



OIFIG NA bPAITINNÍ  
**PATENTS OFFICE**

Oifigí an Rialtais  
Bóthar Hebron  
Cill Chainnigh  
Éire

Government Buildings  
Hebron Road  
Kilkenny  
Ireland

Tel: (00-353-56) 7720111  
Lo-Call: 1890-220223  
Fax: (00-353-56) 7720100  
Lo-Call Fax: 1890-220120

E-mail: [patlib@entemp.ie](mailto:patlib@entemp.ie)  
Website: [www.patentsoffice.ie](http://www.patentsoffice.ie)

WORLD INTELLECTUAL PROPERTY ORGANISATION  
34, CHEMIN DES COLOMBETTES  
PO BOX 18  
1211 GENEVA 20  
SWITZERLAND

Date of Notification: 30 April 2009  
(By registered Mail)

International Registration No: 0994020  
Mark: Piccolinis  
Holder: Wagner Tiefkühlprodukte GmbH of Germany,

**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:163763

Mark:PICCOLINO

Proprietor:Chocoladefabriken Lindt & Sprüngli Aktiengesellschaft

8802 Kilchberg,

near Zurich

Switzerland

an Aktiengesellschaft organised and existing under the laws of Switzerland

Date of Application:01/12/1994

Date of Registration:01/12/1994

Class 30 : Cocoa, oatmeal cocoa, cocoa extracts for food and luxury articles, cocoa products, namely chocolate pastes and couverture (frosting); chocolate, confectionery, sweets, almond paste, almond paste substitutes; fillings for pastries and confectionery; chocolates and confectionery for the decoration of Christmas trees, pralines, pralines filled with wine and spirits, sweets, pastries, confectionery, cakes, biscuits, cream ice, fruit ice, ice cream powder.

Address for Service:CRUICKSHANK & CO.  
8A Sandyford Business Centre,  
Sandyford  
Dublin 18  
Ireland

Registered Community Trade Mark No:002790376  
Mark:BARILLA PICCOLINI  
Proprietor:Barilla G. e R. Fratelli - Società per Azioni  
Via Mantova, 166  
43100 Parma  
Italy

Date of Application:26/07/2002

Date of Registration:19/11/2004

Class 29 : Meat, fish, poultry and games; meat extract; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; edible oils and fats; frozen ready made meals.

Class 30 : Coffee, tea, cocoa, sugar, rice, tapioca, sago coffee substitutes; flour and cereal preparations, bread, pasta; biscuits; pastry and confectionery ices; honey, treacles; yeast baking-powder; salt, mustard; vinegar sauces (condiments); relish; ice; frozen prepared meals.

International Registration No:0848504  
Mark:PICCOLINI  
Holder:BARILLA G. E R. FRATELLI - SOCIETÀ PER AZIONI  
Via Mantova, 166  
I-43100 PARMA  
Italy

Date of Application:16/03/2005

Date of Registration:16/03/2005

Priority Date: 23/02/2005

Class 30 : Rice, flour and preparation made from cereals, bread, pasta, biscuits, yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; frozen ready meals.

Address for Service:TOMKINS & CO.  
5 Dartmouth Road,  
Dublin 6  
Ireland

International Registration No:0849892  
Mark:Piccolini  
Holder:BARILLA G. E R. FRATELLI - SOCIETÀ PER AZIONI  
Via Mantova, 166  
I-43100 PARMA  
Italy

Date of Application:16/03/2005

Date of Registration:16/03/2005

Priority Date: 23/02/2005

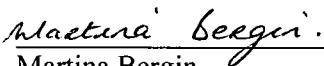
Class 30 : Rice, flour and preparation made from cereals, bread, pasta, biscuits, yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; frozen ready meals.

Address for Service:TOMKINS & CO.  
5 Dartmouth Road,  
Dublin 6  
Ireland

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 **29 July 2009**. 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: 30 April 2009

Yours faithfully

  
\_\_\_\_\_  
Martina Bergin  
Trade Marks Examiner  
Irish Patents Office  
Direct Line: 00 353 (0)56 7720176