



**OIFIG NA bPAITINNÍ
PATENTS OFFICE**

Oifigí an Rialtais
Bóthar Hebron
Cill Chainnigh
Éire

Government Buildings
Hebron Road
Kilkenny
Ireland

**WORLD INTELLECTUAL PROPERTY ORGANISATION
34, CHEMIN DES COLOMBETTES
PO BOX 18
1211 GENEVA 20
SWITZERLAND**

Date of Notification: 08 October 2013
(By registered Mail)

**International Registration No: 0752086
Mark: ELITE
Holder: CONTINENTAL MATADOR RUBBER, s.r.o. of Slovakia**

Notification of the Irish Patents Office of Total Provisional Refusal

Dear Sir/Madam,

This notification is issued pursuant to Article 5 of the Protocol relating to the Madrid Agreement concerning the International Registration of Marks and Rule 17(2) of the Common Regulations under the Agreement and Protocol, and is to inform you that protection for this mark is refused for the reasons set out below. Any references to Sections are to Sections of the Trade Marks Act, 1996 and to Rules are to Rules of the Trade Marks Rules, 1996.

1. Section 8(1)(b)

The mark is devoid of distinctive character.

For a mark to possess distinctive character it must serve to identify the goods in respect of which protection is sought as originating from a particular undertaking, and thus to distinguish those goods from the goods of other undertakings.

It is contended that the mark, for which protection is sought, is incapable of performing the essential function of a trade mark, namely that of identifying the origin of the goods specified.

Section 8(1)(c)

The mark consists exclusively of signs or indications which may serve, in trade, to designate the kind and quality of the goods for which protection is sought. The wording should therefore remain free for all economic operators in that field to use.

Section 10(2)

There exists a likelihood of confusion on the part of the public between the mark and the following earlier mark(s):

Registered Community Trade Mark No:003878451

Mark:ELITE

Proprietor:Sunrise Medical Limited
Sunrise Business Park, High Street
DY8 4PS Wollaston, (WEST MIDLANDS)
United Kingdom

Date of Application:16/06/2004

Date of Registration:10/10/2005

Class 12 : Apparatus for locomotion by land, air or water adapted for use by the aged or disabled; manual and powered vehicles for providing or ensuring mobility of disabled persons, patients and the elderly, particularly scooters, wheelchairs and mobility aid vehicles and structural parts and fittings therefor; power recliner back assemblies for wheelchairs; wheelchair wheels; racing wheelchairs and sports wheelchairs; paediatric wheelchairs; medical carts for disabled persons, patients and the elderly, wheelchair cushions, pads, seats and seat backs including foam, flowable and pneumatic cushions, pads and seats, and supporting and holding devices on wheelchairs for their users; parts and fittings in this class.

Class 16 : Training manuals, instructional manuals, teaching manuals, training materials, instructional materials, teaching materials, all in the form of printed matter relating to the use and/or maintenance of manual or powered vehicles for providing or ensuring mobility of disabled persons, patients and the elderly, particularly scooters, wheelchairs and mobility aid vehicles.

Class 37 : Maintenance, repair and servicing of the following goods; apparatus for locomotion land, air or water adapted for use by the aged or disabled, manuals and powered vehicles for providing or ensuring mobility of disabled persons, patients and the elderly, particularly scooters, wheelchairs and mobility aid vehicles, power recliner back assemblies for wheelchairs, wheelchair wheels, racing wheelchairs and sports wheelchairs, paediatric wheelchairs, medical carts for disabled persons, patients and the elderly.

Registered Community Trade Mark No:005765185

Mark:elite

Proprietor:ELITE LICENSING COMPANY SA
15, route des Arsenaux
1700 Fribourg
Switzerland

