



EINKALEYFASTOFAN

Icelandic Patent Office

The International Bureau, WIPO
34, chemin des Colombettes
1211 Genève
Switzerland

Deres/Your ref:
839972

Vor/Our ref:
411-05/350

Dato/Date:
11.10.2005

Regarding: Notification of an *ex officio* provisional refusal according to Article 5 and Rule 17(2).

The Icelandic Patent Office declares that the international registration No. 839972, **Smirnov, Torgovy dom, po vozrozhdeniyu traditsyi, P.A. Smirnova, vodka, vedra sd**, is subject to invalidation in Iceland.

The holder of the international registration is Obschestvo s organichennoi otvetstvennostyu "Torgovy dom po vozrozhdeniyu traditsyi Postavschika, Dvora Ego Imperatorskago, Velichestva P.A. Smirnova", M. Tatarskiy per., 5, str. 1, RU-113184 Moscow, RU.

The grounds for the refusal is that the international registration is confusingly similar to the following registered marks:

1. figure mark, Icelandic registration No. 331/1996. The registration is for goods in class 33. (See appendix I).
2. figure mark, Icelandic registration No. 332/1996. The registration is for goods in class 33. (See appendix II).
3. SMIRNOFF, Icelandic registration No. 119/1957. The registration is for goods in class 33. (See appendix III).
4. PIERRE SMIRNOFF, Icelandic registration No. 120/1957. The registration is for goods in class 33. (See appendix IV).
5. SMIRNOFF MULE, Icelandic registration No. 13/1997. The registration is for goods in class 33. (See appendix V).
6. SMIRNOFF ICE, Icelandic registration No. 311/2001. The registration is for goods in class 33. (See appendix VI).
7. SMIRNOFF ICE, Icelandic registration No. 312/2001. The registration is for goods in class 33. (See appendix VII).

POSTAL ADDRESS
Einkaleyfastofan
Skúlagötu 63
IS-150 Reykjavík

INTERNET
<http://www.patent.is>
E-MAIL: postur@patent.is

TELEPHON/TELEPHONE:
+354-580-9400

TELEFAX:
+354-580-9401

8. SMIRNOFF BLACK ICE, Icelandic registration No. 335/2003. The registration is for goods in class 33. (See appendix VIII).
9. SMIRNOFF, Icelandic registration No. 345/2003. The registration is for goods in class 33. (See appendix IX).
10. SMIRNOFF, Icelandic registration No. 348/2003. The registration is for goods in class 33. (See appendix X).
11. SMIRNOFF BLACK ICE, Icelandic registration No. 112/2005. The registration is for goods in class 33. (See appendix XI).
12. SMIRNOFF ICE, Icelandic registration No. 113/2005. The registration is for goods in class 33. (See appendix XII).

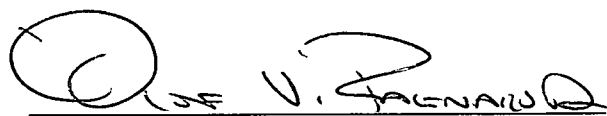
The refusal affects all the goods in class 33.

The refusal is based on Article 14.6 of the Icelandic Trade Mark Act No. 45/1997. (See appendix XIII).

The holder of the right may request a review of the provisional refusal. The request shall be received by the Icelandic Patent Office no later than 4 months after the date of this notification, i.e. 11.2.2006. The request must be filed through the intermediary of a representative domiciled in Iceland. Please observe that the opposed registration is subject to full examination by the Icelandic Patent Office.

If the above time limit expires without a request for review to the Icelandic Patent Office, the refusal may be appealed to The Board of Appeal for Industrial Property **within 2 months from expiry of the above time limit**. The appeal shall be brought before The Board of Appeal for Industrial Property, Iðnaðarráðuneyti, Arnarhvoli, 150 Reykjavík, Iceland. The fee for appeal (Ikr 80.000) must be paid within the same time limit.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ólöf V. Ragnarsdóttir', written over a horizontal line.

Ólöf Vigdís Ragnarsdóttir, lawyer.

Attached: Appendixes I-XII: Extracts from the Icelandic Trademark Register.
 Appendix XIII: Article 14 of the Icelandic Trade Mark Act,
 No. 45/1997.

**E/S****EINKALEYFASTOFAN**

Skúlagötu 63 IS-150 Reykjavík

Útskrift úr Vörumerkjaskrá

(Extract from the Icelandic Trademark Register)

11. október 2005

СМИРHOBA

(111) **Skrán.nr.:** 331
(151) **Skrán.dags.:** 28.3.1996
(210) **Umsóknarnr.:** 1327
(220) **Ums.dags.:** 3.11.1995

(540) Vörumerki

(730) **Eigandi:** Diageo North America, Inc., 801 Main Avenue, Norwalk, CT
06851-1127, Bandaríkjunum.

