



# PATENTS OFFICE

Óifig an Rialtais  
Bóthar Hebron  
Cill Chainnigh  
Éire

Government Buildings  
Hebron Road  
Kilkenney  
Dublin 8

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

Date of Notification: 16 May 2019  
(By registered Mail)

**International Registration No: 1259963**

**Mark: Bonito**

**Holder: MLADEGS PAK d.o.o. of Bosnia and Herzegovina**

## **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 10(2)**

There exists a likelihood of confusion on the part of the public between the mark and the following earlier mark(s):

Registered European Union Trade Mark No:000001686

Mark:BONITOS

Proprietor:Mars, Incorporated

6885 Elm Street

McLean 22101-3883

United States of America

Date of Application:01/04/1996

Date of Registration:01/08/2000

Class 29 : Meat, poultry and game, eggs; preparations made from all the aforesaid goods; soups; dairy products, mousses, chilled desserts; edible oils and fats; jams and jellies; salads, drinks made from dairy products; sweet spreads, savoury spreads; fillings, snack foods; prepared meals, semi-prepared meals, constituents for meals, proteinaceous substances; dips; all included in Class 29; none of the aforesaid goods being including fish or seafood; and none of the aforesaid goods being fresh, frozen, preserved, dried, cooked, canned or tinned fruit, fruit products, vegetables or vegetable products.

Class 30 : Rice, pasta; cereals and cereal preparations, tea, cocoa, drinking chocolate, non-medicated confectionery; pastries, cakes, biscuits; ices, ice cream, ice cream products, frozen yoghurt, frozen confections; chilled desserts, mousses, sorbets, bread; pastry; chocolate-based drinks, fillings; sweet spreads, savoury spreads, snack foods, prepared meals, semi-prepared meals, constituents for meals; chocolates, chocolate spreads;

dressings; sauces; pizzas, pizza bases, sauces and toppings for pizzas; sauces for pasta and rice; salad dressings; mayonnaise; dips; all included in Class 30; none of the aforesaid goods including fish or seafood; and none of the aforesaid goods being fresh, frozen, preserved, dried, cooked, canned or tinned fruit, fruit products, vegetables or vegetable products.

Class 32 : Beers; mineral and aerated waters and non-alcoholic drinks; syrups and preparations for making beverages; all included in Class 32; none of the aforesaid goods being fresh, frozen, preserved, dried, cooked, canned or tinned fruit, fruit products, vegetables or vegetable products.

Registered European Union Trade Mark No:012662599

Mark:Bonito

Proprietor:TIP TOP FOOD INDUSTRY S.R.L

B-dul Timisoara nr.94

Bucharest

Romania

Date of Application:05/03/2014

Date of Registration:12/09/2015

Class 30 : Pies and pastry dishes, Sandwiches and pizzas, baked goods and desserts.

Registered European Union Trade Mark No:014445381

Mark:BONITO

Proprietor:INSTANTA - Spółka z o.o.

Kawowa 3

44-240 Zory

Poland

Date of Application:05/08/2015

Date of Registration:01/04/2016

Class 30 : Coffee, Artificial coffee, Coffee-based beverages.

Registered European Union Trade Mark No:017881807

Mark:BONITOS

Proprietor:Mars, Incorporated

6885 Elm Street

McLean 22101-3883

United States of America

Date of Application:29/03/2018

Date of Registration:08/01/2019

Class 30 : Chocolate; confectionery; chewing gum.

Pending European Union Trade Mark Application No:017890494

Mark:bonitos

Applicant:Mars, Incorporated

6885 Elm Street

McLean 22101-3883

United States of America

Date of Application:20/04/2018

Class 29 : Nuts; nut-based snack foods; dairy products; dairy desserts; milk based beverages; milk based powders; yoghurt; yoghurt desserts; yoghurt

beverages; snack dips; none of the afore-mentioned goods being fresh, frozen, preserved, dried, cooked, canned or tinned fruit, fruit products, vegetables or vegetable products.

Class 30 : Chocolate confectionery; sugar confectionery; chocolate; candy; desserts; sweets; coffee; tea; cocoa; sugar; cereals and cereal preparations; cereal based snacks; cereal bars and energy bars; biscuits; cakes; pastry; pastries; cookies; muesli; cocoa-based beverages; edible wafers; edible ices; ice-cream; frozen yoghurts; ice (natural or artificial); powders for ice cream; frozen confections; chocolate mousses; sorbets; flavourings for beverages, other than essential oils; flavorings for food other than essential oils; chocolate covered fruits; chocolate covered nuts; grain based snack foods; granola; granola based snack bars; chocolate spreads; cocoa spreads; chocolate sauces; preparations for stiffening whipped cream; chocolate syrup; topping syrup; flour.

Class 32 : Mineral and aerated waters and other non-alcoholic drinks; beer; ginger beer; essences, syrups, powders and other preparations for making beverages.

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 **15 August 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: **16 May 2019**

Yours faithfully

*Paula Murphy*

---

**Paula Murphy**  
**Trade Mark and Design Examination Division**  
**Direct Line: (056) 7720135**  
**Ext: 4135**  
**tmexam@patentsoffice.ie**