

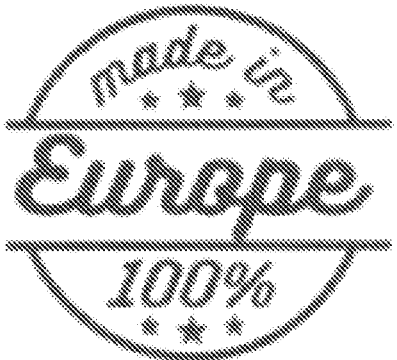


Notification of Total Provisional Refusal based on an Ex Officio Examination (to WIPO)

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.	Office making the notification:	patent trademark design Norwegian Industrial Property Office 
II.	Number of the international registration: 1538332 (National application no.: 202008362) Date of subsequent designation (if any): (yyyy.mm.dd)	
III.	Name of the holder: RODA PACKAGING DOO Representation of the mark:  	
IV.	Total provisional refusal based on an <i>ex officio</i> examination	
V.	Provisional refusal for all the goods and/or services N/A	
VI.	Grounds for refusal: <i>Absolute grounds:</i> Trademark Act Section 14 - The trademark is considered to be devoid of any distinctive character and it can be used in trade to designate the goods and services in question. As a whole, the mark is incapable of conferring ideas of a commercial origin of the goods/services claimed. The mark consists of the compound "PAPER STRAW made in Europe 100% " which merely indicates the nature of the goods/services claimed in the international registration, "paper and cardboard» in class 16 and «distribution of samples» in	

class 35, namely that the goods are paper straw made in Europe and the distribution service is samples of these goods. The figurative elements do not add the sufficient distinctiveness to the mark. Consequently, the mark does not fulfil the function of guaranteeing the origin of the products and services claimed, and must be refused.

Relative grounds:

VII. Corresponding essential provisions of the applicable law

See the relevant provisions of the Norwegian Trademarks Act regarding the grounds of this provisional refusal on our home page:

<https://www.patentstyret.no/en/services/trademarks/rules-and-regulations-trademarks/trademarks-act/>

VIII. Information relating to the possibility to request a review or file an appeal:

- (i) Time limit for requesting review or appeal: **2021.05.20**
- (ii) Authority to which such request for review or appeal should be made:

The Norwegian Industrial Property Office

PO Box 4863 Nydalen, NO-0422 Oslo, Norway

Telephone: +47 22 38 73 00

Telefax: +47 22 38 73 01

E-mail: post@patentstyret.no

How to proceed:

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.

IX. Signature by the office:

THE NORWEGIAN INDUSTRIAL PROPERTY OFFICE

Mikkel Vika

X. Date of provisional refusal: (yyyy.mm.dd) **2021.02.20**