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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):

838184 (13/07/2004)

3. Name and Address of the Holder:

Heinzel Holding GmbH
Wagramer Straße 28-30 A-1223 Wien Austria

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
- ☐ Unconformity to "a single application for a single trademark rule"
- ☐ Other grounds

※ Please refer to item 9 for the details

6. Provisions of the Korean Trademark Act applicable to the Grounds:

Korean Trademark Act, Article 8(1).
Korean Trademark Act, Article 10(1).

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

2005.09.27(2005.11.28)

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 or to the International Bureau MM6(Request for the Recording of a Limitation of the List of Goods and Service).

The holder may request one extension of time to submit a written opinion(amendment) to KIPO. The extension will be granted once only and for a period of 1 month. This request can not be made after the expiration of the 2 months period granted for appeal.

9. Details of the Provisional Refusal:

The assigned examiner has reviewed the application for international registration and has determined the following:

(Ground 1)

The proposed mark is unregistrable, because the proposed mark "NOVO" is identical with or similar, in sound and appearance, to the person's mark below which was already filed in the Republic of Korea before the filing date of the applicant's mark, and because the designated goods which is listed below is related to those of the earlier mark. Korean Trademark Act, Article 8(1).

☐ Information concerning the earlier mark

- Filing number : 4020040014042
- Filing date : 29/03/2004(dd/mm/yyyy)
- Name and address of the owner : WAL-MART STORES, INC /
Street 702, SW ACE Ventovil, Alkansa, United States of America.
- Goods/services concerned : 벽지(Wallpaper)
- Reproduction of the mark:NOBO

*** Goods of the proposed mark refused by this ground of refusal: " cardboard articles, Paper, cardboard and goods made from these materials, not included in other classes " in [Class 16].**

(Ground 2)

The examiner refuses registration, because the identification of the designated goods/services which are listed below is too broad or unclear a description. Korean Trademark Act, Article 10(1).

Therefore, to avoid this ground for refusal, the applicant must amend the identification to specify the commercial names of the goods/services

<Broad or Unclear identification >

[Class 16] Paper, cardboard and goods made from these materials, not included in other classes.

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 or to the International Bureau MM6(Request for the Recording of a Limitation of the List of Goods and Service).

The holder may request one extension of time to submit a written opinion(amendment) to KIPO. The extension will be granted once only and for a period of 1 month. This request can not be made after the expiration of the 2 months period granted for appeal.

9. Details of the Provisional Refusal:

The assigned examiner refuses registration because the proposed mark is similar to the earlier marks registered in the Republic of Korea and all the designated goods are identical with or similar to those of the earlier marks. See the "Information concerning the earlier marks"below. Korean Trademark Act, Article 7(1)(VII).

☐ Information concerning the earlier mark1

- Filing number : 4019840008727
- Filing date : 11/06/1984
- Korean registration number : 4001168730000
- Korean registration date : 17/09/1985(dd/mm/yyyy)
- Name and address of the owner
 - Name : Pacific Co., Ltd(주식회사태평양)
 - address : 181-Beongi Hangangro-2ga, Yongsan-gu, Seoul, the Republic of Korea
(서울시용산구한강로2가181번지)
- Goods/services concerned : 스킨후레시너, 미용비누, 클렌징폼, 클렌징로션, 화운데이션크림, 에센스(미용영양농축액), 영양크림, 바디클렌저, 샴푸, 클렌징크림
- Reproduction of the mark:

워터폴
WATER FALL

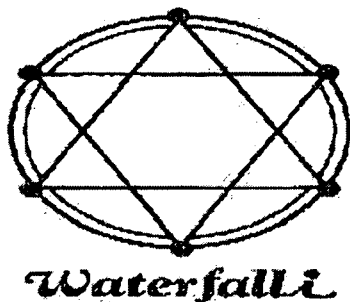
※ "워터폴" is the Korean transliteration of "WATERFALL"

- Goods of the proposed mark related by the ground for refusal :
All the designated goods except for "dentifrices"

☐ Information concerning the earlier mark2

- Filing number : 4020020004786
- Filing date : 29/01/2002
- Korean registration number : 4005536410000
- Korean registration date : 14/07/2003(dd/mm/yyyy)

- Name and address of the owner
 - Name : SON JOG MI
 - address : Bellravista 101, 375-69 Daebang-dong, Dongjak-gu, the Republic of Korea
(서울특별시 동작구 대방동 375-69 벨라비스타 101호)
- Goods/services concerned : 치약
- Reproduction of the mark:



- Goods of the proposed mark related by the ground for refusal : dentifrices

10. Official Seal or Signature by the Office:

KIPO Examiner KWON, Oh 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 8258 or Fax: (82) (42) 472 3507