



World Intellectual Property
Organisation (WIPO)
International Bureau
34, Chemin des Colombettes
1211 Geneva 20
Switzerland

Your Reference:
International Registration No:
WO0000001175515
Examiner: David Cleere
Direct Telephone: +44(0)1633811179
Date: 03 October 2013

Please reply by **03 December 2013** quoting the International Registration number

Dear Sir/Madam,

Notification of a Provisional Partial Refusal of Protection (not based on an opposition) by the Intellectual Property Office

I have examined your designation under the Trade Marks Act 1994 and carried out a search of the relevant trade mark registers. Your designation does not appear to meet the requirements for Protection for the following reason(s).

Absolute grounds for refusal

Retail

There is an objection under Section 1(1) and 3(1)(a) of the Act because the following terms do not clearly define the retail services being provided.

“including wholesale and retail services”

The Trade Marks Registry takes the view (following the judgment of the ECJ in the Praktiker case (C-418/02)) that a specification of this nature is not acceptable. An objection is therefore raised under Section 1(1) and 3(1)(a) of the Act.

Please see PAN 6/05 for further information: ipo.gov.uk/tmpan605

This objection can be overcome by specifying the actual goods being wholesaled or retailed e.g. “including wholesale and retail services, all connected with the sale of clothing”.

However you may also delete these services entirely from the designation.

We have not, at this point, undertaken a search in respect of earlier marks on the register (relative grounds examination). As and when you specify what goods you are interested in, we will undertake a full relative grounds examination which may raise earlier trademarks which you should be aware of.

Next step

If you disagree with my assessment of your designation, you can write or telephone me. My contact details are shown at the top of this letter.

If following this discussion, you still disagree with my findings you have the right to request a hearing with a senior officer to discuss the matter further.

If your address is outside of the European Community, the Isle of Man or the European Economic Area you must provide us with a contact address in one of the above areas. This can be done by filling in and returning a form TM33 "Appointment of change of Representative (for trade mark owners or holders)". This form is available at:

ipo.gov.uk/tmforms

If you do not reply by the date shown above, I will publish it in our online Trade Marks Journal, but only for:

Class 25 for the specifications as filed.

And

Class 35 for a specification of "Advertising; auctioneering; demonstration of goods; dissemination of advertising matter; distribution of samples; import-export agencies; marketing studies; on-line advertising on a computer network; organization of exhibitions for commercial or advertising purposes; organization of trade fairs for commercial or advertising purposes; presentation of goods on communication media, for retail purposes; procurement services for others [purchasing goods and services for other businesses]; sales promotion for others; shop window dressing..

The provisional refusal of all other services will then become final.

Yours faithfully

David Cleere

Trade Marks Registry