

**TURKISH PATENT INSTITUTE
TRADEMARKS DEPARTMENT**



2011-O-376183
28/09/2011

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

**Notification of a refusal of protection not based on an opposition pursuant to Rule
17(2) of the Common Regulations.**

Our reference: 2011/61185 BK

I- Name and address of the Office making the notification:

**TURKISH PATENT INSTITUTE
Trademarks Department
Hipodrom Caddesi No: 115
06330 Yenimahalle ANKARA
TURKEY**

Telephone: +90 312 3031000

Telefax : +90 312 3031333

II- The international registration which is the subject of the refusal:

1081336

III- Name and address of the holder of the international registration which is the subject of the refusal:

KURT KRANNICH

**IV- Provisions of the Decree-Law No:556 pertaining to the Protection of Trademarks:7/1(b)
(The relevant provisions of the Turkish Trademarks Act are enclosed.)**

V- Grounds for provisional refusal:

**7/1(b) Trademarks identical or confusingly similar with a trademark registered earlier or with an
earlier filing date for registration in respect of an identical or same type of product or services.**

National registration/application number(s) ;

2007 26263 k2

2007 62598 k2 mimarlık

2008 07067 k2 şekil

2010 12620 k2

VI- Goods and Services Effected by the Refusal

Provisional refusal for some of goods and services

**CLASS 9 : Scientific, nautical, surveying, photographic, cinematographic, optical, weighing,
measuring, signalling, checking (supervision), life-saving and teaching apparatus and**

instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; photovoltaic systems, namely consisting of solar modules for power generation, inverters, electronic apparatus and instruments for controlling, regulating, accumulating and monitoring; solar panel systems, namely consisting of solar modules, solar collectors and inverters for power generation; electronic apparatus and instruments for controlling, regulating, accumulating and monitoring of power generation; magnetic data carriers, data processing apparatus and computers. CLASS 11 : Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating and water conduit purposes; solar collectors and solar modules for the heat generation and systems consisting thereof, solar roof installations and open-air installations. CLASS 19 : Building materials (non-metallic); non-metallic pipes for building; building profile ledges (non-metallic); asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal; non-metallic roofs incorporating solar cells. CLASS 37 : Construction; repair, namely, repair services of individual components in the field of photovoltaic and solar thermal energy; installation services; construction, cleaning, repair and maintenance of systems and plants in the field of renewable energy; scaffolding; roofing services. CLASS 42 : Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; technical analysis and preparation of technical certificates for assessment of projects and project partners; technical planning, technical projects and technical coordination of systems and plants in the field of renewable energy; quality testing of products for certification purposes; design planning and engineering of as well as development services for third parties in the field of renewable energy; engineering.

VII- GENERAL INFORMATION:

Appeals may be lodged against the refusals of the Institute.

The holder of the international registration may lodge an appeal against this provisional refusal. The appeal has to be lodged through the intermediary of a representative who must be registered as a trademark agent at TPI and who is domiciled in Turkey. The appeal must be received by the Turkish Patent Institute no later than 2 months after the notification date of this provisional refusal by WIPO to the applicant or his representative. If no appeal is received within this time limit, the designation will be considered as refusal of protection in Turkey in accordance with this provisional refusal.

If the designation is accepted subsequent to an appeal, the designation will be published in Turkish Official Trademark Bulletin. This allows -3 months from the date of publication – a party to file an opposition, which means that the designation may be the subject of a further refusal.

VIII- Notification Date of Refusal (ddmmyyyy): 29/09/2011

IV- Signature by the Office:

TURKISH PATENT INSTITUTE
TRADEMARKS DEPARTMENT


Başak KARADENİZLİ
Trademark Examiner

Number of continuation sheets:

RELEVANT SECTIONS OF THE
DECREE-LAW NO.556 PERTAINING TO
THE PROTECTION OF TRADEMARKS

SECTION TWO

Sign of Which a Trademark May Consist and Means Whereby a Trademark is Obtained

Signs of Which a Trademark May Consist

Article 5 - A trademark, provided that it is capable of distinguishing the goods and services of one undertaking from the goods and services of other undertakings, may consist of all kinds of signs being represented graphically such as words, including personal names, designs, letters, numerals, *shape of the goods or their packaging* and similarly descriptive means capable of being published and reproduced by printing.

