



**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: 24 September 2015
(By registered Mail)

International Registration No: 1251421

Mark: START

Holder: AKTSIONERNO DROUJESTVO "START" AD of Bulgaria

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 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:000710970

Mark:Start

Proprietor:United Intellectual Property B.V.

P.J. Oudweg 61

1314 CK 1314 CK Almere ()

The Netherlands

Date of Application:29/12/1997

Date of Registration:20/03/2000

Priority Date: 04/07/1997

Class 35 : Advertising and business, including employment agencies and personnel management consultancy; disposal, secondment, temporarily employing and lending out of personnel; personnel recruitment and selection; outplacement; marketing and market research and analysis; opinion polls; business management and organisation consultancy; statistical information; administrative services within the scope of the demand and supply of work,

including bookkeeping and salary administration; advertising agencies and advertising; distribution of promotional items; organization of exhibitions for commercial or advertising purposes; setting up and managing databases; providing information for business purposes, also through telecommunication networks like Internet, cablenet or other forms of datatransfer.

Class 41 : Education and entertainment, including education, teaching, courses, trainings and seminars, like correspondence courses; development of exams; organization of exhibitions for educational purposes; organization of sports events; publication, editing, lending out and distribution of books, newspapers, magazines and other periodicals.

Class 42 : Vocational guidance services; careers guidance; psychological and psychotechnical research for the benefit of personnel recruitment and selection; rental of access-time to a computerdatabase via Internet, cablenet or other forms of datatransfer; computerprogramming; professional consultancy, non business; software-development.

Registered Community Trade Mark No:000764704

Mark:Start

Proprietor:United Intellectual Property B.V.

P.J. Oudweg 61

1314 CK 1314 CK Almere ()

The Netherlands

Date of Application:29/12/1997

Date of Registration:05/10/2001

Priority Date: 04/07/1997

Class 35 : Employment agencies and personnel management consultancy; disposal, secondment, temporarily employing and lending out of personnel; personnel recruitment and selection; outplacement; market research and analysis; opinion polls; business management and organisation consultancy; statistical information; administrative services within the scope of the demand and supply of work, including bookkeeping and salary administration; organization of exhibitions for commercial or advertising purposes; setting up and managing databases; providing information for business purposes, also through telecommunication networks like Internet, cablenet or other forms of datatransfer.

Class 41 : Education and entertainment, including education, teaching, courses, trainings and seminars, like correspondence courses; development of exams; organization of exhibitions for educational purposes; organization of sports events; publication, editing, lending out and distribution of books, newspapers, magazines and other periodicals

Class 42 : Vocational guidance services; careers guidance; psychological and psychotechnical research for the benefit of personnel recruitment and selection; rental of access-time to a computerdatabase via Internet, cablenet or other forms of datatransfer; computerprogramming; professional consultancy, non business; software-development.

Registered Community Trade Mark No:002930949

Mark:start.

Proprietor:Start Limited

2 Sheraton Street, Soho

W1F 8BF London

United Kingdom

Date of Application:13/11/2002

Date of Registration:18/06/2008

Class 35 : Advertising; business management, business administration; office functions; promotional and advertising services related to corporate identity; direct mail services; business management services; account management services; project management services; digital asset management services; management of digital assets including images and artwork; content management services namely reviewing, editing, formatting and placing information in marketing material; all aforementioned services not in the field of temporary work procurement and employee recruitment.

Class 38 : Telecommunications; e-mail services; Internet portal services; Internet service providers; SMS messaging services.

Class 41 : Education; providing of training; entertainment; sporting and cultural activities; training and teaching; exhibition services; organisation of events; copy writing; commissioned writing; provision of content for websites, television brochures, newsletters, marketing material, radio, magazines and newspapers; provision of online electronic publications; creation of point of sale material; creation of exhibition material; production services related to film; photography services; content management services namely reviewing, editing, formatting and placing information in brochures, newsletters, magazines, newspapers and on television and radio; all aforementioned services not in the field of temporary work procurement and employee recruitment.

Class 42 : Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services; coding and scripting services; content management services namely, reviewing, uploading and placing information on Internet websites; web hosting services; computer software creation services; product design services; illustration services; graphic design services; branding design services; graphic design strategy services; packaging design services; point of sale design services; website design services; CD Rom design services; advertising design services; exhibition design services; information technology management services; design services related to corporate or entertainment events; design services related to corporate identity; design services related to literature; design services related to information; design services related to film; design services related to animation; all aforementioned services not in the field of temporary work procurement and employee recruitment.

