

**TURKISH PATENT INSTITUTE  
TRADEMARKS DEPARTMENT**

**PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING  
THE INTERNATIONAL REGISTRATION OF MARKS**

**Notification of a refusal of protection not based on an opposition pursuant to Rule  
17(2) of the Common Regulations.**

**Our Reference : 2015/102193 / BB**

**E.2016-OE-145153**

**30.03.2016**

**I- Name and address of the Office making the notification:**

**TURKISH PATENT INSTITUTE  
Trademarks Department  
Hipodrom Caddesi No: 115  
06330 Yenimahalle ANKARA  
TURKEY**

**Telephone: +90 312 3031000  
Telefax : +90 312 3031333**

**II- The international registration which is the subject of the refusal:  
1273344**

**III- Name and address of the holder of the international registration which is the subject of the refusal:  
SKYWORTH GROUP CO., LTD.**

**IV- Provisions of the Decree-Law No:556 pertaining to the Protection of Trademarks:7/1(b)  
(The relevant provisions of the Turkish Trademarks Act are enclosed.)**

**V- Grounds for provisional refusal:**

7/1(b) Trademarks identical or confusingly similar with a trademark registered earlier or with an earlier filing date for registration in respect of an identical or same type of product or services.

**National registration/application number(s) ;  
2000 09124 skyworth**

**VI- Goods and Services Effected by the Refusal**

**Provisional refusal for some of goods and services**

CLASS 7 : Food preparation machines, electromechanical; brewing machines; machines for processing of local special products and sundry goods; kitchen machines, electric; washing machines ;washing apparatus; shoe polishers, electric.CLASS 9 : Computers; computer memories; monitors [computer hardware]; laptop computers; notebook computers; processors [central processing units]; USB flash drives; computer peripheral devices; computer keyboards; mouse [computer peripheral]; electronic pocket translators; computer software, recorded;

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electronic pens [visual display units]; computer game software; touch screens; personal digital assistants (PDA); facsimile machines; weighing machines; electronic notice boards; neon signs; portable telephones; navigational instruments; global positioning system [GPS] apparatus; network communication equipment; optical communication equipment; navigation apparatus for vehicles [on-board computers]; stored program control (SPC) telephone switching equipment; television apparatus; monitoring apparatus, electric; tape recorders; video recorders; camcorders; DVD players; headphones; electronic teaching and learning machines; portable media players; television cameras; electronic voice text machines; set top boxes; cameras [photography]; projection machines; projection machines for teaching purposes; fluorescent screens; video screens; audiovisual teaching apparatus. CLASS 11 : Air conditioning installations; light-emitting diodes [LED] lighting apparatus; pressure cookers [autoclaves], electric; microwave ovens [cooking apparatus]; freezers; refrigerators; ventilation [air-conditioning] installations and apparatus; fans [air-conditioning]; solar water heaters; bathroom heat lamp installations; lamps; lighting apparatus and installations; cooking apparatus and installations; lighting apparatus for vehicles; germicidal lamps for purifying air; curling lamps; electric water heaters; lava rocks for use in barbecue grills; refrigerating appliances and installations; air conditioning installations; air conditioning apparatus; electric hair driers; heating apparatus; hot water heating installations; radiators, electric; lighters; nuclear reactors.

## VII- GENERAL INFORMATION:

Appeals may be lodged against the refusals of the Institute.

The holder of the international registration may lodge an appeal against this provisional refusal. The appeal has to be lodged through the intermediary of a representative who must be registered as a trademark agent at TPI and who is domiciled in Turkey. The appeal must be received by the Turkish Patent Institute no later than 2 months after the notification date of this provisional refusal by WIPO to the applicant or his representative. If no appeal is received within this time limit, the designation will be considered as refusal of protection in Turkey in accordance with this provisional refusal.

If the designation is accepted subsequent to an appeal, the designation will be published in Turkish Official Trademark Bulletin. This allows -3 months from the date of publication – a party to file an opposition, which means that the designation may be the subject of a further refusal.

VIII- Notification Date of Refusal : 10.04.2016

IV- Signature by the Office:

TURKISH PATENT INSTITUTE  
TRADEMARKS DEPARTMENT

Birce BARLAS YILMAZ  
Enstitü Başkanı a.  
Marka Uzmanı  
Trademark Examiner

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RELEVANT SECTIONS OF THE  
DECREE-LAW NO.556 PERTAINING TO  
THE PROTECTION OF TRADEMARKS

SECTION TWO

Sign of Which a Trademark May Consist and Means Whereby a Trademark is Obtained

Signs of Which a Trademark May Consist

**Article 5** - A trademark , provided that it is capable of distinguishing the goods and services of one undertaking from the goods and services of other undertakings, may consist of all kinds of signs being represented graphically such as words, including personal names, designs, letters, numerals, *shape of the goods or their packaging* and similarly descriptive means capable of being published and reproduced by printing.

