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WORLD INTELLECTUAL PROPERTY ORGANISATION
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PO BOX 18
1211 GENEVA 20
SWITZERLAND

Date of Notification: 10 January 2007
(By registered Mail)

International Registration No: 0901422
Mark: BERTONI
Holder: Bertoni A/S of Denmark

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:000992115

Mark:b BERTONE

Proprietor: BERTONE S.p.A.

Corso Peschiera, 223

10141 Torino () 10141

Italy

Date of Application:17/11/1998

Date of Registration:03/03/2000

Priority date:

Class 11 :Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

Class 12 :Vehicles; apparatus for locomotion by land, air or water.

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.

Class 42 :Design of vehicles and industrial vehicles, construction of the associated finishing and occupant comfort models and dummies in plaster, wood, epowood and other materials, design of bodywork for motor vehicles and industrial vehicles, research into methods of rough, finishing and mechanical pressing, design of assembly and rough, finishing and mechanical pressing equipment, methods of testing production and external supplies, design of welding equipment, design of machines and equipment to remove swarf, servicing and spare parts tables, manufacture of production control and supplier acceptance gauges, manufacture of various rough and finished components, fitting of partial and complete specific components to prototypes, assembly of pre-production vehicles; research, design, planning and consultancy in the specification of any consumer or durable goods, industrial equipment or production methods.

Pending Community Trade Mark Application No:004460192

Mark:BERTONE

Applicants: Dr. Alfred Schuh GmbH-Bekleidung-

Helmershäuser Str. 12

63624 Altenstadt () 63624

Germany

Dr. Alfred Schuh Mode GmbH

Helmershäuser Str. 12

63674 Altenstadt () 63674

Germany

Date of Application:24/05/2005

Priority date:

Class 3 :Perfume, cosmetics.

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

Class 25 :Clothing, footwear, headgear.

2. This refusal is in respect of the following goods for which protection is sought:
Classes 14, 18, 24 and 25 as listed.
3. The holder may make representations in writing, or may request an extension of time for doing so, not later than **09 April 2007**. 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 in respect of the goods/services listed in paragraph 2.
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. In the absence of any representations, the mark will be published in the Official Journal in respect of the remaining goods/services, i.e. other than those listed in paragraph 2, 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.
8. Date of refusal: 10 January, 2007

Yours faithfully



Sheila Drennan

Trade Marks Examiner

Ext.: 4174

Direct Line: (056) 7720174