

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

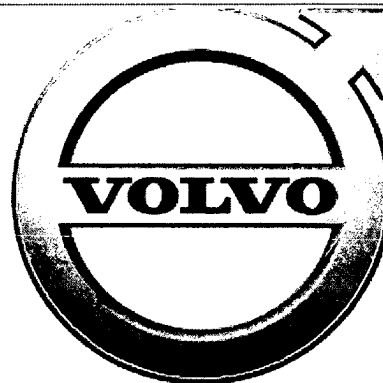
Pursuant to Rule 17(2) of the Common Regulations under the Madrid Agreement concerning the international registration of marks and the Protocol relating to that Agreement.

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

Norwegian Industrial Property Office
P.O.Box 8160 Dep., N-0033 OSLO, NORWAY

Telephone: +47 22 38 73 00
Telefax: +47 22 38 73 01
E-mail: mail@patentstyret.no

II. International registration: 1274024



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

IV. Holder of the international registration:

Volvo Trademark Holding AB, c/o AB Volvo, SE-40508 GÖTEBORG, Sverige

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 terms "goods of common metal " in class 6 , "goods made from these materials " in class 14, "goods made from these materials" in class 16, "goods made of these materials " in class 17, "goods made of these materials" in class 18, "goods of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics" in class 20 are considered too vague and is are 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) 2016.03.11

Response must be received within: (yyyy.mm.dd) 2016.06.11

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:

Continuation sheet no: 1

Int. reg. Number: 1274024

THE NORWEGIAN INDUSTRIAL PROPERTY OFFICE

Anne Hilstad Eid

(National reference no.: 201514497)

Number of continuation sheets: 3

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

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

Classes 1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 21, 22, 24, 25, 26, 27, 28, 35, 36, 37, 38, 39, 40, 41 and 42 as filed.

Class 6 limited to: Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electrical wires, cables and cable terminals, and speedometer cables of common metal; ironmongery, small items of metal hardware (included in this class), including locks, latches, metallic tubes, metallic hoses, metallic valves for pipes, pipes, pipe connections, screws, bolts, nuts, rivets, lock washers, spring washers, flat washers, chains (except drive chains for vehicles), plugs, split pins, shims, spacer rings, and clips, woodruff keys, screw unions, spring bolts, shackles, ball joints, hinges, brackets, tanks for liquids, tank accessories, nipples, fuel cans, ladders, handles, metallic signs, wire baskets, metal wires, badges for vehicles, fasteners, tow ropes of metal, canisters, badges, keys, key blanks, key ring pendants and pins, vehicle registration plates, non-luminous signs, boxes, luggage labels of metal, ornaments, safes, ores; blinds of metal.

Class 14 limited to: Precious metals and their alloys and jewellery and precious stones, including cuff-links, tie clips, coins, medals, lapel pins, rings, model figures (ornaments) coated with precious metal and other decorative goods; horological and chronometric instruments, including clocks and watches, travel alarm clocks; key fobs, key rings of common metal.

Class 16 limited to: Paper, cardboard, including paper cubes and notes; printed matter, including books, instruction books, (computer/computer software) manuals, periodicals, magazines, newspapers, calendars, posters, stickers, banners and pennants of paper, country and road maps, spare parts lists, maintenance manuals, advertising materials, printed publications relating to automotive subjects; bookbinding material; adhesives for stationery or household purposes; artists' materials, paint brushes; photographs; stationery, including pens and pencils; typewriters and office requisites (except furniture), including pen stands, letter holders, storage boxes for recording media and paper knives; instructional and teaching material (except apparatus); plastic materials for packaging, including plastic carrier bags; printers' type; printing blocks; money clips.

Class 17 limited to: Rubber, gutta-percha, gum, asbestos, mica; plastics in extruded form for use in manufacture; rubber supports for motors/engines, reflex tape, felt rings, sealing compound, non-metallic tubes, pipe connection parts for radiator systems, radiator sealing compounds, fasteners and connectors, all made of plastic materials, for pipes and cables; flexible covers made of rubber or of plastic materials for protecting mechanical components; mountings made of rubber or of plastics materials for engines, transmission assemblies and for exhausts; plastic materials in the form of sheets (non-textiles) for use in the manufacture of roof coverings for vehicles; clutch linings; gaskets (other than fibrous gaskets for ships); washers (other than washers for water taps) made of rubber, plastics materials or of vulcanised fibre; grommets made of rubber or of plastics material; non-metallic hoses; strips made of rubber or of plastics materials for sealing joints; packing and stopping materials, including oil seals (packing), sealing, locking and caulking compounds and fluids (in the nature of jointings or packings); stuffings for engines/motors and machines; insulating materials; flexible pipes (not of metal); parts and fittings for vehicles, engines/motors and machines (including drive units and construction machines).

Class 18 limited to: Leather and imitations of leather; animal skins, hides; boxes of artificial leather, bags, baggage bags, trunks and travelling bags, handbags, sports bags, conference folders, umbrellas, pocket wallets, purses, back-packs, document cases, briefcases, card cases; vanity cases, not fitted; key cases, walking sticks, parasols, tool bags (empty); whips, harness and saddlery.

Class 20 limited to: Locks (not of metal), for vehicles; mirrors (looking glasses); air cushions, not for medical purposes; non-luminous signs; vehicle registration plates (not of metal); storage containers, storage boxes for recording media (included in class 20), boxes, canisters; seat cushions, pillows; non-metal clamps; all aforesaid goods also as parts and fittings of vehicles; furniture; mirrors; furniture frames; indoor blinds.

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.

-
- 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.

-
- 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.