Date of Application:16/03/2007

Date of Registration:27/04/2012

Class 3 : Soaps, cakes of soap, toilet soaps; Perfumery, perfumes, toilet water, eau de Cologne; Scented water; Essential oils, oils for toilet purposes, almond oil; Cosmetics, oils and lotions for cosmetic purposes; Cosmetic creams, cosmetic preparations for skin care; Almond milk for cosmetic purposes; Cosmetic preparations and salts for the bath (not for medical purposes); Creams, milks, lotions, gels and powders for the face (not for

medical purposes), body and hands; Talcum powder for toilet use; Tissues impregnated with cosmetic lotions; Moisturising emulsions; Beauty masks; Sun-tanning and after-sun creams, milks, gels and oils for cosmetic purposes; Cosmetics for tanning the skin; Sun tanning preparations (cosmetics); Hair wash; Hair lotions; Mousses and balms for hair care; Hair gels and waxes; Shaving preparations, aftershave lotions; personal deodorants; Deodorants for personal use; Perfumed potpourris; Nail varnish and polishes; Hair lacquers; False nails; Adhesives for fixing false nails; Make-up and make-up removing preparations; Cosmetic pencils; Lipliner pencils, eyeliner pencils; Corrector pencils; Eye liner; Lipsticks; Lip gloss (shine); Mascara; Cosmetics for eyelashes; False eyelashes; Adhesives for affixing false eyelashes; Eye concealer; Blush; Blusher, eye shadow, eye shadow base; Make-up powder; Foundation make-up; Adhesives for cosmetic use; Shampoos for pets; Cotton wool for cosmetic purposes; Cotton sticks for cosmetic purposes; Skin whitening preparations; Oral hygiene preparations (non-medicated); Hair dyes; Waving preparations for the hair; Hair dyes; Pimple-removing agents; Depilatory wax; Moustache wax; Decorative transfers for cosmetic purposes; Cosmetic sets; Bleaches for cosmetic use; Incense; Nail varnish removing preparations; Preparations for perfuming linen; Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Polishing stones; Pumice stone; Smoothing stones.

Class 5 : Sanitary preparations for medicine and personal hygiene; Air purifying or air freshening preparations; Salts (mineral water -); Bath salts for medical purposes; Sunburn ointments; Sunburn preparations; Corn remedies; Deodorants for clothing or textiles; Smelling salts; All the aforesaid goods except medical substances for analysis and diagnosis, and excluding medical substances for diagnosing, managing and treating diabetes.

Class 8 : Hand tools and implements (hand-operated), namely electric hairstyling tongs, electric apparatus for smoothing and straightening the hair, electrically heated combs and brushes for hairstyling purposes; knives, non-electric; forks and spoons (tableware); Silver plate (knives, forks and spoons); sugar tongs; side arms; penknives; scissors; rasps (hand tools); scraping tools [hand tools]; electric and non-electric razors; shaving cases; electric manicure sets; razor blades and razor cases; manicure and pedicure sets; eyelash curlers; hair-clippers for personal use (electric and non-electric); beard clippers (electric and non-electric); depilation appliances (electric and non-electric); nail clippers (electric or non-electric); nail files (electric and non-electric); fingernail polishers (electric or non-electric); farriers' knives; nail nippers; hair removing tweezers; sharpening instruments; sharpening stones; sharpening instruments; non-electric hand implements for hair curling; irons (non-electric handtools); curling tongs; non-electric flat irons; shoe lasts; can openers (non-electric); ear piercing apparatus; hair clippers for animals; apparatus for printing tattoos.

Class 9 : Spectacles (optical goods), sunglasses, spectacles for sports, anti-glare spectacles; spectacle frames; spectacle frames; spectacle lenses; correcting lenses (optics); contact lenses; contact lenses, optical lenses; optical goods; eyewear cases; containers for contact lenses; binoculars; spotting scopes; magnifying glasses (optics); anti-dazzle shades; scientific (apart from medical use), nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking, life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; galvanic cells; video cameras; photography

