

Notification of Provisional Refusal based on an Ex Officio Examination (to WIPO)

Pursuant to Rule 17(2) of the Common Regulations under the Madrid Agreement concerning the international registration of marks and the Protocol relating to that Agreement.

I. Name and address of the Office making the notification:

Norwegian Industrial Property Office Telephone: +47 22 38 73 00
P.O.Box 8160 Dep., N-0033 OSLO, NORWAY Telefax: +47 22 38 73 01
E-mail: post@patentstyret.no

II. International registration: 1446304 MINERAL CABLE SIMPLEX UK

III. Date of Subsequent Designation (if any):(yyyy.mm.dd)

IV. Holder of the international registration:

Burn Cable Management Systems Limited, C/O Cox Costello & Horne, Langwood House,
63-81 High Street, WD3 1EQ RICKMANSWORTH HERTFORDSHIRE, Storbritannia

V. The scope of the refusal:

☒ Provisional refusal for all goods

☐ Provisional partial refusal for some of the goods and/or services - see under X

VI. Grounds for refusal:

☒ Absolute grounds: **Trademark Act Section 14** - The trademark is considered to be devoid of any distinctive character and/or it can be used in trade to designate the goods in question. It consists of signs or indications, which may serve to describe significant characteristics of the goods claimed in the international registration. The mark consists of the compound MINERAL CABLE SIMPLEX UK, MINERAL CABLES are cables insulated with minerals, SIMPLEX means «composed of or characterized by a single part or structure» or «only allowing transmission of signals in one direction at time» UK is the abbreviation for the United Kingdom. Taken as a whole the mark indicates that the goods are mineral cables allowing signals flowing in only one direction produced in the United Kingdom. Thus may indicate the nature and place of production of the goods claimed. Consequently the mark must be refused.

☐ Relative grounds:
Likelihood of confusion with:

VII. The relevant provisions of the Norwegian Trademarks Act are under XI.

VIII. Date of provisional refusal: (yyyy.mm.dd) **2019.10.25**

Response must be received within: (yyyy.mm.dd) **2020.01.25**

See more information under X about the time limit and which actions you need to take if you want to request a review of the provisional refusal.

IX. Signature by the Office:

THE NORWEGIAN INDUSTRIAL PROPERTY OFFICE

Synnøve Heimdahl

- X.** The holder of the registration may request a review of the provisional refusal. The Norwegian Industrial Property Office must receive the request no later than 3 months from the date of this provisional refusal (The time limit is indicated under point VIII). Such request must provide an address of correspondence and be filed in Norwegian, Danish, Swedish or English. The Norwegian Industrial Property Office will respond in Norwegian. Please note that if The Norwegian Industrial Property Office, either subsequent to review or appeal, accept the designation of Norway, a post grant opposition may be filed against the mark within 3 months from the publication of the mark.

If the holder does not respond to this provisional refusal within the time limit, the international registration shall be considered abandoned in Norway for the goods/services that are excluded (Trademark Act Section 70 and 23). The international registration shall be resumed if the holder, within two months from the expiration of the time limit responds to the provisional refusal and pays the stipulated fee (NOK 550,-). Please note that The Norwegian Industrial Property Office does not send any notifications to the holder that the international registration is abandoned in Norway.

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- XI.** See the relevant provisions of the Norwegian Trademarks Act regarding the grounds of this provisional refusal on our home page:
<https://www.patentstyret.no/en/services/trademarks/rules-and-regulations-trademarks/trademarks-act/>