Trademark may be registered along with the product or the packaging. However, the registration of the product or the packaging does not grant exclusive rights.

Means Whereby a Trademark Right is Obtained

Article 6 - Protection for a trademark under this Decree Having the Power of Law is obtained by registration.

Absolute Grounds for Refusal for Registry of a Trademark

Article 7 - Following signs shall not be registered as a trademark:

- a) signs which do not conform with the provisions of Article 5,
- b) *trademarks identical or confusingly similar with a trademark registered earlier or with an earlier date of application for registration in respect of an identical or same type of product or services,*
- c) trademarks which consist exclusively of signs or indications which serve in trade to indicate the kind, *characteristics*, quality, intended purpose, value, geographical origin, or designate the time of production of the goods or of rendering of the service or other characteristics of goods or services,
- d) trademarks which consist exclusively of signs and names used to distinguish specific groups of craftsmen, professionals or tradesmen or have become customary in the current and established practices of the trade,
- e) signs containing the shape of the product which results from the nature of the good, which is necessary to obtain a technical result or which gives substantial value to the good,
- f) trademarks which are of such a nature as to deceive the public, such as to the nature, quality, place of production or geographical origin of the goods and services,
- g) trademarks which have not been authorised by the competent authorities and are to be refused pursuant to Article 6ter of the Paris Convention,
- h) trademarks containing badges, emblems or escutcheons other than those covered by Article 6ter of the Paris Convention which have not been authorised by the competent authorities and are of particular historical and cultural public interest,
- i) trademarks which have not been authorised by their owners, well known marks according to 6bis of the Paris Convention,
- j) trademarks which contain religious symbols,
- k) trademarks which contrary to public policy and to accepted principles of morality.

The provisions of (a), (c) & (d) can not be invoked to refuse the registration of a trademark which has been used before the registration and has acquired through this usage distinctive character in respect of the goods and services for which it is to be registered.

PART SIX
Appeals Against the Decisions of the Institute

Appeals

Article 47 - Appeals may be placed against the decisions of the Institute.

Where an appeal is made for an interim decision, a separate appeal shall be allowed upon decision becoming final.

Persons Entitled to Appeal

Article 48 - Any party adversely affected by a decision of the Institute may appeal. Any other parties to the proceedings shall be parties to the appeal as of right.

Form of Appeal

Article 49 - Notice of appeal must be filed in writing at the Institute within two months after the date of notification of the decision. The fee for appeal has to be paid when filing of the notice for the appeal to be examined. The grounds for appeal must be filed in a written statement within two months of the notification of the decision. Where the statement of grounds for appeal has not been submitted within this period the appeal shall be deemed not to have been filed.

Rectifying a Decision

Article 50 - The related department of the Institute upon deciding that the appeal is true and right may rectify its decision. This shall not apply where the appellant is opposed by another party to the proceedings.

If the appeal is not found acceptable by the related department, the appeal shall be forwarded to the Re-examination and Evaluation Board by the department without comment as to its merits.

Examination of Appeals

Article 51 - The Re-examination and Evaluation Board shall consider the appeal if the appeal is admissible.

The Re-examination and Evaluation Board shall invite the parties to submit their observations within the period prescribed by the Implementing Regulation, on the observations of the other parties or those of itself.

Decision in Respect of Appeal

Article 52 - After the examination, the Re-examination and Evaluation Board shall deliver its decision.

PART NINE
Representation and Agents

Representation before the Institute

Article 80 - Representation before the Turkish Patent Institute for matters of trademarks may only be undertaken by the following:

- a) natural or legal persons who have filed an application. Legal persons may only be represented by those duly powered by their respectively authorised bodies.
- b) trademark agents.

Those who are domiciled outside the country can only be represented by trademark agents.

Where an agent has been appointed, all procedures are executed through the agent. All notices made to the agent shall be considered to have been made to the assignee.

TURKISH PATENT INSTITUTE
Detailed Trademark Information

National Application Number : 2010/12620 Date of National Application : 26/02/2010
National Registration Number : 2010 12620 Protection Date : 26/02/2010
Mark : k2

K2

Holders :

Name : SERANİT GRANİT SERAMİK SANAYİ VE TİCARET ANONİM ŞİRKETİ
Address : Meliha Avni Sözen Cad. No:40 Mecidiyeköy Beşiktaş İSTANBUL

Nice Classification :

17 , 19

List of goods and/or services :

Kauçuk, güta-perka, lastik, amiyant (asbest), mika veya bunlardan mamul toz, levha, çubuk ve folyo halinde yarı mamul sentetik malzemeler.

