 25(1) – Identical trade mark <table border="1"> <tr> <td>Objection</td> <td> Our search of the trade marks register has revealed one trade mark that is identical to yours, and covers the same or similar goods. This mark has priority over yours. For details of the identical mark 1089362 that has earlier priority, please see the attached search report. </td> </tr> <tr> <td>Goods and/or services</td> <td>Class 22: bags [envelopes, pouches] of textile, for packaging</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 one trade mark that is identical to yours, and covers the same or similar goods. This mark has priority over yours. For details of the identical mark 1089362 that has earlier priority, please see the attached search report.	Goods and/or services	Class 22: bags [envelopes, pouches] of textile, for packaging	Relevant law	The relevant provisions of New Zealand law are listed below at 11.
Objection	Our search of the trade marks register has revealed one trade mark that is identical to yours, and covers the same or similar goods. This mark has priority over yours. For details of the identical mark 1089362 that has earlier priority, please see the attached search report.						
Goods and/or services	Class 22: bags [envelopes, pouches] of textile, for packaging						
Relevant law	The relevant provisions of New Zealand law are listed below at 11.						

Section 34(2) – Equal priority

Objection	<p>Our search of the trade marks register has revealed that your application has equal priority with one trade mark. For details of the mark 1109076 that has equal priority, please see the attached search report.</p> <p>This information is purely for notification purposes as under section 34(2) this mark cannot prevent acceptance of your application.</p>
Goods and/or services	Class 22: vehicle covers [not fitted]; hammocks; tents; awnings; Mongolian yurt; fleece wool
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. 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 **13 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

Trish Scott

Senior Trade Mark Examiner

+64 4 896 5469

For the Commissioner of Trade Marks

11. **Provisions of relevant law :**

Trade Marks Act 2002

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).

34 Priority of applications for registration of identical or similar trade marks

- (1) If different persons separately apply for the registration of trade marks that are identical or similar to each other and that are in respect of identical or similar goods or services, the first application received by the Commissioner has priority over all the other applications and may proceed.
- (2) If different persons separately apply for the registration of trade marks that are identical or similar to each other and that are in respect of identical or similar goods or services and their applications are received at the same time by the Commissioner, -
- (a) each application has equal priority and may proceed; and
 - (b) the Commissioner must notify each applicant of each other's application.
- (3) For the purposes of subsection (2), 2 or more applications that are received on the same day are to be treated as if they had been received at the same time.
- (4) Section 36 overrides this section.

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

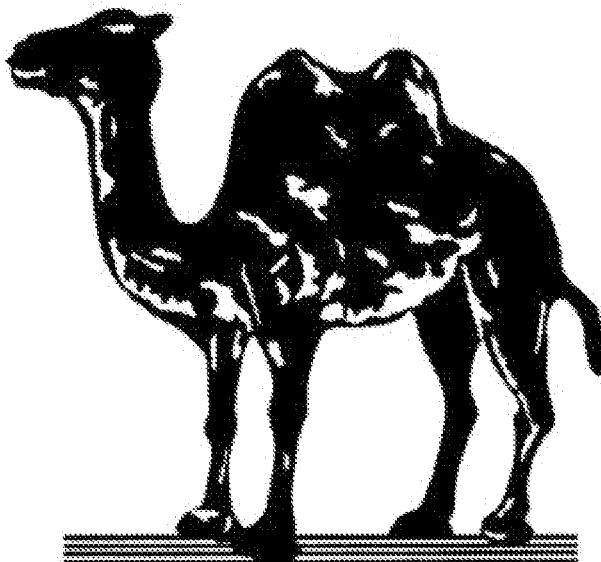
An applicant must supply the following information before the application can be accepted, and may supply it after filing the application:

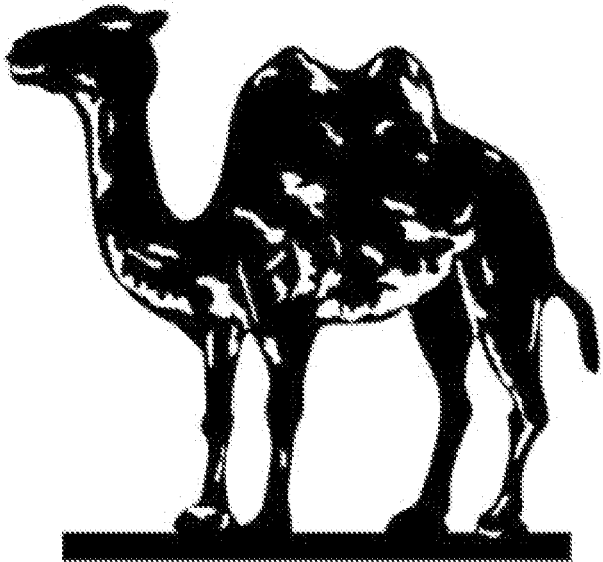
- (a) the applicant's address for service
- (b) whether the application is for a certification or a collective trade mark; and
- (c) the class or classes of the edition of the Nice Classification in effect at the time of the application in which registration is sought; and
- (d) in the case of a certification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

Search Report

Trademark Number	1109076
Name of Owner	Beijing Camel Footwear Co., Ltd
Address of Owner	108 Building 2,, No. 6 Nanding Road,, Fengtai District Beijing, 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	24
Goods/ Services	Class 24 Textile material; cloth; non-woven textile fabrics; felt; bath towels; bed covers; bed linen; sleeping bags; tablecloths, not of paper; gloves for washing.

Trademark Number	1089362
Name of Owner	Jingang WAN
Address of Owner	No.16-170-26, Zhuodaoquannan Road,, Luonan Street,, Hongshan district 430014 Wuhan, China
Mark Name	
Representation	
Mark Description	N/A
Status	100 Protected
Application date	02.02.2018
Registration date	03.08.2018
Priority date	
Domain	Trade Mark
Nice classes	18
Goods/ Services	Class 18 Book bags; briefcases; cases of imitation leather; document cases; briefcases for documents; handbags; leather cases; leather pouches; purses; satchels; wallets.