



REPUBLIC OF SLOVENIA  
**MINISTRY OF ECONOMIC DEVELOPMENT AND TECHNOLOGY**  
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Ref. No.: 31212-785/2020-1  
102SP(434)

Date: 14.06.2021

**MADRID PROTOCOL**

**Total Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)**

I.	Office making the notification: <b>Slovenian Intellectual Property Office</b> <b>Kotnikova 6</b> <b>SI-1000 Ljubljana</b> <b>Slovenia</b>
II.	Number of the international registration: 1310671
III.	Name of the holder of the international registration: Ecolab USA Inc., 1 Ecolab Place Saint Paul MN 55102, US
IV.	Information concerning the type of provisional refusal:  <i>Please indicate the type of refusal by checking only one of the following options:</i>  <input checked="" type="checkbox"/> <b>Total provisional refusal based on an <i>ex officio</i> examination</b>
V.	Information concerning the scope of the provisional refusal:  <b>Total provisional refusal affects all the goods and/or services.</b>

VI. Grounds for refusal

43 (1) b, c

The trade mark consists of words with the following meanings:

SOLID 'strong, pure, reliable'

POWER 'of, relating to, or utilizing strength'

The relevant consumer will understand 'SOLIDPOWER' as a meaningful expression: transparent, solid protection.

Taken as a whole, the expression 'SOLIDPOWER' immediately informs consumers without further reflection that the goods applied for, such as detergents for use in industrial and manufacturing processes (class 1), warewashing detergents (class 3), or services related to these washing processes, installation, repair and maintenance of warewashing machines and dishwashers (class 37), contain characteristics of both being strong and reliable.

Therefore, the mark conveys obvious and direct information regarding the kind of the goods and services in question.

The relevant public would perceive the expression 'SOLIDPOWER' in the mark as a promotional laudatory message, the function of which is to describe a characteristic of the goods and services. Moreover, whilst accepting that a mark may be understood as both a promotional formula and an indication of commercial origin, in the present case the relevant public will not tend to perceive in the sign any particular indication of commercial origin beyond the promotional information conveyed, which merely serves to highlight positive aspects of the goods and services concerned, namely that they provide consumers with both strong and reliable qualities of the goods and services offered

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

(i) Time limit for requesting review or appeal:

The holder of the registration may request a review of the provisional refusal. The Slovenian Office must receive the request no later than 3 months \* from the date of this provisional refusal (the time limit starts from the date indicated under point IX). After a period the Office will issuing its final decision.

\*with the written request the deadline may be extended for 3 months

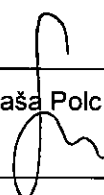
(ii) Authority to which such request for review or appeal should be made:

Office indicated under I

(iii) Whether the request for review or appeal has to be filed in a specific language and/or through the intermediary of a representative whose address is within the territory of the Contracting Party:

The request for the review must be filed through the intermediary of a representative domiciled in Slovenia. The list of trademark agents is available on <http://www.uil-sipo.si/sipo/addition/resources/patent-and-trademark-agents/>

VIII. Signature or official seal of the Office making the notification: Saša Polc



IX. Date of the notification to the International Bureau: 14.06.2021

X. Corresponding essential provisions of the applicable law:

Article 43

(Absolute grounds for trade mark refusal)

(1) A sign shall not be registered as a trade mark if:

- a) it cannot constitute a trade mark;
- b) it is devoid of any distinctive character;
- c) in trade, it serves solely to designate the type, quality, quantity, intended purpose, value, geographical origin or time of production of the goods or provision of the service or other characteristics of the goods or services;
- d) it consists solely of signs or indications which have become customary in the current language or in the bona fide and established trade practices;
- e) it consists solely of the shape or other characteristic that results from the nature of the goods themselves, is necessary to obtain a technical effect, or gives substantial value to the goods;
- f) it is contrary to public order or morality;
- g) it deceives the public, in particular as to the nature, quality or geographical origin of the goods or services;
- h) it has not been authorised by the competent authorities and must be refused pursuant to Article 6ter of the Paris Convention;
- i) it includes or imitates badges, emblems or escutcheons, other than those covered by Article 6ter of the Paris Convention, that are of particular public interest, unless the competent authorities have given consent to the registration thereof;
- j) it is excluded from the registration in accordance with the legislation of the Republic of Slovenia or the European Union or with international treaties to which the Republic of Slovenia or the European Union are parties which provide protection for designations of origin and geographical indications;
- k) it is excluded from the registration in accordance with the legislation of the European Union or with international treaties to which the European Union is party which provide protection for traditional terms for wine;
- l) it is excluded from the registration in accordance with the legislation of the European Union or with international treaties to which the European Union is party which provide protection for traditional specialities guaranteed;
- m) it consists of a plant variety name that has been previously registered in accordance with the legislation of the Republic of Slovenia or the European Union or with international treaties to which the Republic of Slovenia or the European Union are parties which provide protection for plant variety rights and relates to plant varieties of the same or closely related species or contains the essential elements of such a name.

(2) Notwithstanding points b), c) and d) of the preceding paragraph, a trade mark registration shall not be refused if through use the sign has acquired a distinctive character before the date of filing of the application.