



INVESTOR IN PEOPLE

World Intellectual Property Organisation (WIPO)
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O/Ref: M821742/TM Inter/CBENN
Y/Ref: International Registration Number 821742
Date: 3 July 2005

Representation of the Mark



Please reply by 3 January 2006 quoting our reference.

Dear Sir or Madam,

Intl. Reg. No: 821742 in Classes 18, 20, 22, 25, 28
For the Mark: HUSKY (and Device)
Holder: HUSKY CZ s.r.o.

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

I have provisionally refused protection of this mark for some 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



INVESTOR IN PEOPLE

International Registration No: 821742

If they do not reply by the date shown above I will publish it in the Trade Marks Journal, but only for:

Classes 20 and 22 specification as filed.

The provisional refusal of all other goods/services will then become final.

Yours faithfully,

Mrs C Bennett
Trade Marks Examiner



INVESTOR IN PEOPLE

International Registration No: 821742

EXAMINATION REPORT

International Registration No. 821742 in Classes 18, 20, 22, 25, 28 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 18- 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).

E152546 (18)	E158642 (18)	E2478402 (18)
E2478436 (18)	E3213576 (18)	

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).

969018 (25)	1022516 (25)	1451664 (25)
1566685 (25)	E152546 (25)	E158642 (25)
E2478402 (25)	E2478436 (25)	E3213576 (25)

Class 28- 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).

1578446 (28)	1578447 (28)	1578448 (28)
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INVESTOR IN PEOPLE

International Registration No: 821742

E4031068 (28)

E4031118 (28)

At the back of this report you will see details of the above marks which I consider would be confused with the mark applied for. As regards these earlier marks, those headed with:-

"OHIM" indicates a Community Trade Mark.

"Madrid" indicates an International Registration designating the UK.

"Madrid (EU)" indicates an International Registration designating the EU.

All have protection in the UK.

Any without a heading indicate protection only in the UK.



INVESTOR IN PEOPLE

International Registration No: 821742

969018 (4889,00903 - RGSTRD)

969018 15 December 1970 (25)



Advertised before acceptance. Section 18(1) (proviso).

Honest concurrent user claimed under Section 12(2) of the Trade Marks Act 1938.

Coats, jackets, waistcoats, vests; hoods, gloves, mittens, and socks, all for wear; articles of underclothing; all being insulated; and thermo-insulated boots (for wear); but not including jeans.

Husky of Tostock Limited, Bluestem Road, Ransomes Europark, Ipswich, Suffolk, IP3 9RR.

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

1022516 (5172,02073 - RGSTRD)

1022516 20 December 1973 (25)

HUSKY

Advertised before acceptance. Section 18(1) (proviso).

By Consent of No. 852493(4457,0161).

Coats, jackets, waistcoats, vests; hoods, gloves, mittens and socks, all for wear; articles of underclothing, trousers, skirts, hats and caps for wear, all being insulated; but not including jeans.

Husky of Tostock Limited, Bluestem Road, Ransomes Europark, Ipswich, Suffolk, IP3 9RR.

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



INVESTOR IN PEOPLE

International Registration No: 821742

1451664 (5916,02405 - RGSTRD)

1451664 19 December 1990 (25)

HUSKY

Shirts, shorts, skirts, blouses, trousers, jackets, coats, waistcoats, hats, neckties; articles of underclothing; pyjamas, night-dresses, sleeping garments, negligees, dressing gowns; jumpers, cardigans, pullovers, sweaters; overalls; swimming costumes; dresses, dungarees, over-trousers, tops, caps, robes, aprons, jeans; dancewear; wristbands, gloves; articles of outer clothing; all included in Class 25; but not including footwear.

Husky of Tostock Limited, Bluestem Road, Ransomes Europark, Ipswich, Suffolk, IP3 9RR.

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

1566685 (6085,05285 - RGSTRD)

1566685 25 March 1994 (25)

HUSKIE

Application for a series of two marks.

Honest concurrent use from 1963 with Registration No.1022516 (5172,2073).

Jeans; trousers; industrial overalls; denim jackets; sweatshirts; all included in Class 25.

Husky of Tostock Limited, 7 Sea Road, Felixstowe, Suffolk, IP11 2AU.

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



INVESTOR IN PEOPLE

International Registration No: 821742

1578446 (6100,09572 - RGSTRD)

1578446 15 July 1994 (28)

HUSKIES

Toys, games and playthings; dolls and dolls' clothing; accessories for dolls; dolls' furniture; dolls' furniture accessories; toy action figures, toy vehicles, toy building structures and toy vehicle tracks; play sets and play cases; toy moulding compounds and toy moulding machines; moulds; toy models; toy moulding sets; toy moulds; parts and fittings for all the aforesaid goods; all included in Class 28; but not including any such goods in the form of or decorated with dogs and not including computer games.

