

Notification of Provisional Refusal based on an Ex Officio Examination (to WIPO)

Pursuant to Rule 17(2) of the Common Regulations under the Madrid Agreement concerning the international registration of marks and the Protocol relating to that Agreement.

I. Name and address of the Office making the notification:

Norwegian Industrial Property Office	Telephone:	+47 22 38 73 00
P.O.Box 8160 Dep., N-0033 OSLO, NORWAY	Telefax:	+47 22 38 73 01
	E-mail:	mail@patentstyret.no

II. International registration: 1267980 POLO SPORT

III. Date of Subsequent Designation (if any):(yyyy.mm.dd)

IV. Holder of the international registration:

THE POLO/LAUREN COMPANY, L.P., 650 Madison Avenue, US-NY10022 NEW YORK, USA

V. The scope of the refusal:

☐ **Provisional refusal for all goods and/or services**

☒ **Provisional partial refusal for some of the goods and services - see under X**

VI. Grounds for refusal:

☒ **Absolute grounds: Trademark Act Section 18** - The term «goods made of these materials or coated therewith not included in other classes» in class14, is considered too vague and is not sufficiently specified with regards to the goods or types of goods to which those goods relate. As the subject matter of the protection conferred is not adequately precise, the mark must be refused

☐ **Relative grounds:**
Likelihood of confusion with:

VII. The relevant provisions of the Norwegian Trademarks Act are under XII.

VIII. Date of provisional refusal: (yyyy.mm.dd) **2016.02.05**

Response must be received within: (yyyy.mm.dd) **2016.05.05**

See more information under XI about the time limit and which actions you need to take if you want to request a review of the provisional refusal.

IX. Signature by the Office:

THE NORWEGIAN INDUSTRIAL PROPERTY OFFICE

Elisa Bischoff

(National reference no.: 201512580)

Number of continuation sheets: 1

X. Scope of the provisional refusal in respect of goods and/or services:

If the holder does not contest the refusal within 3 months, protection is given for:

Class 9 and 35 as filed

Class 14 *limited to*: Precious metals and their alloys; jewelry, precious stones; timepieces and chronometric instruments.

The international registration will be published for protection with the above-reduced list of goods/services.

Rapid publication of the limited list

If the holder accepts the proposed limitation of the goods/services, and wishes a publication of the mark for these goods/services as soon as possible, he/she may confirm this in writing to The Norwegian Industrial Property Office. If The Norwegian Industrial Property Office does not receive any such confirmation from the holder, the mark will however be published for protection of the limited list of goods/services, after the expiry of all the time limits.

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- XI.** The holder of the registration may request a review of the provisional refusal. The Norwegian Industrial Property Office must receive the request no later than 3 months from the date of this provisional refusal (The time limit is indicated under point VIII). Such request must provide an address of correspondence and be filed in Norwegian, Danish, Swedish or English. The Norwegian Industrial Property Office will respond in Norwegian. Please note that if The Norwegian Industrial Property Office, either subsequent to review or appeal, accept the designation of Norway, a post grant opposition may be filed against the mark within 3 months from the publication of the mark.

If the holder does not respond to this provisional refusal within the time limit, the international registration shall be considered abandoned in Norway for the goods/services that are excluded (Trademark Act Section 70 and 23). The international registration shall be resumed if the holder, within two months from the expiration of the time limit responds to the provisional refusal and pays the stipulated fee (NOK 550,-). Please note that The Norwegian Industrial Property Office does not send any notifications to the holder that the international registration is abandoned in Norway.

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- XII.** The relevant provisions of the Norwegian Trademarks Act regarding the grounds of this provisional refusal:

§ 18. Classes of goods and services

Trademarks are registered for specific goods or services within specified classes of goods or services. The classification of goods and services shall be set forth by the King.
