

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.	2019/17167
DATE OF NOTIFICATION	02. August. 2019

The International Bureau
 World Intellectual Property Organization
 34, chemin des Colombettes
 1211 Geneva 20
 Switzerland



2019-17167

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

International Registration No:	1403891
IR Date (Filing Date):	December 14, 2017
Applicant:	SAILUN GROUP CO.,LTD. (whose legal address is No.588, Maoshan Road, Huangdao District, Qingdao City Shandong, China)
Mark:	TERRAMAX

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:

Identical with a mark for the same goods/services

It is identical with a mark belonging to a different proprietor and which has an earlier filing or priority date for the same goods or services. Please refer to the attached list of cited marks.

Article 4: A mark cannot be validly registered:

(g) if it is identical with a mark belonging to a different proprietor and already on the Register, or with an earlier filing or priority date, in respect of the same goods or services or closely related goods or services, or if it so nearly resembles such a mark as to be likely to deceive or cause confusion.

Application No.	KH/59463/14	Filing Date	04/09/2014
Registration No.	KH/55648/15	Registration Date	24/06/2015
Applicant / Registrant	TERRA MOTORS CORPORATION Cosmos Aoyama South 3F, 53-67 Jingumae 5-chome, Shibuya-ku, Tokyo, Japan		
Representative / TM Agent	Tilleke & Gibbins (Cambodia) Ltd., 16th Floor, Phnom Penh Tower, #445, Monivong Blvd., Sangkat Boeung Pralit, Khan 7 Makara, Phnom Penh, -, Cambodia		
Priority Claim			

TERRA & Device

Reproduction of Mark



Class(es)

Class 12: Motorcycles and scooters, engines; tyres; wheels; rear view mirrors; wind shields; meter visors; number plate holders; cowlings; tank pads; seat covers; handle covers; knuckle covers; hike covers; rear carriers; front baskets; tail boxes; side stands; all being used for motorcycles and scooters.

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