



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: 24 November 2006
(By registered Mail)

International Registration No: 0802209

Mark: eset

Holder: ESET, s.r.o. of Slovakia

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 Community Trade Mark No: 001606664

Mark: ECET

Proprietor: ECET International Ltd.
10 Bristol Road
The Metropolitan Centre
Greenford
Middlesex UB6 8UW
United Kingdom

Date of Application: 12/04/2000
Date of Registration: 23/02/2004

Class 09: Computer software; computer software development tools; computer programs and computer databases; computer software for application in the field of network and system management as well as for the development of further software; computer software for entering and retrieving information into and from the Internet and the world wide web; computer programs for using the Internet and world wide web; computer software for access to Internet systems and for the use of said systems; computer software operating systems; graphic user interface routines, graphic user interfaces for computer circuits; data stored on data carriers and computer software encoders and decoders for electronic, magnetic and optical memorisation data; data protection apparatus; computer programs and operating systems stored on machine-readable data carriers; data carriers of all kinds with machine-readable computer programs; portable computer systems comprising operating system, network software and utility programs; operating and user instructions stored in digital form for computers and computer software; sales units of computer programs; parts and fittings for the aforesaid; on-line electronic publications (downloadable); interactive entertainment.

Class 35: Advertising and promotion services; business management; business development; business administration; marketing and business research; office functions; marketing; advertising and promotional services and information services relating to business management, business development, business administration; business information services; business services provided on-line from a computer database or the Internet; compilation of advertisements for use as web pages on the Internet; consultancy, advisory and information services for retail outlets carried out via a global computer network, on-line from a computer database or the Internet; consultancy, advisory and information services related to business management, providing start-up activities for businesses of others; business consultation services; business marketing consultation services; operation of customer loyalty and reward schemes.

Class 36: Banking and financial services available via the Internet and the world wide web; customer inducements for viewing advertising, in the form of credits and payments; organisation, operation and supervision of customer award and reward schemes.

Class 38: Electronic data transmission over a global remote data processing network or the Internet; on-line services relating to electronic data transmission, provision of access to data and communications networks, electronic mail services and telecommunications including on-line services relating to ancillary computer software; electronic transmission of computer programs via the Internet; provision of access to data networks, in particular to

the Internet, to Internet forums, to the world wide web and to server services; electronic mail services; telecommunications; collection and delivery of messages by electronic mail; telephone services; communication by telephone; telecommunication services.

Class 41: Education and entertainment; information relating to education, provided on-line from a computer database or the Internet; providing on-line electronic publications (not downloadable); publication of electronic books and journals on-line; providing of video conferences on-line to a global computer network.

Class 42: Consultancy; new product and service development services; graphic design; graphic design for the compilation of web pages on the Internet; creating and maintaining web sites; hosting the web sites of others; installation and maintenance of computer software; leasing access time to a computer database; computer software design for others and computer consultation services; information provided on-line from a computer database or from the Internet relating to the foregoing services.

Pending Community Trade Mark Application No: 004848628

Mark: E.set

Applicant: Enerdis (Société par actions simplifiée)
1-9 rue d'Arcueil
92120 Montrouge
France

Date of Application: 13/01/2006

Class 09: Apparatus and instruments for the supply, distribution, transformation, accumulation, regulation or control of electric current.

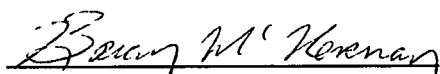
Class 42: Design, installation and maintenance of computer software.

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 **23 February 2007**. A request for an extension of time received after that date may be granted at the discretion of the Controller.
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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.

Date of refusal: **24 November 2006**

Yours faithfully



Brian McKernan
Trade Marks Examiner

Direct Line: (00 353 56) 7720140