(591) **Litir:** .

(526) **Takmörkun:** .

(554) **Þrívídd:** .

(740) **Umboð:** Sigurjónsson & Thor, ehf.

(511) **Myndflokkar:** 28.05

(300) **Forg.réttur:** .

(791) **Nytjaleyfi:** .

(510/511) **Vöruflokkar:** Flokkur 33: Vín, brenndir drykkir og líkjörar.

SÍMI:
580 9400

FAX:
580 9401

KENNITALA:
650191-2189

AFGREIÐSLUTÍMI:
Mánud. — föstud. kl. 10:00-15:00

**E/S****EINKALEYFASTOFAN**

Skúlagötu 63 IS-150 Reykjavík

Útskrift úr Vörumerkjaskrá

(Extract from the Icelandic Trademark Register)

11. október 2005

Смирновская Водка No. 21

(111) **Skrán.nr.:** 332
(151) **Skrán.dags.:** 28.3.1996
(210) **Umsóknarnr.:** 1328
(220) **Ums.dags.:** 3.11.1995

(540) **Vörumerki**

(730) **Eigandi:** Diageo North America, Inc., 801 Main Avenue, Norwalk, CT
06851-1127, Bandaríkjunum.

(591) **Litir:** .

(526) **Takmörkun:** .

(554) **Þrívídd:** .

(740) **Umboð:** Sigurjónsson & Thor, ehf.

(511) **Myndflokkar:** 28.05

(300) **Forg.réttur:** .

(791) **Nytjaleyfi:** .

(510/511) **Vöruflokkar:** Flokkur 33: Vín, brenndir drykkir og líkjörar.

SÍMI:
580 9400

FAX:
580 9401

KENNITALA:
650191-2189

AFGREIÐSLUTÍMI:
Mánud. — föstud. kl. 10:00-15:00

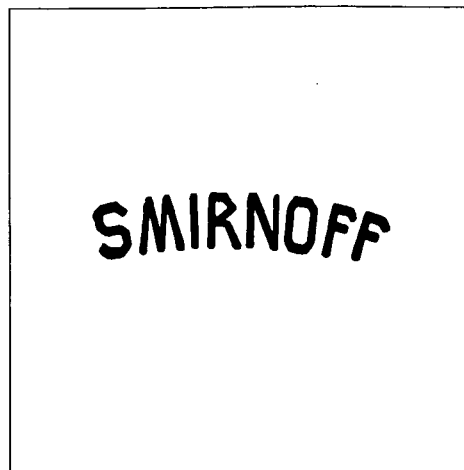
**E/S****EINKALEYFASTOFAN**

Skúlagötu 63 IS-150 Reykjavík

Útskrift úr Vörumerkjaskrá

(Extract from the Icelandic Trademark Register)

11. október 2005



- (111) **Skrán.nr.:** 119
(151) **Skrán.dags.:** 20.8.1957
(210) **Umsóknarnr.:** 1551
(220) **Ums.dags.:** 12.7.1957
(156) **Endurn.dags.:** 10.10.1996
(730) **Eigandi:** Diageo North America, Inc., 801 Main Avenue, Norwalk, CT 06851-1127, Bandaríkjunum.

(591) **Litir:** .
(526) **Takmörkun:** .
(554) **Þrívidd:** .
(740) **Umboð:** Sigurjónsson & Thor, ehf.
(511) **Myndflokkar:** 27.01.12

(300) **Forg.réttur:** .

(791) **Nytjaleyfi:** .

(510/511) **Vöruflokkar:** Flokkur 33: Vodka og brennivín.

(540) **Vörumerki**

**E/S****EINKALEYFASTOFAN**

Skúlagötu 63 IS-150 Reykjavík

Útskrift úr Vörumerkjaskrá

(Extract from the Icelandic Trademark Register)

11. október 2005



- (111) **Skrán.nr.:** 120
(151) **Skrán.dags.:** 20.8.1957
(210) **Umsóknarnr.:** 1552
(220) **Ums.dags.:** 12.7.1957
(156) **Endurn.dags.:** 10.10.1996
(730) **Eigandi:** Diageo North America, Inc., 801 Main Avenue, Norwalk, CT 06851-1127, Bandaríkjunum.

