



**WORLD INTELLECTUAL PROPERTY ORGANISATION**  
**34, CHEMIN DES COLOMBETTES**  
**PO BOX 18**  
**1211 GENEVA 20**  
**SWITZERLAND**

Date of Notification: 24 August 2020

**International Registration No:** 1538332  
**Mark:** PAPER STRAW made in Europe 100%  
**Holder:** RODA PACKAGING DOO of Serbia

**Notification of the Intellectual Property Office of Ireland of Partial Provisional Refusal**

Dear Sir/Madam,

This notification is issued pursuant to Article 5 of the Protocol relating to the Madrid Agreement concerning the International Registration of Marks and Rule 17(2) of the Common Regulations under the Agreement and Protocol, and is to inform you that protection for this mark is refused for the reasons set out below. Any references to Sections are to Sections of the Trade Marks Act, 1996 and to Rules are to Rules of the Trade Marks Rules, 1996.

1.

**Section 8(1)(b)**

The mark is devoid of distinctive character for the goods in class 16 which are paper based.

For a mark to possess distinctive character it must serve to identify the goods/services in respect of which protection is sought as originating from a particular undertaking, and thus to distinguish those goods/services from the goods/services of other undertakings.

It is contended that the mark, for which protection is sought, is incapable of performing the essential function of a trade mark, namely that of identifying the origin of the goods/services specified.

**Section 8(1)(c)**

The mark consists exclusively of signs or indications which may serve in trade, to designate the intended purpose of the goods/services specified. The wording should therefore remain free for all economic operators in that field to use.

2. This refusal is in respect of the goods for which protection is sought. in class 16 namely Paper and cardboard; printing products (printed matter); book binding material; photographs; stationery and office requisites; drawing materials and material for artists.
3. The holder may make representations in writing, or may request an extension of time for doing so, not later than 24/11/2020. A request for an extension of time received after that date may be granted at the discretion of the Controller.
4. If representations or a request for an extension of time are not received by the specified date, protection of the mark will be refused.
5. Representations to the Controller or a request for a hearing in relation to this notification of refusal must be accompanied by an address for service within the European Economic Area as required by Rule 10(1)(a) as amended by Statutory Instrument No. 410 of 2010; failure to furnish such address will result in the holder being deemed to have abandoned his request for protection.
6. If, following the receipt of representations, it is considered that the requirements for protection are met, the mark will be published in the Official Journal and protection of it will be subject to opposition and observations by third parties. A refusal based on opposition or observations received may subsequently be issued.
7. Date of Refusal: 24 August 2020

Yours faithfully



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