Trademark may be registered along with the product or the packaging. However, the registration of the product or the packaging does not grant exclusive rights.

Means Whereby a Trademark Right is Obtained

**Article 6** - Protection for a trademark under this Decree Having the Power of Law is obtained by registration.

Absolute Grounds for Refusal for Registry of a Trademark

**Article 7** - Following signs shall not be registered as a trademark:

- a) signs which do not conform with the provisions of Article 5,
- b) *trademarks identical or confusingly similar with a trademark registered earlier or with an earlier date of application for registration in respect of an identical or same type of product or services,*
- c) trademarks which consist exclusively of signs or indications which serve in trade to indicate the kind, *characteristics*, quality, intended purpose, value, geographical origin, or designate the time of production of the goods or of rendering of the service or other characteristics of goods or services,
- d) trademarks which consist exclusively of signs and names used to distinguish specific groups of craftsmen, professionals or tradesmen or have become customary in the current and established practices of the trade,
- e) signs containing the shape of the product which results from the nature of the good, which is necessary to obtain a technical result or which gives substantial value to the good,
- f) trademarks which are of such a nature as to deceive the public, such as to the nature, quality, place of production or geographical origin of the goods and services,
- g) trademarks which have not been authorised by the competent authorities and are to be refused pursuant to Article 6ter of the Paris Convention,
- h) trademarks containing badges, emblems or escutcheons other than those covered by Article 6ter of the Paris Convention which have not been authorised by the competent authorities and are of particular historical and cultural public interest,
- i) trademarks which have not been authorised by their owners, well known marks according to 6bis of the Paris Convention,
- j) trademarks which contain religious symbols,
- k) trademarks which contrary to public policy and to accepted principles of morality.

***The provisions of (a), (c) & (d) can not be invoked to refuse the registration of a trademark which has been used before the registration and has acquired through this usage distinctive character in respect of the goods and services for which it is to be registered.***

Classification

**Article 24** - The goods and services in the respect of the trademark to be registered shall be classified in conformity with the international classification of goods and services. The principles of classification shall be specified in the Implementing Regulation.

**PART SIX**  
**Appeals Against the Decisions of the Institute**

**Appeals**

**Article 47** - Appeals may be placed against the decisions of the Institute.

Where an appeal is made for an interim decision, a separate appeal shall be allowed upon decision becoming final.

**Persons Entitled to Appeal**

**Article 48** - Any party adversely affected by a decision of the Institute may appeal. Any other parties to the proceedings shall be parties to the appeal as of right.

**Form of Appeal**

**Article 49** - Notice of appeal must be filed in writing at the Institute within two months after the date of notification of the decision. The fee for appeal has to be paid when filing of the notice for the appeal to be examined. The grounds for appeal must be filed in a written statement within two months of the notification of the decision. Where the statement of grounds for appeal has not been submitted within this period the appeal shall be deemed not to have been filed.

**Rectifying a Decision**

**Article 50** - The related department of the Institute upon deciding that the appeal is true and right may rectify its decision. This shall not apply where the appellant is opposed by another party to the proceedings.

If the appeal is not found acceptable by the related department, the appeal shall be forwarded to the Re-examination and Evaluation Board by the department without comment as to its merits.

**Examination of Appeals**

**Article 51** - The Re-examination and Evaluation Board shall consider the appeal if the appeal is admissible.

The Re-examination and Evaluation Board shall invite the parties to submit their observations within the period prescribed by the Implementing Regulation, on the observations of the other parties or those of itself.

**Decision in Respect of Appeal**

**Article 52** - After the examination, the Re-examination and Evaluation Board shall deliver its decision.

**PART SEVEN**  
**GUARANTEE MARKS AND COLLECTIVE MARKS**

**Guarantee Marks**

**Article 54** - A guarantee mark, under the control of the proprietor of the mark, serves the purpose of the guaranteeing the common characteristics of the undertakings, production methods, geographical sign and quality of those undertakings.

**Collective Mark**

**Article 55** - Collective mark is a mark used by a group of undertakings of producers or traders or providers of services.

Collective mark serves the purpose of distinguishing the goods and services of the undertakings belonging to the group from the goods and services of the other undertakings.

#### **Technical Regulations of the Guarantee and Collective Marks**

**Article 56** - When filing an application for registration of a guarantee or a collective mark, a regulation specifying the ways and means of using the mark must be filed.