(591) **Litir:** .
(526) **Takmörkun:** .
(554) **Þrívídd:** .
(740) **Umboð:** Sigurjónsson & Thor, ehf.
(511) **Myndflokkar:** 27.05.13

(300) **Forg.réttur:** .

(791) **Nytjaleyfi:** .

(510/511) **Vöruflokkar:** Flokkur 33: Vodka.

(540) **Vörumerki**SÍMI:
580 9400FAX:
580 9401KENNITALA:
650191-2189AFGREIÐSLUTÍMI:
Mánud. — föstud. kl. 10:00-15:00

**E/S****EINKALEYFAS TOFAN**

Skúlagötu 63 IS-150 Reykjavík

Útskrift úr Vörumerkjaskrá

(Extract from the Icelandic Trademark Register)

11. október 2005

(111) **Skrán.nr.:** 13 (151) **Skrán.dags.:** 24.1.1997
(210) **Umsóknarnr.:** 561 (220) **Ums.dags.:** 8.5.1996

(541) **Vörumerki:** SMIRNOFF MULE

(730) **Eigandi:** Diageo North America, Inc., 801 Main Avenue, Norwalk, CT
06851-1127, Bandaríkjunum.

(591) **Litir:** .
(526) **Takmörkun:** .
(554) **Þrívídd:** .
(740) **Umboð:** Sigurjónsson & Thor, ehf.
(511) **Myndflokkar:** .

(300) **Forg.rettur:** 4.4.1996, Bandaríkin, 75/083893.

(791) **Nytjaleyfi:** .

(510/511) **Vöruflokkar:** Flokkur 33: Vín, brenndir drykkir og líkjörar.

**EIS****EINKALEYFASTOFAN**

Skúlagötu 63 IS-150 Reykjavík

Útskrift úr Vörumerkjaskrá

(Extract from the Icelandic Trademark Register)

11. október 2005

(111) Skrán.nr.:	311	(151) Skrán.dags.:	1.3.2001
(210) Umsóknarnr.:	338	(220) Ums.dags.:	26.1.2001

(541) **Vörumerki:** SMIRNOFF ICE(730) **Eigandi:** Diageo North America, Inc., 801 Main Avenue, Norwalk, CT 06851-1127, Bandaríkjunum.(591) **Litir:** .(526) **Takmörkun:** .(554) **Þrívídd:** .(740) **Umboð:** Sigurjónsson & Thor, ehf.(511) **Myndflokkar:** .(300) **Forg.réttur:** .(791) **Nytjaleyfi:** .(510/511) **Vöruflokkar:** Flokkur 33: Vín, brenndir drykkir og líkjörar.SÍMI:
580 9400FAX:
580 9401KENNITALA:
650191-2189AFGREIÐSLUTÍMI:
Mánud. — föstud. kl. 10:00-15:00



E/S

EINKALEYFASTOFAN

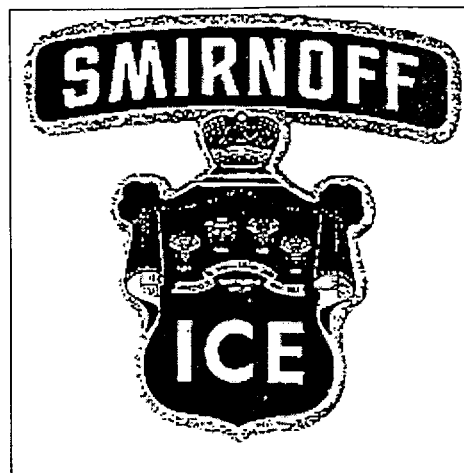
Skúlagötu 63 IS-150 Reykjavík

Útskrift úr Vörumerkjaskrá

(Extract from the Icelandic Trademark Register)

11. október 2005

(111) **Skrán.nr.:** 312
(151) **Skrán.dags.:** 1.3.2001
(210) **Umsóknarnr.:** 339
(220) **Ums.dags.:** 26.1.2001



(540) **Vörumerki**

(730) **Eigandi:** Diageo North America, Inc., 801 Main Avenue, Norwalk, CT 06851-1127, Bandaríkjunum.

(591) **Litir:** .
(526) **Takmörkun:** .
(554) **Þrívídd:** .

(740) **Umboð:** Sigurjónsson & Thor, ehf.

(511) **Myndflokkar:** 25.01.19; 26.04.18; 27.05.01; 27.05.24

(300) **Forg.réttur:** .

(791) **Nytjaleyfi:** .

(510/511) **Vöruflokkar:** Flokkur 33: Vín, brenndir drykkir og líkjörar.

