

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

**PROVISIONAL REFUSAL OF PROTECTION**

Notified to the International Bureau of the World Intellectual Property Organisation  
(WIPO) according to Article 5 of the Protocol Relating to the Madrid Agreement  
Concerning the International Registration of Marks

1 . Office refusing protection : **Intellectual Property Office of Singapore**

2 . International Registration Number : **230493**

3 . Name of holder of the International Registration :

**REGISTROS INTERNACIONALES APLICADOS, S.L.**

4 . The grounds for this refusal are indicated in the attached statement(s) of refusal.  
Where the refusal affects more than one class of goods and/or services, there is a separate statement of refusal for each class. Each statement of refusal contains a Singapore trade mark number for the particular class and a Singapore reference number (stated as "Our Ref" in the statement of refusal). The International Registration number, Singapore trade mark number, corresponding class number and Singapore reference number must be quoted in all correspondence with the Intellectual Property Office of Singapore.

5 . This refusal applies to all the goods in Class(es) 25 of the international registration.

6 . The holder of the international registration may request for a review of this refusal.  
The request for review must be received by the Intellectual Property Office of Singapore no later than four (4) months from the date of this refusal.

The request for review must quote the International Registration number, relevant Singapore trade mark number(s), corresponding class number(s) and Singapore reference number(s). It must also be accompanied by an address for service in Singapore filed on Form TM 1. One Form TM 1 may be filed for all classes of goods and services in respect of which the request is made. However, where the request relates to more than one class number, the fee payable for the form will be eight fifty (8.50) Singapore dollars for each class number indicated. Each Form TM 1 must contain the relevant Singapore Trade Mark number(s) and the corresponding class number(s).

The holder may request for an extension of time to respond to the refusal by filing Form TM 49. There is no fee for the filing of this form. However, one Form TM 49 must be filed for

every class of goods or services in respect of which the request is made. The International Registration number, relevant Singapore trade mark number, corresponding class number and Singapore reference number must be quoted on each Form TM 49.

Both Form TM 1 and Form TM 49 can be obtained from the web site of the Intellectual Property Office of Singapore at <http://www.ipos.gov.sg/intell/tminfo3.html>.

If the holder does not file a request for review together with the completed Form(s) TM 1 and the relevant fee or does not file the completed Form(s) TM 49 by 14 November 2005, this refusal will become final.

7 . Please note that a further refusal of protection may result from an opposition, which may be filed after the expiry of 18 months from the date on which the Intellectual Property Office of Singapore was notified of the international registration.

This applies to all the goods in Class(es) 25 of the international registration.

8 . Date of refusal : **14 July 2005**

9 . This refusal is issued by :



Lee Joo Kim, Constance (Ms)  
Assistant Registrar  
for Registrar of Trade Marks  
Singapore

Examiner's direct line : (65) 63302777

## **PROVISIONS OF SINGAPORE LAW**

### **TRADE MARKS ACT (CHAPTER 332)**

#### **Section 2(1) Interpretation**

"earlier trade mark" means —

(a) a registered trade mark or an international trade mark (Singapore), the application for registration of which was made earlier than the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks; or

(b) a trade mark which, at the date of application for registration of the trade mark in question or (where appropriate) of the priority claimed in respect of the application, was a well known trade mark,

and includes a trade mark in respect of which an application for registration has been made and which, if registered, would be an earlier trade mark by virtue of paragraph (a) subject to its being so registered.

#### **Section 8 Relative grounds for refusal of registration**

(1) A trade mark shall not be registered if it is identical with an earlier trade mark and the goods or services for which the trade mark is sought to be registered are identical with the goods or services for which the earlier trade mark is protected.

(2) A trade mark shall not be registered if because —

(a) it is identical with an earlier trade mark and is to be registered for goods or services similar to those for which the earlier trade mark is protected; or

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected, there exists a likelihood of confusion on the part of the public.

(3) Where an application for registration of a trade mark is made before 1st July 2004, if the trade mark —

(a) is identical with or similar to an earlier trade mark; and

(b) is to be registered for goods or services which are not similar to those for which the earlier trade mark is protected,

the later trade mark shall not be registered if —

(i) the earlier trade mark is well known in Singapore;

(ii) use of the later trade mark in relation to the goods or services for which the later trade mark is sought to be registered would indicate a connection between those goods or services and the proprietor of the earlier trade mark;

(iii) there exists a likelihood of confusion on the part of the public because of such use; and

(iv) the interests of the proprietor of the earlier trade mark are likely to be damaged by such use.

(3A) Subject to subsection (3B), where an application for registration of a trade mark is made on or after 1st July 2004, if the whole or an essential part of the trade mark is identical with or similar to an earlier trade mark, the later trade mark shall not be registered if —

(a) the earlier trade mark is well known in Singapore; and

(b) use of the later trade mark in relation to the goods or services for which the later trade mark is sought to be registered —

(i) would indicate a connection between those goods or services and the proprietor of the earlier trade mark, and is likely to damage the interests of the proprietor of the earlier trade mark; or

(ii) if the earlier trade mark is well known to the public at large in Singapore —

(A) would cause dilution in an unfair manner of the distinctive character of the earlier trade mark; or

(B) would take unfair advantage of the distinctive character of the earlier trade mark.

(3B) A trade mark shall not be refused registration by virtue of subsection (3A) if the application for the registration of the trade mark was filed before the earlier trade mark became well known in Singapore, unless it is shown that the application was made in bad faith.

