



**Notification of *ex officio* provisional partial refusal of protection  
(Article 5 of the Madrid Protocol, Rule 17(1) and (2) of the Common Regulations  
under the Madrid Agreement and Protocol, Articles 36 and 145 CTMR and  
Rule 2(2), Rule 9(3)(a) and Rule 113 CTMIR)**

Alicante, 20/10/2015

*International registration number:* **1269046**  
*Name of the holder:* **Dominik Meißner**  
*Trade Mark:* **Orimoto**

Protection of the abovementioned mark is provisionally refused for the European Union for the following services:

**Class 35: Retail services connected with home entertainment products”.**

## **I. Grounds**

The list of goods and services does not entirely comply with Rule 2(2) CTMIR.

As a consequence of the judgment of the PRAKTIKER case C/418-02 (reference for a preliminary ruling) of the Court of Justice, the practice of the Office regarding registrability of trade marks for retail as a service has been reviewed, in particular as regards the specification of the type of retail concerned. The PRAKTIKER judgment requires the applicant to “provide details with regard to the goods or types of goods to which those services relate”. Accordingly, you are now requested to provide those details.

Please note that the proposed clarified terms should always fall within the same class as the original wording of the International Register.

In order to remedy this deficiency, the Office recommends that you consult the Harmonised Database (HDB) at <http://tmclass.tmdn.org>. The HDB brings together a list of acceptable terms from every IP Office of the EU and ensures that the goods and services you choose will be immediately accepted.

## **II. Time Limit**

The holder of the international registration is hereby given a time limit of two months to overcome the ground for refusing protection indicated. Failure to do so will mean that after expiry of the time limit, the OHIM will render a decision in which it refuses the protection in whole or in part. Said decision may be appealed. The time limit of two months to reply to the present refusal shall start on the day the present notification was issued by the OHIM (Rule 112(1) CTMIR). Any such reply of the holder of the international registration shall be addressed to the OHIM only.

DUBOIS-LUKOWIAK, Laurence