



ESTONIAN PATENT OFFICE
TRADEMARK DEPARTMENT

**THE PROTOCOL RELATING TO THE MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS**

NOTIFICATION OF *EX OFFICIO* PROVISIONAL REFUSAL

notified to the International Bureau of the World Intellectual Property Organization (WIPO)
according to Article 5 of the Madrid Protocol

- | | | |
|------|---|-------|
| I. | Name and address of the office refusing protection: | 1 (2) |
| | The Estonian Patent Office
Trademark Department
Toompuiestee 7
15041 Tallinn
ESTONIA
Telephone: + 372 627 7927 | |
| II. | Number of the international registration which is the subject of the provisional refusal:

1439011 | |
| III. | Other information concerning the international registration which is the subject of the provisional refusal:
Verbal elements of the mark: AIRTOUCH | |
| IV. | The grounds for this provisional refusal are the following:

The sign AIRTOUCH only indicates the kind and other characteristics of the services in class 44 <u>indicated in item VI</u> , namely that these services are provided using hair treatment technique called AIRTOUCH.
The sign AIRTOUCH is not distinctive for services in class 44 <u>indicated in item VI</u> , because it is devoid of any distinctive character.

Therefor the IR 1439011 cannot be registered in Estonia for services indicated in item VI. | |
| V. | Provision of the Estonian Trademark Act applicable on the subject (enclosed):
Section 9 subsections 1(2), 1(3) and 1(6). | |
| VI. | The ground referred to in item IV affects following services in class 44: Hair implantation; hairdressing; beauty salon services; health spa services. | |

- VII. The owner of the registration may request a review of the provisional refusal. The request shall be received by Estonian Patent Office no later than within 4 months from the date of the provisional refusal.

The time limit expires **27/12/2019** (dd/mm/yyyy).

The request has to be filed through the authorized patent attorney of the Republic of Estonia (section 13 subsection 2 of the Estonian Trademark Act). List of patent attorneys is available at <http://www.epa.ee/>

Please note that if the owner of the registration fails to respond by the due date, the registration shall be deemed to be withdrawn for goods and services mentioned in item VI (section 38 subsection 2 of the Estonian Trademark Act). The owner may request that processing be resumed (section 47 subsection 3 of the Estonian Trademark Act).

Please note that if the mark is protected subsequent to reviewal of the provisional refusal an interested person may contest the owners right to a trade mark within two months as of the publication of the trade mark (section 41 subsection 2 of the Estonian Trademark Act).

- VIII. Date on which the provisional refusal was pronounced: 27/08/2019 (dd/mm/yyyy).

- IX. Signature of the Office:

Ekke-Kristian Erilaid
Senior Examiner