



# PATENTS OFFICE

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

Date of Notification: 15 October 2019

**International Registration No: 1477157**  
**Mark: LED LIGHT DESIGN**  
**Holder: RENAULT s.a.s of France**

## **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 8(1)(b)**

The mark is devoid of distinctive character.

For a mark to possess distinctive character it must serve to identify the goods/services in respect of which protection is sought as originating from a particular undertaking, and thus to distinguish those goods/services from the goods/services of other undertakings.

It is contended that the mark, for which protection is sought, is incapable of performing the essential function of a trade mark, namely that of identifying the origin of the goods specified.

### **Section 8(1)(c)**

The mark consists exclusively of signs or indications which may serve in trade to designate the kind of goods in respect of which protection is sought. The wording should therefore remain free for all economic operators in that field to use.

### **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:009834664  
Mark:Design-LED

Proprietor:ASD LIGHTING PLC  
Mangham Road Barbot Hall Industrial Estate  
Rotherham S61 4RJ  
United Kingdom  
Date of Application:23/03/2011  
Date of Registration:20/12/2011  
Class 11 : Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.  
Class 35 : Advertising; business management; business administration; office functions.

Registered European Union Trade Mark No:015572688

Mark:Design LED

Proprietor:Design LED Products Limited

Alba Innovation Centre Alba Campus

Livingston EH52 7GA

United Kingdom

Date of Application:23/06/2016

Date of Registration:30/11/2016

Class 9 : Scientific and optical apparatus and instruments; display screens and monitors; flat panel display devices; digital signage monitors; light emitting diode displays; organic light emitting display devices; liquid crystal display devices; light-emitting diodes LED; televisions; television monitors; television screens; displays for television receivers; display modules for television receivers; electronic control panels; electronic communication equipment and instruments; interfaces for computers; cameras; digital cameras; motion recognizing sensors; pressure sensors; lighting control apparatus; batteries; light conducting filaments optical fibers; remote controllers; remote controllers for controlling electronic products; parts and fittings for all the aforesaid goods.

Class 10 : Medical, surgical and veterinary apparatus and instruments; medical, surgical and veterinary irradiation and lighting apparatus; infra-red and ultra-violet ray apparatus and heat lamps, all for medical, surgical and veterinary purposes; display screens for medical purposes; parts and fittings for all the aforesaid goods.

Class 11 : Lighting apparatus and installations; lighting apparatus and devices for automobiles; light-emitting diodes LED lights; light emitting diode lights for automobiles; street lamps; safety lamps for underground use; germicidal lamps for purifying air; neon lamps; lanterns; dynamo lamps; fittings for discharge lamps; incandescent lamps; incandescent lamp fittings; ultraviolet ray lamps, not for medical purposes; germicidal lamps; chandeliers; water surface lamps; mercury lamps; aquarium lights; spotlights; arc lamps; safety lamps; diving lights; decoration lamps; infrared lamps; torches for lighting; fish gathering lamp; ceiling lights; fairy lights for festive decoration; electric lights for Christmas trees; standard lamps; searchlights; artificial solar lamp; floodlights; fluorescent lamps; flashlights torches; lights for motorcycles; automobile lights; reflectors for automobiles; lamps for directional signals of automobiles; electric bulbs for directional signals of automobiles; fluorescent lamp tubes; miniature light bulb; filaments for electric lamps; sockets for electric lights; headlights for automobiles; parts and fittings for all the

aforesaid goods.

Class 16 : Paper; cardboard; printed matter; instructional and teaching material (except apparatus); apparatus for mounting photographs; graphic prints; graphic representations; graphic reproductions; luminous paper; periodical magazines; magazines (publication); manuals handbooks; newsletters; paper and cardboard; paper on which a hologram is formed; paper patterns; paper sheets (stationery); printed sheets on which a hologram is formed; stationery materials; stationery; teaching materials (except apparatus).

Class 42 : Scientific and technological services, research and design relating to these services; lighting research, design and consultancy services; display screen research, design and consultancy services; research and development of electric power resources; research and development of solar batteries and solar battery modules; design of electrical power installations; research and development of home appliances.

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 **14 January 2020**. 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: **15 October 2019**

Yours faithfully

*Paula Murphy*

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