Corgi Classics Limited, Harcourt Way, Meridian Business Park, Leicester, LE3 3RL.

Agent: Grant Spencer Caisley & Porteous LLP, 16 High Holborn, London, WC1V 6BY.

1578448 (6091,06911 - RGSTRD)

1578448 15 July 1994 (28)



Toys, games and playthings; dolls and dolls' clothing; accessories for dolls; dolls' furniture; dolls' furniture accessories; toy action figures, toy vehicles, toy building structures and toy vehicle tracks; play sets and play cases; toy moulding compounds and toy moulding machines; moulds; toy models; toy moulding sets; toy moulds; parts and fittings for all the aforesaid goods; all included in Class 28; but not including goods in the form of or decorated with canidae and not including computer games.

Corgi Classics Limited, Harcourt Way, Meridian Business Park, Leicester, LE3 3RL.

Agent: Grant Spencer Caisley & Porteous LLP, 16 High Holborn, London, WC1V 6BY.

1578447 (6094,07756 - RGSTRD)

1578447 15 July 1994 (28)

HUSKY

Toys, games and playthings; dolls and dolls' clothing; accessories for dolls; dolls' furniture; dolls' furniture accessories; toy action figures, toy vehicles, toy building structures and toy vehicle tracks; play sets and play cases; toy moulding compounds and toy moulding machines; moulds; toy models; toy moulding sets; toy moulds; parts and fittings for all the aforesaid goods; all included in Class 28; but not including any such goods in the form of or decorated with dogs and not including computer games.

Corgi Classics Limited, Harcourt Way, Meridian Business Park, Leicester, LE3 3RL.

Agent: Grant Spencer Caisley & Porteous LLP, 16 High Holborn, London, WC1V 6BY.

(OHIM) 152546 (RGSTRD)

152546 1 April 1996 (03, 09, 14, 16, 18, 25)

HUSKY



INVESTOR IN PEOPLE

International Registration No: 821742

(OHIM) 158642 (RGSTRD)

158642 1 April 1996 (03, 09, 14, 16, 18, 25)

(OHIM) 2478402 (PENDING)

2478402 19 November 2001 (16, 18, 25)

HUSKIES



(OHIM) 2478436 (PENDING)

2478436 19 November 2001 (16, 18, 25)

(OHIM) 3213576 (RGSTRD)

3213576 5 June 2003 (03, 09, 14, 16, 18, 25)

HUSKY (and Device)



(OHIM) 4031068 (PENDING)

4031068 16 September 2004 (28)

HUSKIE

(OHIM) 4031118 (PENDING)

4031118 16 September 2004 (28)

BrockwaY HUSKIE (and Device)

Filing date: 01.04.1996
Application language: English
Date of receipt at OHIM: 01.04.1996
Second language: Spanish

UK case status: Registered

UK mark type: Word Only

OHIM mark type: Word

Classes: 03, 09, 14, 16, 18, 25

Mark text:
HUSKY

Colours claimed: N

Publication date: 18.05.1998
Registration date: 30.11.1998

Class: 03

Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; non-medicated toilet preparations and substances; dentifrices.

Class: 09

Spectacles; sunglasses; anti-glare glasses, visors and shades; binoculars; eyeglass cases; eyeglass chains; chronographs; compasses; containers for contact lenses; eyeglass frames; eyepieces; optical apparatus and instruments; telescopes.

Class: 14

Jewellery, precious stones; horological and chronometric instruments.

Class: 16

Paper, cardboard and goods made from these materials, not included in other classes; printed matter; book binding materials; photographs; stationery; artists' materials, paint brushes; typewriters and office requisites (excluding furniture); instructional and teaching materials (excluding apparatus); plastic materials and packaging (not included in other classes); playing cards; printers' type; printing blocks.

Class: 18

Leather and leather imitations and articles made from these materials which are not included in other classes; animal skins, bags, trunks and travelling bags, umbrellas, parasols and walking sticks, whips and harness maker's products.

Class: 25

Shirts, shorts, skirts, blouses, trousers, jackets, coats, waistcoats, hats, neckties, articles of underclothing; lingerie, hosiery, pyjamas, night-dresses, sleeping garments, negligees, dressing gowns, jumpers, cardigans, pullovers, sweaters, overalls, swimming costumes; dresses, dungarees, over-trousers, boots, shoes, sandals, slippers, tops, caps, scarves, robes, capes, aprons, jeans, socks, leg-warmers, dancewear, wrist-bands, head-bands, gloves; mittens, belts; head-gear and footwear.