The guarantee mark regulation shall contain provisions regarding the common characteristics of the goods and services under guarantee and supervision procedures as to the use of the mark and the penalties to be administered when necessary.

The collective mark regulation shall specify the undertakings authorised to use the mark. Proprietors of a collective mark shall act collectively for the registration of a collective mark.

Application by one of the parties shall be sufficient for the renewal of a collective mark.

#### **Amending the Technical Regulations**

**Article 57** - Technical regulations cannot be altered unless approved by the Institute.

Any changes to be made in the technical regulations where they are in violation of the second and third paragraphs of Article 56 or contrary to public policy and principles of morality shall be rejected by the Institute.

#### **Regulations in Violation of the Decree Having the Power of Law**

**Article 58** - Where a technical regulation does not conform to the requirements of Article 56, Institute shall notify the proprietor of the mark to undertake the necessary alterations. Where the proprietor of the mark does not make the changes requested and alter the regulation accordingly the request for the registration of the collective mark or the guarantee mark shall be rejected.

#### **Use in Violation of the Technical Regulation**

**Article 59** - Where the proprietor of a mark disregards a use of a collective or a guarantee mark which constitutes a violation of the technical regulation, and neglects to remedy the infraction within the time determined by the court in respect of an action brought by one of the parties, the mark shall be repealed by the court.

#### **Transfer and Licensing**

**Article 60** - The transfer or licensing of a guarantee mark or a collective mark shall become valid only after entry in the Trademark Register.

### **PART NINE Representation and Agents**

#### **Representation before the Institute**

**Article 80** - Representation before the Turkish Patent Institute for matters of trademarks may only be undertaken by the following:

- a) natural or legal persons who have filed an application. Legal persons may only be represented by those duly powered by their respectively authorised bodies.
- b) trademark agents.

Those who are domiciled outside the country can only be represented by trademark agents.

Where an agent has been appointed, all procedures are executed through the agent. All notices made to the agent shall be considered to have been made to the assignee.

## Similar Trademark(s)

**App./Reg. No** 2000 09124 **Protection Date** 12.05.2010  
**Int. Reg. No**  
**Mark** skyworth  
**Nice** 07 / 09 / 11 / 21 / 25 / 28 /  
**Classification**  
**Holder(s)** PREMIER ELEKTRONİK PAZARLAMA  
DAĞITIM SANAYİ VE TİCARET ANONİM  
ŞİRKETİ (Mahmutbey İstoç Ticaret Merkezi  
Öksüzöğlü Plaza E1 Blok Zemin Kat No:5/6 Bağcılar  
İSTANBUL)

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Doğrama, öğütme, ezme, çırpma ve ufalama için mutfakta kullanılan elektrikli aletler: Mikserler, blenderler, mutfak robotları, elektrikli bıçaklar, kıyma makineleri, çöp öğütme makineleri...

Bulaşık yıkama makineleri, çamaşır yıkama ve sıkma makineleri, elektrikli veya motorlu zemin cilalama makineleri...

Elektrikli süpürgeler ve elektrikli halı yıkama makineleri ile bunların boruları, parçaları ve aksesuarları...

## SKYWORTH

Kişisel kullanım için el aletleri,: Elektrikli veya elektriksiz traş makineleri, traş bıçakları, usturalar, elektrikli saç kesme makineleri, epilasyon aletleri, makaslar, tırnak makasları, törpüler, eğeler, manikür ve pedikür aletleri ve bunlara uygun kılıflar ile koruyucu kapları, dvd, vcd, oto teyip, oto radyo, teyip,

Veri işlem cihazları: Bilgisayarlar, bilgisayar yazılım ve donanımları; kişisel bilgisayarlar, el tipi bilgisayarlar ve parçaları, interaktif cihazlar, yazıcılar, lazer yazıcılar, tarayıcılar (scannerler), bilgisayarlar için ana bellekler (hard diskler); yazar kasalar (kaydedici kasalar), hesap makineleri, barkod okuyucular ve bunların parçaları ile aksesuarları...

Her türlü fotoğraf makineleri, fotoğraf makineleri için parçalar ve aksesuarlar, büyültme cihazları ( agrandizörler)...

Haberleşme cihazları: Telefonlar, faksler, telefaksler, teleksler, telgraf makineleri, mobil telefonlar, telsizler, telsiz telefonlar, telefon santralleri...

Elektrikli kopyalama ve çoğaltma makineleri, fotokopi makineleri, ozalit makineleri...

Tartma alet ve cihazları: Teraziler, basküller, kantarlar...

