



Intellectual
Property
Office

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World Intellectual Property
Organisation (WIPO)
International Bureau
34, Chemin des Colombettes
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Your Reference:
International Registration No:
WO0000001614895
Examiner: Gabrielle Hagii
Direct Telephone: +44(0)1633814589
Date: 31 January 2022

Please reply by **31 March 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 Partial 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.

Retail

There is an objection under Section 1(1) and 3 (1)(a) against the following 'retail service'-type terms listed in your class 35 specification:

retail and wholesale services;

These terms do not meet the legal criteria as set out by the Court of Justice of the European Union in the *Praktiker* case (see C-418/02). Our classification practice in respect of 'retail service'-type claims is set out in the current edition of the Trade Marks Manual (under the third section entitled 'The Examination Guide'). For more information on this practice, you can view the Manual via the following hyperlink (please note that the relevant section begins on page 200):

<https://www.gov.uk/guidance/trade-marks-manual/the-classification-addendum>

This objection may be overcome by amending the objectionable terms to the following:

retail and wholesale services in relation to (add list of goods);

Next step

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 you do not reply by the date shown above, I will publish it in our online Trade Marks Journal, but only for:

Classes 9, 14, 16, 18, 21, 24, 25, 28, 38, 41 for the specifications as filed.

And

Class 35 for a specification of:

Advertising; commercial management services; commercial administration; office task services (office functions); advertising, marketing and promotional services; public relations services; product presentation and demonstration services; organization of trade shows and commercial exhibitions; loyalty, incentive and bonus program services; distribution of advertising, marketing and promotional material; advertising, marketing and promotional consultancy, advisory and assistance services; provision and rental of advertising space, time and media; commercial negotiation and customer information services; ~~retail and wholesale services~~; auctioneering services; rental of automatic vending machines; business assistance, management and administrative services; accountancy, book keeping and auditing; administrative support and data processing services; data processing, systematization and management; human resources management and personnel recruitment services; business consultancy and advisory services; business analysis and information services and market studies; rental of office machines and equipment; retail and wholesale services in relation to chemicals for use in industry, science and photography, as well as in agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, compost, manures, fertilizers, biological preparations for use in industry and science, synthetic resins, chemical intermediates, chemicals, biochemicals and reagents for use in industry, science and research, chemical preparations for cell separation and culture, chemical preparations for the purification of nucleic acid, nucleotides, florescent nucleotides, oligonucleotides, peptides, proteins, amino acids, organic molecules and markers for DNA/RNA synthesis, specialized

chemicals for use in industry, science and research, gases and gas mixtures for use in industry, research and science, chemical products and substances for the manufacture of pharmaceutical products, diagnostic products and substances, chemical testing reagents, saline solution and paper coated with reagents, all for scientific use and for use in laboratories, radioactive elements and isotopes for use in industry, science and research, radiopharmaceuticals for scientific use and for research; retail and wholesale services in relation to non-medicated cosmetics and toiletry preparations, perfumery products, essential oils, body cleaning and beauty care preparations including make-up, soaps and gels, cosmetic bath products, deodorants and antiperspirants, skin, eye and nail care products, hair preparations and treatments, hair removal and shaving preparations, cleaning and fragancing preparations, including household fragrances; retail and wholesale services in relation to pharmaceutical products, medical and veterinary preparations, sanitary preparations for medical use, dietetic food and substances adapted for medical or veterinary use, food for babies, dietary supplements for humans and animals, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, fungicides, herbicides, pharmaceutical products for diagnosis, diagnostic substances for medical use, radiopharmaceuticals for clinical and medical use, disposable paper or cellulose diaper-pants, diapers and napkins; retail and wholesale services in relation to machines, machine tools, power-operated tools, motors and engines, except for land vehicles, apparatus, equipment and instruments for electricity production, namely electrical and wind energy generators generating electricity, wind turbines linked to wind farms, turbine-powered production installations, namely installations for electricity production and parts and components of all the aforesaid goods, solar powered energy electricity generators, machines and machine systems, including parts and accessories for electricity production, transformation and conversion dynamos, electric motors of all kinds, steam and gas turbines and their parts, electrical generators and their parts, aircraft engines, compressors, laundry washing and drying machines, dishwashers, waste grinders and compactors, electrical tools, electric motors, electric generators, garden tools, electric lawnmowers, garden vaporizers for disinfectants and insecticides, hand-held electric tools and implements, blenders, centrifuges, hand-held mixers, food processors; retail and wholesale services in relation to apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data, recorded and downloadable media, computer software, blank digital or analogue recording and storage media, computers and computer peripheral devices, recorded content, including media content, software including game software, application software including communication, networking and social networking software, data and file management and database software, media and publishing software, office and business applications, Web application and server software including e-commerce and e-payment software, information technology and audiovisual, multimedia and photographic devices, including communication equipment such as computer networking and data communication equipment, point-to-point communication equipment, broadcasting equipment, antennas as communication apparatus, data storage devices and media, data processing equipment and accessories [electrical and mechanical] including calculators, ticket dispensers, payment terminals, money dispensing and sorting devices including coin-operated mechanisms, peripherals adapted for use with computers and other smart devices, computers and computer hardware, computer