SÍMI:
580 9400

FAX:
580 9401

KENNITALA:
650191-2189

AFGREIÐSLUTÍMI:
Mánud. — föstud. kl. 10:00-15:00

**E/S****EINKALEYFASTOFAN**

Skúlagötu 63 IS-150 Reykjavík

Útskrift úr Vörumerkjaskrá

(Extract from the Icelandic Trademark Register)

11. október 2005

(111) **Skrán.nr.:** 335 (151) **Skrán.dags.:** 2.5.2003
(210) **Umsóknarnr.:** 3164 (220) **Ums.dags.:** 28.11.2002

(541) **Vörumerki:** SMIRNOFF BLACK ICE

(730) **Eigandi:** Diageo North America, Inc., 801 Main Avenue, Norwalk, CT
06851-1127, Bandaríkjunum.

(591) **Litir:** .

(526) **Takmörkun:** .

(554) **Þrívídd:** .

(740) **Umboð:** Sigurjónsson & Thor, ehf.

(511) **Myndflokkar:** .

(300) **Forg.réttur:** .

(791) **Nytjaleyfi:** .

(510/511) **Vöruflokkar:** Flokkur 33: Áfengir drykkir, þ.m.t. vín, brenndir drykkir
og líkjörar.

SÍMI:

580 9400

FAX:

580 9401

KENNITALA:

650191-2189

AFGREIÐSLUTÍMI:

Mánud. — föstud. kl. 10:00-15:00

**E/S****EINKALEYFASTOFAN**

Skúlagötu 63 IS-150 Reykjavík

Útskrift úr Vörumerkjaskrá

(Extract from the Icelandic Trademark Register)

11. október 2005

(111) **Skrán.nr.:** 345
(151) **Skrán.dags.:** 2.5.2003
(210) **Umsóknarnr.:** 317
(220) **Ums.dags.:** 7.2.2003

(540) **Vörumerki**

(730) **Eigandi:** Diageo North America, Inc., 801 Main Avenue, Norwalk, CT 06851-1127, Bandaríkjunum.

(591) **Litir:** .

(526) **Takmörkun:** .

(554) **Þrívídd:** .

(740) **Umboð:** Sigurjónsson & Thor, ehf.

(511) **Myndflokkar:** 03.07.01; 03.07.17; 03.07.24; 27.05.11

(300) **Forg.réttur:** 5.2.2003, Bandaríkin, 76/487979.

(791) **Nytjaleyfi:** .

(510/511) **Vöruflokkar:** Flokkur 33: Áfengir drykkir, þ.m.t. vín, brenndir drykkir og líkjörar.

SÍMI:
580 9400

FAX:
580 9401

KENNITALA:
650191-2189

AFGREIÐSLUTÍMI:
Mánud. — föstud. kl. 10:00-15:00

**E/S****EINKALEYFASTOFAN**

Skúlagötu 63 IS-150 Reykjavík

Útskrift úr Vörumerkjaskrá

(Extract from the Icelandic Trademark Register)

11. október 2005

(111) **Skrán.nr.:** 348
(151) **Skrán.dags.:** 2.5.2003
(210) **Umsóknarnr.:** 328
(220) **Ums.dags.:** 13.2.2003

(540) **Vörumerki**

(730) **Eigandi:** Diageo North America, Inc., 801 Main Avenue, Norwalk, CT 06851-1127, Bandaríkjunum.

(591) **Litir:** .
(526) **Takmörkun:** .
(554) **Þrívídd:** .

(740) **Umboð:** Sigurjónsson & Thor, ehf.

(511) **Myndflokkar:** 03.07.01; 03.07.17; 03.07.24; 24.05.07; 26.05.12; 27.05.02

(300) **Forg.réttur:** 12.2.2003, Bandaríkin, 78/214,078.

(791) **Nytjaleyfi:** .

(510/511) **Vöruflokkar:** Flokkur 33: Áfengir drykkir, þ.m.t. vín, brenndir drykkir og líkjörar.

