

**Notification of *ex officio* provisional partial refusal of protection
(Article 5 of the Madrid Protocol, Rule 17(1) and (2) of the Regulations under
the Protocol relating to the Madrid Agreement, Article 33(2), Articles 41 and
193 EUTMR, and Article 33 EUTMIR)**

Alicante, 30/09/2022

International registration number: **0840722**
Name of the holder: **Daimler Truck AG**
Trade mark: **TRUCKS YOU CAN TRUST**

Protection of the abovementioned mark is provisionally refused for the European Union for the following goods:

Class 14: goods in precious metals or coated therewith, not included in other classes

Class 16: goods made from these materials, not included in other classes [paper, cardboard]

Class 18: goods thereof, not included in other classes [leather and imitation of leather]

Class 18: small leather goods, in particular purses, attaché cases, key holders

I. Grounds

The list of goods and services does not comply with Article 33(2) EUTMR.

Class 14:

- 1) The underlined part "*Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes*" lacks clarity and precision, and must be further specified.

The remaining "*Precious metals and their alloys*" is acceptable.

In light of the need for clarity and precision, the term goods in precious metals or coated therewith, not included in other classes does not provide a clear indication of what goods are covered, as it simply states what the goods are made of or coated with, and not what the goods are. It covers a wide range of goods that may have very different characteristics, may require very different levels of technical capabilities and know-how to be produced, and could target different consumers, be sold through different sales channels and therefore relate to

different market sectors.

Class 16:

- 2) The underlined part "*Paper, cardboard and goods made from these materials, not included in other classes*" lacks clarity and precision, and must be further specified.

The remaining "*Paper, cardboard*" is acceptable.

In light of the need for clarity and precision, the term goods made from these materials [paper and cardboard], not included in other classes does not provide a clear indication of what goods are covered, as it simply states what the goods are made of, and not what the goods are. It covers a wide range of goods that may have very different characteristics and/or purposes, may require very different levels of technical capabilities and know-how to be produced and/or used, and could target different consumers, be sold through different sales channels and therefore relate to different market sectors.

Class 18:

- 3) The term "*Leather and imitation leather and goods thereof, not included in other classes*" lacks clarity and precision, and must be further specified.

The remaining "*Leather and imitation leather*" is acceptable.

In light of the need for clarity and precision, the term goods made of these materials [leather and imitations of leather] and not included in other classes does not provide a clear indication of what goods are covered, as it simply states what the goods are made of, and not what the goods are. It covers a wide range of goods that may have very different characteristics and/or purposes, may require very different levels of technical capabilities and know-how to be produced and/or used, and could target different consumers, be sold through different sales channels and therefore relate to different market sectors.

- 4) The term "*small leather goods, in particular purses, attaché cases, key holders*".

The Office proposes the following amendment: "*small leather goods, namely purses, attaché cases, key holders*".

If you do not submit a valid reply within the given time limit, the term will be rejected in part, i.e. "*purses, attaché cases, key holders*" will be accepted.

Please note that the proposed clarified terms should always fall within the same class as the original wording of the International Register.

In order to remedy this deficiency, the Office recommends that you consult the Harmonised Database (HDB) at <http://tmclass.tmdn.org/ec2/?lang=en>. The HDB brings together a list of acceptable terms from every IP Office of the EU and ensures that the goods and services you choose will be immediately accepted.

II. Time Limit

The holder of the international registration is hereby given a time limit of two months to overcome the ground for refusing protection indicated under point I above. This time limit will start to run on the day this notification is issued by the Office (Article 193(2), (3) and (4) EUTMR). Any reply to this communication must be addressed to the Office in the language of the proceedings.

If you do not send a reply within the time limit, the Office will issue an appealable decision refusing the protection of the international registration for the European Union in part.



Eftychia DAMIANIDOU