

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:

1498287

德能安康

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

IV. Holder of the international registration:

BEIJING DANK BIOLOGICAL TECHNOLOGY CO., LTD., B204, 2ND FLOOR, BUILDING 1,
44 HUAYUAN NORTH ROAD, HAIDIAN DISTRICT, BEIJING, China

V. The scope of the refusal:

☒ **Provisional refusal for all goods**

☐ **Provisional partial refusal for some of the goods and/ or services**

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 and services in question. It lacks distinctive character because it is unable to guarantee the identity of the origin of the said goods and services. The mark consists of Chinese characters. The average Norwegian consumer is not familiar with Chinese characters and will have a hard time memorize them, and for that reason not think of them as a badge of origin. Consequently, it 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) **2020.06.04**

Response must be received within: (yyyy.mm.dd) **2020.09.04**

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

Elisa Bischoff

(National reference no.: 201915212)

Number of continuation sheets:1

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- 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: