

## Notification of Provisional Refusal based on an Ex Officio Examination (to WIPO)

Pursuant to Rule 17(2) of the Common Regulations under the Madrid Agreement concerning the international registration of marks and the Protocol relating to that Agreement.

<b>I.</b>	<b>Name and address of the Office making the notification:</b>		
	Norwegian Industrial Property Office P.O.Box 8160 Dep., N-0033 OSLO, NORWAY	Telephone: Telefax:	+47 22 38 73 00 +47 22 38 73 01
<b>II.</b>	<b>International registration:</b>	1128501	OLYMPIC
<b>III.</b>	<b>Date of Subsequent Designation (if any):</b> (yyyy.mm.dd) 2012.10.15		
<b>IV.</b>	<b>Holder of the international registration:</b> Comité International Olympique, Château de Vidy, CH-1007 LAUSANNE, Sveits		
<b>V.</b>	<b>The scope of the refusal:</b>		
	<input type="checkbox"/> <b>Provisional refusal for all goods and/or services</b>		
	<input checked="" type="checkbox"/> <b>Provisional partial refusal for some of the goods and services - see under X</b>		
<b>VI.</b>	<b>Grounds for refusal:</b>		
	<input type="checkbox"/> Absolute grounds:		
	<input checked="" type="checkbox"/> Relative grounds: <b>Trademark Act Section 16.a</b>		
	Likelihood of confusion with:		
	National registration number:		
	100178 OLYMPIC		
<b>VII.</b>	You will find more information about the conflicting mark(s) (if any) enclosed under XIII. The relevant provisions of the Norwegian Trademarks Act are under XII.		
<b>VIII.</b>	<b>Date of provisional refusal:</b>	(yyyy.mm.dd)	<b>2013.05.24</b>
	<b>Response must be received within:</b>	(yyyy.mm.dd)	<b>2013.08.24</b>
	See more information under XI about the time limit and which actions you need to take if you want to request a review of the provisional refusal.		
<b>IX.</b>	<b>Signature by the Office:</b>		
	<b>THE NORWEGIAN INDUSTRIAL PROPERTY OFFICE</b>		
	Hilde Zander		

(National reference no.: 201301417)

Number of continuation sheets: 5

**X. Scope of the provisional refusal in respect of goods and services:**

If the holder does not contest the refusal within 3 months, protection is given for:

*Class*

*4,5,6,7,8,9,10,11,12,13,14,15,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,*

*33,34,35,36,37,38,39,40,41,42,43,44 and 45 as filed*

*Class 1 limited to:* Chemicals used in science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; fertilizers; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives for industrial purposes; sensitized films, unexposed; synthetic resins; thermoplastic and thermosetting synthetic resins and organic compounds for molding, for general use in industrial processes; intermediate chemicals; organosilicon compounds, namely polysiloxanes and silanes in the form of resins, pastes, fluids, elastomers, vulcanization and acceleration products; anti-foaming agents; catalysts for paints; chemicals for development and setting of x-ray films and other chemicals in connection with the development of said films; phosphorescent substances; chemical substances used as nuclear fission materials; fuel for nuclear reactors; fused quartz in various forms, such as disks, ingots, rods and tubes for general use in industrial processes; adhesive materials for use in industry; polycrystalline alumina ceramic for general use in industrial processes; brazing and soldering fluxes and products; thermoplastic and thermosetting adhesives; chemicals, biochemicals and reagents for use in industry, science and research; chemical reagents, kits and products for analysis or diagnosis for scientific purposes, namely chemicals for cell culture and separation, purification of nucleic acid, nucleotides, florescent nucleotides, oligonucleotides, peptides, proteins, amino acids, organic molecules and markers for DNA/RNA synthesis; luminescence reagents; reagents for gene expression quantifying; reagents for polymerase chain reaction processes; reagents for rolling circle amplification processes; reagents for DNA cloning and vectors, enzymes for modification and restriction; reagents for labeling, sequencing and fractal analysis of nucleic acids and proteins and customized synthesis; reagents for recombinant protein purification and expression; chromatography media; reagents for electrophoresis, biocomputing, spectrophotometry and fluorometry; radiochemical products for scientific research; reagents for scintillation proximity assay; tests for high data rate analysis for producing medicines; reagents for high-resolution laser microscopy, fluoroscopic microscopy and confocal microscopy; specialized chemicals for use in industry, science and research; gases and gas mixtures for use in industry, science and research; chemical substances and products for manufacture of pharmaceutical products, diagnostic products and substances; chemical testing reagents, saline solution and paper coated with reagents, all for scientific use and for use in laboratories; fissile chemicals for scientific research; radioactive isotopes and elements for use in industry, science and research; radioactive sources and norms for radiographic technology; radioactive sources for non-destructive testing, purification and sterilization technology; radionuclides for scientific research; chemical compounds and chemicals for treatment of water supply systems, wastewater treatment systems, cooling water circuits, boiler water and steam generating systems, boiler condensate systems, liquid separation systems, systems for water purification and dehydration in aqueous systems, conditioning systems, gas purification systems, industrial process systems, fuel treatment systems, hydrocarbon and gas treatment systems, petrochemical systems and gas and oil treatment systems, pulp and paper making systems, metal and plastic coating systems, metal treating systems; chemicals, namely chemical additives for gasoline, additives for heating oil and additives for improving the efficiency of turbine engine fuel; bags with chemically treated granular materials for absorbing water to be placed in fuel tanks; testing kit comprising reagents for determining the presence of algae and active organic organisms in diesel; bacterial cultures and nutritive elements for treating sludge and wastewater; polymeric chemicals

