


**TURKISH PATENT INSTITUTE
TRADEMARKS DEPARTMENT**

**PROTOCOL RELATING TO THE MADRID AGREEMENT C
THE INTERNATIONAL REGISTRATION OF MARKS**


2005-0-32521
TPE 15.02.2005 09:35:18
Bsvr No: TM

**Notification of a refusal of protection not based on an opposition pursuant to Rule
17(2) of the Common Regulations.**

Our reference : 2004/29460

I- Name and address of the Office making the notification:

**TURKISH PATENT INSTITUTE
Trademarks Department
Hipodrom Caddesi No:115
06330 Yenimahalle ANKARA
TURKEY**

**Telephone:+90 312 3031000
Telefax :+90 312 3031333**

II- The international registration which is subject to the refusal:

666941 hartmann şekil

III- Name and address of the holder of the international registration which is subject to the refusal:

**PAUL HARTMANN AKTIENGESELLSCHAFT
Paul-Hartmann-Strasse 12, D-89522 Heidenheim (GERMANY)**

IV- Provisions of the Decree-Law No:556 pertaining to the Protection of Trademarks: 7/b

(The relevant provisions of the Turkish Trademarks Act are enclosed.)

V- Grounds for provisional refusal:

**-Trademarks identical or confusingly similar with a trademark registered earlier or with an earlier filing
date for registration in respect of an identical or same type of product or services.**

National registration/application number(s) :

**2004/24334 hartmann (Int.Rgst. Nr:
826927)**

VI- Provisional refusal for some of the goods and services:

Goods and services affected by the refusal :

**Computer programs, particularly in connection with delivery services for supplying hospitals with the goods listed in this mark, particularly in operating theaters as well as for removal of waste in hospitals (Class 9).
All the services in class 42.**

VII- GENERAL INFORMATION:

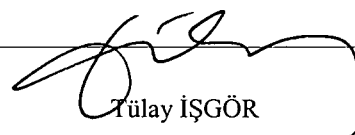
Appeals may be lodged against the refusals of the Institute.

The holder of the international registration may lodge an appeal against this provisional refusal. The appeal has to be lodged through the intermediary of a representative who must be registered as a trademark agent at TPI and who is domiciled in Turkey. The appeal must be received by the Turkish Patent Institute no later than 2 months after the notification date of this provisional refusal by WIPO to the applicant or his representative. If no appeal is received within this time limit, the designation will be considered as refusal of protection in Turkey in accordance with this provisional refusal.

If the designation is accepted subsequent to an appeal, the designation will be published in the Turkish Official Trademark Bulletin. This allows -3 months from the date of publication - a party to file an opposition, which means that the designation may be the subject of a further refusal.

VIII- Notification Date of Refusal (ddmmyyyy): 17 4 -02- 2005

IX- Signature by the Office : **TURKISH PATENT INSTITUTE
TRADEMARKS DEPARTMENT**


Tülay İŞGÖR
Trademark Examiner

Number of continuation sheets: 2



Notification

826 927

Registration date: March 12, 2004
Date next payment due: March 12, 2014

Götz-Udo Hartmann GmbH & Co. KG
Induktive Bauelemente
Auf der Struth 1
D-61279 Grävenwiesbach
(Germany).

Name and address of the representative: Zapfe Hans Dipl.-Ing.
Patentanwalt, Postfach 200 151, D-63136 Heusenstamm
(Germany).

HARTMANN

Indication relating to the nature or kind of mark: standard characters.

List of goods and services - NCL(8):

- 9 Electromagnetic compatibility (EMC) components, namely electromagnetic interference (EMI) suppression chokes, EMI suppression capacitors, EMI filters, power line filters, chokes for dimmers, data and signal lines; inductive components, namely transformers, pulse transformers, flyback converter transformers, voltage transformers, instrument and current transformers, power transformers, energy storage chokes, inductors, drum core chokes, rod core chokes, as well as drivers and housings therefor; semi-conductors, namely transistors, thyristors, triacs, diodes, trigger diodes; integrated circuits, namely matrix circuits, electric control devices, electric regulators, soft magnetic cores, electronic ballasts for light sources and electric drives; magnetic materials, namely ferrites, metal powders and cores, toroidal cores and coilformers made from these materials; computer hardware and software, data carriers with stored data.
- 42 Scientific and technological services, development and research work for customers and users; industrial and customized analysis, consulting and research services; draft and development of computer hardware and software.

Basic registration: Germany, 23.10.2003, 303 48 394.6/09.

Data relating to priority under the Paris Convention:
Germany, 22.09.2003, 303 48 394.6/09.

