

**TURKISH PATENT INSTITUTE
TRADEMARKS DEPARTMENT**



2007-O-296211
12/09/2007

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

**Notification of a refusal of protection not based on an opposition pursuant to Rule
17(2) of the Common Regulations.**

Our reference: 2007/03943 HK

I- Name and address of the Office making the notification:

**TURKISH PATENT INSTITUTE
Trademarks Department
Hipodrom Caddesi No: 115
06330 Yenimahalle ANKARA
TURKEY**

Telephone: +90 312 3031000

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II- The international registration which is the subject of the refusal:

744686

III- Name and address of the holder of the international registration which is the subject of the refusal:

"WOLF OIL CORPORATION" NAAMLOZE VENNOOTSCHAP

**IV- Provisions of the Decree-Law No:556 pertaining to the Protection of Trademarks:7/1(b)
(The relevant provisions of the Turkish Trademarks Act are enclosed.)**

V- Grounds for provisional refusal:

**7/1(b) Trademarks identical or confusingly similar with a trademark registered earlier or with an
earlier filing date for registration in respect of an identical or same type of product or services.**

National registration/application number(s) ;

2000 04412 champion(Int. Reg. No : 663302)

VI- Provisional refusal for all of goods and services

VII- GENERAL INFORMATION:

Appeals may be lodged against the refusals of the Institute.

The holder of the international registration may lodge an appeal against this provisional refusal. The appeal has to be lodged through the intermediary of a representative who must be registered as a trademark agent at TPI and who is domiciled in Turkey. The appeal must be received by the Turkish Patent Institute no later than 2 months after the notification date of this provisional refusal by WIPO to the applicant or his representative. If no appeal is received within this time limit, the designation will be considered as refusal of protection in Turkey in accordance with this provisional refusal.

If the designation is accepted subsequent to an appeal, the designation will be published in Turkish Official Trademark Bulletin. This allows -3 months from the date of publication – a party to file an opposition, which means that the designation may be the subject of a further refusal.

VIII- Notification Date of Refusal (ddmmyyyy):

16 -10- 2007

IV- Signature by the Office:

**TURKISH PATENT INSTITUTE
TRADEMARKS DEPARTMENT**


Hakan Kızıltepe
Trademark Examiner

Number of continuation sheets: 6



(151) 30.10.1996

663302

(180) 30.10.2016

(171) 10

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(811) FR

(740) NOVAGRAAF FRANCE

122, rue Edouard Vaillant

F-92593 LEVALLOIS-PERRET CEDEX (FR)

(540)

(531) 26.07; 27.05

(511) 01 Produits chimiques destinés à l'industrie, aux sciences, à la photographie, ainsi qu'à l'agriculture, l'horticulture et la sylviculture; résines artificielles à l'état brut, matières plastiques à l'état brut; engrais pour les terres; compositions extinctrices; préparations pour la trempe et la soudure des métaux; produits chimiques destinés à conserver les aliments; matières tannantes; adhésifs (matières collantes) destinés à l'industrie.

Chemicals used in industry, science, photography as well as in agriculture, horticulture and sylviculture; unprocessed artificial resins, unprocessed plastics; soil fertilizers; fire-extinguishing compositions; metal tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

02 Couleurs, vernis (à l'exception des isolants), laques (peintures); préservatifs contre la rouille et contre la détérioration du bois; matières tinctoriales; mordants (ni pour métaux, ni pour semences); résines naturelles à l'état brut; métaux en feuilles et en poudre pour peintres, décorateurs, imprimeurs et artistes.

Paints, varnishes (excluding insulants), lacquers (paints); preservatives against rust and deterioration of wood; dyestuffs; mordants (neither for metals, nor for seed dressing); unprocessed natural resins; metals in leaf and powder form for painters, decorators, printers and artists.

03 Préparations pour blanchir et autres substances pour lessiver; préparations pour nettoyer, polir, dégraisser et abraser; savons; produits de parfumerie, huiles essentielles, cosmétiques, lotions pour les cheveux; dentifrices.

Bleaching preparations and other substances for laundry use; cleaning, polishing, grease removing and abrasive preparations; soaps; perfumeries, essential oils, cosmetic products, hair lotions; dentifrices.

