



MADRID PROTOCOL

Total Provisional Refusal of Protection

(Rule 17(1) of the Regulations under the Protocol)

I. Name of the Office:

Canadian Intellectual Property Office

II. International registration number:

1799574

III. Name of the holder:

Merck KGaA

IV. Information concerning the type of provisional refusal:

Total provisional refusal based on an ex officio examination.

V. Information concerning the scope of the provisional refusal:

The provisional refusal affects all the goods and services.

VI. Grounds for refusal (where applicable, see item VII):

This examiner's report concerns the above identified Protocol application. To avoid abandonment proceedings, a proper response must be received by this office by January 4, 2026. All correspondence respecting this Protocol application must indicate the file number.

This Protocol application has been examined under the provisions of the *Trademarks Act* and *Trademarks Regulations*.

Goods and services:

The following underlined goods are not considered to be specific pursuant to section 29 of the *Trademarks Regulations*, nor are they considered to be in ordinary commercial terms pursuant to paragraph 30(2)(a) of the *Trademarks Act*:

[5] (1) Pharmaceuticals; pharmaceuticals, namely medicines for humans, medicine capsules, pharmaceutical preparations, chemico-pharmaceutical preparations, medicines for medical purposes, biological preparations for medical purposes, chemical preparations for pharmaceutical purposes, injections (medicine), tablets (medicine), raw medicines, biochemical medicines.

For further guidance on redefining the statements of goods or services, please refer to the *Goods and Services Manual* available on our website. This searchable tool is not an exhaustive list of acceptable terms, but it may be used as a guide to the specificity and ordinary commercial term requirements of the *Trademarks Act* and its Regulations.

The applicant is required to file an amended Protocol application, using the e-service on the CIPO website at www.cipo.gc.ca, by fax at 819-953-2476 or by mail at the following address:

Registrar of Trademarks
Place du Portage I
50 Victoria Street, room C-114
Gatineau, QC K1A 0C9

Upon satisfactory compliance with the above-mentioned requirement(s), further office action will be undertaken.

If the applicant has any specific questions in respect of this Office action, please contact the assigned examiner. Please note that for general inquiries, including assistance with filing of the revised Protocol application, queries about the status of an application or receipt of correspondence, you may contact our Client Service Centre toll free at 1-866-997-1936.

Yours truly,

Melinda Gallant

Examination Section

819-790-3424

fax: 819-953-2476

VII. Information relating to an earlier mark:

-
- (i) Filing date and number, and, if any, priority date:
Not applicable
- (ii) Registration date and number (if available):
Not applicable
- (iii) Name and address of the owner:
Not applicable
- (iv) Reproduction of the mark:
Not applicable
- (v) List of the relevant goods and services (this list may be in the language of the earlier application or registration):
Not applicable

VIII. Provisions of the applicable law:

Paragraph 30(2)(a) of the *Trademarks Act*

Section 29 of the *Trademarks Regulations*

Section 37 of the *Trademarks Act*

IX. Information relating to the possibility to request a review, file an appeal or otherwise respond to the refusal:

(i) Time limit to request a review, file an appeal or otherwise respond to the refusal:

A complete response is required within 6 months from the date of issuance of the provisional refusal.

(ii) Calculation of time limit (the time limit runs from):

(a) The time limit starts on: 2025-07-04

(b) The time limit ends on: 2026-01-04

(iii) Whether the time limit can be extended:

Yes

(iv) Authority to which such request for review, appeal or response should be made:

Registrar of Trademarks

(v) Whether the request for review, appeal or response has to be filed in a specific language or through a local representative:

Correspondence must be in French or English

(vi) Other requirements, if any:

Not applicable

X. Date and signature of the Office:

Registrar of Trademarks

2025-07-04



4 juil/Jul 2025
Votre référence Your File

Notre référence Our File
2338918
Numéro EI IR Number
1799574

Merck KGaA
Frankfurter Strasse 250
64293 Darmstadt
GERMANY

RE: Trademark: EUPITORB
Applicant: Merck KGaA

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