Yalıtım (izalasyon), dolgu ve tıkama malzemeleri (derz dolguları, contalar, o-ringler dahil).

Lastikten, plastikten veya kauçuktan mamul bükülebilir borular, hortumlar (taşıtlar için kullanılanlar dahil), boru, kılıf ve rakorları tekstilden hortumlar, yangın hortumları, madeni olmayan boru kılıfları ve rakorları, hortum rakorları, taşıtlar için radyatör hortumları.

İnşaat, yol yapımı, tamirat, kaplama amaçlarıyla kullanılan kum, çakıl, mıcır, asfalt, zift, çimento, alçı gibi malzemeler.

Beton, alçı, toprak, kil, doğal ve yapay taş, ahşap, plastik veya sentetik malzemelerden imal edilmiş ve şekil almış yapı / inşaat / yol yapımı ve benzer amaçlı malzemeler, yapı elemanları, taşınabilir bu malzemelerden yapılar, direkler, bariyerler (ahşap ve sentetik malzemeden kapı ve pencereler dahil).

Yollar için metal, mekanik ve aydınlatmalı olmayan trafik işaretleri.

Beton, taş veya mermerden yapılmış anıtlar, heykeller.

Tabaka veya şerit halinde tabii veya sentetik yüzey kaplamaları, ısı ile yapıştırılabilen sentetik kaplamalar; çatılar için ziftli kartonlar; ziftli kaplamalar.

İnşaatlar için cam ürünleri.

Metalden olmayan prefabrik yüzme havuzları.

Akvaryum kumları.

TURKISH PATENT INSTITUTE
Detailed Trademark Information

National Application Number	: 2008/07067	Date of National Application	: 11/02/2008
National Registration Number	: 2008 07067	Protection Date	: 11/02/2008
Mark	: k2 şekil		



Holders :

Name : K2 MİMARLIK MÜHENDİSLİK VE İNŞAAT TİC.LTD.ŞTİ.
Address : Fatih Sultan Mehmet Cad. Universal Plaza No:36/2 Kavacık Beykoz İSTANBUL

Nice Classification :

37

List of goods and/or services :

İnşaat hizmetleri, inşaat araç, gereçlerinin ve iş makinelerinin kiralanması hizmetleri.
Temizlik hizmetleri; dezenfeksiyon hizmetleri; haşere ilaçlama hizmetleri; temizlik araçları ve makinelerinin kiralanması hizmetleri.
Kara araçları servis istasyonu hizmetleri (bakım, tamir ve yakıt dolumu).
Deniz araçlarının bakım ve tamiri hizmetleri; gemi inşaatı hizmetleri.
Hava taşıtlarının bakım ve tamiri hizmetleri.
Mobilyalara ilişkin döşeme, tamir, restorasyon hizmetleri.
Isıtma, havalandırma ve su tesisatının kurulması (tesis edilmesi), bakım ve tamiri hizmetleri.
Giyisilerin temizliği, bakım ve tamiri hizmetleri.
Sınai makinelerin ve cihazların, büro makinelerinin ve cihazlarının, haberleşme cihazlarının, elektrikli ve elektronik cihazların tesisi, bakım ve tamiri hizmetleri.
Saat tamiri hizmetleri.
Madencilik, maden çıkarma hizmetleri.
Ayakkabı, çanta, kemer tamiri hizmetleri.

TURKISH PATENT INSTITUTE
Detailed Trademark Information

National Application Number : 2007/62598 Date of National Application : 23/11/2007
National Registration Number : 2007 62598 Protection Date : 23/11/2007
Mark : k2 mimarlık



Holders :

Name : KLY MİMARLIK VE PROJE YÖNETİMİ TAAH. TUR. SAG. SAN. TİC. LTD. ŞTİ.
Address : Barbaros Mh. Denizmen Sk. No:34 Üsküdar İSTANBUL

Nice Classification :

42

List of goods and/or services :

Bilimsel ve sınai inceleme, araştırma hizmetleri; mühendislik hizmetleri.

