



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

Reykjavík, 28 June 2021
Our reference: 202005-4518, 4.1
Your reference: 1531791

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:

1531791

Name of the holder:

Individual entrepreneur Bogatyrev Vasily
Alexandrovich, ul. Admiral Zhiltsov, 3 sq. 13,
Ivanteevka, RU-141280 Moscowregion, RU

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:
Class 35: online retail and wholesale services for goods.

IV. Grounds for refusal:

- ☒ Absolute grounds: The term “online retail and wholesale services for goods.” in class 35 is too vague and is not sufficiently specified with regards to the services applied for.
- ☐ Relative grounds:



V.

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

Article 16 and Article 19 of the Icelandic Trademark Act, No. 45/1997.

VII. Information relating to subsequent procedure:

(i) *Time limit for requesting review:*

3 months from the date of this notification, i.e. **28 September 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), for the goods and/or services affected by the provisional refusal but registered for the remaining list of goods and/or services. The international registration will be published in the ISIPO Gazette when all procedures have been concluded.

(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).

VIII. Date of notification of the provisional refusal
28 June 2021

IX. Signature of the Office making the notification:

Bjarni Rögnvaldsson - HUG
Trademark Examiner



- 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 16

In an application according to Article 12 the specification of goods and services shall be clear and precise to clearly define the scope of protection sought. Marks may not be registered for an entire class or classes without specifying the goods or services for which trademark registration is requested.

The classification of goods and services shall be determined by the Minister and advertised.

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 emends 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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