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WORLD INTELLECTUAL PROPERTY ORGANISATION
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SWITZERLAND

Date of Notification: 22 September 2009
(By registered Mail)

International Registration No: 1004208
Mark: wannabesociety.com
Holder: ARIH oglaševalska agencija, d.o.o. of Slovenia,

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 39(2) and Rule 6

This Office considers the following terms in Class 35 too broad

- presentation of goods on communication media for retail purposes
The above term is too broad, clarification is required.
- marketing services and wholesale and retail sale services of various goods, including soaps, liquid soaps,..... smoker's articles, matches.
The word "including" implies that there are goods other than those listed on sale through the service. If the word "including" was amended to "namely" the objection could be overcome.
- services of sale via the Internet; services of commercialization of goods via the Internet, on-line sale services (services of electronic commerce); catalogue retail services; retail services by mail;

The terms above are too vague. A list of the type of goods on offer through this service would have to be submitted to this office in order to overcome the objection.

2. This refusal is in respect of the following services for which protection is sought:

Class 35: presentation of goods on communication media, for retail purposes;

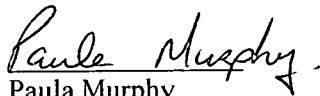
marketing services and wholesale and retail sale services of various goods, including: soaps, liquid soaps, perfumery, essential oils, cosmetics, skin creams and body lotions, hand creams, shampoos, hair gels, hair lotions, dentifrices, air fresheners, air fresheners for homes, air fresheners for cars, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, computer programs (downloadable software), recorded computer programmes, recorded computer software, ringtones downloadable from the computer network, condoms, precious metals and their alloys and goods in precious metals or coated therewith, jewellery, precious stones, horological and chronometric instruments, badges of precious metal, paper, cardboard and goods made from these materials, printed matter, bookbinding material, photographs, stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters and office requisites, instructional and teaching material, plastic materials for packaging, printers' type, printing blocks, leather and imitations of leather, and goods made of these materials, animal skins, hides, trunks and travelling bags, umbrellas, parasols and walking sticks, whips, furniture, mirrors, picture frames, goods of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics, bedding, pillows, household or kitchen utensils and containers, combs and sponges, brushes, glassware, porcelain and earthenware, textiles and textile goods, bed and table covers, clothing, footwear, headgear, T-shirts, custom-made T-shirts, underwear, trousers, lace and embroidery, ribbons and braid, buttons, pins and needles, artificial flowers, badges, ornamental novelty badges and buttons, carpets, rugs, mats and matting, non-textile wall hangings, games, playthings, gymnastic and sporting articles, decorations for Christmas trees, food, coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry and confectionery, ices, honey, treacle, salt, vinegar, sauces, condiments, spices, ice, beers, mineral and aerated waters and other non-alcoholic drinks, fruit drinks and fruit juices, syrups and other preparations for making beverages, tobacco, smokers's articles, matches;

services of sale via the Internet; services of commercialization of goods via the Internet, on-line sale services (services of electronic commerce); catalogue retail services; retail services by mail

3. The holder may make representations in writing, or may request an extension of time for doing so, not later than *21 December 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 in respect of the 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 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.
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: 22 September 2009

Yours faithfully



Paula Murphy
Trade Marks Examiner
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