



Intellectual
Property
Office

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World Intellectual Property
Organisation (WIPO)
International Bureau
34, Chemin des Colombettes
1211 Geneva 20
Switzerland

Your Reference:
International Registration No:
WO0000001614895
Examiner: Gabrielle Hagii
Direct Telephone: +44(0)1633814589
Date: 08 November 2021

Please reply by **08 January 2022** quoting the International Registration number

Dear Sir/Madam,

Intl Reg No: WO0000001614895
Mark: München 1972 (Figurative)
Holder: Comité International Olympique
Classes: 9, 14, 16, 18, 21, 24, 25, 28, 35, 38, 41

Notification of a Provisional Total Refusal of Protection (not based on an opposition) by the Intellectual Property Office

I have examined your designation under the Trade Marks Act 1994 and carried out a search of the relevant trade mark registers. Your designation does not appear to meet the requirements for Protection for the following reason.

Absolute grounds for refusal

Section 3(5) and 4(5)

The designation is not acceptable in Classes 9, 14, 16, 18, 21, 24, 25, 28, 35, 38 and 41 as there is an objection under Section 3(5) and 4(5) of the Act. This is because the mark consists of a controlled representation which is so similar to the Olympic ring symbol that it is likely to create in the public mind an association with the Olympics. The use of the controlled representation is prohibited under the Olympic Symbol etc (Protection) Act 1995 as amended by the London Olympic Games and Paralympic Games Act 2006.

Section 3(5) and 4(5) of the Trade Marks Act 1994 states;

3-(5) A trade mark shall not be registered in the cases specified, or referred to, in section 4 (specially protected emblems).

4-(5) A trade mark which consists of or contains a controlled representation within the meaning of the Olympic Symbol etc. (Protection) Act 1995 shall not be registered unless it appears to the registrar—

- a) that the application is made by the person for the time being appointed under

section 1(2) of the Olympic Symbol etc. (Protection) Act 1995 (power of Secretary of State to appoint a person as the proprietor of the Olympics association right), or

b) that consent has been given by or on behalf of the person mentioned in paragraph (a) above.

Overcome Objection

The objection may be overcome by obtaining the written consent of the British Olympic Association to the use and registration of the mark.

Next steps

If you disagree with my assessment of your designation, you can write or telephone me. My contact details are shown at the top of this letter.

If following this discussion, you still disagree with my findings you have the right to request a hearing with a senior officer to discuss the matter further.

If your address is outside of the United Kingdom, the Isle of Man, Channel Island and Gibraltar you must provide us with a contact address in one of the above areas. This can be done by filling in and returning a Form TM33 "Appointment of change of Representative (for trade mark owners or holders)". This form is available at:

ipo.gov.uk/tmforms

If the issues raised in the examination report is/are not resolved by the date shown above, the designation will be refused under the provisions of Section 37(4) of the Trade marks Act 1994.

Yours faithfully

Gabrielle Hagii

Trade Marks Registry