screens; projection screens; fluorescent screens; video displays; monitors (computer hardware); radio, including for vehicles; audio and video receivers; television apparatus; video recorders; cassette players; compact disc players; readers (data processing equipment); DVD players; optical character readers; electronic diaries; pocket calculators; electronic pocket translators; satellite navigation equipment; navigation apparatus for vehicles (onboard computers); batteries, electric; electric batteries; magnetic data carriers; magnetic cards; smart cards with chips; compact discs (audio-video), optical discs, optical compact discs and recording discs; compact discs with read-only memory and interactive compact discs; optical and magnetic data media; audio-visual teaching apparatus; instructional and teaching material, in the form of CD-ROMs; computer software (recorded programs); downloadable software; downloadable electronic publications; cinematographic film (exposed); animated cartoons; slide projectors; photographic transparencies; data-processing apparatus and equipment; computers; computer peripheral devices; computer memories; modems; cash registers; calculating machines; clothing and footwear for protection against accidents, irradiation and fire; protective helmets and masks; diving suits, gloves for divers and divers' masks; pince-nez; magic lanterns; musical juke boxes; personal stereos; headphones; walkie-talkies; telephone apparatus; telephones including mobile telephones; radiopaging apparatus; video telephones; telephone answering machines; hands-free kits for telephones; telephone receivers; loudspeakers and cabinets for loudspeakers; amusement apparatus adapted for use with an independent display screen or a monitor; apparatus for games adapted for use with an external display screen or monitor; facsimile machines; neon signs; hair curlers, electrically heated; hair-curlers, electrically heated; make-up removing appliances electric; electric irons; all the aforesaid goods except batteries for vehicles and binoculars, telescopes and spotting scopes.

Class 10 : Massage apparatus; Therapeutic apparatus and appliances for massaging and/or bathing; Esthetic massage apparatus; Foot massagers; Traction apparatus for medical purposes; Gloves for massage; Cushions for care of the feet; Apparatus for the separation and the straightening of the toes.

Class 11 : Apparatus for lighting, steam generating, cooking, refrigeration and ventilation; Lamps; Ultraviolet lamps (not for medical purposes); Street lamps; Gas and oil lamps; Fairy lights for festive decoration; Electric lamps; Electric lights for Christmas trees; Electric pocket torches; Fairy lights for festive decorations; Lanterns for lighting and light bulbs; Lamp shades; Reflector lamps; Lamp glasses; Lamp casings; Lamp hanging supports; Lamp chimneys; Luminous tubes for lighting; Ceiling lights; Lamp shades; Lamp shade holders; Flares; Sockets for electric lights; Chandeliers; Ventilating hoods; Ionisation apparatus for the treatment of air, air purifying apparatus, air deodorising apparatus, barbecues; Tanning apparatus; Electric coffee machines; Electric coffee filters; Ash pits for furnaces; Refrigerating apparatus and machines; Refrigerating cupboards and rooms; Refrigerators; Ice boxes; Freezers; Kilns; Cookers; Electric pressure cookers; Microwave ovens; Roasting apparatus; Electric cooking utensils; Hot plates; Electric deep fryers; Electric waffle irons; Toasters; Electric heaters for baby bottles; Hot water bottles; Footwarmers (electric or non-electric); Electric kettles; Electric coffee percolators; Plate warmers; Hair driers; Hairdressing lamps; Ornamental fountains; Water fountains; Laundry dryers (electric); Electric yoghurt makers;

All the aforesaid goods except lights and light bulbs for vehicles.

Class 12 : Apparatus for locomotion by land, air, water or rail; vehicles; automobiles, motorcycles and bicycles; all the aforesaid goods except wheelchairs and spare parts therefor and electric scooters for disabled people.

Class 14 : Timepieces, watches, alarm clocks, clocks and chronometric instruments; jewellery, rings, bracelets, chains, necklaces, pendants, brooches, earrings, terminal lugs, medals, medallions (jewellery), cuff links, tie pins, jewel brooches; precious stones; key rings; ornaments for mobile phones; precious metals and their alloys (except for dental use) and goods in precious metals or coated therewith, not included in other classes, namely : busts, figurines, objet d'art, goldware (except knives, forks and spoons), statues, statuettes, boxes, jewellery cases, caskets, needles, badges for wear, coins.

