



Notification of Provisional Refusal based on an Ex Officio Examination (to WIPO)
Pursuant to Rule 17(2) of the Common Regulations under the Madrid Agreement concerning the international registration of marks and the Protocol relating to that Agreement.

I. Name and address of the Office making the notification:

The Norwegian Patent Office
P.O. Box 8160 Dep., N-0033 Oslo, NORWAY

Telephone: + 47 22 38 73 00
Telefax: + 47 22 38 73 01

II. International registration: 827830 sixtyseven by mustang

III. Date of Subsequent Designation (if any): (yyyy.mm.dd)

IV. Holder of the international registration:

Pascual Ros Aguilar, Partida Algoda, P-2, N. 37 Elche, 03280, ALICANTE, ES

V. The scope of the refusal:

☒ **Provisional refusal for all goods**

☐ **Provisional partial refusal for some of the goods and/or services - see under X**

VI. Grounds for refusal:

(i) ☐ **Absolute grounds:**

(ii) ☒ **Relative grounds: Trademark Act Section 14.1.6. and 14.1.8.**
Likelihood of confusion with:

National registration number(s):

90969 - MUSTANG

160914 - MUSTANG Premium Authentic

162166 - MUSTANG

National application number(s):

International registration number(s):

602643- MUSTANG

657694- MUSTANG

590588 - MUSTANG

783602 - MUSTANG

77095 - MUSTANG

VII. You will find more information about the conflicting mark(s) (if any) enclosed under XII. The relevant provisions of the Norwegian Trademarks Act and Regulations are under XI.

VIII. Date of provisional refusal: (yyyy.mm.dd) **2005.08.26**

Response must be received within: (yyyy.mm.dd) **2005.11.26**

See more information under X about the time limit and which actions you need to take if you want to request a review of the provisional refusal.

IX. Signature by Office:

THE NORWEGIAN PATENT OFFICE

Kjersti Ostengen

- X.** The holder of the registration may request a review of the provisional refusal. The Norwegian Patent Office must receive the request no later than 3 months from the date of this provisional refusal (The time limit is indicated under point VIII). Such request must be filed through the intermediary of a representative domiciled in Norway. Please note that if the Norwegian Patent Office, either subsequent to review or appeal, accept the designation of Norway, a post grant opposition may be filed against the mark within 2 months from the publication of the mark.

If the holder does not respond to this provisional refusal within the time limit, the international registration shall be considered abandoned in Norway for the goods/services that are excluded (Trademark Act Section 50 and 51). The international registration shall be resumed if the holder, through a Norwegian representative, within two months from the expiration of the time limit responds to the provisional refusal and pays the stipulated fee (NOK 650,-). Please note that the Norwegian Patent Office does not send any notifications to the holder that the international registration is abandoned in Norway.

- XI.** The relevant provisions of the Norwegian Trademarks Act and Regulations regarding the grounds of this provisional refusal:

Section 1

By registration in accordance with the present Act, the exclusive right to use a trademark as a distinctive sign for goods or services of an industrial or commercial establishment may be acquired. A trademark may consist of any sign which is capable of distinguishing the goods or services of one establishment from those of others, and which is capable of being represented graphically, such as words or combinations of words, including slogans, names, figures and pictures, letters and numerals, and the shape of the goods, their get-up and their packaging. The subsequent provisions of this Act made in respect of goods shall also apply to services provided this is not contrary to the context.

Section 14

A trademark may not be registered if:

