



World Intellectual Property
Organisation (WIPO)
International Bureau
34, Chemin des Colombettes
1211 Geneva 20
Switzerland

Your Reference:
International Registration No:
WO0000001515221
Examiner: Katrina Swaffer
Direct Telephone: +44(0)1633813818
Date: 26 February 2020

Please reply by **26 April 2020** quoting the International Registration number

Dear Sir/Madam,

Intl Reg No: WO0000001515221
Mark: CBM GINSENG (Figurative)
Holder: JILIN GINSENG ASSOCIATION
Class: 5

Notification of a Provisional Total Refusal of Protection (not based on an opposition) by the Intellectual Property Office

I have examined your designation under the Trade Marks Act 1994 and carried out a search of the relevant trade mark registers. Your designation does not appear to meet the requirements for Protection for the following reason.

Indication relating to the kind of the mark

The holder of the mark has indicated that the mark is to proceed as a collective or certification mark. The designation is provisionally refused under Section 3(1)(a) of the Act. This is because the holder has indicated that the application filed is a CERTIFICATION/ COLLECTIVE/ GUARANTEE MARK.

To overcome the objection, please confirm the kind of mark applied for.

Search for earlier trademarks – for your information only

I have searched the relevant trade mark registers and found earlier trade mark that I think you should be aware of. My initial view is that your trade mark and your goods and services are similar to the earlier trade mark and their goods and services. Therefore the public are likely to confuse your trade mark with the earlier trade mark.

The earlier trade mark I found is listed at the end of this report.

I am not refusing to accept your designation because of the earlier trade mark. Should you decide to proceed with your designation I am obliged to inform the owners of the marks listed below, that your designation will be published in our

online journal. I will only notify UK trade marks and International Registrations (UK). UK trade marks begin with the prefix 'UK'. International UK trade marks begin with the prefix 'WO'.

We do not notify holders of European Union Trade Marks (EUTM) or International Registrations (EU), which also have protection in the UK; these are for your information only

If you proceed, your designation will be published in the online Trade Marks Journal and anyone can oppose your designation should they have grounds to do so. If such action were to be successful, this would likely result in a costs award against you. Further information can be found on our website:

ipo.gov.uk/tmoppose

Next steps

If you disagree with my assessment of your designation, you can write or telephone me. My contact details are shown at the top of this letter. Your response may be sent by, fax, post or e-mail to:

Trademark.examination@ipo.gov.uk

Or, you can ask for a hearing with a senior officer in order to argue against the objection. The hearing officer cannot discuss matters connected to earlier rights that I raised purely for information.

Once you have overcome the objection/s raised above, the second stage is the examination of the regulations which govern the use of the mark. Please note that the regulations and any accompanying documents must be filed in English.

If your address is outside of the European Community, the Isle of Man or the European Economic Area you must provide us with a contact address in one of the above areas. This can be done by filling in and returning a Form TM33 "Appointment of change of Representative (for trade mark owners or holders)". This form is available at:

ipo.gov.uk/tmforms

If the issues raised in the examination report are not resolved by the date shown above, the designation will be refused under the provisions of Section 37(4) of the Trade Marks Act 1994.

Yours faithfully

Katrina Swaffer

Trade Marks Registry

Earlier Marks

1) Earlier Mark:

Trade Mark ID: EU009661646

Domain: EUTM

Mark Representation

CBM 8

Filing Date/Date of Designation: 16/01/2011

Goods & Services

Class: 1

Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; Unprocessed artificial resins, unprocessed plastics; Manures; Fire extinguishing compositions; Tempering and soldering preparations; Chemical substances for preserving foodstuffs; Tanning substances; Adhesives used in industry.

Class: 3

Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Soaps; Perfumery, essential oils, cosmetics, hair lotions; Dentifrices.

Class: 5

Pharmaceutical and veterinary preparations; Sanitary preparations for medical purposes; Dietetic substances adapted for medical use, food for babies; Plasters, materials for dressings; Material for stopping teeth, dental wax; Disinfectants; Preparations for destroying vermin; Fungicides, herbicides.

Owner/Holder Details

Name: Interhygiene GmbH

Address: Neufelder Str. 30

Town: Cuxhaven

Postcode: 27472

Country: DE