04 Huiles et graisses industrielles; lubrifiants; produits pour absorber, arroser et lier la poussière; combustibles (y compris les essences pour moteurs) et matières éclairantes; bougies et mèches (éclairage).

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuel (including motor gasoline) and lighting materials; candles and wicks (lighting).

05 Produits pharmaceutiques, vétérinaires; produits hygiéniques pour la

- médecine et l'hygiène intime; substances diététiques à usage médical, aliments pour bébés; emplâtres, matériel pour pansements (à l'exception des instruments), matières pour plomber les dents et pour empreintes dentaires; désinfectants; produits pour la destruction des animaux nuisibles; fongicides, herbicides.
Pharmaceutical and veterinary products; sanitary products for medical use and for personal hygiene; dietetic substances for medical use, food for infants; plasters, materials for dressings (except for instruments), material for stopping teeth and dental wax; disinfectants; pesticides; fungicides, herbicides.
- 06 Métaux communs et leurs alliages; matériaux de construction métalliques; constructions transportables métalliques; matériaux métalliques pour les voies ferrées; câbles et fils métalliques non électriques; serrurerie métallique non électrique; quincaillerie métallique; tuyaux métalliques; coffres-forts; minerais.
Base metals and alloys thereof; metallic construction materials; transportable metal constructions; metal material for railway tracks; non-electrical metal cables and wires; non-electrical locksmithing articles; metal hardware; metal pipes; safes; ores.
- 07 Machines-outils; moteurs (à l'exception des moteurs pour véhicules terrestres); accouplements (non électriques) et organes de transmission (à l'exception de ceux pour véhicules terrestres); instruments agricoles autres que ceux entraînés manuellement; couveuses pour les oeufs.
Machine tools; motors and engines (except for land vehicles); non-electrical couplings and and transmission devices (excluding those used for land vehicles); agricultural instruments other than those manually-operated; egg incubators.
- 08 Outils et instruments à main entraînés manuellement; coutellerie non électrique, fourchettes; cuillers (couverts); armes blanches; rasoirs.
Hand-operated tools and implements; non-electric cutlery, forks; spoons; edged weapons; razors.
- 09 Appareils et instruments scientifiques (autres qu'à usage médical), nautiques, géodésiques, photographiques, cinématographiques, optiques, de pesage, de mesurage, de signalisation, de contrôle (inspection), de secours (sauvetage) et d'enseignement; appareils pour l'enregistrement, la transmission, la reproduction du son ou des images; supports d'enregistrement magnétiques, disques acoustiques; distributeurs automatiques et mécaniques pour appareils à prépaiement; caisses enregistreuses, machines à calculer; appareil pour le traitement de l'information; ordinateurs; extincteurs.
Scientific (other than medical), nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmitting and reproducing sound or images; magnetic recording media, phonograph records; vending machines and mechanisms for coin operated machines; cash registers, calculators; data processing appliances; computers; fire-extinguishers.
- 11 Appareils d'éclairage, de chauffage, de production de vapeur, de cuisson, de réfrigération, de séchage, de ventilation, de distribution d'eau et installations sanitaires.
Appliances for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary installations.
- 12 Véhicules; appareils de locomotion par terre, par air ou par eau.