Ütüler: Elektrikli ve buharlı ütüler, pres ütüler,

Elektrikli saç kıvrıcıları, bigudiler,

Aydınlatma cihazları (taşıtlar, iç ve dış mekanlar için aydınlatma armatürleri): Lambalar, ampuller, ışıldaklar, fenerler, avizeler, lamba camları, lamba duyları, taşıtlar için aydınlatma ve sinyal lambaları (ampuller), farlar, stop lambaları, sinyal ve park lambaları için camlar, kendinden ampullu farlar (komple)...

Klimatizasyon ve havalandırma cihazları: Klimalar, fanlâr (hava üfleyici), vantilatörler, taşıtlar için olanlar da dahil air-conditionlar; mekanlar için havayı dezenfekte edici ve temizleyici aletler, cihazlar ve bunların parçaları ile aksesuarları...

Soğutucular: Buzdolapları, derin dondurucular, buz kutuları, buz makineleri ve cihazları...

Pişirmede ve kaynatmada kullanılan elektrikli aletler, makineler ve cihazlar: Tavalar, düdüklü tencereler, tost makineleri, ekmek kızartma makineleri, fritözler, ızgaralar, grillers, fırınlar, ocaklar, elektrikli pişiriciler, mısır patlatıcılar, otoklavlar, kahve ve çay pişirme makineleri, su kaynatıcılar (kettle)...

Katı, sıvı, gaz yakıtlı ve elektrikli sobalar, kuzineler...

Çamaşır kurutma makineleri.

Ev ve mutfak için elle çalıştırılan küçük aletler: kıyma, ezme, soyma, kırma, öğütme ve çırpma işleri için elle çalıştırılan küçük aletler, mikserler, blenderler, kahve ve baharat değirmenleri, kıyma makineleri, meyve ve sebze suyu çıkarıcılar...

Diş fırçaları, elektrikli diş fırçaları, diş iplikleri, tıraş fırçaları, saç fırçaları, taraklar...

Giysiler (İç ve dış giysiler): Penye giysiler; triko giysiler; kot giysiler; deri giysiler; rahat giysiler; spor yaparken giyilen giysiler; banyo ve plaj giysileri; iç çamaşırları, atletler, külotlar, sutyenler, jüponlar, kaşkorseler, fanilalar, bodyler, büstiyerler, korseler, sabahlıklar, gecelikler; paltolar, mantolar, kabanlar, pardesüler, yağmurluklar, trençkotlar, montlar, ceketler, pantolonlar, etekler, elbiseler, yelekler, gömlekler, tişörtler, swiştirler, kazaklar, hırkalar, süveterler, bluzlar, şortlar, bermuda şortlar, tulumlar, uyku tulumları, iş elbiseleri, okul önlükleri...



Çoraplar,

Ayak giysileri: Ayakkabılar, çizmeler, botlar, terlikler, patikler ve bunların parçaları, spor ayakkabıları ve bunların çivileri, ayakkabı parçaları yani pençeler, topuklar, konçlar, sayalar...

Baş giysileri: Başlıklar, şapkalar, bereler, kepler, kasketler...

Bebekler için bu sınıfa dahil özel eşyalar: Bebekler için tekstilden bezler, zıbınlar, üçgen bezler, t bezleri, ara bezleri, naylon donlar...

Aksesuarlar: Pantolon askıları, giysi ilaveleri, pareolar, geçme elbise yakaları, yakalıklar, bandanalar, jartiyerler, kemerler, kravatlar, papyonlar, fularlar, manşonlar, eldivenler, şallar, kol bantları; baş bantları, baş örtüleri, bileklikler...

Oyunlar: Elde oynanan mekanik, elektrikli ve elektronik oyunlar; tavla, domino, okey, kızma birader, satranç, dama, salonda oynanan oyunlar için aletler, makinalar ve cihazlar,

Çocuklar ve bebekler için kişisel oyuncaklar: Her türlü malzemeden yapılmış oyuncaklar,

Hayvanlar için oyuncaklar...

Mekana bağlı oyuncaklar: Çocuk bahçeleri, parklar ve oyun parkları için oyuncaklar...

Jimnastik ve spor aletleri ile malzemeleri: Kayak, balıkçılık, tenis, halter, boks, futbol, basketbol, voleybol, masa tenisi vb. ile ilgili malzemeler; toplar, ağlar, direkler, potalar, tenis masaları, bilardo masaları; raketler, golf sopaları, kriket sopaları ve bunları taşımak için özel çantalar (golf çantaları, kriket torbaları gibi), futbol ayakkabıları, futbol ayakkabıları için çiviler, kayak botları (ayakkabıları); eskrim silahları, paletler, patenler, kaykaylar; diz koruyucular (dizlikler), dirsek koruyucular (dirseklikler)...

Yılbaşı ağaçları için süsler: Suni karlar ve çingiraklar...