Class 16 : Paper and cardboard (untreated, semi-finished or for stationery or printing); printed matter; cardboard articles; cardboard tubes; books, booklets, newspapers, magazines, journals and periodicals; memos, newsletters and news bulletins; publications; manuals; catalogues; albums; brochures; Printed matter; prospectuses; almanacs, tear-off calendars, calendars, diaries; bookmarks; bookbinding and bookbinding material; fabrics for bookbinding; photographs; posters, including advertising posters; advertisement boards of paper and cardboard; atlases, maps and terrestrial globes; architects' models; plans; articles of stationery; pads; exercise books, note pads, notebooks, directories, sheets, index cards, envelopes, files and folders (stationery); cabinets for stationery; jackets for papers; tickets; cards; membership cards (not magnetic); loyalty cards (non-magnetic); debit cards and credit cards (non-magnetic); business cards; greetings cards; postcards; announcement cards (stationery); writing materials; school supplies; drawing materials; chalk boards; pencil cases; drawing sets; adhesives and glues for stationery or household purposes; stickers; adhesive bands for stationery or household purposes; drawing pads; writing instruments; pens; ink pens; ball-point pens; pencils; pencil sharpeners (electric or non electric); pencil leads; rubber erasers; compass; rulers; thumb tacks; artists' materials; watercolour pictures; drawings; pictures; prints; prints (engravings); photo-engravings; etchings; Lithographic works of art; chromos; figurines and statuettes of papier-mâché,; engravings; stencil plates; paintings (pictures) framed or unframed; portraits; drawing charcoal; pencil lead holders; crayons; nibs; pen cases; tracing needles for drawing purposes; penholders; stands for pens and pencils; paint easels; paint trays; paint brushes; inking pads; inkwells; indian inks; writing cases; placards of paper or cardboard; boxes and cases of cardboard or paper; letter trays; paper cutters; hand rests; paperweights; stapling presses; bookends; paperclips; writing mats; paper towels; pen wipers; tablecloths of paper; instructional and teaching material (except apparatus); instructional and teaching material in the form of games (except apparatus) namely books and manuals; bags, sachets, envelopes, pouches and sheets of paper or plastic for packaging; wrapping paper; packaging and envelopes for bottles; printers' type; printing blocks; typewriters (electric or non-electric); office requisites (other than furniture); scrapers (erasers) for offices; sealing stamps; labelling apparatus; table linen of paper; covers for flower pots; coasters; mats for beer glasses; table rounds; flags; pennants; shields (paper seals); signs; labels, not of textile; postage stamps; cones; hat boxes of cardboard; transfers (decalcomanias); albums, trading cards, decals,

calenders, posters, catalogues, photo engravings, photographs, cards games (playing cards), prints (engravings); diagrams; perforated cards for jacquard looms; patterns for making clothes; patterns for dressmaking; stencil cases; all the aforesaid goods except pamphlets, manuals, catalogues, prospectuses, note books, instructional and teaching material (except apparatus), instructional and teaching material (except apparatus) in the form of games, namely books and manuals relating to the promotion, operation, maintenance or repair of wheelchairs and electric scooters for disabled people.

Class 18 : Leather and imitations of leather; Goods of leather or imitation leather (except cases adapted for the goods they are designed to carry, gloves and belts); trunks and travelling bags; cases of leather or leatherboard; travel cases; attaché cases; briefcases; handbags; briefcases; school satchels and school bags; shopping bags and shopping nets; bags [envelopes, pouches] of leather, for packaging; sling bags for carrying infants; rucksacks, backpacks; wheeled shopping bags; bags for climbers; bags for campers; beach bags; travelling bags; garment bags for travel; card holders (wallets); wallets; purses (not of precious metal); pouches; mesh bags not of precious metals; Key cases [leatherware]; hat boxes of leather; Boxes of leather or leather board; vanity cases (not fitted); music cases; saddlery; leather shoulder belts; cords, strapping, wires, thongs, tapes and bands of leather; collars and covers for animals; dog collars; leads, muzzles; blinkers (harness); coverings of skins (furs); trimmings of leather for furniture; chamois leather, other than for cleaning purposes; animal skins, hides; umbrellas, parasols and walking sticks; umbrella covers; whips, harness and saddlery; goods in precious metals and their alloys or coated therewith, namely : chain mesh purses, purses, harness fittings.

