

ក្រសួងពាណិជ្ជកម្ម

Ministry of Commerce

អគ្គនាយកដ្ឋាន សេវាពាណិជ្ជកម្ម

General Directorate of Trade Support Services

នាយកដ្ឋាន កម្មសិទ្ធិបញ្ញា

Department of Intellectual Property

ព្រះរាជាណាចក្រកម្ពុជា

Kingdom of Cambodia

ជាតិ សាសនា ព្រះមហាក្សត្រ

Nation Religion King

IPAS FORM NO.	
DOCUMENT NO.	2019/5026
DATE OF NOTIFICATION	15 MAR 2019

The International Bureau

World Intellectual Property Organization

34, chemin des Colombettes

1211 Geneva 20

Switzerland



2019-5026

NOTIFICATION OF A PROVISIONAL REFUSAL OF PROTECTION OF AN INTERNATIONAL REGISTRATION DESIGNATING CAMBODIA Rule 17(1)

International Registration No: **1373925**

IR Date (Filing Date): July 21, 2017

Applicant: PACIFIC PHARMACEUTICALS PTE LTD (whose legal address is 101 Cecil Street, #17-07 Tong Eng Building Singapore 069533, Singapore)

Mark: **NutriPerfect**

This is a provisional refusal based on ex-officio examination. The issues listed below prevent the Department of Intellectual Property Rights from granting the registration of the mark for all the goods and/or services covered by the international registration.

Grounds for the provisional refusal:

Lack of distinctiveness (descriptive)

It consists exclusively of signs or of indications that may serve in trade to designate the kind, quality, quantity, intended purpose, value, geographical origin, time or production of the goods or rendering of the services, or other characteristics of the goods or services.

Article 4: A mark cannot be validly registered:

(a)-if it is incapable of distinguishing the goods or services of one enterprise from those of other enterprises;

Information relating to subsequent procedure:

The applicant must respond in writing to this provisional refusal within **sixty (60) days** from receipt of the notification of this refusal from the International Bureau (IB). The response must be filed by a duly authorized resident representative in Cambodia. The representative must be appointed pursuant to Article 58 of the Law Concerning Marks, Trade Names and Acts of Unfair Competition and Article 28 of the Sub-Decree on the Implementation of the TM Law.

Pursuant to Article 17(2) of the Sub-Decree on the Implementation of the Trademark Law, the applicant or holder, through the duly authorized representative, must submit the legal arguments, the required amendments or modifications, disclaimers (on any element(s) of the mark) or limitations required within the prescribed period.

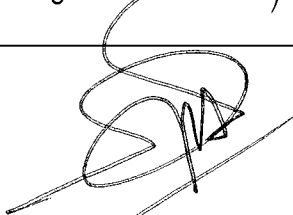
In the alternative and in accordance with Article 17(3) of the Sub-Decree on the Implementation of the Trademark Law, the holder, through the duly authorized representative, may submit a written request for a hearing to the Registrar. Upon receiving this request, the Registrar shall notify the applicant, in writing, at least one month before the date on which the applicant will be invited to be heard.

Failure to respond to the provisional refusal within the required period will result in the abandonment of the international registration.

If, after the holder's written response or hearing, the Registrar accepts the mark according to Article 19(1), the mark will be registered and the statement of grant of protection will be issued. The registered mark will then be published for opposition for a period of 90 days.

However, if after considering the applicant's response or hearing, the Registrar still refuses the registration of the mark, the applicant may, pursuant to Article 18(1), within one (1) month from the date of the communication from the Registrar, request the confirmation of the decision and the materials referred to in the decision. Under Article 18(2), the applicant may then appeal the Registrar's decision to the Appeal Board of the Ministry of Commerce or the competent court within three (3) months from the date of the decision.

All responses or communication should be addressed to: **Department of Intellectual Property Rights
Ministry of Commerce**, Lot 19-61 113 B, Sangkat Teuk Thla Khan Sen Sok, Phnom Penh, Cambodia.



HY DARA

Chief of Bureau of International Marks Registration