



For Innovation

World Intellectual Property Organisation (WIPO)
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Trade Marks Registry**

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O/Ref: M876426/TM Inter/RDUNS
Date: 10 May 2006

Please reply by 10 November 2006 quoting our reference.

Dear Sir or Madam,

Intl. Reg. No: 876426 in Classes 29, 30
For the Mark: BISTRO
Holder: Dr. August Oetker Nahrungsmittel KG

**NOTIFICATION OF A PROVISIONAL TOTAL REFUSAL OF PROTECTION
(NOT BASED ON AN OPPOSITION) BY THE UNITED KINGDOM PATENT
OFFICE.**

I have provisionally refused protection of this mark for all goods. My reasons are given in the enclosed Examination Report. The holder can get help with applying for trade marks, view details of the relevant sections of the UK Trade Marks Act 1994, and get copies of all forms on our website at www.patent.gov.uk.

If the holder wants to write to me, I will consider what they have to say and reply to them. However, they must provide a contact address in the European Community, the Isle of Man or the European Economic Area by filling in and returning a Form TM33 (Request to appoint an agent or address for service).

Alternatively, if they do not agree with my decision they may ask for a hearing with one of the Registry's hearing officers, where they can explain their case.

The holder may obtain details of where to get independent professional help and advice from either of the following :

The Institute of Trade Mark Attorneys
www.itma.org.uk

or

The Chartered Institute of Patent Agents
www.cipa.org.uk



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International Registration No: 876426

If they do not reply by the date shown above, I will issue a letter informing you that the designation is finally refused.

Yours faithfully,

Robert Dunscombe
Trade Marks Examiner

International Registration No: 876426

EXAMINATION REPORT

International Registration No. 876426 in Classes 29, 30 has been examined under the UK Trade Marks Act 1994. References to 'section' in this report mean that section of the Act.

Matters arising from Section 5

The earlier marks listed below may be overcome if you can supply the written consent of their owners to use and register this mark. Alternatively, if you have been using the mark in the UK for a long time, normally at least five years, you could send evidence of this, which may enable this mark to proceed on the basis of honest concurrent use.

Class 29- Relative Grounds for Refusal (Section 5)

It is likely that the mark would be confused with the following earlier marks as defined in Section 6 of the Act. These marks are listed below and detailed at the end of this report. The designation is therefore provisionally refused under Section 5(2).

2131807 (29)	2263449 (29)	2293966 (29)
2384591 (29)	M779179 (29)	E1965615 (29)

Class 30- Relative Grounds for Refusal (Section 5)

It is likely that the mark would be confused with the following earlier marks as defined in Section 6 of the Act. These marks are listed below and detailed at the end of this report. The designation is therefore provisionally refused under Section 5(2).

2131807 (30)	2263449 (30)	2293966 (30)
2384591 (30)	M779179 (30)	E1965615 (30)



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At the back of this report you will see details of the above marks which I consider would be confused with the mark applied for. As regards these earlier marks, those headed with:-

"OHIM" indicates a Community Trade Mark.

"Madrid" indicates an International Registration designating the UK.

"Madrid (EU)" indicates an International Registration designating the EU.

All have protection in the UK.

Any without a heading indicate protection only in the UK.

International Registration No: 876426

2131807

(Advertised in journal 6248,11822 - RGSTRD)

2131807 2 May 1997 (29, 30)



Class 29: Prepared meals and snacks.

Class 30: Pizza; garlic bread; filled breads; pies; prepared meals and snacks.

Bistro Express Manufacturing Limited, Tullynamalra, Castleblaney Co. Monaghan, Ireland.

Agent: Field Fisher Waterhouse, 35 Vine Street, London, EC3N 2AA.

2263449

(Advertised in journal 6381,09670 - RGSTRD)

2263449 8 March 2001 (29, 30)



Class 29: Food preparations and prepared meals; prepared meals consisting of meats, meat analogues, myco protein, fish, poultry, fruit and vegetables; all being cooked, preserved, chilled or frozen; sauces for meals; soups.

Class 30: Food preparations and prepared meals including desserts or puddings; pastas, rice and farinaceous foods packaged for meals; sandwiches; pizza; quiches.

