

World Intellectual Property Organisation (WIPO)
International Bureau
34, chemin des Colombettes
1211 Geneva 20
Switzerland

Concept House

Cardiff Road, Newport
South Wales, NP10 8QQ
United Kingdom

Switchboard: +44(0)1633 814000
Minicom: 08459 222250
DX: 722542 Cleppa Park 3

Website: www.ipo.gov.uk

Tel: +44(0)1633 811164
Fax: +44(0)1633 817777
Email: sam.congreve@ipo.gov.uk
O/Ref: M951413/Team B/SCONG
Y/Ref: International Registration Number 951413
Date: 14 April 2008

Please reply by 14 June 2008 quoting our reference.

Dear Sir,

Intl. Reg. No: M951413 in Class 33
For the Mark: PRIME
Holder: Tovaristvo z obmegenou vidpovidalnistyu "Likero-gorilchaniy zavod
"Prime"

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

I have provisionally refused protection of this mark for all goods/services. My reasons are given in the enclosed Examination Report.

I have examined the designation and carried out a search of earlier national trade marks and Community and International trade marks which cover the UK.

The designation does not appear to meet the requirements for registration, for the reasons given in the enclosed Examination Report. The holder may provide further information in support of the application, or contact me to discuss it.

The holder has the right to request a hearing before a senior officer of the Registry to argue their case in relation to the objection raised under Section 3. A hearing can take place in person or over the telephone. If they would like a hearing, they should let me know as soon as possible.

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

International Registration No: 951413

(Request to appoint an agent or address for service).

The holder may obtain details of where to get independent professional help and advice from any of the following :

The Institute of Trade Mark Attorneys	www.itma.org.uk
The Chartered Institute of Patent Agents	www.cipa.org.uk
The Law Society	www.lawsociety.org.uk

If the holder overcomes the objection raised under Section 3, they will wish to also be aware of the following information regarding earlier marks

INFORMATION REGARDING EARLIER MARKS

The holder will see from my report that I have identified earlier marks that they should be aware of because they appear to be similar to the holder's mark and to cover goods or services that are the same as, or similar to, goods/services listed in this designation.

It is now up to the holder to decide whether or not they wish their designation to proceed as it stands notwithstanding these earlier marks. However, if they decide to proceed in this way, I am obliged to notify the holders of the earlier marks accordingly. Notifications go automatically to the holders of marks protected specifically in the UK and also to those holders of marks protected at EU level who have asked to receive such notifications.

If the holder proceeds, this designation will be published in the Trade Marks Journal to provide any third party with the opportunity to lodge an opposition. The holder should also know that if an opposition were to be successful, this would be likely to result in a costs award against the holder, which if the holder contests the opposition could be as much as several thousand pounds.

If the holder disagrees that the marks I have identified are confusingly similar, or they wish to delete some of their goods or services to try and avoid any notifications being sent, they should contact me and I will consider their comments. I should point out, however, that I can only allow them one opportunity to write to me. If they want to telephone me first to discuss these issues before they reply in writing, they should feel free to do so. After I have considered any written comments or amendments that they make, I will reply to them with my decision as to who, if anyone, should be notified about this designation and that decision will be final and not open to appeal.

The holder should be aware that even if I am persuaded not to send notifications to the earlier mark holders, they or anyone else may still successfully oppose the designation.

If the holder does not reply by the date shown above, I will issue a letter informing you that the designation is finally refused.

International Registration No: 951413

Yours faithfully,



Sam Congreve
Trade Marks Examiner

International Registration No: 951413

EXAMINATION REPORT

International Registration No. 951413 in Class 33 has been examined under the UK Trade Marks Act 1994. References to 'section' in this report mean that section of the Act.

Absolute Grounds for Refusal (Section 3)

The designation is provisionally refused under Section 3(1)(b) and (c) of the Act. This is because the mark consists exclusively of the word PRIME, being a sign which may serve in trade, to designate the quality of the goods e.g. alcoholic beverages of the finest quality. The word would not be seen as a trade when used in connection with the goods, nor would the average consumer perceive the goods as a badge of sole trade origin.

Class 33- Information regarding earlier rights and Specification

Based solely on a comparison of the marks and goods/services, I consider the earlier mark(s) listed to be confusingly similar to your trade mark. It is now up to you to decide whether or not you wish your application to proceed as it stands. However, if you decide to proceed in this way, I am obliged to notify the earlier mark(s) accordingly. Notifications go automatically to the holders of marks protected specifically in the UK and also to those holders of marks protected at EU level who have asked to receive such notifications.

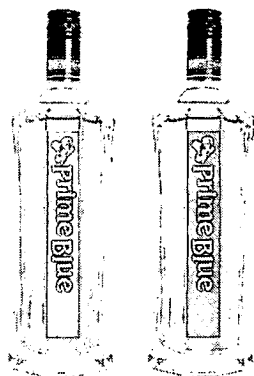
2408920A (33)	2408920B (33)	E29611 (33)
E416735 (33)	E598367 (32, 33)	E598375 (32, 33)
E1483668 (33)	E4794368 (33)	E5948641 (33)

International Registration No: 951413

2408920A

(Advertised in journal 6630 - RGSTRD)

2408920A 13 December 2005 (33)



Application for a series of two marks.