Designations under the Madrid Agreement: Austria, Benelux, China, Croatia, Czech Republic, Egypt, France, Hungary, Italy, Liechtenstein, Poland, Portugal, San Marino, Slovakia, Slovenia, Spain, Switzerland

Designations under the Madrid Protocol: Australia, Denmark, Finland, Greece, Norway, Sweden, Turkey.

Date of notification: 15.07.2004

Language of the international application: English

**RELEVANT SECTIONS OF THE
DECREE-LAW NO.556 PERTAINING TO
THE PROTECTION OF TRADEMARKS**

SECTION TWO

Signs of Which a Trademark May Consist and Means Whereby a Trademark is Obtained

Signs of Which a Trademark May Consist

Article 5 - A trademark, provided that it is capable of distinguishing the goods and services of one undertaking from the goods and services of other undertakings, may consist of all kinds of signs being represented graphically such as words, including personal names, designs, letters, numerals, shape of the goods or their packaging and by similar descriptive means capable of being published and reproduced by printing.

Trademark may be registered along with the product or its packaging. However, the registration of the product or the packaging does not grant exclusive rights.

Absolute Grounds for Refusal for Registry of a Trademark

Article 7 - Following signs shall not be registered as a trademark:

- a) signs which do not conform with the provisions of Article 5,
- b) trademarks identical or confusingly similar with a trademark registered earlier or with an earlier filing date for registration in respect of an identical or same type of product or services,
- c) trademarks which consist exclusively of signs or indications which serve in trade to indicate the kind, characteristics, quality, intended purpose, value, geographical origin, or designate the time of production of the goods or of rendering of the service or other characteristics of goods or services,
- d) trademarks which consist exclusively of signs and names used to distinguish specific groups of craftsmen, professionals or tradesmen or have become customary in the current and established practices of the trade,
- e) signs containing the shape of the product which results from the nature of the good, which is necessary to obtain a technical result or which gives substantial value to the good,
- f) trademarks which are of such a nature as to deceive the public, such as to the nature, quality, place of production or geographical origin of the goods and services,
- g) trademarks which have not been authorized by the competent authorities and are to be refused pursuant to Article 6ter of the Paris Convention,
- h) trademarks containing badges, emblems or escutcheons other than those covered by Article 6ter of the Paris Convention which have not been authorized by the competent authorities and are of particular historical and cultural public interest,
- i) well known marks according to 6bis of the Paris Convention, use of which are not permitted by their owners,
- j) trademarks which contain religious symbols,
- k) trademarks which are contrary to public policy and to accepted principles of morality.

The provisions of (b), (c) & (d) can not be invoked to refuse the registration of a trademark which has been used before the registration and has acquired through this usage distinctive character in respect of the goods and services for which it is to be registered.

PART SIX

Appeals Against the Decisions of the Institute

Appeals

Article 47 - Appeals may be placed against the decisions of the Institute.

Where an appeal is made for an interim decision, a separate appeal shall be allowed upon decision becoming final.

Persons Entitled to Appeal

Article 48 - Any party adversely affected by a decision of the Institute may appeal. Others party to the procedures with respect to the decisions shall have natural right of appeal

Form of Appeal

Article 49 - Notice of appeal must be filed in writing at the Institute within two months after the date of notification of the decision. The fee for appeal has to be paid when filing of the notice for the appeal to be examined. The grounds for appeal must be filed in a written statement within two months of the notification of the decision. Where the statement of grounds for appeal has not been submitted within this period the appeal shall be deemed not to have been filed.

Rectifying a Decision

Article 50 - The related department of the Institute upon deciding that the appeal is true and right may rectify its decision. This shall not apply where the appellant is opposed by another party to the proceedings.

If the appeal is not found acceptable by the related department, the appeal shall be forwarded to the Re-examination and Evaluation Board by the department without comment as to its merits.

Examination of Appeals

Article 51 - The Re-examination and Evaluation Board shall consider the appeal if the appeal is admissible.

The Re-examination and Evaluation Board shall invite the parties to submit their observations within the period prescribed by the Implementing Regulation, on the observations of the other parties or those of itself.

Decision in Respect of Appeal

Article 52 - After the examination, the Re-examination and Evaluation Board shall deliver its decision.

PART NINE

Persons Authorized to Act and Trademark Agents

Persons Authorized to Act

Article 80 - The following are authorised to act before the Institute with respect to trademarks:

- a) natural or legal persons who have filed the application. Legal persons may only be represented by those duly empowered by their respective authorised bodies.
- b) trademark agents.

Those who are domiciled outside the country can only be represented by trademark agents.

Where an agent has been appointed, all procedures are executed through the agent. All notices made to the agent shall be considered to have been made to the assignee.