



The International Bureau, WIPO
34, chemin des Colombettes
1211 Geneva 20
Switzerland

Reykjavík, 15 júlí 2020
Our reference: 201909-8214, 4.1
Your reference: 1485041

Provisional refusal of protection in Iceland according to Article 5 and Rule 17(1)

I. Office making the notification:

Icelandic Intellectual Property Office

II. Number of the international registration:

1485041

III. Name of the holder:

MEDINDUSTRY (CYPRUS) LIMITED, Griva Digeni, 59, Kaimakliotis Building, 5th floor, CY-6043 Larnaca, CY.

IV. ☒ Provisional refusal based on an *ex officio* examination:

V. ☐ Provisional refusal for all the goods and/or services

☒ Provisional refusal for some of the goods and/or services:

"wholesale services for pharmaceutical, veterinary and sanitary preparations and medical supplies" and "retail services for pharmaceutical, veterinary and sanitary preparations and medical supplies".

VI. Grounds for refusal (see further item VII if Article 14):

- ☐ ☒ Absolute grounds: The trademark is considered to be descriptive and lacking a distinctive character for the services mentioned above. the word MED is a common abbreviation for the words *medicine* or *medical*, so the mark is perceived as a description of the services refused in the category above, i.e. the mark indicated that the service is an online sale services for products in the medical sector. Therefore, the mark must be refused for the aforementioned services.

☐ Relative grounds:



VII. Corresponding essential provisions of the applicable law (see Item XI):

Article 13 of the Icelandic Trademark Act No. 45/1997.

VIII. Information relating to subsequent procedure:

(i) *Time limit for requesting review or appeal:*

3 months from the date of this notification, i.e. 15 október 2020

(ii) *Authority to which such request for review or appeal should be made:*

The Icelandic Intellectual Property Office

(iii) *Indications concerning the appointment of a representative:*

According to Article 35(1) of the Icelandic Trademark Act No. 45/1997, a request for review must be filed via the intermediary of a representative residing in the European Economic Area, a member state of the European Free Trade Association (EFTA) or the Faroe Islands.

The Icelandic Intellectual Property Office communicates with applicants and proprietors of trademark registrations or their representatives in Icelandic according to Article 35(4). The office may accept documentation in foreign languages in exceptional circumstances.

If the abovementioned time limit expires, without a request for review being made to the Icelandic Intellectual Property Office, the International Registration shall be considered abandoned in Iceland, cf. Article 19(2) of the Icelandic Trademark Act, No. 45/1997 (see Item XII), for the goods and/or services affected by the provisional refusal but registered for the remaining list of goods and/or services. The registration of the mark will be published in the IPO Gazette and the holder will be notified about the final decision on rejection in part with information on the possibility to appeal to the Board of Appeal for Industrial Intellectual Property Rights.

If the time limit expires, the international registration can be resumed if the holder, within two months from the expiration of the time limit responds to the provisional refusal and pays a fee according to Regulation no. 818/2016 on fees for Patents, Trade Marks, Designs etc.

IX. Date of the notification of provisional refusal:

15 júlí 2020

X. Signature of the Office making the notification:

Gunnar Sær Ragnarsson
Trademark Examiner

XI. Corresponding essential provisions of the applicable law:

Articles 13 and 19 of the Icelandic Trademark Act, No. 45/1997.

Article 13

It is a condition for registration that a trade mark be suitable for distinguishing the goods and services of the proprietor from those of other parties. A mark which indicates exclusively, or with only minor alterations or additions, the type of product or service, condition, quantity, use, price, origin or when it



was produced or the service provided, shall not be deemed to possess sufficiently distinctive characteristics. The same shall apply to a sign or word combination which is common in trade or is used in everyday speech. In order to determine whether a mark has sufficiently distinctive characteristics all circumstances must be considered, in particular how long and to what extent the mark has been in use.

Article 19

If an application for the registration of a trade mark does not comply with legal provisions or if the Office is of the opinion that other barriers should cause the rejection of the registration, the applicant shall be sent a reasoned statement of refusal and he shall be given the opportunity to express himself or emend the application within a specified time limit. Upon the expiry of this period the Office will re-examine its position towards the application.

Should the applicant fail to submit comments or emend the application within the specified time limit referred to in the first paragraph, the application shall be cancelled.

At the request of the applicant, an application shall be re-examined if the applicant, within two months of the expiration of the time limit referred to in the first paragraph, expresses himself concerning the case or emends the application, and provided the re-examination fee is paid.