1. it is contrary to law or public order or is liable to cause offence;
2. it is liable to deceive;
3. without authorisation by the competent authorities, it includes official coats of arms, flags or other official emblems or badges, including official national or foreign certification or hallmarks or stamps required for goods identical with or similar to those for which registration is applied, or coats of arms, flags or other emblems, abbreviations or designations of intergovernmental organisations, or international marks, seals or signs the unauthorised use of which is forbidden by law. Nor shall the trademark be registered if it includes anything liable to be confused with such emblems or badges, etc. as referred to in this section. Foreign emblems or badges, etc., with the exception of flags of States, shall nevertheless not prevent registration until they have been published in a notice in the publication issued by the Patent Office;
4. it includes anything liable to be understood as another person's business name or as another person's name or portrait and which obviously does not refer to a person long dead;
5. it includes anything liable to be understood as the distinguishing title of the protected artistic, literary or musical work of another person, or infringes the copyright to such a work or the photography or design rights of another person;
6. it is liable to be confused with the name or business name of another person or with a trademark registered for another person in accordance with an application filed earlier, or which was established by use for another person at the time when the application for registration was filed;
7. it is liable to be confused with a trademark which someone else has started to use before the applicant, and the applicant was aware of this use when he filed his application for registration;
8. it is liable to be confused with an international registration of a trademark, provided that this registration is effective in Norway in accordance with section 53 from an earlier date than the date of the filing of the application.

In cases as mentioned in subparagraphs 4 to 8 of the first paragraph, registration may nevertheless take place if the holder of the earlier right consents and there are no other obstacles to registration.

Trademarks which consist of or contain geographical indications with respect to wine or spirits, may not be registered for wine and spirits, unless the product has the geographical origin the indication indicates.

Continuation sheet no: 2

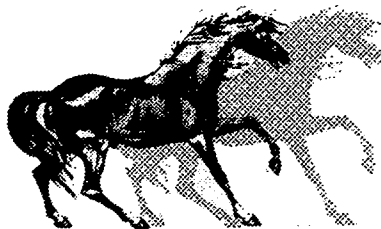
Int. reg. number: 827830

Guide to the following INID codes:

(111): National registration number/ International registration number
(151): Date of national registration/Date of international registration
(180): Date of expiry
(210): National application number
(220): National application date /Date of notification
(300): Data relating to priority (if any)
(540): Reproduction of the mark
(541): Indication relating to the nature or kind of mark (in Norwegian)
(546): Indication relating to the nature or kind of mark (in Norwegian)
(571): Description of the mark
(730): Name of the holder
(740): Power of attorney
(511): List of goods and services
(450): Date of publication

XII. Prior marks cited ex officio:

(111) **Reg.nr.:** 90969
(151) **Reg.dato.:** 1974.05.09
(180) **Registreringen utløper:** 2014.05.09
(210) **Søknadsnr.:** 113377
(300) **Søknadsprioritet** Ingen
(540) **Gjengivelse av merket:**



MUSTANG

(546) Merket er et kombinert merke eller et rent figurmerke

(571) **Beskrivelse av merket:**

MUSTANG

(730) **Innehaver:**

Mustang Bekleidungswerke GmbH + Co , 10 Austrasse, D-74653 Künzelsau, DE

(740) **Fullmektig:**

Zacco Norway AS , Postboks 2003 Vika, 0125 OSLO, NO

(511) **Vare-/ tjenestefortegnelse:**

25 Bekledningsgjenstander, især kontor- og fritidsklær, dongeribukser, slacks, dongerishorts, overaller, jakker og bluser i dreiel, kordfløyel, bomullsvegg, velur eller lærduk.

(111) **Reg.nr.:** 160914
(151) **Reg.dato.:** 1993.12.30
(180) **Registreringen utløper:** 2013.12.30
(210) **Søknadsnr.:** 19925874
(300) **Søknadsprioritet** Ingen
(540) **Gjengivelse av merket:**

MUSTANG Premium Authentic

(541) Merket er et ordmerke i standard font

(571) **Beskrivelse av merket:**
MUSTANG Premium Authentic

(730) **Innehaver:**
Mustang Bekleidungswerke GmbH + Co , 10 Austrasse, D-74653 Künzelsau, DE

(740) **Fullmektig:**
Zacco Norway AS , Postboks 2003 Vika, 0125 OSLO, NO

(511) **Vare-/ tjenestefortegnelse:**
25 Klær.

