



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: 23 August 2010  
(By registered Mail)

International Registration No: 1038183  
Mark: Ideal-Fit  
Holder: PAUL HARTMANN AG 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 8(1)(b)**

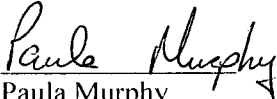
- The mark is devoid of distinctive character. For a mark to possess distinctive character, it must serve to identify the goods in respect of which protection is sought as originating from a particular undertaking, thereby, distinguishing those goods from the goods of other undertakings. It is considered that "Ideal-Fit" does not perform the essential function of a trade mark (i.e. to distinguish the goods of one undertaking from another) as the words used are descriptive of the goods for which protection is sought.

**Section 8(1)(c)**

The mark consists exclusively of a reference to the intended purpose of the goods in respect of which protection is sought. It is considered that the words "Ideal-Fit" should be available for other undertakings in the relevant field to use and cannot be monopolised through registration as a trade mark.

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 **22 November 2010**. 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.
7. Date of refusal: 23 August 2010

Yours faithfully

  
Paula Murphy  
Trade Marks Examiner  
Ext.: 4135  
Direct Line:(056) 7720135