SÍMI:
580 9400

FAX:
580 9401

KENNITALA:
650191-2189

AFGREIÐSLUTÍMI:
Mánud. — föstud. kl. 10:00-15:00

**E/S****EINKALEYFASTOFAN**

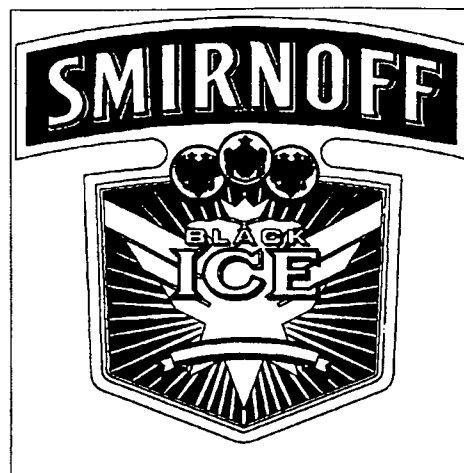
Skúlagötu 63 IS-150 Reykjavík

Útskrift úr Vörumerkjaskrá

(Extract from the Icelandic Trademark Register)

11. október 2005

(111) **Skrán.nr.:** 112
(151) **Skrán.dags.:** 4.2.2005
(210) **Umsóknarnr.:** 2725
(220) **Ums.dags.:** 18.10.2004

(540) **Vörumerki**

(730) **Eigandi:** Diageo North America, Inc., 801 Main Avenue, Norwalk, CT
06851-1127, Bandaríkjunum.

(591) **Litir:** .
(526) **Takmörkun:** .
(554) **Þrívídd:** .

(740) **Umboð:** Sigurjónsson & Thor, ehf.

(511) **Myndflokkar:** 03.07.01; 03.07.17; 03.07.24; 24.01.15; 24.01.18;
25.01.15; 26.05.12; 27.05.02; 27.05.24

(300) **Forg.réttur:** .

(791) **Nytjaleyfi:** .

(510/511) **Vöruflokkar:** Flokkur 33: Áfengir drykkir (nema bjór).

SÍMI:
580 9400

FAX:
580 9401

KENNITALA:
650191-2189

AFGREIÐSLUTÍMI:
Mánud. — föstud. kl. 10:00-15:00

**E/S****EINKALEYFASTOFAN**

Skúlagötu 63 IS-150 Reykjavík

Útskrift úr Vörumerkjaskrá

(Extract from the Icelandic Trademark Register)

11. október 2005

(111) **Skrán.nr.:** 113
(151) **Skrán.dags.:** 4.2.2005
(210) **Umsóknarnr.:** 2726
(220) **Ums.dags.:** 18.10.2004

(540) **Vörumerki**

(730) **Eigandi:** Diageo North America, Inc., 801 Main Avenue, Norwalk, CT
06851-1127, Bandaríkjunum.

(591) **Litir:** .
(526) **Takmörkun:** .
(554) **Þrívidd:** .

(740) **Umboð:** Sigurjónsson & Thor, ehf.

(511) **Myndflokkar:** 03.07.01; 03.07.17; 03.07.24; 24.01.15; 24.01.18;
25.01.15; 26.05.12; 27.05.02

(300) **Forg.réttur:** .

(791) **Nytjaleyfi:** .

(510/511) **Vöruflokkar:** Flokkur 33: Áfengir drykkir (nema bjór).

SÍMI:

580 9400

FAX:

580 9401

KENNITALA:

650191-2189

AFGREIÐSLUTÍMI:

Mánud. — föstud. kl. 10:00-15:00

Article 14

A trade mark may not be registered:

1. if it contains, without authorisation, state emblems, official international symbols, emblems of Icelandic municipalities, official inspection or quality signs, specific names of these identifications of anything else likely to be confused with the above-mentioned symbols and emblems; the prohibition shall include only official inspection and quality signs if registration of the mark is sought for the same or similar products as those for which the above-mentioned signs and symbols are used;
2. if the mark is liable to cause confusion, for instance, as to the type of product, condition or origin.
3. if the mark is contrary to law or public order or likely to cause offence,
4. if the mark contains anything which may give cause to conclude that it is the name of an active commercial operation or the name or portrait of another person, providing this does not involve individuals long dead or if the mark includes a distinctive name of real property or an illustration of it,
5. if the mark contains anything which may cause it to be interpreted as the distinctive title of a protected literary or artistic work or if it infringes the copyright of another person to such work or other intellectual property right,
6. if the mark is liable to be confused with a trade mark which has been registered in this country or which has been in use here when the application for registration was filed and is still in use here,
7. if the mark is liable to be confused with a mark which may be considered to have been well known in this country at the time the application for registration was filed,
8. if the mark is liable to be confused with a trade mark which has been internationally registered, provided that this registration was valid in this country before the application was filed, cf. Article 59.

Notwithstanding the provisions of Articles 4-8, a mark may be registered if the consent of the trade mark proprietor or other rightholder has been given.

A trade mark for wines and spirits which implies a geographical name for wine or spirits may not be registered unless the product originates at the location in question.