(111) **Reg.nr.:** 162166
(151) **Reg.dato.:** 1994.04.14
(180) **Registreringen utløper:** 2014.04.14
(210) **Søknadsnr.:** 19930909
(300) **Søknadsprioritet** Ingen
(540) **Gjengivelse av merket:**

MUSTANG

(546) Merket er et kombinert merke eller et rent figurmerke

(571) **Beskrivelse av merket:**
MUSTANG

(730) **Innehaver:**
Mustang Bekleidungswerke GmbH + Co , 10 Austrasse, D-74653 Künzelsau, DE

(740) **Fullmektig:**
Zacco Norway AS , Postboks 2003 Vika, 0125 OSLO, NO

(511) **Vare-/ tjenestefortegnelse:**
25 Klær; sko og cowboystøvler (ikke opptatt i andre klasser).

(111) **Reg.nr.:** 0590588
(151) **Reg.dato.:** 1992.09.02
(180) **Registreringen utløper:** 2012.09.02
(210) **Søknadsnr.:** 19971595
(300) **Søknadsprioritet** Ingen
(540) **Gjengivelse av merket:**

MUSTANG

(546) Merket er et kombinert merke eller et rent figurmerke

(571) **Beskrivelse av merket:**
MUSTANG

(730) **Innehaver:**
MUSTANG - Bekleidungswerke GmbH + Co KG , Austrasse 10, 74653 KÜNZELSAU, DE

(511) **Vare-/ tjenestefortegnelse:**

- 3 Soaps; perfumery, essential oils, cosmetics, hair lotions.
 - 14 Jewelry; clocks and watches.
 - 16 Paper and goods made from paper, cardboard and goods made from cardboard, and not included in other classes; printed matter, photographs; stationery, artists' materials, namely, articles for drawing, painting and modelling; paintbrushes; instructional and teaching material (except apparatus); playing cards.
 - 18 Leather and imitation leather and goods made of these materials and not included in other classes; trunks and travelling bags; umbrellas, parasols and walking sticks; saddlery.
 - 25 Clothing, footwear, headgear.
 - 28 Games and plaything, gymnastic and sporting articles not included in other classes.
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(111) **Reg.nr.:** 0657694
(151) **Reg.dat.:** 1996.02.21
(180) **Registreringen utløper:** 2006.02.21
(210) **Søknadsnr.:** 19975169
(300) **Søknadsprioritet** Ingen
(540) **Gjengivelse av merket:**

MUSTANG

(546) Merket er et kombinert merke eller et rent figurmerke

(571) **Beskrivelse av merket:**

MUSTANG

(730) **Innehaver:**

MUSTANG - Bekleidungswerke GmbH + Co KG , Austrasse 10, 74653 KÜNZELSAU, DE

(740) **Fullmektig:**

Zacco Norway AS , Postboks 2003 Vika, 0125 OSLO, NO

(511) **Vare-/ tjenestefortegnelse:**

3 Soaps, perfumery, essential oils, cosmetics, hair lotions; dentifrices, deodorants for personal use (perfumery).

9 Phonograph records, compact discs, music and video cassettes, optical and magnetic media for images and sound; sound and image reproduction apparatus; apparatus for entertainment purposes in the form of accessory parts for television set receivers; automated devices for entertainment; computers for computer games; computer games as accessory apparatus for television set receivers; printing optical and magnetic media; data storage media, including printed matter and computer programs, especially computer game programs; electronic journals, training or teaching material (except apparatus) in the form of computer game programs, films and sound, text, and image recordings on data media.

14 Objects made of precious metals, their alloys or coated therewith, namely handicrafts, ornamental objects, tableware (except cutlery), table centrepieces; jewellery, precious stores; fashion jewellery, cuff links, tie pins.

16 Paper, cardboard; paper and cardboard products, namely packaging containers, packaging pouches, pocket handkerchiefs, towels, table napkins; printed matter, newspapers, photographs, stationery, training or teaching material (except apparatus) in the form of printed matter and games.

18 Goods made of leather and imitations of leather, namely handbags and other cases not adapted to the products which they are to contain as well as small leather items, especially purses, pocket wallets, key cases, labels; shopping bags, sports bags, briefcases, school bags, rucksacks, trunk and suitcases, umbrellas and lawn umbrellas.

24 Fabrics, textile fabrics, curtains, blinds, household linen, table and bed linen, table and bed covers; textile handkerchiefs; fabrics of imitation and animal skins and non-woven textile fabrics.

