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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):

831047 (31/03/2004)

3. Name and Address of the Holder:

A & G CALZATURIFICIO S.P.A.
Via Merloni, 20 I-60030 SERRA DE' CONTI Italy

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 the Provisional Refusal 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 10(1) and 7(1)(vii)

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

2005.05.30(2005.07.30)

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.

9. Details of the Provisional Refusal:

The assigned examiner **refuses** registration for the following reasons:

- (1) The identification of some designated goods, which are listed below, is **not specific or is too broad a definition** to accept. Korean Trademark Act, Article 10(1).

However, this ground for refusal could be reviewed if the applicant amends (or deletes) the identification to specify the definite commercial name of the goods, as is shown in <Example> below.

<Broad/Vague identification>

[Class 18] Leather and imitations of leather and goods made of these materials and not included in other classes.

[Class 25] Clothing, footwear, headgear.

<Example>

* Leather → *Tanned leather*

* footwear → *leather shoes*

(2) The proposed **mark is similar** to another person's marks (see below) which were registered in the Republic of Korea before the Priority date of the proposed marks, and some designated goods are related to those of the earlier marks. Korean Trademark Act, Article 7(1)(vii).

However, this ground for refusal could be reviewed if the applicant deletes the refused goods listed below (underlined goods).

☐ Information concerning the earlier mark

- Filing number : 4019840009008

- Filing date : 15/06/1984

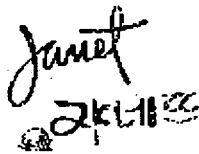
- Korean registration number : 400113738

- Korean registration date : 08/06/1985

- Name/address of the owner : CHEIL INDUSTRIES INC. / 290 Gongdan-2 dong, Gumi-si, Gyung-sangbuk-do. R.O.Korea

- Goods in conflict : 지갑, 트렁크, 슈우트케이스, 오페라백, 서류가방, 핸드백

- Reproduction of the mark:



- Goods of the proposed mark refused by this ground for refusal: [Class 18] trunks and travelling bags

☐ Information concerning the earlier mark

- Filing number : 4019870008506

- Filing date : 24/04/1987

- Korean registration number : 400160459

- Korean registration date : 10/10/1988

- Name/address of the owner : CHEIL INDUSTRIES INC. / 290 Gongdan-2 dong, Gumi-si, Gyung-sangbuk-do. R.O.Korea

- Goods in conflict : 콤비네이슨(신사복), 오버코우트, 슈우트, 스커어트, 장바, 스웨터, 양말, 장갑, 벅타이, 모자

- Reproduction of the mark:

just

- Goods of the proposed mark refused by this ground for refusal: [Class 25] Clothing, headgear

10. Official Seal or Signature by the Office:

KIPO Examiner

LEE, In Seok



※ 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 5306 or Fax: (82) (42) 472 3507