



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: 06 June 2008  
(By registered Mail)

International Registration No: 0951413

Mark: PRIME

Holder: Tovaristvo z obmegenou vidpovidalnistyu "Likero-gorilchaniy zavod "Prime" of  
Ukraine,

Klymez Pavlo Anatoliyovych of Ukraine,  
Tovaristvo z obmegenou vidpovidalnistyu "Likero-gorilchaniy zavod "LIK" of Ukraine,

**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 Mark No: 172454**

Mark: PRIME AGAIN

Proprietor: THE SUNRIDER CORPORATION

1625 Abalone Avenue,

Torrance,

California 90501

United States of America

a corporation organised and existing under the laws of the State of Utah, United

States of America

Date of Application:06/04/1995

Date of Registration:06/04/1995

Class 5 : Herbal foodstuffs, herbal powders, herbal capsules, herbal teas, dietary fiber included in Class 5; nutritional, dietary and dietetic preparations all being goods included in Class 5.

Class 32 : Non-alcoholic beverages and preparations for making such beverages; herbal beverages and preparations for making herbal beverages, all being goods included in Class 32.

Address for Service:MACLACHLAN & DONALDSON

47 Merrion Square,

Dublin 2

Ireland

**Registered Community Trade Mark No:000029611**

Mark:PRIME UVE

Proprietor:DISTILLERIA BONAVENTURA MASCHIO S.R.L. in sigla D.B.M. S.R.L.

Via Vizza N. 6

31018 Gaiarine (Treviso)

Italy

Date of Application:01/04/1996

Date of Registration:25/11/1998

Class 33 : Wines, spirits, liquors, grappas and distillates of grapes.

**Registered Community Trade Mark No:000598367**

Mark:lemon PRIME

Proprietor:DISTILLERIA BONAVENTURA MASCHIO S.R.L. in sigla D.B.M. S.R.L.

Via Vizza N. 6

31018 Gaiarine (Treviso)

Italy

Date of Application:07/08/1997

Date of Registration:25/11/1998

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).

**Registered Community Trade Mark No:000598375**

Mark:orange PRIME

Proprietor:DISTILLERIA BONAVENTURA MASCHIO S.R.L. in sigla D.B.M. S.R.L.

Via Vizza N. 6

31018 Gaiarine (Treviso)

Italy

Date of Application:07/08/1997

Date of Registration:25/11/1998

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).

**Registered Community Trade Mark No:002286946**

Mark:PRIMO

Proprietor:DISTILLERIA BONAVENTURA MASCHIO S.R.L. in sigla D.B.M. S.R.L.

Via Vizza N. 6

31018 Gaiarine (Treviso)

Italy

Date of Application:05/07/2001

Date of Registration:02/10/2002

Class 33 : Alcoholic beverages (except beers).

**Registered Community Trade Mark No:002286912**

Mark:PRIMA

Proprietor:DISTILLERIA BONAVENTURA MASCHIO S.R.L. in sigla D.B.M. S.R.L.

Via Vizza N. 6

31018 Gaiarine (Treviso)

Italy

Date of Application:05/07/2001

Date of Registration:02/10/2002

Class 33 : Alcoholic beverages (except beers).

**Registered Community Trade Mark No:001483668**

Mark:PRIME

Proprietor:DISTILLERIA BONAVENTURA MASCHIO S.R.L. in sigla D.B.M. S.R.L.

Via Vizza N. 6

31018 Gaiarine (Treviso)

Italy

Date of Application:31/01/2000

Date of Registration:23/04/2001

Class 33 : Alcoholic beverages (except beers).

**Pending Community Trade Mark Application No:004794368**

Mark:Prime Blue

Applicant:Morrison Bowmore Distillers Limited

Springburn Bond Carlisle Street

G21 1EQ Glasgow, (SCOTLAND)

United Kingdom

Date of Application:09/12/2005

Class 33 : Whisky.

2. This refusal is in respect of all of the goods 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 **05 September 2008**. 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.
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 European Community as required by Rule 10 as amended by Statutory Instrument

621 of 2007; 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: 06 June 2008

Yours faithfully

Martina Bergin

Martina Bergin  
Trade Marks Examiner  
Ext.: 4161  
Direct Line: 056 7720161