

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

Date of Notification: 14 April 2021

International Registration No: 1579492
Mark: FIRE & ICE
Holder: F&I Beverages AG of Switzerland

Notification of the Intellectual Property Office of Ireland of Total 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 10(2)**

There exists a likelihood of confusion on the part of the public between the mark and the following earlier mark(s):

Trade Mark No: 226687
Mark: FIRE & ICE
Proprietor: WINE INTERNATIONAL PROJECT O.O.O.
M. Eminescu street
5, MD-2012 Kishinev
REPUBLIC OF MOLDOVA
Date of Application: 13/07/2001
Date of Registration: 13/07/2001
Class 33: Vodka; Gin
Address for Service: MACLACHLAN & DONALDSON (IRELAND) LIMITED,
trading as MACLACHLAN & DONALDSON
Unit 10, 4075 Kingswood Road
Citywest Business Campus
Dublin 24 D24 C56E
Ireland

International Registration No: 1055400
Mark: FIRE & ICE

Holder:"WINE INTERNATIONAL PROJECT" O.O.O.
M. Eminescu street, 5
MD-2012 Kishinev
Republic of Moldova
Date of Application:10/01/2019
Date of Registration:10/01/2019
Class 33 : Vodka.

International Registration No:1473087
Mark:FIRE & ICE
Holder:"WINE INTERNATIONAL PROJECT" O.O.O.
M. Eminescu street, 5
MD-2012 Kishinev
Republic of Moldova
Date of Application:25/01/2019
Date of Registration:25/01/2019
Priority Date: 23/01/2019
Class 33 : Vodka.
Address for Service:MACLACHLAN & DONALDSON (IRELAND) LIMITED,
trading as MACLACHLAN & DONALDSON
Unit 10, 4075 Kingswood Road
Citywest Business Campus
Dublin 24 D24 C56E
Ireland

2. This refusal is in respect of all of the goods for which protection is sought.
3. The holder may make representations in writing, or may request an extension of time for doing so, not later than **13 July 2021**. 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: 14 April 2021

Yours faithfully

Sheila Drennan

Sheila Drennan
Trade Mark and Design Examination Division
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