Class 20 : Furniture; armchairs, sofas; showcases (furniture); picture frames; goods not included in other classes of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, substitutes for all these materials or of plastics, namely : decorative wall plaques (furnishings), busts, mannequins, decorations for food stuffs, figures, figurines, statuettes, statues, mobiles (mobile objects for decoration), works of art, flower pot pedestals, letter boxes, boxes, toy chests, clothes hangers and covers for garments, beds and kennels for household pets, furniture of metal, partitions of wood for furniture, hat stands, coatstands (furniture), hooks for clothes rails, curtain rings and hooks, fixed towel dispensers, ladders, curtain tie-backs, hand fans, fireguards, furniture fittings, knife handles, mattress supports, cushions, mattresses, air cushions and mattresses (not for medical purposes), pillows, straw mattresses, washstands, massage tables, stools, baby-walkers, playpens, clothes hooks, table tops, metallic tables, umbrella stands, magazine racks, book cases, newspaper display stands, furniture doors, stands for display purposes, medicine cabinets, furniture shelves, locks (except electric), curtain hooks, bead curtains for decoration, slatted indoor blinds, furniture, shelves for storage, drawers, curtain rods, stair rods, fishing baskets, cases, floating containers, containers, baskets, packaging and envelopes for bottles, packaging containers, wickerwork, vats, drums (casks), reels (for yarn, silk, cord), placards, signs, boards for hanging keys, flagpoles, tool handles, brush mountings, bulletin boards; yellow amber; horn, unworked or semi-worked; animal horns; corozo; tortoiseshell; meerschaum; ivory, unworked or semi-worked; mother of pearl [unworked or semi-worked]; reeds (plaiting material); tortoiseshell imitation; bedding (except linen); curtains of paper or cardboard; slatted indoor blinds and/or for windows, of paper or of

cardboard; slatted indoor blinds and/or for windows, of plastic.

Class 21 : Non-electric household or kitchen utensils and containers (not of precious metals or coated therewith); combs, sponges, brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; dustings; clothes pegs; unworked or semi-worked glass (except glass used in buildings); tableware of glass, porcelain and earthenware; tableware (other than cutlery) not of precious metals; works of art, figurines, statues, statuettes and busts of porcelain, terracotta and glass; vases, candlesticks and candelabra (not of precious metal); toilet cases and utensils; toilet brushes; combs cases; shaving brushes and shaving brush stands; soap boxes, soap dispensers, soap dishes; toothbrushes; powder puffs and compacts (not of precious metal); sponge holders and towel holders (not of precious metal); cosmetic utensils; bottle openers; coffee filters, non-electric; kettles (non-electric); flasks, bottles, canisters, pots, pitchers, jugs, goblets, bottle gourds and hip flasks (not of precious metal); decanters; perfume burners; perfumes sprayers and perfume vaporisers (not of precious metal); door handles and knobs of porcelain; flower-pot covers, not of paper; china ornaments; signboards of porcelain or glass; porcelain wares; pottery; flower pots; epergnes, not of precious metal; non-metal piggy banks; tea sets, teapots, tea-strainers, tea caddies and tea-infusers (not of precious metal); glass stoppers; cabarets (trays), not of precious metal; non-electric coffee-makers and coffee services (not of precious metal); beer mugs; paper pots, sugar bowls and salt shakers (not of precious metal); baskets for domestic use, not of precious metal; drinking horns; fruit cups; crystal (glassware); demijohns; coasters (not of paper and other than table linen); trivets (table utensils); Feeding bowls; tankards (not of precious metal); bowls [basins]; vegetable dishes; pepper-mills and coffee-mills (hand-operated); fitted picnic baskets (including dishes); trays for domestic purposes, not of precious metal; menu card holders; knife rests; toothpick holders, not of precious metals; pots; crumb trays; drinking vessels; napkin rings (not of precious metal); coolers in the form of ice pails; non-precious metal services (tableware); spice sets and liqueur sets (not of precious metal); shoe horns; shoe horns; goods of precious metals and their alloys or coated therewith, namely : silverware (dinnerware), plates, tea caddies, boxes for sweetmeats, tea infusers, cabarets (serving trays), non-electric coffee makers, egg cups, baskets for domestic use, pitchers, tea filters, goblets, cruet sets (for oil), tea strainers, strainers, trays for domestic purposes, dishes, pepper pots, toothpick holders, household and kitchen containers, napkin rings, salad bowls, salt shakers, services (dinnerware), coffee services, tea sets, saucers, tureens, sugar bowls, cups, teapots, household and kitchen utensils, dinnerware, candleholders, candlesticks, vases, sacred vases, towel holders, powder cases.

