



OIFIG NA bPAITINNÍ
PATENTS OFFICE

Oifig an Rialtais
Bóthar Hebron
Cill Chainnigh
Éire

Government Buildings
Hebron Road
Kilkenny
Ireland

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

Date of Notification: 25 October 2019

**International Registration No: 1482377
Mark: ONLY YOU
Holder: CHEN HAIHUI of China**

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:011903945

Mark:ONLY YOU

Proprietor:Vigotec GmbH

Kirchmattinger Straße 25

94330 Aiterhofen

Germany

Date of Application:17/06/2013

Date of Registration:25/04/2014

Class 6 : Common metals and their alloys; Metal building materials;
Transportable buildings of metal; Materials of metal for railway tracks; Non-
electric cables and wires of common metal; Ironmongery, small items of metal

hardware; Pipes and tubes of metal; Safes; Goods of common metal not included in other classes; Ores.

Class 9 : Photographic, cinematographic and optical apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic, optical and magnetic-optical data carriers, recording discs; Compact Disc, DVD disc, optical storage discs; films and TV programmes recorded in magnetic, optical and magnetic-optical supports; data processing equipment and computers; computer software.

Class 14 : Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments; small items of precious metal including pins, rings, key-rings, key-chains, plates, badges, chains, medals, medallions.

Class 16 : Printed matter; publications; stickers, posters; photographs; stationery; artists' materials; instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes).

Class 18 : Leather and imitations of leather, and goods made of these materials and not included in other classes; trunks and travelling bags; umbrellas, parasols and walking sticks.

Class 20 : Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics; small items of all these materials including pins, rings, key-rings, key-chains, plates, badges, chains.

Class 21 : Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); glassware, porcelain and earthenware not included in other classes.

Class 24 : Textiles and textile goods, not included in other classes; bed and table covers.

Class 25 : Clothing, footwear, headgear.

Class 38 : Telecommunications; services of communication, transmission, dissemination and broadcasting of television programmes by means of any mass media included worldwide computer nets.

Class 41 : Services of composing, producing, editing, directing and performing of radio, television, audiovisual, music, entertainment and theatre programs, title of a television program.

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 **24 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: **25 October 2019**

Yours faithfully

Elsie Buggy

Elsie Buggy
Trade Mark and Design Examination Division
Direct Line: (056) 7720140
Ext: 4140
tmexam@patentsoffice.ie