Whisky.

Morrison Bowmore Distillers Limited, Springburn Bond,
Carlisle Street, Glasgow, G21 1EQ.

Service: Murgitroyd & Company, Scotland House, 165-169
Scotland Street, Glasgow, G5 8PL.

(OHIM) E29611

(RGSTRD)

E29611 (33)

Date Filed: 1 April 1996

Publication Date: 1 March 1999

Registration Date: 25 November 1998

PRIME UVE

Wines, spirits, liquors, grappas and distillates of grapes.

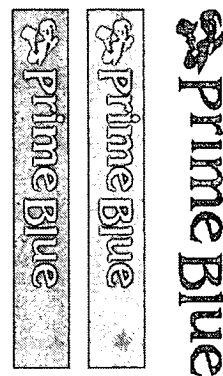
DISTILLERIA BONAVENTURA MASCHIO S.R.L. in
sigla **D.B.M. S.R.L.**, Via Vizza N. 6, Gaiarine (Trevise),
31018, Italy.

Representative: Gabriella Diana Modiano, Via Meravigli, 16,
Milano, 20123, Italy.

2408920B

(Advertised in journal 6630 - RGSTRD)

2408920B 13 December 2005 (33)



Application for a series of three marks.

Whisky.

Morrison Bowmore Distillers Limited, Springburn Bond,
Carlisle Street, Glasgow, G21 1EQ.

Service: Murgitroyd & Company, Scotland House, 165-169
Scotland Street, Glasgow, G5 8PL.

(OHIM) E416735

(RGSTRD)

E416735 (33)

Date Filed: 11 October 1996

Publication Date: 6 April 1999

Registration Date: 1 February 1999

PRIME UVE NERE

Alcoholic beverages (except beers).

DISTILLERIA BONAVENTURA MASCHIO S.R.L. in
sigla **D.B.M. S.R.L.**, Via Vizza N. 6, Gaiarine (Trevise),
31018, Italy.

Representative: Gabriella Diana Modiano, Via Meravigli, 16,
Milano, 20123, Italy.

International Registration No: 951413

(OHIM) E598367
(RGSTRD)

E598367 (32, 33)
Date Filed: 7 August 1997
Publication Date: 18 January 1999
Registration Date: 25 November 1998



Class 32: Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

Class 33: Alcoholic beverages (except beers).

**DISTILLERIA BONAVENTURA MASCHIO S.R.L. in
sigla D.B.M. S.R.L.,** Via Vizza N. 6, Gaiarine (Treviso),
31018, Italy.

Representative: Gabriella Diana Modiano, Via Meravigli, 16,
Milano, 20123, Italy.

(OHIM) E598375
(RGSTRD)

E598375 (32, 33)
Date Filed: 7 August 1997
Publication Date: 11 January 1999
Registration Date: 25 November 1998



Class 32: Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

Class 33: Alcoholic beverages (except beers).

**DISTILLERIA BONAVENTURA MASCHIO S.R.L. in
sigla D.B.M. S.R.L.,** Via Vizza N. 6, Gaiarine (Treviso),
31018, Italy.

Representative: Gabriella Diana Modiano, Via Meravigli, 16,
Milano, 20123, Italy.

International Registration No: 951413

(OHIM) E1483668
(RGSTRD)

E1483668 (33)
Date Filed: 31 January 2000
Publication Date: 28 May 2001
Registration Date: 23 April 2001

PRIME

Alcoholic beverages (except beers).

DISTILLERIA BONAVENTURA MASCHIO S.R.L. in
sigla **D.B.M. S.R.L.**, Via Vizza N. 6, Gaiarine (Trevise),
31018, Italy.

Representative: Gabriella Diana Modiano, Via Meravigli, 16,
Milano, 20123, Italy.

(OHIM) E5948641
(PENDING)

E5948641 (29, 33, 35, 43)
Date Filed: 29 May 2007
Publication Date: 5 November 2007

PRIME BLUE GRILLE

International priority date claimed: 29 November 2006 (United States).


Class 33: Wines; spirits; alcoholic and non-alcoholic beverages.

WellDunn Restaurant Group, Inc., 129 Woodland Street,
Sherborn, 01770, United States.

Representative: ELKINGTON AND FIFE LLP, Prospect
House, 8 Pembroke Road, Sevenoaks, Kent, TN13 1XR, United
Kingdom.

(OHIM) E4794368
(PENDING)

E4794368 (33)
Date Filed: 9 December 2005

 Prime
Blue

Whisky.

Morrison Bowmore Distillers Limited, Springburn Bond
Carlisle Street, Glasgow, Scotland, G21 1EQ, United Kingdom.

Representative: MURGITROYD & COMPANY, Scotland
House 165-169 Scotland Street, Glasgow, G5 8PL, United
Kingdom.