

In reply please quote our reference

Your reference : N.A.
Our reference : 2016/1659832506V
Date : 19 January 2016
Writer's direct number : +65 6330 2777

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 (IPOS)

2. International Registration Number:

1267980

3. Trade Mark Number(s) issued by the IPOS for this International Registration:

Trade Mark Number : 40201517972T

Class Number(s) : 09, 14, 18, 35

4. Name of holder of the International Registration:

THE POLO/LAUREN COMPANY L.P.

5. Ground(s) of the Provisional Refusal:

- 5.1. We note that you have claimed for "Retail services and online retail store services offering clothing for men, women and children, except for the sport of polo, footwear, headgear, accessories and household collections" in **Class 35** of the international application. Although you have included the excluding phrase "except for the sport of polo" in the specification, the phrase appears to apply to "clothing for men, women and children" but not "footwear, headgear, accessories and household collections".
- 5.2. Without a proper excluding phrase for "footwear, headgear, accessories and household collections", the mark ("Polo Sport") could be descriptive. For example, "Polo Sport" is descriptive when used on retail services for footwear as the term "footwear" can include footwear for polo sport.



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- 5.3. Therefore, to avoid facing objections under section 7 of the Trade Marks Act due to the mark being descriptive, we would like to suggest that you amend the Class 35 specification to "Retail services and online retail store services offering clothing for men, women and children, footwear, headgear, accessories and household collections; all of the aforesaid not for or related to the sport of polo". Please let us know if you agree to our suggestion.

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

This refusal applies to all the services in Class 35 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 **19 May 2016**, 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:



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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 Caroline Lu Miansi
Assistant Registrar
for Registrar of Trade Marks
Singapore

IP2SG is IPOS' one-stop electronic portal for all transactions. IPOS strongly encourages all our customers to transact with us using the IP2SG customer portal for all matters relating to Trade Marks, Patents and Registered Designs. If you do not have an IP2SG customer portal account, you may register for one at www.ip2.sg to enjoy the benefits of corresponding with IPOS and monitoring your transactions electronically. More information on IP2SG is also available at <http://www.ipos.gov.sg/Services/FilingandRegistration/FAQs/IP2SGFAQ.aspx>.



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PROVISIONS OF SINGAPORE LAW

TRADE MARKS ACT (CHAPTER 332)

Section 2(1) Interpretation

"sign" includes any letter, word, name, signature, numeral, device, brand, heading, label, ticket, shape, colour, aspect of packaging or any combination thereof.

"trade mark" means any sign capable of being represented graphically and which is capable of distinguishing goods or services dealt with or provided in the course of trade by a person from goods or services so dealt with or provided by any other person.

Section 7 Absolute grounds for refusal of registration

(1) The following shall not be registered:

- (a) signs which do not satisfy the definition of a trade mark in section 2(1);
- (b) trade marks which are devoid of any distinctive character;
- (c) trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or of rendering of services, or other characteristics of goods or services; and
- (d) trade marks which consist exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade.

(2) A trade mark shall not be refused registration by virtue of subsection (1) (b), (c) or (d), if, before the date of application for registration, it has in fact acquired a distinctive character as a result of the use made of it.



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