



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 : **1077402**
- 3 . Name of holder of the International Registration :
Fairtrade Labelling Organizations International e.V.
- 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 services in Class(es) 35, 36, 41, 42 and 45 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 (via manual submission) or SGD8.00 (via online submission) 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

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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 22 December 2011, 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 services in Class(es) 35, 36, 41, 42 and 45 of the international registration.

9 . Date of refusal : **22 August 2011**

10. This refusal is issued by :

Ho Sok Yin (Miss)
Assistant Registrar
for Registrar of Trade Marks
Singapore

Examiner's direct line : (65) 63302765

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

PROVISIONS OF SINGAPORE LAW

TRADE MARKS ACT (CHAPTER 332)

Section 2(1) Interpretation

"sign" includes any letter, word, name, signature, numeral, device, brand, heading, label, ticket, shape, colour, aspect of packaging or any combination thereof.

"trade mark" means any sign capable of being represented graphically and which is capable of distinguishing goods or services dealt with or provided in the course of trade by a person from goods or services so dealt with or provided by any other person.

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.

TRADE MARKS RULES

Rule 19(2) Specification

Every application form shall contain, for each class of goods or services to which the application relates

- (a) the class number as set out in the Third Schedule; and
 - (b) a specification of those goods or services which
 - (i) is appropriate to that class;
 - (ii) is described in such a manner as to
 - (A) indicate clearly the nature of those goods or services; and
 - (B) allow those goods or services to be classified in accordance with the Third Schedule;
- and

(iii) complies with any other requirement of the Registrar.

STATEMENT OF REFUSAL

Our Ref : EXS/D3375573/tmhsy

M/S Fairtrade Labelling Organizations
International e.V.
Bonner Talweg 177, 53129 Bonn, Germany.

Dear Sirs

Singapore Trade Mark No T1107512E in Class No 35, 36, 41, 42 and 45
International Registration No 1077402
Fairtrade Labelling Organizations International e.V.

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 does not satisfy the definition of a trade mark in section 2(1). Our internet searches shows that the mark is the International Fairtrade Certification Mark which can be found on third parties' goods as well. Hence we are of the view that the mark does not fulfil the distinguishing function of a trade mark.(Section 7(1)(a)).

3 The specification of services is objectionable under rule 19(2)(b)(ii)(A) of the Trade Marks Rules as it does not indicate clearly the nature of the services claimed. The objectionable items are as follows:

- (a) Class 35
 - (i) "research and consultancy services in the field of trade" - please amend to "business research and consultancy services in the field of trade", if intended;
- (b) Class 41
 - (i) "organization of exhibitions" - please amend to "organization of exhibitions for educational purposes", if intended;
- (c) Class 42
 - (i) "services relating to the implementation of certification schemes, including granting certification, monitoring compliance of standards" - please amend to "services relating to the implementation of

certification schemes, namely granting certification and monitoring compliance of standards”;

- (ii) “auditing and evaluating participants in the certification scheme” - please amend to “quality audit and evaluation of participants in the certification scheme”;
- (iii) “giving participants information and advice on the certification scheme” - please amend to “provision of information and advice on the certification of quality or standards”;
- (iv) “technical and regulatory services relating to fair trade products” - please clarify what are the services claimed.

Ho Sok Yin (Miss)
Assistant Registrar
for Registrar of Trade Marks
Singapore
(Tel: 63302765)

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