



World Intellectual Property  
Organisation (WIPO)  
International Bureau  
34, Chemin des Colombettes  
1211 Geneva 20  
Switzerland

**Your Reference:**  
**International Registration No:**  
WO0000001313403  
**Examiner:** Joanne Mayne  
**Direct Telephone:** +44(0)1633814912  
**Date:** 31 May 2019

Please reply by **31 July 2019** quoting the International Registration number

Dear Sir/Madam,

**Intl Reg No:** WO0000001313403  
**Mark:** (Figurative)  
**Holder:** HUMMEL HOLDING A/S  
**Class:** 25

**Notification of a Provisional Total Refusal of Protection (not based on an opposition) by the Intellectual Property Office**

I have examined your designation under the Trade Marks Act 1994 and carried out a search of the relevant trade mark registers. Your designation does not appear to meet the requirements for Protection for the following reason.

**Absolute grounds for refusal**

**Section 3(1)(b)**

The designation is not acceptable in Class 25. There is an objection under Section 3(1)(b) of the Act as the mark is devoid of any distinctive character. This is because the mark consists of two simple chevron devices, which when positioned as shown, on the side of an item of footwear, will be perceived by the average consumer as a purely decorative feature on the goods.

To function as a trade mark, a sign must be capable of distinguishing the goods of one undertaking from those of others in trade. The mark in question is not sufficiently different from the norms or customs of the sector to enable it to function beyond its decorative appearance and indicate trade origin.

The average consumer would not perceive the mark as a trade mark, without first being educated to do so.

**Next steps**

If you disagree with my assessment of your designation, you can write or telephone me. My contact details are shown at the top of this letter.

If following this discussion, you still disagree with my findings you have the right to request a hearing with a senior officer to discuss the matter further.

If your address is outside of the European Community, the Isle of Man or the European Economic Area you must provide us with a contact address in one of the above areas. This can be done by filling in and returning a form TM33 "Appointment of change of Representative (for trade mark owners or holders)". This form is available at:

[ipo.gov.uk/tmforms](http://ipo.gov.uk/tmforms)

**If the issues raised in the examination report is not resolved by the date shown above, the designation will be refused under the provisions of Section 37(4) of the Trade marks Act 1994.**

Yours faithfully

*Joanne Mayne*

**Trade Marks Registry**