Greencore Group plc, UK Centre, Claylands Avenue, Dukeries Industrial Estate, Worksop, Nottinghamshire, S81 7AJ.

Service: Marks & Clerk, Alpha Tower, Suffolk Street Queensway, Birmingham, West Midlands, B1 1TT.

International Registration No: 876426

2293966

(Advertised in journal 6425,06770 - RGSTRD)

2293966 27 February 2002 (29, 30)



The applicant claims the colours red (PMS 186C), black, grey, white and brown as an element of the second mark in the series.

Application for a series of two marks.

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 cheese 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; hamburgers, hotdogs, sausage rolls and cheeseburgers; bread for sausage rolls, hotdogs, hamburgers and cheeseburgers; pizzas, tortillas based on maize-flour; sandwiches; pastry and confectionery; ices; honey; treacle; yeast, baking-powder; salts, mustard; vinegar, sauces (condiments); spices; ice; but not including gravy, gravies, gravy mixes, preparations for making gravy and sauces, sauces (condiments).

Imperial Meat Products NV, Grote Baan 200, Lovendegem B-9920, Belgium.

Agent: Eric Potter Clarkson LLP, Park View House, 58 The Ropewalk, Nottingham, NG1 5DD.

2384591

(Advertised in journal 6581 - RGSTRD)

2384591 16 February 2005 (29, 30)



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 cheese 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; breads; rolls; prepared rolls, hamburgers, hotdogs, sausage rolls and cheeseburgers; bread for sausage rolls, hotdogs, hamburgers and cheeseburgers; pizzas; tortillas based on maize flour; sandwiches; pastry and confectionery; ices; honey; treacle; yeast, baking-powder; salts; mustard; vinegar; spices; ice; but not including gravy, gravies, gravy mixes, preparations for making gravy and sauces, sauces (condiments).

Imperial Meat Products NV, Grote Baan 200, Lovendegem B-9920, Belgium.

Service: Eric Potter Clarkson LLP, Park View House, 58 The Ropewalk, Nottingham, NG1 5DD.

For Innovation

International Registration No: 876426

(Madrid(UK)) M779179

(Advertised in journal 6441,13247 - PRTCTD)

Designation of the UK for IR 779179

M779179 (05, 29, 30)

Office of origin: Benelux

Date of international registration: 15 February 2002

Date of protection in the UK: 15 February 2002



The applicant claims the colours red, blue, brown, orange, black, white and grey as an element of the mark.

International priority date claimed: 31 October 2001 (Benelux).

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; eggs, milk and milk products, edible oils and fats; hamburgers (meat products), meat and cheeses for cheeseburgers; sausages for hotdogs; tortillas based on eggs; but not including gravy, gravies, gravy mixes, preparations for making gravy and sauces.

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; spices, ice; but not including preparations for making gravy.

Imperial Meat Products N.V., Grote Baan 200, Lovendegem, B-9920, Belgium.

Representative: Eric Potter Clarkson, Park View House, 58 The Ropewalk, Nottingham, NG1 5DD, United Kingdom.

(OHIM) E1965615

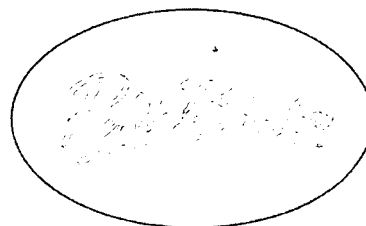
(RGSTRD)

E1965615 (21, 29, 30, 31, 32, 35, 42)

Date Filed: 22 November 2000

Publication Date: 10 March 2003

Registration Date: 27 January 2003



Description of Colours Claimed: Peach and blue

International priority date claimed: 25 July 2000 (United Kingdom).

Class 29: Fish; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats; nuts (prepared); salad dressings; preserves; shellfish for human consumption; soups; potato crisps and chips.

Class 30: Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices and ice creams; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; ice; mayonnaise; pies; hot dogs and hamburgers; sweets (candy); countlines; chewing gum; chocolate; sandwiches.

BP p.l.c., 1 St James's Square, London, SW1Y 4PD, United Kingdom.

Representative: BP GROUP TRADE MARKS, 20 Canada Square, Canary Wharf, London, E14 5NJ, United Kingdom.