

**MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION
OF MARKS AND PROTOCOL RELATING TO THAT AGREEMENT**

PROVISIONAL REFUSAL OF PROTECTION

Notified to the International Bureau of the World Intellectual Property Organization (WIPO) in accordance with Rule 17(1) of the Common Regulations under the Madrid Agreement and Protocol

I. Office making the notification:

**MINISTRY OF COMMERCE, INDUSTRY AND TOURISM,
THE DEPARTMENT OF REGISTRAR OF COMPANIES AND OFFICIAL RECEIVER,
KARPENISIOU & MAKARIOU STR., XENIOS BLDG., 1427 NICOSIA, CYPRUS**

II. Number of the international registration: **1 038 183** (Ideal-Fit)

III. Name of the holder of the international registration:

**PAUL HARTMANN AG
Paul-Hartmann-Str. 12
89522 Heidenheim
(Germany)**

IV. ☒ Provisional refusal based on an *ex-officio* examination

☐ Provisional refusal based on an opposition¹

☐ Provisional refusal based on both an *ex-officio* examination and an opposition¹

V. ☒ Provisional refusal for all the goods and as indicated in the Notification of the International Registration under classes 5 and 10.

☐ Provisional refusal for some of the goods and/or services:

VI. Grounds for refusal [(where applicable, see item V(1))]:

; Refusal based on absolute grounds.

¹ The name and address of the opponent should also be provided.

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VII. Information relating to an earlier mark³

- (i) Filing date and number, and, if any, priority date;
- (ii) Registration date and number (if available);
- (iii) Name and address of the owner;
- (iv) Reproduction of the mark;
- (v) List of all or relevant goods and/or services;

VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:

Under Section 11(1)(b) and (c), of the National Trade Marks Law, Cap.268, the following shall not be registered:

(b) Trademarks that lack distinctive character.

(c) Trademarks which consist exclusively of signs or indications which may be utilized in trade, to indicate the kind, quality, quantity, destination, value, geographical origin or the time of production of the good or the rendering of the service or other characteristics of the good or service.

IX. Information relating to subsequent procedure:

Within two (2) months from the Registrar's decision, the Registrar shall hear the applicant, or the applicant can submit a written statement stating his position within the above time limit of 2 months. If the applicant fails to appear/request for a hearing before the Registrar or if he fails to submit a written statement (considered reply), within the above time period, then his application is considered abandoned. On the other hand, if the Registrar agrees with the applicant (during a hearing or after considering his written statement), he gives instructions for the mark to be published in the Official Gazette of the Republic.

An advocate – practicing Law in Cyprus – needs to be appointed by you, who will act as your agent/representative before our Office.

You are given here below details of the CYPRUS Bar Association, who you may contact for further Information and a list of advocates:

Cyprus Bar Association

11, Florinis Street,

1st Floor, Office 101

1065 Nicosia-Cyprus

P.O. Box 21446, 1508 Nicosia

Tel. No.: +357 22873300

Fax No.: +357 2287301

Email: cybar@cytanet.com.cy / cybar2@cytanet.com.cy

Website: www.cyprusbarassociation.org

However, in case you are an advocate practicing Law overseas, you are required to obtain a license for practicing Law in Cyprus, by applying to the LAW COUNCIL OF THE CYPRUS REPUBLIC (fax no. +22665080), who will certify that you comply with the Cyprus Advocates Law CAP.2.

³ Where the grounds on which the provisional refusal is based relate to an earlier mark, as indicated under item VI. The indication required under this item may be given by annexing a printout from the register or database.

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X. Date of the notification of provisional refusal: **September 2, 2010**

XI. Signature or official seal of the Office making the notification:



(Sgd.) R. EPIPHANIOU

For the Registrar of Trademarks