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1211 Geneva 20, Switzerland
World Intellectual Property Organization(WIPO)
International Bureau

NOTIFICATION OF EX OFFICIO PROVISIONAL REFUSAL
TO THE INTERNATIONAL BUREAU OF WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)
UNDER RULE 17(1) AND (2) OF THE COMMON REGULATIONS

1. Office Making the Notification:

Korean Intellectual Property Office (KIPO)
920 Dunsan-dong, Seo-gu, Daejeon, 302-701, Republic of Korea

2. International Registration Number (Date of Registration/Subsequent Designation):

827830 (20/05/2004)

3. Name and Address of the Holder:

PASCUAL ROS AGUILAR
Partida Algoda, P-2, N. 37 Elche E-03280 Alicante Spain

4. Goods and/or Services Affected by this Provisional Refusal:

All the designated goods/service

※ Please note that there is no provision in the Korean Trademark Act allowing the examiner to delete Ex Officio the designated goods/services refused by the ground(s) for Provisional Refusal the and to grant protection for the remaining goods/services.

5. Grounds for the Decision:

- ☐ Lack of distinctiveness
- ☒ Conflict with another person's earlier application(s) and/or registration(s)
- ☒ Vagueness and/or broadness of the designated goods/services
- ☐ Other grounds

※ Please refer to item 9 for the details

6. Provisions of the Korean Trademark Act applicable to the Grounds:

Article 7(1)(vii), 10(1), 23(1)(i)

7. Date on which the Provisional Refusal was pronounced(Time Limit):

2005.02.21(2005.04.21)

8. Guidance as to Future Procedure:

Where the holder receives this notification, the protection of the international registration is to be refused as a whole unless the holder submits to the KIPO, through a representative whose address is in the Republic of Korea, a written opinion (amendment) within two months from the date on which this provisional refusal was pronounced.

※ Please note that the extension of the Time Limit set in item 7 is not allowed

9. Details of the Provisional Refusal:

(Ground1)

The proposed mark is not registrable in connection with "all the goods other than footwear(except orthopaedic footwear)", because the mark is identical with or similar to, in

appearance and commercial impression, other person's mark which was registered in the Republic of Korea prior to Registration date of the proposed mark. Korean Trademark Act, Article 7(1)(vii), 23(1)(i).

□ Information concerning the earlier mark

- Filing number : 4019960047569, 7019980000001
- Filing date : 25/10/1996, 09/01/1998
- Korean registration number : 400430027
- Korean registration date : 19/11/1998(dd/mm/yyyy)
- Name and address of the owner : Mustang-Becleituings Berge GnbH + Company
(무스탕-베클라이딩스베르케 게엠베하 + 컴파니)

10 Austrasse Kunzelzau Germany

(독일연방공화국 쿤첼자아우 아우스트라쎄 10)

- Goods/services concerned : 양말, 스타킹, 장갑, 목도리, 남성예복용 타이, 넥타이, 각반, 에이프런, 턱받이, 타이즈, 모자, 캡, 혁대, 목걸이, 귀걸이, 브레이슬렛, 브로우치, 반지, 넥타이핀, 배지, 메달, 버클, 휘장, 장신용 단추, 장신용 리본, 군번줄, 단추, 손수건, 수건, 보자기, 청바지, 양복바지, 켈로트, 반바지, 블루존, 예복, 신사복, 슈우트, 이브닝드레스, 나이트까운, 스커어트,커프스단추, 타이클립 (TIECLIPS), 레이스(자수레이스제외), 혹, 아이(EYES), 슬라이드파스너, 프레스단추, 호크, 벨트버클 (BELTCLASPS), 탑노트(TOP-KNOTS), 조화, 발목체인장식.

- Reproduction of the mark: **MUSTANG**

(Ground2)

The assigned examiner refuses registration because the identification of all the goods is too broad a description. Korean Trademark Act, Article 10(1), 23(1)(i). However, the proposed mark could be registered if the applicant further specifies the identification concerned unless there is any other ground for refusal.

Therefore, the applicant is recommended to amend the identification by using the common commercial names for the goods and/or describing the use and purpose of the goods definitely, as is shown in [Example] below.

[Example]

"Skirts, Blouses, slack, Mens' suits, Caps[headwear], Children's clothing, etc."

* Please note that, while an application may be amended to clarify or limit the identification, addition to the identification is not permitted. Korean Trademark Act 16(1). Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

Upon amendment, the examiner may issue another notification should other grounds arise.

10. Official Seal or Signature by the Office:

KIPO Examiner KIM, Young Lai



※ If the holder has any questions or needs assistance in responding to this notification,
please contact the examiner.
e-mail: kipomadrid@kipo.go.kr, telephone: (82) (42) 481 5313 or Fax: (82) (42) 472 3507