25 Clothing, corsetry articles, sportswear; leather clothing, belts (clothing), shoe wear, sports shoes, headwear.

26 Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles, zippers, belt clasps; top-knots (passmenterie); artificial flowers.

28 Games, toys; electric and electronic games; electronic games (other than those adapted for use with television receivers only); gymnastic and sporting apparatus; special bags for sporting articles, except stationary training bicycles.

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32 Beers; mineral and aerated waters.

38 Broadcasting of radio and television programs; broadcasting of entertainment programs, texts, images and music via transmission sets and communication networks; transmission of sound, images, texts, data and computer programs via satellite, radio, data networks and cable systems.

41 Film production, rental and projection of motion-picture films, production of radio and television broadcasts; planning of entertainment events, namely musical performances, literary readings, theatre performances, art exhibitions; publishing and editing of books, newspapers and journals; organisation of cultural exhibitions.

42 Restaurant and catering services; programming, especially in relation to computer game and data processing programs; leasing access time to a computer data base.

(111) **Reg.nr.:** 0783602
(151) **Reg.dato.:** 2002.06.15
(180) **Registreringen utløper:** 2012.06.15
(210) **Søknadsnr.:** 200207553
(300) **Søknadsprioritet** 2001.12.21 DE 301 72 988.3/25
(540) **Gjengivelse av merket:**

MUSTANG

(541) Merket er et ordmerke i standard font

(571) **Beskrivelse av merket:**

MUSTANG

(730) **Innehaver:**

MUSTANG - Bekleidungswerke GmbH + Co KG , Austrasse 10, 74653 KÜNZELSAU, DE

(740) **Fullmektig:**

Zacco Norway AS , Postboks 2003 Vika, 0125 OSLO, NO

(511) **Vare-/ tjenestefortegnelse:**

3 Perfumery; essential oils, cosmetics.

14 Watches, jewellery, cuff links, tie pins; goods of precious metal and their alloys or goods coated therewith, namely handicraft objects, decorative objects, ashtrays, cigar and cigarette cases, cigar and cigarette holders.

25 Clothing, including knitted clothing; hosiery, shoes, boots, sport shoes, slippers; headgear.

(111) **Reg.nr.:** 0602643
(151) **Reg.dato.:** 1993.05.13
(180) **Registreringen utløper:** 2013.05.13
(210) **Søknadsnr.:** 200207941
(300) **Søknadsprioritet** Ingen
(540) **Gjengivelse av merket:**



MUSTANG

(546) Merket er et kombinert merke eller et rent figurmerke

(571) **Beskrivelse av merket:**

MUSTANG

(730) **Innehaver:**

MUSTANG - Bekleidungswerke GmbH + Co KG , Austrasse 10, 74653 KÜNZELSAU, DE

(511) **Vare-/ tjenestefortegnelse:**

18 Goods made of leather or imitation leather, namely bags and small leather goods, in particular purses, wallets, key cases; handbags, shopping bags, travelling sets.

25 Clothing, in particular clothing of leather, sportswear, anoraks, jeans, trousers, jackets, jumpers, shirts, tee-shirts, neckscarves, woolly hats, ties, shoes, belts for clothing.

(111) **Reg.nr.:** 77095
(151) **Reg.dato.:** 1969.07.31
(180) **Registreringen utløper:** 2009.07.31
(210) **Søknadsnr.:** 98044
(300) **Søknadsprioritet** Ingen
(540) **Gjengivelse av merket:**

MUSTANG

(541) Merket er et ordmerke i standard font

(571) **Beskrivelse av merket:**
MUSTANG

(730) **Innehaver:**
Mustang Bekleidungswerke GmbH + Co , 10 Austrasse, D-74653 Künzelsau, DE

(740) **Fullmektig:**
Oslo Patentkontor AS , Postboks 7007 Majorstua, 0306 OSLO, NO

(511) **Vare-/ tjenestefortegnelse:**
25 Registreringen omfatter ikke sålemateriale av gummi og plast til fottøy.