Bilgisayar hizmetleri.

Bu sınıfa dahil olup mühendislik, mimarlık, bilgisayar hizmetleri kapsamına girmeyen her türlü tasarım hizmetleri; grafik sanat tasarım hizmetleri.

Sanat eserleri orijinallik onay hizmetleri.

TURKISH PATENT INSTITUTE
Detailed Trademark Information

National Application Number	: 2007/26263	Date of National Application	: 14/05/2007
National Registration Number	: 2007 26263	Protection Date	: 14/05/2007
Mark	: k2		

K2

Holders :

Name : KENDAL ELEKTRİK AYDINLATMA ELEKTRONİK İNŞAAT SANAYİ VE DİŞ TİCARET LİMİTED ŞİRKETİ

Address : Büyükhendek Cad. No:14 Karaköy Beyoğlu İSTANBUL

Nice Classification :

09 , 11

List of goods and/or services :

Bilimsel amaçlı ve laboratuarda kullanım amaçlı olanlar dahil ölçme aletleri, cihazları, göstergeler ve laboratuarlarda kullanılan malzemeler.

Ses ve görüntünün kaydı, nakli veya yeniden meydana getirilmesi (reprodüksiyonu) için cihazlar (veri işlem, haberleşme ve çoğaltma amaçlı cihazlar bilgisayar yazılımları ve bilgisayar çevre donanımları dahil).

Manyetik ,optik veya pozlanmış film halinde kayıt taşıyıcılar.

Antenler, uydu antenler, yükselticiler ve bunların parçaları.

Otomatik satış makineleri, bilet otomatları, nakit para çekme makineleri.

Makine ve cihazlarda kullanılan elektronik elemanlar.

Birim zamandaki tüketim miktarını ölçen sayaçlar ve zaman ayarlayıcıları.

Elektrik enerjisini iletim, dönüştürme, depolama kontrol cihazları ve araçları (elektrik, elektronikte kullanılan kablolar ve güç kaynakları dahil).

Ana fonksiyonu uyarı ve alarm olan cihazlar (taşıt alarmları hariç), elektrikli ziller.

Ütüler; elektrikli ve buharlı ütüler, pres ütüler.

Trafikte kullanım amaçlı sinyalizasyon, işaretle bildirme cihazları ve araçları.

Yangın söndürme amaçlı taşıtlar dahil, yangın söndürme aletleri ve cihazları.

Elektrikli kaynak aparatları(kaynak elektrotları dahil).

Radarlar, denizaltı radarları (sonarlar), gece görüşü sağlayıcı veya arttırıcı aletler ve cihazlar.

Sinek ve haşaratı kovucu veya yok edici elektrikli cihazlar.

Binalar için otomatik kapılar, otomatik turnikeler, binalar ve araç kapıları için elektrikli,elektronik veya uzaktan kumandalı açma- kapama tertibatı.

Elektroliz ve galvaniz işleri için aparatlar; anotlar, katotlar.

Mıknatıslar, dekoratif mıknatıslar.

Aydınlatma cihazları (taşıtlar, iç ve dış mekanlar için aydınlatma armatürleri).

Isıtma ve buhar üretme tesisatı için cihazlar(Katı, sıvı, gaz yakıtlı ve elektrikli sobalar, kuzineler dahil).

İklimlendirme ve havalandırma cihazları.

Soğutucular ve dondurucular.

Piştirme, kurulum ve kaynatmada kullanılan (kişisel bakım amaçlı olanlar dahil) elektrikle ve gazla çalışan aletler, makineler ve cihazlar.

Sihhi tesisat, vitrifiye.

Su yumuşatma cihazları, su arıtma cihazları, su arıtma tesisatı, atık arıtma tesisatı.

Güzellik salonlarında kullanım amaçlı bu sınıfa dahil cihazlar (el kurutma makineleri dahil).

Tıbbi amaçlı olmayan elektrikli alt yaygıları ve elektrikli battaniyeler, ısıtıcı yastıklar, elektrikli veya elektriksiz ayak ısıtıcıları, sıcak su torbaları (termoforlar).

Akvaryumlar için filtreler ve filtre-motor kombinasyonları.

Sanayi tipi piştirme, kurutma ve soğutma tesisatı.

Pastörize ve sterilize edici makineler.