

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

**PROVISIONAL REFUSAL OF PROTECTION**

Notified to the International Bureau of the World Intellectual Property Organisation  
(WIPO) according to Article 5 of the Protocol Relating to the Madrid Agreement  
Concerning the International Registration of Marks

1 . Office refusing protection : **Intellectual Property Office of Singapore**

2 . International Registration Number : **1193323**

3 . Name of holder of the International Registration :

**August Storck KG**

4 . The grounds for this refusal are indicated in the attached statement(s) of refusal.  
Where the refusal relates to more than one Singapore trade mark number, there is a separate statement of refusal for each Singapore trade mark number. Each statement of refusal contains a Singapore trade mark number for the class(es) and a Singapore reference number (stated as "Our Ref" in the statement of refusal). The International Registration number, Singapore trade mark number(s), corresponding class number(s) and Singapore reference number(s) must be quoted in all correspondence with the Intellectual Property Office of Singapore.

5 . The relevant provisions of Singapore law are attached.

6 . This refusal applies to all the goods in Class(es) 30 of the international registration.

7 . The holder of the international registration may request for a review of this refusal.  
The request for review must be received by the Intellectual Property Office of Singapore no later than four (4) months from the date of this refusal.

The request for review must quote the International Registration number, relevant Singapore trade mark number(s), corresponding class number(s) and Singapore reference number(s) and be accompanied by an address for service in Singapore filed on Form TM 1. The fee payable for Form TM 1 is SGD9.00 (via manual submission) or SGD8.50 (via online submission) for each Singapore trade mark number.

The holder may request for an extension of time to respond to the refusal by filing Form TM 49. There is no fee for the filing of this form. However, one Form TM 49 must be filed for each Singapore trade mark number in respect of which the request is made. The International

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Registration number, relevant Singapore trade mark number(s) and Singapore reference number(s) must be quoted on each Form TM 49.

Both Form TM 1 and Form TM 49 can be obtained from the web site of the Intellectual Property Office of Singapore at <http://www.ipos.gov.sg/Services/FilingandRegistration/FormsandFees/TradeMarks.aspx>.

If the holder does not file a request for review together with the completed Form(s) TM 1 and the relevant fee or does not file the completed Form(s) TM 49 by 1 November 2014, this refusal will become final.

8 . Please note that a further refusal of protection may result from an opposition, which may be filed after the expiry of 18 months from the date on which the Intellectual Property Office of Singapore was notified of the international registration.

This applies to all the goods in Class(es) 30 of the international registration.

9 . Date of refusal : **1 July 2014**

10. This refusal is issued by :

Kelly Lim Sim Yi (Ms)  
Assistant Registrar  
for Registrar of Trade Marks  
Singapore

Examiner's direct line : (65) 63302742

(This is a computer generated letter. No signature is required)

## **PROVISIONS OF SINGAPORE LAW**

### **TRADE MARKS RULES**

#### **Rule 19(2) Specification**

Every application form shall contain, for each class of goods or services to which the application relates

- (a) the class number as set out in the Third Schedule; and
- (b) a specification of those goods or services which
  - (i) is appropriate to that class;
  - (ii) is described in such a manner as to
    - (A) indicate clearly the nature of those goods or services; and
    - (B) allow those goods or services to be classified in accordance with the Third Schedule;and
- (iii) complies with any other requirement of the Registrar.

### **Trade Marks Act**

#### **(CHAPTER 332)**

### **Trade Marks (International Registration) Rules**

#### **Rule 11 Examination**

2A) Where the mark to which the international registration relates contains or consists of a word or words in characters other than Roman or in a language other than English, the Registrar may require the holder to file with the Registrar a copy of a translation or, if the case requires, transliteration, of each word in English, certified or verified to the satisfaction of the Registrar.

## STATEMENT OF REFUSAL

Our Ref : EXS/D4056896/tmklsy

M/S August Storck KG  
Waldstrasse 27, 13043 Berlin, Germany

Dear Sirs

**Singapore Trade Mark No T1403019Z in Class No 30**  
**International Registration No 1193323**  
**August Storck KG**

We refer to the above.

2 Registration of the mark is refused as the mark contains a non-English word and we require the certified English translation thereof. We note that the mark contains a French word, "Merci" (<http://tinyurl.com/nr98vks>). Please confirm if we may endorse the clause below in respect of the subject international registration (IR).

(a) The French word "Merci" appearing in the mark means "Thank You".

3 If the holder of the IR does not agree to the meaning as provided by the online translation source, please let us have a certified English translation of the words. The translation document can be filed in the form of a photocopied extract from a French-English dictionary (please also include a copy of the front cover of the dictionary), a printed copy from an online dictionary, or a certified document from a certified translator or a translation company. We will also consider translations not done by professional translators if the following conditions are met: a) the name, designation and address of the translator are clearly stated; b) the translator is prepared to declare that he is proficient in English and French; c) the translator is prepared to declare that the translation given is the accurate and full translation; and d) the translation is signed by the translator

4 Registration of the mark is refused as the nature of the goods is vague and as such it does not constitute a proper specification. Please refer to Rule 19(2)(b)(ii)(A) of the Trade Marks Rules. This objection relates to the following goods:

(a) "pastries preparations for making the aforementioned products included in this class" in "Confectionery, chocolate, chocolate products, pastries preparations for making the aforementioned products included in this class"  
- The description "pastries preparations for making the aforementioned products included in this class" is vague. Please consider amending the original description to "Confectionery, chocolate, chocolate products, pastries, preparations for making the aforementioned products, included in

this class", if intended, for clarity.

5 Please note that Form TM27A and fee is not required for an amendment to the specification of goods or services of an international registration designating Singapore.

6 This refusal applies to all the goods in Class 30 of the international registration.

Kelly Lim Sim Yi (Ms)  
Assistant Registrar  
for Registrar of Trade Marks  
Singapore  
Tel: 63302742

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