

## PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

### PROVISIONAL REFUSAL OF PROTECTION

Notified to the International Bureau of the World Intellectual Property Organisation  
(WIPO) according to Article 5 of the Protocol Relating to the Madrid Agreement  
Concerning the International Registration of Marks

- 1 . Office refusing protection : **Intellectual Property Office of Singapore**
- 2 . International Registration Number : **880864**
- 3 . Name of holder of the International Registration :  
**Hexion Specialty Chemicals GmbH**
- 4 . The grounds for this refusal are indicated in the attached statement(s) of refusal.  
Where the refusal affects more than one class of goods and/or services, there is a separate statement of refusal for each class. Each statement of refusal contains a Singapore trade mark number for the particular class and a Singapore reference number (stated as "Our Ref" in the statement of refusal). The International Registration number, Singapore trade mark number, corresponding class number and Singapore reference number must be quoted in all correspondence with the Intellectual Property Office of Singapore.
- 5 . The relevant provisions of Singapore law are attached.
- 6 . This refusal applies to all the goods in Class(es) 01 of the international registration.
- 7 . The holder of the international registration may request for a review of this refusal.  
The request for review must be received by the Intellectual Property Office of Singapore no later than four (4) months from the date of this refusal.

The request for review must quote the International Registration number, relevant Singapore trade mark number(s), corresponding class number(s) and Singapore reference number(s). It must also be accompanied by an address for service in Singapore filed on Form TM 1. One Form TM 1 may be filed for all classes of goods and services in respect of which the request is made. However, where the request relates to more than one class number, the fee payable for the form will be eight fifty (8.50) Singapore dollars for each class number indicated. Each Form TM 1 must contain the relevant Singapore Trade Mark number(s) and the corresponding class number(s).

The holder may request for an extension of time to respond to the refusal by filing Form TM 49. There is no fee for the filing of this form. However, one Form TM 49 must be filed for every class of goods or services in respect of which the request is made. The International Registration number, relevant Singapore trade mark number, corresponding class number and Singapore reference number must be quoted on each Form TM 49.

Both Form TM 1 and Form TM 49 can be obtained from the web site of the Intellectual Property Office of Singapore at <http://www.ipos.gov.sg/intell/tminfo3.html>.

If the holder does not file a request for review together with the completed Form(s) TM 1 and the relevant fee or does not file the completed Form(s) TM 49 by 22 September 2006, this refusal will become final.

8 . Please note that a further refusal of protection may result from an opposition, which may be filed after the expiry of 18 months from the date on which the Intellectual Property Office of Singapore was notified of the international registration.

This applies to all the goods in Class(es) 01 of the international registration.

9 . Date of refusal : **22 May 2006**

10. This refusal is issued by :



Ho Sok Yin (Miss)  
Assistant Registrar  
for Registrar of Trade Marks  
Singapore

Examiner's direct line : (65) 63302765

# **PROVISIONS OF SINGAPORE LAW**

## **TRADE MARKS ACT (CHAPTER 332)**

### **Section 2(1) Interpretation**

"earlier trade mark" means -

- (a) a registered trade mark or international trade mark (Singapore), the application for registration of which was made earlier than the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks; or
- (b) a trade mark which, at the date of application for registration of the trade mark in question or (where appropriate) of the priority claimed in respect of the application, was entitled to protection under the Paris Convention or the TRIPS Agreement as a well known trade mark,

and includes a trade mark in respect of which an application for registration has been made and which, if registered, would be an earlier trade mark by virtue of paragraph (a) subject to its being so registered.

### **Section 8 Relative grounds for refusal of registration**

(1) A trade mark shall not be registered if it is identical with an earlier trade mark and the goods or services for which the trade mark is sought to be registered are identical with the goods or services for which the earlier trade mark is registered.

(2) A trade mark shall not be registered if because -

- (a) it is identical with an earlier trade mark and is to be registered for goods or services similar to those for which the earlier trade mark is protected; or
- (b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected,

there exists a likelihood of confusion on the part of the public.