Class 24 : Fabrics for textile use; household linen, diapered linen, table runners, coasters, table linen of textile; tablecloths, placemats, table mats, table napkins of textile; oilcloth (for use as tablecloths); bed and table covers; sheets; lingerie fabric; mattress covers; ticks (mattress covers); bed linen; bedclothes; sleeping bags (sheeting); quilts, eiderdowns (down coverlets); quilts; quilts; pillow cases and pillow shams; cushion covers; towels of textile; bath linen (except clothing); beach towels; handkerchiefs and tissues for removing make-up, of textile; washing mitts and face towels of textile; glass cloths; upholstery fabrics; curtain holders of textile materials; upholstery fabrics; loose covers for furniture; furniture coverings of plastic or of textile;

door curtains; net curtains; curtains of textiles or plastic; blinds of textile; shower curtains of textile or of plastic sheets; textile wall hangings; banners; calico; flags and penants, not of paper; labels (textile); hat linings, of textile, in the piece; travelling rugs; lap rugs; canvas for tapestry or embroidery; traced cloths for embroidery; gummed cloth, other than for stationery; non-woven textile fabrics; knitted fabric; woollen, linen and jute fabrics; printed cotton fabrics; silk fabrics; crepe (fabric), crepon; woollen fabric; textile linings; moleskin (fabric), flannel (fabric), jersey (fabric), taffeta (fabric); tulle; Velvet; damask (fabric); frieze (cloth); plastic material (substitute for fabrics); elastic woven material; fibreglass fabrics for textile use; fabric of imitation animal skins.

Class 25 : Outerclotthing and underwear for men, women and children; clothing of leather and of imitation leather; fur clothing; sportswear (other than for diving); blousons; gabardines (clothing); raincoats; coats; mantillas; mittens; overcoats; trench coats; parkas; wraps; fur coats; saris; stuff jackets (clothing); suits; masquerade costumes; jackets; smocks; aprons (clothing); jumpsuits (clothing and underwear); crossover tops; cardigans; pullovers; sweaters; knitted goods (clothing); tank tops; waistcoats; skirts; petticoats; trousers; dresses; saris; shirts; undershirts; henleys; sweatshirts; shorts; Bermuda shorts; topcoats; ready-made clothing; paper clothing; muffs; pyjamas; dressing gowns; peignoirs; pants, including bathing trunks; swimwear and beachwear; jerseys, including swimsuits; slippers; bodies (teddies); bustiers; knickers; briefs; brassieres; corsets; stocking suspenders; socks; stockings; tights; bandannas; scarves; shawls; neckerchieves; mufflers; fur stoles; gloves (clothing); belts (clothing); braces; ties; bow ties; pocket handkerchiefs (clothing); collar protectors; footed pyjamas, brassieres, layettes; bibs, not of paper; shoes; footwear, including beach footwear; sports shoes; boots; ankle boots; wooden shoes; esparto shoes or sandals; sandals; slippers; slippers; headwear; hats; veiling (clothing); caps; visors (hatmaking); berets; caps, including swimming caps; headbands (clothing); turbans.

Class 26 : Lace and embroidery; ribbons and braid; buttons, hooks and eyes; pins and needles; artificial flowers; frills (lacework); fancy goods (embroidery); festoons (embroidery); heat adhesive patches for decoration of textile articles (haberdashery); tinsels (trimming for clothing); ornamental novelty badges; badges for wear not of precious metal; hat ornaments (not of precious metal); cords for clothing; skirt flounces; hair ornaments; head bands and hair pins; braids and tresses of hair; wigs; false hair; fringes; tassels; bows for the hair; slides [hair grips]; hair beads, grips, slides; elastic ribbons; hair colouring caps; fasteners for clothing; spangles for clothing; shoe buckles; buckles (clothing accessories); brooches (clothing accessories); clasp (belt -); tassels (haberdashery); reins for guiding children.

Class 28 : Games; games other than those adapted for use with an independant display screen or a monitor; toys; gymnastic and sporting articles (except clothing, shoes and mats); decorations for Christmas trees (except illumination articles); dolls' clothing and rooms; apparatus for games other than those adapted for use with an independent display screen or a monitor; billiard tables and billiard accessories (cues, skittles, chalk and balls); tables for table tennis; surf boards; appliances for gymnastics; springboards; sledges; protective paddings (parts of sports suits); elbow guards and knee pads; game cards.