components and parts, audiovisual and photographic devices including audio devices and radio receivers, display devices, television receivers and film and video devices, image capturing and developing devices, glasses, sunglasses, safety, security, protection and signalling devices, including alarms and warning equipment, access control devices, measuring devices including time measuring instruments [not including clocks and watches], weight measuring instruments, distance and dimension measuring instruments, speed measuring instruments, temperature measuring instruments, electricity measuring instruments, controllers and regulators, data recorders, sensors, detectors and monitoring instruments; retail and wholesale services in relation to surgical, medical, dental and veterinary apparatus and instruments, prosthetics and artificial limbs, eyes and teeth, orthoses, mobility aids, orthopedic articles, suture materials, therapeutic and assistive devices adapted for the disabled, massage apparatus, apparatus, devices and articles for nursing infants, systems comprising medical apparatus and accessories for administering measured doses of pharmaceutical preparations, medical diagnosis devices, namely bone densitometers, ultrasound imaging machines for medical diagnosis, imaging devices for screening and diagnostic applications for planning operations and surgery, and their parts and accessories, mobile x-ray devices, x-ray film viewers, CAT scans for medical diagnosis, laser apparatus for medical treatment, ultrasound diagnosis equipment, acoustic apparatus, medical apparatus for measuring bone density; retail and wholesale services in relation to vehicles, apparatus for locomotion by land, air or water, electric motors and diesel engines for land vehicles, bicycles, tires and inner tubes for bicycles, automatic vehicles, electric bicycles, tires, inner tubes for vehicle tires, wheels and rims [for automobiles]; retail and wholesale services in relation to precious metals and their alloys, jewelry, precious and semi-precious stones, timepieces and chronometric instruments, gemstones, pearls and precious metals, and imitations thereof, time measuring instruments, other articles of precious metals and precious stones, and imitations thereof including statues and figurines, made of or coated with precious or semi-precious metals or stones, or imitations thereof, ornaments, made of or coated with precious or semi-precious metals or stones, or imitations thereof, jewelry boxes and watch boxes, key rings and key chains, and charms therefor, medallions, medals; retail and wholesale services in relation to paper and cardboard, printed matter, photographs [printed], instructional materials except apparatus, bags, sachets, films and sheets of plastic and paper for packaging, works of art and figurines of paper and cardboard, decoration and art materials and media including arts, crafts and modelling equipment, bags and articles for packaging, wrapping and storage of paper, cardboard or plastics, educational equipment, photo albums and collectors' albums, printed matter including books, disposable paper products; retail and wholesale services in relation to leather and imitations of leather, luggage, bags, wallets and all-purpose carrying bags, umbrellas and parasols, collars, leashes and clothing for animals; retail and wholesale services in relation to non-metallic building materials, non-metallic rigid pipes for building, asphalt, pitch, tar and bitumen, thermoplastic building and construction materials, namely thermoplastic molded and extruded materials used as substitutes for wood, metal or glass, for supporting or covering, plastic panels for building and construction; retail and wholesale services in relation to household or kitchen utensils and containers, cookware and tableware, except forks, knives and spoons, combs and sponges, brushes (except paintbrushes), glassware,

porcelain and earthenware, kitchen utensils and containers, cleaning articles, statues, figurines, plaques and works of art, made of materials such as porcelain, terracotta or glass, included in the class, household utensils for cleaning, air fragrancing apparatus, glasses, drinking vessels and bar accessories, coin banks (piggy banks), cosmetic and toilet utensils; retail and wholesale services in relation to clothing, footwear, headwear, parts of clothing, footwear and headwear articles, fashion accessories; retail and wholesale services in relation to games and toys, video game apparatus, gymnastic and sporting articles, sporting articles and equipment, hunting and fishing equipment, swimming equipment, tabletop games and gambling devices; retail and wholesale services in relation to preserved, frozen, dried and cooked fruits and vegetables, milk, cheese, butter, yogurt and other milk products; retail and wholesale services in relation to coffee, tea, cocoa and coffee substitutes, chocolate, ice cream, sorbets and other edible ices, ice [frozen water]; retail and wholesale services in relation to beers, non-alcoholic beverages, mineral and aerated waters, fruit beverages and fruit juices, syrups and other non-alcoholic preparations for making beverages.

The provisional refusal of all other services will then become final.

Yours faithfully

Gabrielle Hagii

Trade Marks Registry