

In reply please quote our reference

Your reference : N.A.
Our reference : 2015/7361461118S
Date : 31 March 2015
Writer's direct number : 63316582

WORLD INTELLECTUAL PROPERTY ORGANIZATION
INTERNATIONAL REGISTRATIONS DEPARTMENT
34, CHEMIN DES COLOMBETTES, 1211 GENEVA 20
SWITZERLAND

Dear Sir/Madam

NOTIFICATION OF PROVISIONAL REFUSAL OF PROTECTION TO THE INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION ACCORDING TO ARTICLE 5 OF THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

1. Office making the notification:

Intellectual Property Office of Singapore

2. International Registration Number:

1226262

3. Trade Mark Number(s) issued by the Intellectual Property Office of Singapore for this International Registration:

Trade Mark Number : 40201401973P

Class Number(s) : 30

4. Name of holder of the International Registration:

SOCIÉTÉ DES PRODUITS NESTLÉ S.A.

5. Ground(s) of the Provisional Refusal:

Specification objection

- 5.1 We note that you have applied for protection of the mark for goods in Classes 30. However, we have raised objections under rule 19(2)(b)(ii)(A) of the Trade Marks Rules as the following goods do not follow the guidelines provided under the International Classification of Goods and Services (ICGS):

Class 30

(a) "frozen yogurts". The description is vague. Please note that "Yoghurt" is proper to Class 29. As such, please reword it for clarity. Examples of acceptable descriptions will be "Frozen Yogurt Confections" and "Frozen yoghurt [confectionery ices]".

(b) "powders and binding agents (included in this class) for making edible ices and/or



water ices and/or sherbets and/or frozen confectionery and/or frozen cakes and/or ice creams and/or frozen yogurts”. Please reword the description to qualify “powders and binding agents (included in this class) for making ices and/or water ices and/or sorbets and/or ice confectioneries and/or frozen cakes and/or ice-creams and/or ice desserts and/or frozen yogurts [confectionery ices]”, if intended, or as appropriate, in view that ‘frozen yogurts’ per se is vague as stated in the paragraph above.

- 5.2 Please note that no form or fee is required for an amendment to the specification of goods or services of an international registration designating Singapore. We will amend the specification at our end when a mutual agreement is reached on how the objectionable description(s) should be amended.

6. Goods and/or services affected by the refusal:

This refusal applies to the goods “frozen yogurts” and “powders and binding agents (included in this class) for making edible ices and/or water ices and/or sherbets and/or frozen confectionery and/or frozen cakes and/or ice creams and/or frozen yogurts” in class(es) 30 of the international registration.

7. Request for review:

The holder of the international registration may file a request for a review of this refusal with IPOS.

The request for review must comply with the following:

- (a) quote the International Registration number, relevant trade mark number(s), corresponding class number(s) and Singapore reference number(s).
- (b) furnish an address for service in Singapore. The holder may appoint an agent by filing Form CM1.

Please note that any form(s) filed with the International Bureau of the World Intellectual Property Organization in response to this refusal, will not be treated as a request for a review of this refusal unless the above has been complied with.

8. Extension of time:

The holder may seek an extension of time to request for a review of this refusal by filing Form CM5.

9. Deadline to observe:

If the holder does not file a request for review or apply for an extension of time to do so by **31 July 2015**, the application for the refused goods and/or services indicated in paragraph 6 of this refusal will be treated as withdrawn (reinstatable).

10. Reinstatement of an application that is treated as withdrawn (reinstatable):



If the application becomes treated as withdrawn (reinstatable), the holder may request to reinstate the application by filing Form CM13 together with the request for review within six months from the deadline in paragraph 9.

Please note that reinstatement is not automatic. Reinstatement will be allowed only after we have conducted a new conflicting mark search and are satisfied that the mark to be reinstated does not conflict with any trade mark applications filed with IPOS prior to the filing of the required documents.

If the holder also does not request to reinstate the application in time, the application for goods and/or services that are not refused will proceed to publication.

11. Forms and fees:

The forms referred to in this provisional refusal and the relevant fees may be found at <http://www.ipos.gov.sg/Services/FilingandRegistration/FormsandFees/TradeMarks.aspx>.

12. Further refusal of protection:

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 goods and/or services claimed in the international registration.

This refusal is issued by:

Ms Jackie Tan Meng Joek
Trade Mark Examiner
for Registrar of Trade Marks
Singapore



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51 Bras Basah Road, #01-01 Manulife Centre, Singapore 189554
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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.



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