



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

Reykjavík, 22 January 2021  
Our reference: 202004-3015, 4.1  
Your reference: 1513287

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

I. Office making the notification:

**The Icelandic Intellectual Property Office**

II. Number of the international registration:

1513287

Name of the holder:

Hanyuan County Sichuan Pepper Association,  
No. 122 Culture Street, Fulin Town, Hanyuan  
County, Sichuan Province, CN

Representation of the mark:



III. Provisional refusal based on an *ex officio* examination:

- ☒ For all the goods and/or services  
☐ For some of the goods and/or services:

IV. Grounds for refusal:

- ☒ Absolute grounds: According to Article 12(3) of the Icelandic Trademark Act, No. 45/1997, the rules applying to the use of the collective-, guarantee- and certification marks shall accompany the application. The relevant rules are not accompanied with the application and therefore the application is provisionally refused.



☐ Relative grounds:

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V. Information relating to an earlier registered mark (see item XI):

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VI. Corresponding essential provisions of the applicable law (see item X):

Article 12(3) and Article 19 of the Icelandic Trademark Act, No. 45/1997.

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VII. Information relating to subsequent procedure:

(i) *Time limit for requesting review:*

3 months from the date of this notification, i.e. **22 April 2021**

(ii) *Authority to which such request for review 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 X).

(iv) *Possibility for re-examination and further notifications*

The international registration can be resumed, if the holder, within two months from the expiration of the time limit, responds to the provisional refusal, cf. Article 19, paragraph 3 and pays a fee according to the current tariff on fees for Patents, Trade Marks, Designs etc.

The holder will be notified about the final decision and informed of the possibility to appeal to the Board of Appeal for Industrial Intellectual Property Rights if no action is taken before the expiration of the time limit (see point i).

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VIII. Date of notification of the provisional refusal  
**22 January 2021**

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IX. Signature of the Office making the notification:



Auður E. Sverresdóttir - HUG  
Trademark Examiner

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- X. Corresponding essential provisions of the applicable law:  
*Should there be a discrepancy between the English translation and the original text, the original text takes precedence.*

#### **Article 12**

An application for the registration of a trademark must be filed in writing to the Icelandic Intellectual Property Office, which handles the registration of trademarks and maintains the Trademark Register. The application shall specify the mark in a clear and precise manner, including an illustration if appropriate, and for what goods or services registration is requested. It shall also give the name, address and other necessary contact information of the individual or enterprise applying and be accompanied by the prescribed fee. In addition, the application shall be in accordance with the provisions of a Regulation, cf. Article 65.

The date of filing shall be the date on which the applicant files the application along with the required information and/or documents in accordance with Paragraph 1.

An application for a collective mark and a guarantee and quality mark shall be accompanied with the rules applicable to the use of the mark, and they shall be published concomitantly with the registration. The rules shall for instance state the following:

1. Who is authorised to use the mark.
2. What conditions apply to the use of the mark and what consequences and disciplinary actions would result from unlawful use of the mark.
3. What rights and obligations the proprietor of the mark has vis-à-vis those using the mark.
4. What rules apply to membership in the society that owns the mark, if the relevant mark is a collective mark.

Parties that manufacture goods or provide services that originate from the same geographical area as the society that is applying for or owns a registered collective mark that indicates this origin shall be permitted to become members of the relevant society or organisation as long as they meet all other requirements of the rules that apply to the use of the mark.

#### **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 amends the application, and provided the re-examination fee is paid.

In instances where the provisional refusal only applies to some of the goods and services sought for, the provisional refusal only applies to that part of the application.

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XI. Extract from the Trademark Register:

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