Applicant:

Husky of Tostock Limited, Bluestem Road Ransomes Europark, Ipswich, Suffolk, United Kingdom, IP3 9RR

Representative:

MARKS & CLERK, 90 Long Acre, London, United Kingdom, WC2E 9RA

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



Filing date: 01.04.1996
Application language: English
Date of receipt at OHIM: 01.04.1996
Second language: Spanish

UK case status: Registered

UK mark type: Word and Device

OHIM mark type: Figurative

Classes: 03, 09, 14, 16, 18, 25

Vienna classification list: '3. 1. 8'

OHIM Vienna classification list: '3. 1. 8', '3. 1.16'

Mark text:
HUSKY OF TOSTOCK

Colours claimed: N

Publication date: 08.12.1997
Registration date: 22.05.2002

Class: 03
 Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; non- medicated toilet preparations and substances; dentifrices.

Class: 09
 Spectacles; sunglasses; anti-glare glasses, visors and shades; binoculars; eyeglass cases; eyeglass chains; chronographs; compasses; containers for contact lenses; eyeglass frames; eyepieces; optical apparatus and instruments; telescopes.

Class: 14
 Jewellery, precious stones; horological and chronometric instruments.

Class: 16
 Paper, cardboard and goods made from these materials, not included in other classes; printed matter; book binding materials; photographs; stationery; artists' materials, paint brushes; typewriters and office requisites (excluding furniture); instructional and teaching materials (excluding apparatus); plastic materials and packaging (not included in other classes); playing cards; printers' type; printing blocks.

Class: 18

Leather and leather imitations and articles made from these materials which are not included in other classes; animal skins, bags, trunks and travelling bags, umbrellas, parasols and walking sticks, whips and harness maker's products.

Class: 25

Shirts, shorts, skirts, blouses, trousers, jackets, coats, waistcoats, hats, neckties, articles of underclothing; lingerie, hosiery, pyjamas, night-dresses, sleeping garments, negligees, dressing gowns, jumpers, cardigans, pullovers, sweaters, overalls, swimming costumes; dresses, dungarees, over-trousers, tops, caps, scarves, robes, capes, aprons, jeans, socks, leg-warmers, dancewear, wrist-bands, head-bands, gloves; mittens, belts; head-gear.

Applicant:

Husky of Tostock Limited, Bluestem Road Ransomes Europark, Ipswich, Suffolk, United Kingdom, IP3 9RR

Representative:

MARKS & CLERK, 90 Long Acre, London, United Kingdom, WC2E 9RA

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

Filing date: 19.11.2001 **Date of receipt at OHIM:** 23.11.2001
Application language: English **Date of receipt at national office:** 19.11.2001
Second language: French

UK case status: New Application

UK mark type: Word Only

OHIM mark type: Word

Classes: 16, 18, 25

Mark text:
HUSKIES

Colours claimed: N

Publication date: 26.08.2002

Class: 16

Paper products, prints and publications, namely: textbooks, reference books, and workbooks for undergraduate and graduate courses, alumni magazines, course catalogues, printed programs, yearbooks, notebooks, binders, notepads, envelopes, invitations, stationery, decals, pennants, posters, calendars, business forms and newsletters.

Class: 18

Luggage, carrying bags, backpacks, athletic bags, book bags, carry-on bags, clutch bags, duffel bags, school book bags, school bags, shoulder bags, tote bags, travel bags, garment travel bags.

Class: 25

Clothing, namely, shirts, T-shirts, sweatshirts, pants, sweatpants, shorts, belts, sweaters, jackets, scarves, socks, hats and caps.

Applicant:

University of Washington, 4014 University Way Northeast, Seattle, Washington, United States of America, 98105-6203

Representative:

BOULT WADE TENNANT, Verulam Gardens 70 Gray's Inn Road, London, United Kingdom, WC1X 8BT

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



Filing date: 19.11.2001
Application language: English
UK case status: New Application
UK mark type: Word and Device
OHIM mark type: Figurative
Classes: 16, 18, 25
Vienna classification list: '3. 1. 8', '3. 1.16'
OHIM Vienna classification list: '3. 1. 8', '3. 1.16'
Mark text:
HUSKIES
Colours claimed: N
Publication date: 21.10.2002
Priority claim date: 13.06.2001
Country: US
Reference: 76/271046

Class: 16
Paper products, prints and publications, namely; textbooks, reference books and workbooks for undergraduate and graduate courses, alumni magazines, course catalogues, printed programs, yearbooks, notebooks, binders, notepads, envelopes, invitations, stationery, decals, pennants, posters, calendars, business forms and newsletters.

