



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

Reykjavik, 23 March 2023
Our reference: 202205-7776, 4.1
Your reference: 1628482

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. About registration

Number of the international registration:

1628482

Name of the holder:

Ludovic de Rochefort, 92 rue d'Endoume, F-13007 Marseille, FR

Representation of the mark:

~.ventio

III. Provisional refusal based on an *ex officio* examination:

For some of the goods and/or services:

Class 9: Photographic apparatus and instruments; cinematographic cameras; optical apparatus and instruments; measuring apparatus and instruments; 3d spectacles; virtual reality headsets; smart watches; image transmission apparatus; image reproduction apparatus; data processing equipment; tablet computers; sound recording apparatus; sound transmission apparatus; sound reproduction apparatus; image recording apparatus.

IV. Grounds for refusal:

Relative grounds: Likelihood of confusion with earlier registered marks:

Registration 1:

International registration number: 1318824

Registration 2:

International registration number: 1567141

V. Corresponding essential provisions of the Icelandic Trademark Act, No. 45/1997 (see item VIII):

- Article 14(1)
 - Article 19
-

VI. Information relating to subsequent procedure:

1. *Time limit for requesting review:*

3 months from the date of this notification, i.e. **23 June 2023**

2. *Authority to which such request for review should be made:*

The Icelandic Intellectual Property Office

3. *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.

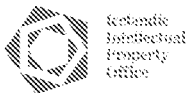
If the abovementioned time limit expires, without a request for review being made to the Icelandic Intellectual Property Office, the International Registration shall be considered abandoned in Iceland, cf. Article 19(2) of the Icelandic Trademark Act, No. 45/1997 (see Item VIII), for the goods and/or 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.

4. *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 1).

VII. Date and signature of the Office making the notification:



23 March 2023

Jóna Halldórsdóttir

Trademark Examiner

VIII. 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 14

A trademark shall not be registered, except with the approval of the relevant proprietor:

1. if the mark is likely to be confused with a trademark which has been registered in Iceland or which has been in use here when the application for registration was filed and is still in use here,
2. if the mark is likely to be confused with a mark which is considered to be well known, in the sense of Article 6(a) of the Paris Convention for the Protection of Industrial Property, in Iceland at the time of filing of the application,
3. if the mark is likely to be confused with a mark which has been in use in another country, at the time when the application was filed or from the priority date, and is still in use there for the same or similar goods or services as the later mark is to be registered for, and the applicant was acting in bad faith with regard to the registration and use of the mark,
4. if the mark gives the impression that it refers to the name of an active commercial operation, or the name or portrait of another person, provided that this does not involve individuals long dead, or if the mark includes a distinctive name of real property or an illustration thereof,
5. if the mark indicates or can be interpreted to be the distinctive title of a protected literary or artistic work, or if it infringes the copyright of another person with regard to such work, or any other intellectual property rights,
6. if an agent applies for the registration of a mark under his/her own name and without permission from the proprietor, unless the agent can justify such action.

Article 19

If an application for the registration of a trademark does not comply with legal provisions or if the Icelandic Intellectual Property 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 amend the application within a specified time limit. Upon the expiry of this period the Icelandic Intellectual Property Office will re-examine its position towards the application.

Should the applicant fail to submit comments or amend 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 resumed 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 amends the application, and provided the fee for resumption is paid.

In cases where the reason for rejection only applies to part of the goods and services designated in an application for registration, the rejection of registration shall only apply to that part of the application.

Article 35

The proprietor of a trademark, who is not domiciled in Iceland, must have a representative residing in the European Economic Area, a member state of the European Free Trade Association (EFTA) or the Faroe Islands. The representative must be authorised by the proprietor of the mark to receive summons, as well as other notifications concerning the mark, on his behalf with binding effect on the proprietor. The name and address of the representative shall be entered in the Trademark Register.

Should no representative be appointed, or should a representative resign from such representation, the proprietor of a mark is obliged to rectify this matter within a time limit decided by the Icelandic Intellectual Property Office. If the address of the proprietor of a trademark is unknown the notice of the time limit should be published in the IP Gazette. Should no representative be appointed in accordance with the above before the expiry of the time limit the mark shall be eradicated from the Trademark Register.

The legal venue in court cases filed in accordance with this Act, where the proprietor of a trademark is not domiciled in Iceland, shall be in Reykjavik.

The Icelandic Intellectual Property Office shall communicate with applicants and proprietors of trademark registrations or their representatives in Icelandic. In exceptional instances the Office may accept documentation in foreign languages.

IX. Extract from the Trademark Register:

Registration 1:

(111) Registration number: 1318824

(151) Date of registration: 31.07.2020

(210) Application number: V0119405

(220) Date of filing: 1.11.2020

(180) Registration valid to: 27.6.2026

(540) Mark:

VENTION

(550) Nature of mark: Trademark

(594) Kind of mark: Word and Figurative Mark

(730) Name and address of applicant/holder: Ningbo Fulman Communication Technology Co.,Ltd., No.98, Yuanzhong Road, Economic Development Zone, Xiangshan County, Zhejiang, CN

(740) Representative:

(511) Classification of goods and services:

Class 9: Cables, electric; wires, electric; copper wire, insulated; telephone wires; coaxial cables; fibre [fiber (Am.)) optic cables; acoustic couplers; headphones; stereoscopes; sheaths for electric cables.

Registration 2:

(111) Registration number: 1567141

(151) Date of registration: 27.11.2020

(210) Application number: V0119894

(220) Date of filing: 27.12.2020

(180) Registration valid to: 27.11.2030

(540) Mark:

VENTION

(550) Nature of mark: Trademark

(594) Kind of mark: Word and Figurative Mark

(730) Name and address of applicant/holder: Ningbo Fulman Communication Technology Co., Ltd., No.98, Yuanzhong Road, Economic Development Zone, Xiangshan County, Ningbo, Zhejiang, CN

(740) Representative:

(511) Classification of goods and services:

Class 9: Branch boxes [electricity]; audio- and video-receivers; batteries, electric; network communication apparatus; selfie sticks [hand-held monopods]; electric plugs; microphones; switchboards; audio interfaces; digital photo frames; covers for smartphones; cases for smartphones; protective films adapted for smartphones; virtual reality headsets; headphones; covers for electric outlets; rechargeable electric batteries; smartphones; battery chargers; cabinets for loudspeakers.