## STATEMENT OF REFUSAL

Our Ref : EXS/D2077028/tmhsy

M/S Hexion Specialty Chemicals GmbH  
Gennaer Str. 2-4, 58642  
Iserlohn-Letmathe, Germany.

Dear Sirs

**Singapore Trade Mark No T06/08438C in Class 01**  
**International Registration No 880864**  
**Hexion Specialty Chemicals GmbH**

We refer to the above.

2 The mark is objectionable under section 8 of the Trade Marks Act (Cap. 332, 1999 Ed.) as it is in conflict with the following trade mark(s):

Trade Mark No	International Reg No	Class	Mark Status	Trade Mark
=====	=====	=====	=====	=====
T81/02286A		01	REG	

**BAKELITE**

Ho Sok Yin (Miss)  
Assistant Registrar  
for Registrar of Trade Marks  
Singapore  
( Tel: 63302765 )

( This is a computer generated report/letter. No signature is required )

TRADEMARK SYSTEM  
EQSR6102A/1  
SVCS NO : 000000

Mark Listing 2 (Basic Details)

22/05/2006 16:54:31  
PAGE : 1  
RPT NO : 269106/001

Workstation ID : RTMP183  
Type of Service : operator assisted report

NRIC/Passport No :  
Visitor Name :

Company/Agent Code :  
Company/Agent Name :

Report Description : Mark Detailed Information

Number of Pages in Report : 0003  
Number of Pages Deleted : 0000  
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Date & Time Report Is Created : 22/05/2006 16:54:31  
Date & Time Report Is Printed : 22/05/2006 16:55:36

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Search Criteria/Print Range Specification:

T8102286A

TRADEMARK SYSTEM  
EQSR6102A/1  
SVCS NO : 000000

Mark Listing 2 (Basic Details)

22/05/2006 16:54:31  
PAGE : 2  
RPT NO : 269106/001

National

S/No : 1  
IR No :  
Date of IR :  
Date of Notification of IR :  
Date of SD :  
Date of Notification of SD :  
Date of Completion of  
Registration Procedure :  
  
TM No : T81/02286A  
Application Type : Trade Mark  
Class : 01  
Part : A  
Converted Application : N  
Application Date : 26/05/1981  
Mark Lodged in Colour : N  
Mark Status : Registered  
Mark Status Date : 26/05/1981  
Publication Status : Published  
Publication Date : 15/04/1983  
Opposition Status :  
Revocation Status :  
Invalidation Status :  
Cert Despatched Date : 11/04/1984  
Expire Date : 26/05/2012  
3-dimensional shape :  
Aspect of packaging :  
Colour(s) as a trade mark :  
Other Non-conventional Mark :

**BAKELITE**

Description of Particular Feature(s) of Mark

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Nil.

Priority Details

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Nil.

Replacement Application under Madrid Protocol

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Nil.

Transformation Application under Madrid Protocol

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Nil.

MARK INDEX

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Words In Mark : BAKELITE  
Device Description :  
Phonetic Equivalent :  
Translation :  
Transliteration :

SPECIFICATION OF GOODS AND SERVICES

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Artificial and synthetic resins; plastics in the form of powders, liquids or pastes, for industrial use; adhesive substances used in industry.

TRADEMARK SYSTEM  
EQSR6102A/1 Mark Listing 2 (Basic Details)  
SVCS NO : 000000

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RPT NO : 269106/001

APPLICANT/PROPRIETOR DETAILS

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Code : C0159336H  
Company : BAKELITE AG  
Constitution : A JOINT STOCK COMPANY  
Country : FEDERAL REPUBLIC OF GERMANY  
State :  
  
Address : Gennaer Strasse 2-4, D-58642 Iserlohn-Letmathe

MARK CLAUSES

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(01) To be associated with No.2287/81.

AGENT/ADDRESS FOR SERVICE

S/No	Agent/AFS Name/Address	Action Representing
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01	DREW AND NAPIER LLC P.O. Box 152 ROBINSON ROAD POST OFFICE Singapore 900302	Application & registration
02	DREW AND NAPIER LLC P.O. Box 152 ROBINSON ROAD POST OFFICE Singapore 900302	Renewals

CORRECTION RECORDS

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Nil.