Registered Community Trade Mark No:006077861

Mark:start

Proprietor:Start Anywhere Group Limited

39 Cambridge Place

CB2 1NS CB2 1NS Cambridge ()

United Kingdom

Date of Application:06/07/2007

Date of Registration:07/07/2010

Class 35 : Business services including operation of businesses; business planning services; market research; rental of office machines and equipment; telephone answering services provided in the field of business but not relating to employment services.

Class 36 : Financial services; insurance services; rental of offices and office

space; real estate management services; leasing of real estate, commercial buildings and offices.

Class 37 : Property development services; development of buildings, properties, and real estate; building construction and demolition services; supervision of buildings during construction and demolition; on-site building project management services; repair, renovation, restoration, refurbishment, decoration, maintenance and servicing of properties, buildings and offices; cleaning of properties, buildings and offices; the provision, installation and maintenance of lighting for business and residential properties; construction, maintenance, cleaning and repair of telecommunication, heating, lighting and environmental control systems; installation and repair of alarm systems; information, advice and consultancy services relating thereto.

Class 42 : Architectural services; design and planning services; services for the planning of buildings, properties and offices; space planning; surveying services; property evaluation; project management services; rental of computer equipment; information, advisory and consultancy services relating to the aforesaid services.

Registered Community Trade Mark No:009884255

Mark:START

Proprietor:Worldpay (UK) Limited

55 Mansell Street

E1 8AN London

United Kingdom

Date of Application:11/04/2011

Date of Registration:13/09/2011

Class 9 : Computer programs; apparatus for payment with magnetically encoded cards; apparatus for payment with magnetically memory cards; apparatus for receiving cash payments; automatic payment machines; devices incorporating microprocessors for use in fare payments on public transport; machine readable devices for cashless payment systems; magnetic payment cards; payment cards being magnetically encoded; read out apparatus for use in the authentication of cashless payment means; read out apparatus for use in the identification of cashless payment means; tariff devices for recording payment; terminals for electronically processing credit card payments; terminals for the electronic payment of charges with credit cards; scientific apparatus and instruments including telecommunications, signalling, checking (supervision), and teaching apparatus; magnetic data carriers, acoustic disks; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers, computers, servers and software for telecommunications, semi-conductors, microprocessors, integrated circuits, computer for micro-programming, software, computer memories, computer peripherals, data processing units and their parts; electronic apparatus and equipment for remote connection to a computer network and/or telecommunications, data processing equipment and computers; electronic data carrier cards, charge cards, bank cards, credit cards, debit cards, stored value cards, payment cards; encoded magnetic card readers, electronic data carrier card readers, electronic encryption units; computer hardware, computer terminals, computer peripheral devices and computer software, electronic apparatus for use in processing financial transactions; computer software relating to the handling of financial transactions such as payments

by charge cards, bank cards, credit cards, debit cards, stored value cards and payment cards; electronic verification apparatus for verifying authenticity of bank cards, credit cards, debit cards, charge cards, stored value and/or payment cards; electronic publications; parts and fittings for the aforesaid goods.

Class 36 : Banking services; online banking services; credit card authorisation services; electronic funds transfer and payment services; processing of transactions made by credit cards, debit cards, store cards, bank cards, charge cards, gift voucher cards, other payment cards and microchips containing account details; currency exchange services; point of sale payment services; mail payment services; telephone payment services; recurring payment services; merchant account services; financial risk management; financial services; insurance; monetary affairs.

Class 37 : Installation, maintenance, repair monitoring and updating of electronic data capture and transmission systems for the purposes of electronic funds transfer; installation, maintenance, repair, monitoring and updating of card readers and electronic apparatus all for handling financial and associated transactions including authorisation and processing of payments made with credit cards, debit cards, store cards, bank cards, charge cards, gift voucher cards, other payment cards and microchips containing account details; installation, maintenance, repair, monitoring and updating of electronic apparatus for retrieving information stored on credit cards, debit cards, store cards, bank cards, charge cards, gift voucher cards, other payment cards and microchips containing account details; installation, maintenance, repair, monitoring and updating of electronic verification apparatus for verifying authenticity of credit cards, debit cards, store cards, bank cards, charge cards, gift voucher cards, other payment cards and microchips containing account details; information, advisory and consultancy services related to all the aforesaid services.

Class 38 : Advisory and consultancy services, all relating to electronic data capture and transmission systems for the purposes of electronic funds transfer from points of sale.

