



For Innovation

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**O/Ref:** M901422/TM Inter/RDUNS  
**Date:** 5 January 2007

**Please reply by 5 July 2007 quoting our reference.**

Dear Sir or Madam,

**Intl. Reg. No:** 901422 in Classes 09, 14, 18, 24, 25, 35  
**For the Mark:** BERTONI  
**Holder:** Bertoni A/S

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

I have provisionally refused protection of this mark for some 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](http://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](http://www.itma.org.uk)

or

The Chartered Institute of Patent Agents  
[www.cipa.org.uk](http://www.cipa.org.uk)



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**International Registration No: 901422**

If they do not reply by the date shown above I will publish it in the Trade Marks Journal, but only for:

**Classes 9, 18 & 35 specifications as filed.**

The provisional refusal of all other goods will then become final.

Yours faithfully,

Robert Dunscombe  
**Trade Marks Examiner**

**International Registration No: 901422**

## **EXAMINATION REPORT**

International Registration No. 901422 in Classes 09, 14, 18, 24, 25, 35 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 14- Relative Grounds for Refusal (Section 5)**

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

E992115 (14)

#### **Class 24- Relative Grounds for Refusal (Section 5)**

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

E4460192 (24)

#### **Class 25- Relative Grounds for Refusal (Section 5)**

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

E4460192 (25)

**International Registration No: 901422**

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: 901422**

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**(OHIM) E992115**  
(RGSTRD)

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**E992115** (11, 12, 14, 42)  
Date Filed: 17 November 1998  
Publication Date: 2 May 2000  
Registration Date: 3 March 2000



**Class 14:** Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.

**BERTONE S.p.A.**, Corso Peschiera, 223, Torino, 10141, Italy.

**Representative:** JACOBACCI & PARTNERS S.P.A., Corso Emilia, 8, Torino, 10152, Italy.

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**(OHIM) E4460192**  
(PENDING)

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**E4460192** (03, 24, 25)  
Date Filed: 24 May 2005

**BERTONE**

**Class 24:** Textiles and textile goods, not included in other classes; bed and table covers.

**Class 25:** Clothing, footwear, headgear.

**Dr. Alfred Schuh GmbH-Bekleidung-**, Helmershauser Str. 12, Altenstadt, 63624, Germany.

**Representative:** WALTHER, WALTHER & HINZ, Heimradstr. 2, Kassel, 34130, Germany.