



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

Date of Notification: **11 December 2015**
(By registered Mail)

International Registration No: 1269362
Mark: SENSE
Holder: "VINPROM PESHTERA" S.A. 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: 009280686
Mark: Sens

Proprietor:

Schlumberger Wein- und Sektkellerei GmbH
Heiligenstädter Str. 43
1190 Wien
Austria

Date of Application: 29/07/2010
Date of Registration: 06/03/2012

Class 32: Beers; non-alcoholic beverages, namely tonic water, ginger ale, bitter lemon.

Class 33: Alcoholic beverages (except beers).

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 **10 March 2016**. 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: **11 December 2015**

Yours faithfully

Brian McKernan

Brian McKernan
International Registration

Direct Line: (00 353 56) 7720154