

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

PROVISIONAL REFUSAL OF PROTECTION

Notified to the International Bureau of the World Intellectual Property Organisation
(WIPO) according to Article 5 of the Protocol Relating to the Madrid Agreement
Concerning the International Registration of Marks

- 1 . Office refusing protection : **Intellectual Property Office of Singapore**
- 2 . International Registration Number : **1031242**
- 3 . Name of holder of the International Registration :
Christian LOUBOUTIN
- 4 . The grounds for this refusal are indicated in the attached statement(s) of refusal.
Where the refusal relates to more than one Singapore trade mark number, there is a separate statement of refusal for each Singapore trade mark number. Each statement of refusal contains a Singapore trade mark number for the class(es) and a Singapore reference number (stated as "Our Ref" in the statement of refusal). The International Registration number, Singapore trade mark number(s), corresponding class number(s) and Singapore reference number(s) must be quoted in all correspondence with the Intellectual Property Office of Singapore.
- 5 . The relevant provisions of Singapore law are attached.
- 6 . This refusal applies to all the goods in Class(es) 25 of the international registration.
- 7 . The holder of the international registration may request for a review of this refusal.
The request for review must be received by the Intellectual Property Office of Singapore no later than four (4) months from the date of this refusal.

The request for review must quote the International Registration number, relevant Singapore trade mark number(s), corresponding class number(s) and Singapore reference number(s) and be accompanied by an address for service in Singapore filed on Form TM 1. The fee payable for Form TM 1 is SGD8.50 for each Singapore trade mark number.

The holder may request for an extension of time to respond to the refusal by filing Form TM 49. There is no fee for the filing of this form. However, one Form TM 49 must be filed for each Singapore trade mark number in respect of which the request is made. The International Registration number, relevant Singapore trade mark number(s) and Singapore reference number(s)

must be quoted on each Form TM 49.

Both Form TM 1 and Form TM 49 can be obtained from the web site of the Intellectual Property Office of Singapore at <http://www.ipos.gov.sg/topNav/form/Trade+Marks+Forms.htm>.


If the holder does not file a request for review together with the completed Form(s) TM 1 and the relevant fee or does not file the completed Form(s) TM 49 by 8 August 2010, this refusal will become final.

8. Please note that a further refusal of protection may result from an opposition, which may be filed after the expiry of 18 months from the date on which the Intellectual Property Office of Singapore was notified of the international registration.

This applies to all the goods in Class(es) 25 of the international registration.

9. Date of refusal : **8 April 2010**

10. This refusal is issued by :



Ng Hong Wee (Mr)
Senior Assistant Registrar
for Registrar of Trade Marks
Singapore

Examiner's direct line : (65) 63302766

PROVISIONS OF SINGAPORE LAW

TRADE MARKS ACT (CHAPTER 332)

Section 7 Absolute grounds for refusal of registration

(1) The following shall not be registered:

- (a) signs which do not satisfy the definition of a trade mark in section 2(1);
- (b) trade marks which are devoid of any distinctive character;
- (c) trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or of rendering of services, or other characteristics of goods or services; and
- (d) trade marks which consist exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade.

(2) A trade mark shall not be refused registration by virtue of subsection (1) (b), (c) or (d), if, before the date of application for registration, it has in fact acquired a distinctive character as a result of the use made of it.

STATEMENT OF REFUSAL

Our Ref : EXS/D3111453/tmnhw

M/S Christian LOUBOUTIN
1 rue Volney, F-75002 PARIS, France

Dear Sirs

Singapore Trade Mark No T1003719Z in Class No 25
International Registration No 1031242
Christian LOUBOUTIN

We refer to the above.

2 The mark is objectionable under section 7(1) of the Trade Marks Act (Cap. 332) on the following ground(s):

- (a) it is devoid of any distinctive character in relation to all the claimed goods in the specification. The use of red colour on the underneath sole of shoes is unlikely to function as a trade indicator as consumers will not recognise it as a trade mark and they will more likely regard the mark as part of the design of footwear.(Section 7(1)(b)).
- (b) To overcome our objection under section 7(1)(b), (c) and/or (d), please file evidence showing that the mark has, before the date of application, in fact acquired a distinctive character as a result of the use made of it. The evidence of use should be filed by way of a statutory declaration. For guidance as to how the evidence of use should be presented, please refer to the Registry's web site at <http://www.ipos.gov.sg>;

3 This refusal applies to all the goods in Class 25 of the international registration.

Ng Hong Wee (Mr)
Senior Assistant Registrar
for Registrar of Trade Marks
Singapore
(Tel: 63302766)

(This is a computer generated report/letter. No signature is required)