



INVESTOR IN PEOPLE

**The Patent Office
Trade Marks Registry**

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O/Ref: 661965/TM Inter/CBENN
Y/Ref: International Registration Number 661965
Date: 8 May 2005

Representation of the Mark



Please reply by 8 November 2005 quoting our reference.

Dear Sir or Madam,

Intl. Reg. No: 661965 in Class 25
For the Mark: atlantic (and Device)
Holder: Atlantic Sp. z o.o.

**NOTIFICATION OF A PROVISIONAL TOTAL REFUSAL OF PROTECTION
(NOT BASED ON AN OPPOSITION) BY THE UNITED KINGDOM PATENT
OFFICE.**

I have provisionally refused protection of this mark for all goods/services. My reasons are given in the enclosed Examination Report. The holder can get help with applying for trade marks, view details of the relevant sections of the UK Trade Marks Act 1994, and get copies of all forms on our website at www.patent.gov.uk.

If the holder wants to write to me, I will consider what they have to say and reply to them. However, they must provide a contact address in the United Kingdom by filling in and returning a Form TM33 (Request to appoint agent or address for service).

Alternatively, if they do not agree with my decision they may ask for a hearing with one of the Registry's hearing officers, where they can explain their case.

The holder may obtain details of where to get independent professional help and advice from either of the following :

The Institute of Trade Mark Attorneys
www.itma.org.uk

or

The Chartered Institute of Patent Agents
www.cipa.org.uk



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International Registration No: 661965

If they do not reply by the date shown above, I will issue a letter informing you that the designation is finally refused.

Yours faithfully,

Mrs C Bennett
Trade Marks Examiner



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International Registration No: 661965

EXAMINATION REPORT

International Registration No. 661965 in Class 25 has been examined under the UK Trade Marks Act 1994. References to 'section' in this report mean that section of the Act.

Matters arising from Section 5

The earlier marks listed below may be overcome if you can supply the written consent of their owner(s) to use and register this mark. Alternatively, if you have been using the mark in the UK for a long time, normally at least five years, you could send evidence of this, which may enable this mark to proceed on the basis of honest concurrent use.

Class 25- Relative Grounds for Refusal (Section 5)

It is likely that the mark would be confused with the following earlier marks as defined in Section 6 of the Act. These marks are listed below and detailed at the end of this report. The designation is therefore provisionally refused under Section 5(2). Any numbers starting with "E" indicate a Community mark and any with "M" indicate an International mark.

929217 (25)

1435654 (25)

1443276 (25)

E3705845 (25)



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International Registration No: 661965

929217 (4743,01215 - RGSTRD)

929217 8 August 1968 (25)

ATLANTIC

Car coats being articles of clothing for men.

Arcadia Group Brands Limited, Colegrave House, 70 Berners Street, London, W1T 3NL.

Agent: Marks & Clerk, 90 Long Acre, London, WC2E 9RA.

1443276 (6102,10195 - RGSTRD)

1443276 1 October 1990 (25)

ATLANTIC

Proceeding because of prior rights in Registration Nos 929217 (4743,1215) and 1435654 (6025,3031).

Articles of clothing included in Class 25; but not including babies' napkins.

Arcadia Group Brands Limited, Colegrave House, 70 Berners Street, London, W1T 3NL.

Agent: Marks & Clerk, 90 Long Acre, London, WC2E 9RA.

1435654 (6025,03031 - RGSTRD)

1435654 9 August 1990 (25)

ATLANTIC

By Consent No.1434253 (,).

Articles of clothing; all included in Class 25; but not including car coats, or goods of the same description as car coats and not including babies napkins.

Arcadia Group Brands Limited, Colegrave House, 70 Berners Street, London, W1T 3NL.

Agent: Marks & Clerk, 90 Long Acre, London, WC2E 9RA.

(OHIM) 3705845 (PENDING)

3705845 11 March 2004 (25)





Filing date: 11.03.2004 Date of receipt at OHIM: 11.03.2004
Application language: English Second language: German

UK case status: New Application

UK mark type: Word and Device

OHIM mark type: Figurative

Class: 25

Vienna classification list: '25.12. 3', '26.13.25'

OHIM Vienna classification list: '26.11. 1', '26.11. 6', '26.11.12'

Mark text:
atlantic

Colours claimed: N

Publication date: 27.12.2004

Class: 25
Clothing, in particular swimwear.

Applicant:
Xuefen Yuan, Room 6-401 Shenlu Street, Chaowai Chaoyang District, Peking, China, 100020

Representative:
BUSE HEBERER FROMM, Abteistr. 57, Hamburg, Germany, 20149

*****END OF REPORT*****