Registered Community Trade Mark No:011172053

Mark:start

Proprietor:Start Limited

2 Sheraton Street, Soho

W1F 8BF London

United Kingdom

Date of Application:07/09/2012

Date of Registration:11/03/2013

Class 35 : Advertising; business management; business administration; writing of business reports; direct mail marketing services; digital marketing services; business management services; account management services; project management services; marketing consultancy services; provision of marketing material; acquisition, storage, indexing, securing, searching, exporting, transforming and retrieval of digital files for others; acquisition, indexing, securing, searching, transforming and retrieval of manual files for others; corporate identity services.

Class 38 : Telecommunications services; e-mail services; Internet access services; SMS (Short Messaging Service) messaging services.

Class 41 : Providing of training; entertainment; organization of events; copy

writing; commissioned writing; provision of content for websites, television, brochures, newsletters, radio, magazines and newspapers; provision of online electronic publications; photography services.

Class 42 : Technological services and research and design relating thereto; research services; design and development of computer hardware and software; coding and scripting services; content management services namely reviewing; uploading and placing information on Internet websites; content management services namely reviewing, editing, formatting and placing information in brochures, newsletters, marketing material, magazines, newspapers and on television and radio; web hosting services; computer software creation services; product design services; illustration services; graphic design strategy services; branding design services; literature design services; information design services packaging design services; point of sale design services; website design services; CD Rom design services; advertising design services; exhibition design services; film design; animation design; information technology management services; writing of computer programs.

Registered Community Trade Mark No:012433538

Mark:START

Proprietor:start:bausparkasse e.Gen.

Liechtensteinstr. 111-115

1091 Wien

Austria

Date of Application:16/12/2013

Date of Registration:09/07/2015

Class 16 : Trays for sorting and counting money; All the aforesaid goods of class 16, not being in connection with entertainment in the fields of music, audio and video.

Class 35 : Cost price analysis; Business inquiries; Business management and organization consultancy; Providing business information via a web site; Computerised file management; Business consulting services; Office functions; Business investigation; Commercial information and advice for consumers [consumer advice shop]; Business information; Building promoter services, namely organizational arranging of building projects; Marketing services; Advertising; Business consultancy and advisory services; Business administration; Dissemination of advertising matter; Advertising by mail order; Compilation of information into computer databases; Direct mail advertising (dissemination of tracts, prospectuses, printed matter); Organisational consultancy; Consultancy relating to business organisation; Assistance in management of business activities; Mediation and conclusion of commercial transactions for others; Development of usage concepts for real estate with regard to professional business matters (facility management); Arranging of contracts, for others, for the buying and selling of goods; Sponsoring in the form of advertising; Organisation of trade fairs for commercial or advertising purposes; Business appraisals; Arranging of commercial and business contacts; Mediation of trade business for third parties.

Class 36 : Estate brokerage; Development of usage concepts for real estate with regard to financial matters (facility management); Real estate agency; Property (Real estate -) management; Real estate management, and brokerage, rental and leasing of real estate (facility management); Real estate affairs; Real-estate valuations; Leasing of office space; Mutual funds;

Insurance brokerage; Arranging letting of real estate; Issuance of debit cards; Issuance of credit cards; Issuing of travellers' cheques; Banking; Banking in the form of online banking; Providing financial information via a web site; Deposit of valuables; Brokerage; Stockbroking services; Savings banks and building societies; Building, namely the financial preparation of building projects; Provident fund services; Stocks and bonds brokerage; Rent collection; Electronic transfer of funds; Insurance information; Financial information; Factoring; Financial analysis; Financial consultancy; Financial sponsorship; Evaluation (Financial -) [insurance, banking, real estate]; Financing services; Financial affairs; Monetary affairs; Currency trading and exchange services; Apartment house management; Installment loans; Investment services; Credit agencies; Credit leasing; Online banking; Arranging finance for construction projects; Loans [financing]; Financial management; Trusteeships; Insurance; Safe deposit services; Accommodation (leasing of -) [apartments]; Debt collection agencies; Financial sponsorship; Financial consultancy.

Class 38 : Telecommunications; Telecommunications by means of platforms and portals on the Internet; Electronic mail.


Class 41 : Providing of training; Providing on-line electronic publications, not downloadable; Organisation and conducting of sporting and cultural events; Arranging and conducting of symposiums; Arranging and conducting of seminars; Competitions (Organization of -) [education or entertainment]; All the aforesaid services of class 41, not being in connection with entertainment in the fields of music, Of audio and Videos.

Class 42 : Development of usage concepts for real estate with regard to technical matters (facility management); Preparation of data processing programmes.

2. This refusal is in respect of all of the goods/services 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 **23 December 2015**. 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. 410 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: **24 September 2015**

Yours faithfully

A handwritten signature in black ink, appearing to read 'Paula Murphy', with a stylized flourish at the end.

Paula Murphy
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