- Vehicles; apparatus for locomotion by land, air or water.*
- 16 Papier et carton (brut, mi-ouvré ou pour la papeterie ou l'imprimerie); produits de l'imprimerie; articles pour reliures; papeterie; adhésifs (matières collantes pour la papeterie ou le ménage); matériel pour les artistes; pinceaux; machines à écrire et articles de bureau (à l'exception des meubles); matériel d'instruction ou d'enseignement (à l'exception des appareils); cartes à jouer; caractères d'imprimerie; clichés.
Paper and cardboard (unprocessed, semi-processed, for stationery or for printing purposes); printed matter; bookbinding material; paper stationery; adhesives for stationery or household purposes; artists' supplies; paintbrushes; typewriters and office requisites (excluding furniture); instructional or teaching material (excluding apparatus); playing cards; printer's type; printing blocks.
- 18 Cuir et imitations du cuir; peaux d'animaux; malles et valises; parapluies, parasols et cannes; fouets et sellerie.
Leather and imitation leather; animal skins and hides; trunks and suitcases; umbrellas, parasols and walking sticks; whips and saddlery.
- 20 Meubles, glaces (miroirs), cadres.
Furniture, mirrors, frames.
- 21 Ustensiles et récipients non électriques pour le ménage ou la cuisine (ni en métaux précieux, ni en plaqué); peignes et éponges; brosses (à l'exception des pinceaux); matériaux pour la broserie; matériel de nettoyage; paille de fer; verre brut ou mi-ouvré (à l'exception du verre de construction); vaisselle en verre; porcelaine ou faïence.
Non-electrical utensils and containers for household or cooking use (not made of or plated with precious metals); combs and sponges; brushes (except paintbrushes); brushware materials; cleaning equipment; steelwool; unworked or semi-worked glass (except building glass); plates and dishes made of chinaware, earthenware or ceramics.
- 22 Cordes (ni en caoutchouc, ni de raquettes, ni d'instruments de musique), ficelles, filets de pêche, filets de camouflage, tentes, bâches (ni de sauvetage, ni de voitures d'enfants); voiles (gréement), sacs (non compris dans d'autres classes); matières de rembourrage (à l'exception du caoutchouc ou des matières plastiques); matières textiles fibreuses brutes.
Ropes (neither made of rubber, nor intended as strings for rackets or musical instruments), strings, fishing nets, camouflage nets, tents, tarpaulins (neither as safety tarpaulins, nor as pushchair covers); sails (rig), bags (not included in other classes); padding and stuffing materials (except rubber or plastics); raw fibrous textile materials.
- 23 Fils à usage textile.
Yarns and threads for textile purposes.
- 24 Tissus à usage textile; couvertures de lit et de table.
Fabrics for textile use; bed and table covers.
- 25 Vêtements (habillement), chaussures (à l'exception des chaussures orthopédiques), chapellerie.
Clothing, footwear (excluding orthopaedic footwear), headgear.
- 26 Dentelles et broderies, rubans et lacets; boutons, crochets et oeilletons, épingles et aiguilles; fleurs artificielles.
Lace and embroidery, ribbons and braids; buttons, hooks and eyelets, pins and needles; artificial flowers.
- 27 Tapis, paillassons, nattes, linoléum et autres revêtements de sols (à l'exception des carrelages et des peintures); tentures murales non en

- matières textiles.
Rugs, door mats, mats, linoleum and other floor coverings (excluding floor tiling and paint); nontextile wall hangings.
- 28 Jeux, jouets; articles de gymnastique et de sport (à l'exception des vêtements, chaussures et tapis); décorations pour arbres de Noël.
Games, toys; gymnastics and sports articles (except clothing, footwear and mats); Christmas tree decorations.
- 29 Viande, poisson, volaille et gibier; extraits de viande; fruits et légumes conservés, séchés et cuits; gelées, confitures, compotes; oeufs, lait et produits laitiers; huiles et graisses comestibles.
Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats.
- 30 Café, thé, cacao, sucre, riz, tapioca, sagou, succédanés du café; farine et préparations faites de céréales, pain, pâtisserie et confiserie, glaces comestibles; miel, sirop de mélasse; levure, poudre pour faire lever; sel, moutarde; vinaigre, sauces (condiments); épices; glace à rafraîchir.
Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour and preparations made from cereals, bread, pastry and confectionery, edible ice; honey, molasses; yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; cooling ice.
- 31 Produits agricoles, horticoles, forestiers (ni préparés, ni transformés); graines (semences); animaux vivants; fruits et légumes frais; plantes et fleurs naturelles; aliments pour les animaux, malt.
Agricultural, horticultural and forestry products (neither prepared, nor transformed); grains (seeds); live animals; fresh fruit and vegetables; natural plants and flowers; animal feed, malt.
- 32 Bières; eaux minérales et gazeuses; boissons non alcooliques et préparations pour faire des boissons (à l'exception de celles à base de café, de thé ou de cacao et des boissons lactées); boissons de fruits et jus de fruits; sirops.
Beers; mineral and sparkling waters; non-alcoholic beverages and preparations for making beverages (except those based on coffee, tea or cocoa and milk drinks); fruit drinks and fruit juices; syrups.
- 33 Boissons alcooliques (à l'exception des bières).
Alcoholic beverages (excluding beer).
- 35 Publicité; gestion des affaires commerciales; administration commerciale; travaux de bureau; distribution de prospectus, d'échantillons; services d'abonnement de journaux pour des tiers; conseils, informations ou renseignements d'affaires; comptabilité; reproduction de documents; bureaux de placement; gestion de fichiers informatiques; organisation d'expositions à buts commerciaux ou de publicité.
Advertising; business management; commercial administration; office tasks; prospectus and sample distribution; newspaper subscription services for third parties; business advice or information; accounting; document reproduction; employment agencies; computer file management; organisation of exhibitions for commercial or advertising purposes.
- 36 Assurances; affaires financières; affaires monétaires; affaires immobilières; caisses de prévoyance; loteries; émission de chèques de voyage et de lettres de crédit; expertise immobilière; gérance d'immeubles.
Insurance; financial operations; monetary operations; real estate operations; savings banks; lotteries; issuance of traveller's cheques and letters of credit; real estate valuation; apartment house management.