(3C) In deciding whether any such application was made in bad faith, it shall be relevant to consider whether the applicant had, at the time the application was made, knowledge of, or reason to know of, the earlier trade mark.

(4) A trade mark shall not be registered if, or to the extent that, its use in Singapore is liable to be prevented —

(a) by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade; or

(b) by virtue of an earlier right other than those referred to in subsections (1), (2) and (3) or paragraph (a), in particular by virtue of the law of copyright or any law with regard to the protection of designs.

(5) A person entitled under subsection (4) to prevent the use of a trade mark is referred to in this Act as the proprietor of an earlier right in relation to the trade mark.

(6) The Registrar may, in his discretion, register a trade mark where the proprietor of the earlier trade mark or other earlier right consents to the registration.

(6A) The Registrar may, in his discretion, register any trade mark referred to in subsection (3), (3A) or (4) where the proprietor of the earlier trade mark or other earlier right fails to give notice to the Registrar of opposition to the registration in accordance with section 13.

(7) A trade mark which is an earlier trade mark by virtue of paragraph (a) of the definition of "earlier trade mark" in section 2 (1) and whose registration expires shall continue to be taken into account in determining the registrability of a later mark for a

period of one year after the expiry unless the Registrar is satisfied that there was no bona fide use of the mark during the 2 years immediately preceding the expiry.

## STATEMENT OF REFUSAL

Our Ref : EXS/D1763669/tmljk

M/S REGISTROS INTERNACIONALES APLICADOS,  
S.L.  
Ganduxer, 10-12, 5 , 1 E-08021  
BARCELONA, Spain.

Dear Sirs

**Singapore Trade Mark No T05/04141I in Class 25**  
**International Registration No 230493**  
**REGISTROS INTERNACIONALES APLICADOS, S.L.**

We refer to the above.

2 The mark is objectionable under section 8 of the Trade Marks Act (Cap. 332, 1999 Ed.) as it is in conflict with the following trade mark(s):

Trade Mark No	International Reg No	Class	Mark Status	Trade Mark
=====	=====	=====	=====	=====
T97/04120H		25	REG	



Lee Joo Kim, Constance (Ms)  
Assistant Registrar  
for Registrar of Trade Marks  
Singapore  
( Tel: 63302777 )

( This is a computer generated report/letter. No signature is required )

National

S/No : 1  
IR No :  
Date of IR :  
Date of Notification of IR :  
Date of SD :  
Date of Notification of SD :  
Date of Completion of :  
Registration Procedure :  
  
TM No : T97/04120H  
Application Type : Trade Mark  
Class : 25  
Part : A  
Converted Application : N  
Application Date : 08/04/1997  
Mark Lodged in Colour :  
Mark Status : Registered  
Mark Status Date : 08/04/1997  
Publication Status : Published  
Publication Date : 03/08/2001  
Opposition Status :  
Revocation Status :  
Invalidation Status :  
Cert Despatched Date : 20/11/2001  
Expire Date : 08/04/2007  
3-dimensional shape :  
Aspect of packaging :  
Colour(s) as a trade mark :  
Other Non-conventional Mark :



Description of Particular Feature(s) of Mark

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Nil.

Priority Details

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Nil.

Replacement Application under Madrid Protocol

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Nil.

Transformation Application under Madrid Protocol

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Nil.

MARK INDEX

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Words In Mark : TURBORANGERS  
Device Description : LIGHTNING  
Phonetic Equivalent :  
Translation :  
Transliteration :

SPECIFICATION OF GOODS AND SERVICES

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Aprons; bathing caps; bathing suits; belts; boots; braces; caps; coats;  
ear muffs; gloves; hoods; jackets; jerseys; jumpers; neckties; overcoats;  
pyjamas; pants; parkas; sandals; scarfs; shirts; ski boots; skirts;



Workstation ID : RTMP121  
Type of Service : operator assisted report

NRIC/Passport No :  
Visitor Name :

Company/Agent Code :  
Company/Agent Name :

Report Description : Mark Detailed Information

Number of Pages in Report : 0003  
Number of Pages Deleted : 0000  
Number of Pages Printed : 0003

Date & Time Report Is Created : 14/07/2005 10:24:18  
Date & Time Report Is Printed : 14/07/2005 10:24:54

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Search Criteria/Print Range Specification:

T9704120H

TRADEMARK SYSTEM  
EQSR6102A/1  
SVCS NO : 000000

Mark Listing 2 (Basic Details)

14/07/2005 10:24:18  
PAGE : 3  
RPT NO : 265273/002

slippers; socks; smocks; sports jerseys; sports shoes; suits; suspenders; sweaters; swimsuits; tights; trousers; underwear; vests; all included in Class 25.

APPLICANT/PROPRIETOR DETAILS

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Code : C0184507C  
Company : TOEI KABUSHIKI KAISHA  
Constitution : A LIMITED LIABILITY COMPANY  
Country : JAPAN  
State :  
  
Address : 2-17, Ginza 3-Chome, Chuo-Ku, Tokyo  
104, Japan

MARK CLAUSES

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(01) Advertised before acceptance.

AGENT/ADDRESS FOR SERVICE

-----  
S/No Agent/AFS Name/Address Action Representing  
-----  
01 KHATTARWONG Application &  
80 RAFFLES PLACE registration  
#25-01 UOB PLAZA 1  
Singapore 048624

CORRECTION RECORDS

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Nil.