



Einkaleyfastofan
Icelandic Patent Office

The International Bureau, WIPO
34, chemin des Colombettes
1211 Geneva 20
Switzerland

Reykjavik 13 November 2012

Our ref.: 08.004.004 VU2441/2012
Your ref.: 823013

Regarding: Notification of an ex officio provisional refusal according to Article 5 and Rule 17(2).

The Icelandic Patent Office declares that international registration No. 823013, ALASKA, is subject to invalidation in Iceland.

The holder of the international registration is AKTSIONERNO DRUJESTVO "VINPROM PESHTERA", "Brezovska" str. 126, BG-4003 PLOVDIV, BG.

The ground for the refusal is that the international registration is liable to cause confusion as to the origin of the goods. The word "ALASKA" indicates that the goods originate from the United States of America, whereas the address of the holder of the mark is in Bulgaria.

The refusal affects all the goods and/or services in class 33.

The refusal is based on Article 14.2 of the Icelandic Trade Mark Act No. 45/1997.
(See appendix I).

The holder of the right may request a review of the provisional refusal. The request shall be received by the Icelandic Patent Office no later than 4 months after the date of this notification, i.e. 13.03.2013. The request must be filed in Icelandic through the intermediary of a representative residing in the European Economic Area, in a member state of the incorporation of the European Free Trade Association or in the Faroe Islands. Please observe that the opposed registration is subject to full examination by the Icelandic Patent Office.



If the above mentioned time limit expires, the international registration can be resumed if the holder within two months from the expiration of the time limit responds to the provisional refusal and pays the stipulated fee (ISK 8,000).

Without a request for review being made to the Icelandic Patent Office the holder will be notified about the final decision and informed of the possibility to appeal to The Board of Appeal for Industrial Property. If the holder does not respond within the given time limit, the international registration shall be considered abandoned in Iceland (Trademark Act Article 19).

On the behalf of the Icelandic Patent Office,

Árni Halldórsson

Attached: Appendix I: Article 14 of the Icelandic Trade Mark Act, No. 45/1997.

Article 14

A trade mark may not be registered:

1. if it contains, without authorization, state emblems, official international symbols, emblems of Icelandic municipalities, official inspection or quality signs, specific names of these identifications of anything else likely to be confused with the abovementioned symbols and emblems; the prohibition shall include only official inspection and quality signs if registration of the mark is sought for the same or similar products as those for which the abovementioned signs and symbols are used;
2. if the mark is liable to cause confusion, for instance, as to the type of product, condition or origin.
3. if the mark is contrary to law or public order or likely to cause offence,
4. if the mark contains anything which may give cause to conclude that it is the name of an active commercial operation or the name or portrait of another person, providing this does not involve individuals long dead or if the mark includes a distinctive name of real property or an illustration of it,
5. if the mark contains anything which may cause it to be interpreted as the distinctive title of a protected literary or artistic work or if it infringes the copyright of another person to such work or other intellectual property right,
6. if the mark is liable to be confused with a trade mark which has been registered in this country or which has been in use here when the application for registration was filed and is still in use here,
7. if the mark is liable to be confused with a mark which may be considered to have been well known in this country at the time the application for registration was filed,
8. if the mark is liable to be confused with a trade mark which has been internationally registered, provided that this registration was valid in this country before the application was filed, cf. Article 59.

Notwithstanding the provisions of points 4-8, a mark may be registered if the consent of the trade mark proprietor or other rightholder has been given.

A trade mark for wines and spirits which implies a geographical name for wine or spirits may not be registered unless the product originates at the location in question.