41 Education; formation; divertissement; activités sportives et culturelles; édition de livres, de revues; prêts de livres; dressage d'animaux; production de spectacles, de films; agences pour artistes; location de films, d'enregistrements phonographiques, d'appareils de projection de cinéma et accessoires, de décors de théâtre; organisation de concours en matière d'éducation ou de divertissement; organisation d'expositions à buts culturels ou éducatifs; réservation de places pour les spectacles.

Education; training; entertainment; sports and cultural activities; book and review publishing; book loaning; animal training; show and film production; performing arts' agencies; rental of films, sound recordings, cinematographic projection apparatus and accessories and theatre stage sets; arranging of competitions in the field of education or entertainment; organisation of exhibitions for cultural or educational purposes; booking of seats for shows.

42 Restauration (alimentation); hébergement temporaire; soins médicaux, d'hygiène et de beauté; service vétérinaire et d'agriculture; services juridiques; recherche scientifique et industrielle; programmation pour ordinateurs; maisons de repos et de convalescence; pouponnières; agences matrimoniales; pompes funèbres; travaux d'ingénieurs; consultations professionnelles et établissements de plans sans rapport avec la conduite des affaires; travaux du génie (pas pour la construction); prospection; essais de matériaux; laboratoires; location de matériel pour exploitation agricole, de vêtements, de literie, d'appareils distributeurs; imprimerie; location de temps d'accès à un centre serveur de bases de données; services de reporters; filmage sur bandes vidéo; gestion de lieux d'expositions.

Providing of food and drink in restaurants; temporary accommodation; medical, hygienic and beauty care; veterinary and agricultural services; legal services; scientific and industrial research; computer programming; rest and convalescent homes; day-nurseries; marriage bureaux; funeral director's services; expertise activities; professional consultancy and drawing up of plans unrelated to business dealings; engineering works (not for building purposes); prospecting; materials testing; laboratory services; farming equipment rental, clothing, bedding rental, vending machines; printing services; rental of access time to a database; reporter services; video tape filming; exhibition site management.

(822) FR, 02.05.1996, 96 623 940

(300) FR, 02.05.1996, 96/623 940

(831) AL, AM, AT, AZ, BA, BG, BY, CH, CN, CU, CZ, DE, DZ, EG, ES, HR, HU, IT, KE, KG, KP, KZ, LI, LR, LV, MA, MC, MD, MK, MN, MZ, PL, PT, RO, RS, RU, SD, SI, SK, SL, SM, SZ, TJ, UA, UZ, VN

(832) DK, EE, FI, GB, GE, IS, LT, NO, SE, TM, TR

(527) GB

RELEVANT SECTIONS OF THE
DECREE-LAW NO.556 PERTAINING TO
THE PROTECTION OF TRADEMARKS

SECTION TWO

Signs of Which a Trademark May Consist and Means Whereby a Trademark is Obtained

Signs of Which a Trademark May Consist

Article 5 - A trademark, provided that it is capable of distinguishing the goods and services of one undertaking from the goods and services of other undertakings, may consist of all kinds of signs being represented graphically such as words, including personal names, designs, letters, numerals, shape of the goods or their packaging and by similar descriptive means capable of being published and reproduced by printing.