for dispersing particles in steam production equipment; chemicals and chemical compounds used as anti-fouling and demulsifying agents in operations for producing coke and metallurgy-derived products; chemicals, catalysts, plastic semi-processed goods used as materials, filters for removing acid gases, untreated plastics, crystal whiskers and diamond gray; radiopharmaceuticals for scientific use and for research; polymeric membrane materials for liquid separation.

*Class 2 limited to:* Raw natural resins; corrosion inhibitors in the form of a coating for use in the metal finishing industry, namely an acid aqueous product for final rinsing; corrosion inhibitors in the form of a coating for cooling water circuits; corrosion inhibitors in the form of a coating, namely resinous coatings for masonry and metal surfaces; covering materials, etching liquids; toner cartridges for printers; ink cartridges for printers; toners, toners for copiers, toners for facsimile machines.

*Class 3 limited to:* Bleaching preparations and other substances for laundry use; cleaning, polishing, degreasing and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; cleaning preparations containing chemicals and chemical compounds for cleaning steel, aluminum, mixed and galvanized metal surfaces for general industrial use for manufacturing goods of metal; cleaning agents containing chemicals and chemical compounds for industrial use for removing contaminants in industrial process systems.

*Class 16 limited to:* Paper, cardboard and goods made from these materials, not included in other classes; printed matter, particularly postage stamps; newspapers, periodicals, books, photographs and posters; bookbinding material; stationery; adhesives (glues) for stationery or household purposes; typewriters and office requisites (except furniture); instructional or teaching material (except apparatus); plastic materials for packaging (not included in other classes); printing type; printing blocks; computer printouts; checkbooks, punched cards; electronic newspapers and periodicals; paper shredders, electric staplers, battery-powered letter openers, electric pencil sharpeners, electric perforators, electronic typewriters, ribbon cartridges for electronic typewriters, apparatus for printing checks, thermal paper; disposable paper or cellulose diaper-pants, diapers and napkins.

*Class 17 limited to:* Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; products made of semi-processed plastics; packing, stopping and insulating materials; flexible pipes not of metal; silicone mastic for various uses, particularly for caulking of bathtubs, boats and automobiles; impervious and road covering material made of silicone, roofing covering made of silicone rubber; plastic compounds for glazing; plastic materials in the form of sheets, plates, blocks, all for manufacture; electric insulation materials, electric insulation devices, including insulating silicone rubber compounds; plastic materials in the form of sheets, rods or plates, modeling materials.

The international registration will be published for protection with the above-reduced list of goods/services.

#### **Rapid publication of the limited list**

If the holder accepts the proposed limitation of the goods/services, and wishes a publication of the mark for these goods/services as soon as possible, he/she may confirm this in writing to The Norwegian Industrial Property Office. If The Norwegian Industrial Property Office does not receive any such confirmation from the holder, the mark will however be published for protection of the limited list of goods/services, after the expiry of all the time limits.

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- XI.** The holder of the registration may request a review of the provisional refusal. The Norwegian Industrial Property Office must receive the request no later than 3 months from the date of this provisional refusal (The time limit is indicated under point VIII). Such request must provide an address of correspondence and be filed in Norwegian, Danish, Swedish or English. The Norwegian Industrial Property Office will respond in Norwegian. Please note that if The Norwegian Industrial Property Office, either subsequent to review or appeal, accept the designation of Norway, a post grant opposition may be filed against the mark within 3 months from the publication of the mark.

