



EINKALEYFASTOFAN

Icelandic Patent Office

The International Bureau, WIPO
34, chemin des Colombettes
1211 Genève
Switzerland

Deres/Your ref:
827830

Vor/Our ref:
430-MP-827830

Dato/Date:
17.2.2005

Regarding: Notification of provisional refusal based on an opposition according to Article 5 and Rule 17(3).

International registration No. 827830, sixtyseven by mustang

- The mark was published in the Icelandic Trade Mark Gazette on the 15.12.2004.
- The opposition period is 2 months from publication according to the Icelandic Trade Mark Act No. 45/1997.
- The Icelandic Patent Office has received an opposition to the aforementioned International Registration, dated 14th of February 2005, i.e. within the aforesaid opposition period.

The holder of the international registration is PASCUAL ROS AGUILAR, Partida Algoda, P-2, N. 37, Elche, E-03280 Alicante, ES.

The opponent is MUSTANG Bekleidungswerke GmbH + Co. KG, Austrassel 10, D-74653 Künzelsau, Germany. Their representative is Faktor einkaleyfaskrifstofa, P.O. Box 678, 121 Reykjavík, Iceland.

The opposition is based on the grounds that the mark is confusingly similar to the opponents trade mark MUSTANG, Icelandic registration No. 239/1994, which is registered for goods in class 25.

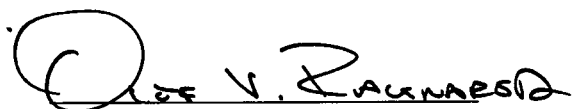
The refusal affects all the good in class 25.

The opposition is based on Article 14.6 of the Icelandic Trade Mark Act No. 45/1997 (See appendix II).

The holder of the right may request a review of the refusal. The request shall be received by the Icelandic Patent Office no later than 4 months after the date of this notification, i.e. 17.6.2005. The request has to be filed through the intermediary of a representative domiciled in Iceland. Please observe that the opposed registration is subject to full examination by the Icelandic Patent Office.

Please note also that the final decision on the opposition can be appealed to the Appeal Board by either party within 2 months of the date of the final decision.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ólöf V. Ragnarsdóttir', with a large circular flourish at the beginning.

Ólöf Vigdís Ragnarsdóttir, lawyer.

Attached: Appendix I = Extract from the Icelandic Trade Marks Register.
Appendix II = Article 14 of the Icelandic Trade Marks Act.

Copy: Faktor einkaleyfaskrifstofa, P.O. Box 678, 121 Reykjavík, Iceland.

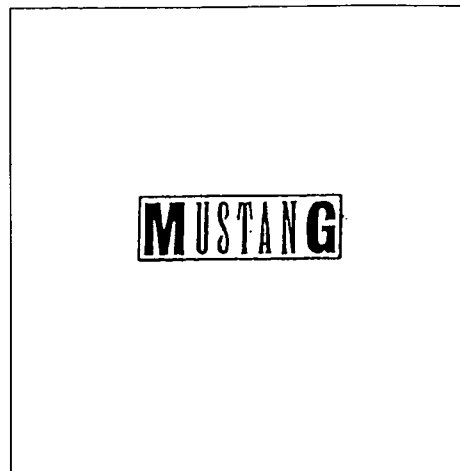
**E/S****EINKALEYFASTOFAN**

Skúlagötu 63 IS-150 Reykjavík

Útskrift úr Vörumerkjaskrá

(Extract from the Icelandic Trademark Register)

15. febrúar 2005



(540) Vörumerki

- (111) **Skrán.nr.:** 239
(151) **Skrán.dags.:** 24.3.1994
(210) **Umsóknarnr.:** 885
(220) **Ums.dags.:** 20.10.1993
(156) **Endurn.dags.:** 15.6.2004
(730) **Eigandi:** MUSTANG Bekleidungswerke GmbH. + Co. KG, Austrasse 10, D-74653 Künzelsau, Þýskalandi.
- (591) **Litir:** .
(526) **Takmörkun:** .
(554) **Þrívídd:** .
- (740) **Umboð:** Faktor einkaleyfaskrifstofa ehf.
(511) **Myndflokkar:** 26.04.18; 27.05.10
- (300) **Forg.réttur:** .
- (791) **Nytjaleyfi:** .
- (510/511) **Vöruflokkar:** (sjá næstu síðu)

SÍMI:
580 9400

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650191-2189

AFGREIÐSLUTÍMI:
Mánud. — föstud. kl. 10:00-15:00

(510/511) **Vöruflokkar:**

Flokkur 25: Gallabuxur, buxur, undirbuxur, stuttbuxur, jakkar, mittisjakkar, kjólar, karlmannajakkaft, kvenbúningar, kvenjakkaft og dragtir, kvöldkjólar, pils, yfirfrakkar, hálffrakkar, vesti, regnfrakkar, skikkjur, golftreyjur, vinnufatnaður, barnafatnaður, skólaeinkennisbúningar; skyrtur, stuttermabolir, stuttermaskyrtur, íþróttapeysur, póloskyrtur og -bolir, íþróttaskyrtur, undirbolir, kvenskyrtur, blússur, peysur, nærskyrtur, nærbuxur, samsettur klæðnaður, sundfatnaður, einkennisbúningar til æfinga, undirfatnaður, náttfatnaður; skór, uppháir skór og stígvél, sokkar, hanskar, hálsklútar, bindi, hálsbindi, legghlífar, svuntur, smekkir, sokkabuxur; höfuðbúnaður, hattar, húfur.

Article 14

A trade mark may not be registered:

1. if it contains, without authorisation, state emblems, official international symbols, emblems of Icelandic municipalities, official inspection or quality signs, specific names of these identifications of anything else likely to be confused with the above-mentioned symbols and emblems; the prohibition shall include only official inspection and quality signs if registration of the mark is sought for the same or similar products as those for which the above-mentioned signs and symbols are used;
2. if the mark is liable to cause confusion, for instance, as to the type of product, condition or origin.
3. if the mark is contrary to law or public order or likely to cause offence,
4. if the mark contains anything which may give cause to conclude that it is the name of an active commercial operation or the name or portrait of another person, providing this does not involve individuals long dead or if the mark includes a distinctive name of real property or an illustration of it,
5. if the mark contains anything which may cause it to be interpreted as the distinctive title of a protected literary or artistic work or if it infringes the copyright of another person to such work or other intellectual property right,
6. if the mark is liable to be confused with a trade mark which has been registered in this country or which has been in use here when the application for registration was filed and is still in use here,
7. if the mark is liable to be confused with a mark which may be considered to have been well known in this country at the time the application for registration was filed,
8. if the mark is liable to be confused with a trade mark which has been internationally registered, provided that this registration was valid in this country before the application was filed, cf. **Article 59**.

Notwithstanding the provisions of Articles 4-8, a mark may be registered if the consent of the trade mark proprietor or other rightholder has been given.

A trade mark for wines and spirits which implies a geographical name for wine or spirits may not be registered unless the product originates at the location in question.