Trademark may be registered along with the product or its packaging. However, the registration of the product or the packaging does not grant exclusive rights. Such components which do not grant exclusive rights shall be indicated on the registration certificate clearly.

Absolute Grounds for Refusal for Registry of a Trademark

Article 7 - Following signs shall not be registered as a trademark:

- a) signs which do not conform with the provisions of Article 5,
- b) trademarks identical or confusingly similar with a trademark registered earlier or with an earlier filing date for registration in respect of an identical or same type of product or services,
- c) trademarks which consist exclusively of signs or indications which serve in trade to indicate the kind, characteristics, quality, intended purpose, value, geographical origin, or designate the time of production of the goods or of rendering of the service or other characteristics of goods or services,
- d) trademarks which consist exclusively of signs and names used to distinguish specific groups of craftsmen, professionals or tradesmen or have become customary in the current and established practices of the trade,
- e) signs containing the shape of the product which results from the nature of the good, which is necessary to obtain a technical result or which gives substantial value to the good,
- f) trademarks which are of such a nature as to deceive the public, such as to the nature, quality, place of production or geographical origin of the goods and services,
- g) trademarks which have not been authorized by the competent authorities and are to be refused pursuant to Article 6ter of the Paris Convention,
- h) trademarks containing badges, emblems or escutcheons other than those covered by Article 6ter of the Paris Convention which have not been authorized by the competent authorities and are of particular historical and cultural public interest,
- i) well known marks according to 6bis of the Paris Convention, use of which are not permitted by their owners,
- j) trademarks which contain religious symbols,
- k) trademarks which are contrary to public policy and to accepted principles of morality.

The provisions of (a), (c) and (d) can not be invoked to refuse the registration of a trademark which has been used before the registration and has acquired through this usage distinctive character in respect of the goods and services for which it is to be registered.

PART SIX

Appeals Against the Decisions of the Institute

Appeals

Article 47 - Appeals may be placed against the decisions of the Institute.

Where an appeal is made for an interim decision, a separate appeal shall be allowed upon decision becoming final.

Persons Entitled to Appeal

Article 48 - Any party adversely affected by a decision of the Institute may appeal. Others party to the procedures with respect to the decisions shall have natural right of appeal.

Form of Appeal

Article 49 - Notice of appeal must be filed in writing at the Institute within two months after the date of notification of the decision. The fee for appeal has to be paid when filing of the notice for the appeal to be examined. The grounds for appeal must be filed in a written statement within two months of the notification of the decision. Where the statement of grounds for appeal has not been submitted within this period the appeal shall be deemed not to have been filed.

Rectifying a Decision

Article 50 - The related department of the Institute upon deciding that the appeal is true and right may rectify its decision. This shall not apply where the appellant is opposed by another party to the proceedings.

If the appeal is not found acceptable by the related department, the appeal shall be forwarded to the Re-examination and Evaluation Board by the department without comment as to its merits.

Examination of Appeals

Article 51 - The Re-examination and Evaluation Board shall consider the appeal if the appeal is admissible.

The Re-examination and Evaluation Board shall invite the parties to submit their observations within the period prescribed by the Implementing Regulation, on the observations of the other parties or those of itself.

Decision in Respect of Appeal

Article 52 - After the examination, the Re-examination and Evaluation Board shall deliver its decision.

PART NINE

Persons Authorized to Act and Trademark Agents

Persons Authorized to Act

Article 59 - The following are authorised to act before the Institute with respect to trademarks:

a) natural or legal persons who have filed the application. Legal persons may only be represented by those duly empowered by their respective authorised bodies.

b) trademark agents.

Those who are domiciled outside the country can only be represented by trademark agents.

Where an agent has been appointed, all procedures are executed through the agent. All notices made to the agent shall be considered to have been made to the assignee.