



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

Your Reference:
International Registration No:
WO0000001466670
Examiner: Melanie Oliver
Direct Telephone: +44(0)1633814241
Date: 15 April 2020

Please reply by **15 June 2020** quoting the International Registration number

Dear Sir/Madam,

Intl Reg No: WO0000001466670
Mark: HEALTH OF JOINTS IS IN RELIABLE HANDS (Figurative)
Holder: Obshchestvo s ogranichennoy
otvetstvennostyu
"Biotehnos"
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 reasons.

Absolute grounds for refusal

Section 3(1)(b)

The designation is not acceptable in Class 5. There is an objection under Section 3(1) (b) of the Act as the mark is devoid of any distinctive character. This is because the mark consists of a phrase which would be seen as nothing more than an advertisement of the applicant's goods.

The phrase "HEALTH OF JOINTS IS IN RELIABLE HANDS", in relation to the goods applied, would merely be seen by the consumer to promote that the goods would likely improve the health of your joints.

As a result, the mark in its totality would not be seen as a distinctive trademark which is capable of fulfilling the essential function of a trademark. This is to designate one single trade source from those of others.

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.

If following this discussion, you still disagree with my findings you have the right to request a hearing with a senior officer to discuss the matter further.

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

Melanie Oliver

Trade Marks Registry