

Issuing number: 8-5-2006-000733565
Issuing date: 2006.04.14

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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):

840722 (03/06/2004)

3. Name and Address of the Holder:

DaimlerChrysler AG
Epplestrasse 225 70567 Stuttgart Germany

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:

Article 6(1)(iii), Article 10(1) and Article 23(1)(i)

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

2006.04.14(2006.06.14)

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 the extension of time to submit a written opinion(amendment) to KIPO. The extension will be granted only once and for a period of 1 month. This request should be made within the given time limit.

9. Details of the Provisional Refusal:

The assigned examiner refuses registration for the following reasons:

1. **The mark merely describes the designated goods** and lacks the distinctiveness to enable consumers to recognize whose services it indicates. Korean Trademark Act, Article 6(1)(iii).

A mark is merely descriptive under the above-mentioned Article if it consists solely of a sign indicating, in a common way, the origin, **quality**, raw materials, efficacy, use, quantity, shape, price, time or method of producing/processing/using of the relevant goods/services.

The proposed mark "TRUCKS YOU CAN TRUST" would be perceived intuitively by consumers as "good trucks" If it is used for the designated goods: trucks. Accordingly, it is merely descriptive since it indicates, in a common way, the quality of the designated goods.

However, this ground for refusal could be avoided if the applicant deletes the related goods.

2. The identification of the following designated goods/services is **not specific in its definition and is considered to be too broad a definition to accept** under the Korean Trademark Act, Article 10(1).

Class 12

cycles, diesel engines

Class 16

cardboard packaging

Class 18

cases

Class 36

finance and banking

However, this ground for refusal could be avoided if the applicant amends (or deletes) the identification to further specify the definite commercial name for the goods/services (for example, cycles → motorcycles, diesel engines → diesel engines for land vehicles, cardboard packaging → cardboard boxes for packaging, cases → cases of vulcanised fibre, etc.), be as complete and specific as possible.

10. Official Seal or Signature by the Office:

KIPO Examiner HWANG, Yeong Ik



※ 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 5346 or Fax: (82) (42) 472 3507