Class 32 : Beers; mineral and aerated waters; lemonades and sodas; non-alcoholic drinks and preparations for making beverages (except those based

on coffee, tea, cocoa or chocolate and milk beverages); isotonic beverages; non-alcoholic aperitifs and cocktails; fruit drinks and fruit juices; fruit nectars; non-alcoholic fruit extracts; vegetable drinks and juices; sherbets (beverages); syrups.

Class 35 : Advertising, including online advertising on a computer network; mail advertising (including by electronic means); radio advertising; television advertising; arranging newspaper subscriptions for others; business management; commercial business estimates; commercial information agencies; market studies; economic forecasting; statistical information; market research; advertising management; rental of advertising equipment, space and media (including online on a global communications network such as the Internet); business consultancy, information or enquiries; business management assistance; business organisation and management consultancy; efficiency experts; business investigations and research; business administration of licences for goods and services for others; organisation of exhibitions and trade fairs for commercial or advertising purposes; outdoor advertising; publication of publicity texts; business management consultancy; professional consultancy relating to advertising and promotion, in particular in the field of fashion; computerized file management; consultancy relating to the administrative management of Internet websites; collection and systematic ordering of data in a central file; dissemination of advertising matter, direct mail advertising; advertising mail; updating of advertising material; sales promotion (for others); opinion polling; providing facilities for exhibitions (administrative); hotel administration; shop-window dressing; demonstration of goods; distribution of samples; auctioneering services; import-export agencies; rental of advertising time on all means of communication; professional management of artistic affairs; professional management of models, celebrities, artistes, athletes, comedians and fashion designers; modelling agencies, namely selection, recruitment and placement of models; modelling for advertising or sales promotion; public relations; press reviews; management of the careers of models, celebrities, artistes, athletes, comedians and fashion designers; negotiating contracts for models, celebrities, artistes, athletes, comedians and fashion designers; document reproduction; administrative management of promotional gifts; organisation of promotional and advertising operations to obtain customer and personnel loyalty; Procurement for others (purchasing of goods and services for other companies); presentation of goods on all means of communication for retail sale; grouping together (except transport) for others of goods, namely care, beauty and hygiene products for people and animals, perfumery and cosmetics, clothing and fashion accessories, textiles, haberdashery, leather goods, jewellery, clocks and watches, optical goods, furniture, luxury tableware items, household linen, garden equipment, DIY goods, tools, sports equipment and games, photographic apparatus, cinema apparatus, printing and publishing apparatus, musical instruments, stationery, household electrical goods, audiovisual goods, telecommunications apparatus, telephony apparatus (including mobile phones) and computer equipment, enabling customers to view these goods (including in a shop, at an exhibition for commercial purposes, in a general merchandising catalogue or on a website) and purchase these goods by any means (including via telecommunications); employment agencies; personnel recruitment; secretarial services; accounting; statistical information; rental of typewriters; office machines and equipment rental; Photocopying rental; rental of vending machines.

Class 38 : Telecommunications services; transmission of information (news), computer-aided communication and transmission of messages and images; press and information agencies; transmission of information by data transmission; transmission of information by teleprinters; communication by computer terminals; television and radio broadcasting; radio and television broadcasting; information about telecommunications; transmission of data contained in data banks; providing access to information held in data banks; renting of access time for the use of data bases; transmission and dissemination of data, images and sound by computer or computer networks; electronic mail, electronic messages and electronic dissemination of information, in particular by means of worldwide communications networks (such as the Internet) or private or restricted access networks (such as an Intranet or Extranet); consultancy relating to telecommunications and electronic communications; rental of telecommunications equipment and apparatus; rental of message sending apparatus; rental of modems; rental of facsimile apparatus and telephones.