Class: 18
Luggage, carrying bags, backpacks, athletic bags, book bags, carry-on bags, clutch bags, duffel bags, school book bags, school bags, shoulder bags, tote bags, travel bags, garment travel bags.

Class: 25
Clothing, namely, shirts, T-shirts, sweatshirts, pants, sweatpants, shorts, belts, sweaters, jackets, scarves, socks, hats and caps.

Applicant:

University of Washington, 4014 University Way Northeast, Seattle, Washington, United States of America, 98105-6203

Representative:

BOULT WADE TENNANT, Verulam Gardens 70 Gray's Inn Road, London, United Kingdom, WC1X 8BT

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



Filing date: 05.06.2003
Application language: English
UK case status: Registered
UK mark type: Word and Device
OHIM mark type: Figurative
Classes: 03, 09, 14, 16, 18, 25
Vienna classification list: '3. 1. 8'
OHIM Vienna classification list: '3. 1. 8', '3. 1.16'
Mark text:
HUSKY
Colours claimed: N
Distinctive: N
Publication date: 16.05.2005
Registration date: 17.02.2005

Class: 03
Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; non-medicated toilet preparations and substances; dentifrices.

Class: 09
Spectacles; sunglasses; anti-glare glasses; visors and shades; binoculars; eyeglass cases; eyeglass chains; chronographs; compasses; containers for contact lenses; eyeglass frames; eyepieces; optical apparatus and instruments; telescopes.

Class: 14
Jewellery; precious stones; horological and chronometric instruments.

Class: 16
Paper, cardboard and goods made from these materials, not included in other classes; printed matter; book binding materials; photographs; stationery; artists' materials; paint brushes; typewriters and office requisites (excluding furniture); instructional and teaching materials (excluding apparatus); plastic materials and packaging (not included in other classes); printers' type; printing blocks.

Class: 18

Leather and leather imitations and articles made from these materials which are not included in other classes; animals skins, bags, trunks and travelling bags, umbrellas, parasols and walking sticks; whips and harness maker's products.

Class: 25

Shirts, shorts, skirts, blouses, trousers, jackets, coats, waistcoats, hats, neckties, articles of underclothing; lingerie, hosiery, pyjamas, night-dresses, sleeping garments, negligees, dressing gowns, jumpers, cardigans, pullovers, sweaters, overalls, swimming costumes; dresses, dungarees, over-trousers, boots, shoes, sandals, slippers, tops, caps, scarves, robes, capes, aprons, jeans, socks, leg-warmers, dancewear, wrist-bands, head-bands, gloves; mittens, belts; head-gear and footwear.

Applicant:

Husky of Tostock Limited, Bramford House 39 Ship Lane, Ipswich, Suffolk, United Kingdom, IP8 4AN

Representative:

MARKS & CLERK, 90 Long Acre, London, United Kingdom, WC2E 9RA

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

Filing date:	16.09.2004	Date of receipt at OHIM:	16.09.2004
Application language:	English	Second language:	French
UK case status:	New Application		
UK mark type:	Word Only		
OHIM mark type:	Word		
Class:	28		
Mark text:	HUSKIE		
Colours claimed:	N		
Distinctive:	N		
Publication date:	06.06.2005		
Priority claim date:	29.04.2004		
Country:	United States		
Reference:	78/410,252		

Class: 28
Model kits and die cast truck replicas; none being model aircraft kits.

Applicant:
MACK TRUCKS, INC., 2100 Mack Boulevard, Allentown, Pennsylvania, United States, 18105-5000

Representative:
GILL JENNINGS & EVERY, Broadgate House 7 Eldon Street, London, United Kingdom, EC2M 7LH

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



Filing date: 16.09.2004
Application language: English
UK case status: New Application
UK mark type: Word and Device
OHIM mark type: Figurative
Class: 28
Vienna classification list: '3. 1. 8', '25. 1. 5'
OHIM Vienna classification list: '3. 1. 8'
Mark text:
BrockwaY HUSKIE
Colours claimed: N
Distinctive: N
Publication date: 23.05.2005
Priority claim date: 29.04.2004
Country: United States
Reference: 78/410,390

Class: 28
Toys, model kits and die cast truck replicas.

Applicant:
MACK TRUCKS, INC., 2100 Mack Boulevard, Allentown, Pennsylvania, United States, 18105-5000

Representative:
GILL JENNINGS & EVERY, Broadgate House 7 Eldon Street, London, United Kingdom, EC2M 7LH

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