



**Oifig Na bPaitinní**

**Patents Office**

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**WORLD INTELLECTUAL PROPERTY ORGANISATION**  
34, CHEMIN DES COLOMBETTES  
PO BOX 18  
1211 GENEVA 20  
SWITZERLAND

Date of Notification: 3 May 2006  
(By registered Mail)

**International Registration No: 0876426**

**Mark: BISTRO**

**Holder: Dr. August Oetker Nahrungsmittel KG of Germany**

**Notification of the Irish Patents Office of Refusal of Protection**

Dear Sir/Madam,

This notification is issued pursuant to Article 5 of the Protocol relating to the Madrid Agreement concerning the International Registration of Marks and Rule 17(2) of the Common Regulations under the Agreement and Protocol, and is to inform you that protection for this mark is refused for the reasons set out below. Any references to Sections are to Sections of the Trade Marks Act, 1996 and to Rules are to Rules of the Trade Marks Rules, 1996.

**1. Section 10(2)**

There exists a likelihood of confusion on the part of the public between the mark and the following earlier mark(s):

Registered Mark No:223820

Mark:Bistro

Proprietor:Imperial Meat Products N.V.

Grote Baan 200

B-9920 Lovendegem

Belgium

Date of Application:25/02/2002

Date of Registration:25/02/2002

Priority date:

Class 29 :Meat, meat products, meat preserves, excluding gravy preparations.

International Registration No:0779179

Mark:Bistro

Holder: Imperial Meat Products N.V.

Grote Baan 200

B-9920 Lovendegem

Belgium

Date of Application: 15/02/2002

Date of Registration: 15/02/2002

Priority date: 31/10/2001

Class 5 : Dietetic substances for medical use; food for babies.

Class 29 : Meat, meat products, ham, cooked ham, dried ham, sausage, cooked sausage, liver sausage, dried sausage, ready-to-eat meat dishes, ready-to-eat dishes based on meat substitutes; fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products, edible oils and fats; hamburgers (meat products), meat and cheeses for cheeseburgers; sausages for hotdogs; tortillas based on eggs.

Class 30 : Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour and preparations made from cereals; bread; rolls; prepared rolls, namely hamburgers, hotdogs, sausage rolls and cheeseburgers; bread for sausage rolls, hamburgers and cheeseburgers; pizzas, tortillas based on maize flour; sandwiches, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices, ice.

Agent wipo: Sara Lee/DE N.V. Merkenafdeling

Postbus 2

NL-3500 CA Utrecht

The Netherlands

2. This refusal is in respect of all of the goods/services for which protection is sought.
3. The holder may make representations in writing, or may request an extension of time for doing so, not later than **02 August 2006**. A request for an extension of time received after that date may be granted at the discretion of the Controller.
4. If representations or a request for an extension of time are not received by the **specified date**, protection of the mark will be refused.
5. Representations to the Controller or a request for a hearing in relation to this notification of refusal must be accompanied by an address for service within the State as required by Rule 10; failure to furnish such address will result in the holder being deemed to have abandoned his request for protection.
6. If, following the receipt of representations, it is considered that the requirements for protection are met, the mark will be published in the Official Journal and protection of it will be subject to opposition and observations by third parties. A refusal based on opposition or observations received may subsequently be issued.
7. Date of refusal: 3 May 2006

Yours faithfully

Clare Moloney

Clare Moloney

Trade Marks Examiner

Ext.: 4136

Direct Line: (056) 7720136