Class 41 : Education; providing of training, including training in how to use the Internet; training courses via the Internet; consultancy relating to the use of Internet sites (training); academies (education); educational establishments; sporting and cultural activities; organisation of sports competitions and events; gymnastic and health clubs; providing sports facilities; provision of sports facilities; rental of stadium facilities; rental of tennis courts; publication of books, newspapers, magazines, journals, periodicals, catalogues, guides, manuals, CD-ROMs, notes, news bulletins and newsletters; micro publishing; publication of texts (except publicity texts); lending libraries; entertainment services; leisure services; club services (entertainment or education); organisation, production and presentation of performances; entertainer services; booking of seats for shows; music-halls; orchestra services; organising theatrical, musical, cinematographic and variety events; discothèque services; organization of balls; television and radio entertainment; editing of radio and television programmes; film and video tape production; modelling for artists; movie studios; providing movie theatre facilities; rental of films, video tapes, phonographic recordings, cinema film projectors and accessories for film sets and theatre sets; recording studio services; recording (filming) and editing of films and video tapes; arranging of competitions for education or entertainment; organisation of beauty contests; organisation of modelling competitions; organisation and conducting of colloquiums, conferences, congresses, seminars and symposiums; organization and holding of exhibitions for cultural or educational purposes; arranging and conducting of training workshops; modelling agencies, namely providing of training for models; practical training (demonstration); entertainment, recreation and education information; rental of sports equipment except vehicles; operating of lotteries; providing gaming house facilities; casino facilities; gambling; games offered on-line on a computer network; news reporter services; photographic reporting; provision of on-line electronic publications (not downloadable); online electronic publication of books, newspapers, journals, periodicals and catalogues (not downloadable); party planning (entertainment); amusement parks; amusement parks; camp services (holiday-) (entertainment); swimming pools (entertainment); running zoological gardens; museum facilities (providing-) presentation, exhibitions); boarding schools; translation services; bookmobile services; circuses; animal training.

Class 43 : Hotel services; temporary accommodation; motels and hotel residences; providing hotel accommodation; holiday homes and guest houses; holiday camps services (accommodation); rural holiday accommodation; room hire; hotel reservations for travellers, temporary accommodation reservations and boarding house bookings; restaurants, including home delivery; preparation of takeaway meals; cafeterias; bars and brasseries; snack-bars; self-service restaurants; canteens; tea rooms; ice-cream parlours; catering services; consultancy and information (non-business) in the fields of hotels and restaurants; rental of temporary accommodation and meeting rooms; rental of transportable buildings, tents, chairs, tables, table linen and glassware; child care services, day-nurseries; Boarding for animals; provision of campground facilities; Retirement homes.
Class 44 : Hygienic and beauty care for human beings or animals; Beauty salons; Hairdressing salons; Make-up artists; Hand-care and foot-care services; Balneotherapy; Thalassotherapy services; Spa services; Aromatherapy services; Massaging; Saunas; Provision of solarium services; Public baths for hygiene purposes; Turkish baths;Physiotherapy; Opticians' services;Tattooing services; Hair implantation;Breeding relating to animals; Pet grooming;Flower arranging.

Pending Community Trade Mark Application No:011353951

Mark:ELITE-i

Applicant:Alexander Dennis Limited

16 Charlotte Square

EH2 4DF EH2 4 DF Edinburgh, (MIDLOTHIAN)

United Kingdom

Date of Application:16/11/2012

Class 12 : Coaches and buses; coachwork and parts and fittings (included in Class 12) for use with the aforesaid goods.

Class 37 : Custom construction of coaches, buses and coachwork; servicing, repair, maintaining, painting, cleaning, washing, polishing and lubricating of coaches and buses; all included in Class 37.

2. This refusal is in respect of all of the goods for which protection is sought.
3. The holder may make representations in writing, or may request an extension of time for doing so, not later than **07 January 2014**. A request for an extension of time received after that date may be granted at the discretion of the Controller.
4. If representations or a request for an extension of time are not received by the specified date, protection of the mark will be refused.
5. Representations to the Controller or a request for a hearing in relation to this notification of refusal must be accompanied by an address for service within the European Economic Area as required by Rule 10(1)(a) as amended by Statutory Instrument No. 420 of 2010; failure to furnish such address will result in the holder being deemed to have abandoned his request for protection.

6. If, following the receipt of representations, it is considered that the requirements for protection are met, the mark will be published in the Official Journal and protection of it will be subject to opposition and observations by third parties. A refusal based on opposition or observations received may subsequently be issued.

7. Date of refusal: **08 October 2013**

Yours faithfully



Martina Bergin
Trade Marks Examination
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