If the holder does not respond to this provisional refusal within the time limit, the international registration shall be considered abandoned in Norway for the goods/services that are excluded (Trademark Act Section 70 and 23). The international registration shall 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 (NOK 500,-). Please note that The Norwegian Industrial Property Office does not send any notifications to the holder that the international registration is abandoned in Norway.

- XII.** The relevant provisions of the Norwegian Trademarks Act regarding the grounds of this provisional refusal:

#### **§ 4. Content of a trademark right**

A trademark right has the effect that no one, without the consent of the proprietor of the trademark right (the trademark proprietor), may use in an industrial or commercial undertaking:

- a) any sign which is identical with the trademark for goods or services for which the trademark is protected
- b) any sign which is identical with or similar to the trademark for identical or similar goods or services if there exists a likelihood of confusion, such as if the use of the sign may give the impression that there is a link between the sign and the trademark.

For a trademark which is well known in Norway, the trademark right implies that no one, without the consent of the trademark proprietor, may use a sign that is identical with or similar to the trademark for similar or any other goods or services, if the use of that sign without due cause takes unfair advantage of, or is detrimental to, the distinctive character or repute (goodwill) of the well-known trademark.

Use is considered to include the following:

- a) affixing the trademark to goods or to the packaging thereof
- b) offering goods for sale or otherwise putting them on the market, stocking or delivering them under the sign, or offering or supplying services thereunder
- c) importing or exporting goods under the trademark
- d) using the sign on business documents and in advertising.

Verbal use of the sign is also considered as use.

#### **§ 16. Trademarks that conflict with the rights of others**

A trademark cannot be registered without the consent of the relevant proprietor of rights if:

- a) use of the trademark would infringe the right of another in this country to a trademark or business name or another business sign,
- b) the trademark is liable to be confused with a trademark, business name or other business sign that someone else started to use as the distinctive sign for goods or services before the applicant and is still using, and the applicant was aware of this use when the application for registration was filed, in such way that the filing shall be considered to have taken place in

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conflict with honest practices in industrial or commercial matters

c) the trademark contains something that is liable to be perceived as another person's name, stage name or portrait, unless it obviously refers to a person who is long dead,

d) the trademark contains something that is liable to be perceived as the distinctive title of another's protected creative or intellectual work or it infringes another's right in Norway to a creative or intellectual work or a photography or a design, or

e) the trademark infringes another's right in Norway to a designation protected in regulations pursuant to Act no. 6 of 17 June 1932 on Quality Control of Agricultural Goods, etc. or Act no. 124 of 19 December 2003 on Food Production and Food Safety, etc.

**Guide to the following INID codes:**

(111): National registration number/ International registration number

(151): Date of national registration/Date of international registration

(180): Date of expiry

(210): National application number

(220): National application date /Date of notification

(300): Data relating to priority (if any)

(450): Date of publication

(511): List of goods and services

(540): Reproduction of the mark

(541): Indication relating to the nature or kind of mark (in Norwegian)

(546): Indication relating to the nature or kind of mark (in Norwegian)

(551): Collective mark (regulations)

(571): Description of the mark

(731): Name of the applicant

(732): Name of the proprietor

(740): Power of attorney

**XIII. Prior marks cited ex officio**

- (111) **Reg.nr.:** 100178  
(151) **Reg.dato.:** 1978.02.16  
(180) **Registreringen utløper:** 2018.02.16  
(210) **Søknadsnr.:** 19762805  
(220) **Inndato:** 1976.10.26  
(540) **Gjengivelse av merket:**



- (546) **Merketype:**  
Merket er et kombinert merke eller et rent figurmerke
- (591) **Informasjon om farger som merket kreves vernet for:**  
Merket er i farger: nei
- (571) **Beskrivelse av merket:**  
OLYMPIC
- (731) **Søker:**  
PPG Industries Inc, One PPG Place, Pittsburgh, PA 15272, US-, USA
- (732) **Innehaver:**  
PPG Architectural Finishes, Inc, One PPG Place, US-PA15272  
PITTSBURGH, USA
- (740) **Fullmektig:**  
Zacco Norway AS, Postboks 2003 Vika, 0125 OSLO, Norge
- (511) **Vare-/ tjenestefortegnelse:**  
Klasse 2 Maling, fernerisler, lakker; treimregneringsmidler;  
bladmetaller og metallpulver for malere og dekoratører.