

## 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.

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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: post@patentstyret.no

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II. International registration: 1472618

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

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IV. Holder of the international registration:  
AXA, 25 Avenue Matignon, 75008 PARIS, France

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V. The scope of the refusal:  
Provisional refusal for all goods and/or services  
  
Provisional partial refusal for some of the services - see under X

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VI. Grounds for refusal:  
Absolute grounds:  
  
Relative grounds: Trademark Act Section 16.a  
Likelihood of confusion with:  
  
- International registration number:  
1328652 axa care

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VII. You will find more information about the conflicting mark(s) (if any) enclosed under XIII.  
The relevant provisions of the Norwegian Trademarks Act are under XII.

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VIII. Date of provisional refusal: (yyyy.mm.dd) 2020.02.07  
Response must be received within: (yyyy.mm.dd) 2020.05.07  
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.

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IX. Signature by the Office:  
THE NORWEGIAN INDUSTRIAL PROPERTY OFFICE

Marianne Halvorsen

(National reference no.: 201908261)

Number of continuation sheets: 4

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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 35, 36, 37, 39 and 45 as filed*

Class 44 *limited to:*

Class 44	Organization and provision of medical care; medical assistance at home; reservation of places in hospitals, rest or convalescent homes; home assistance for sick children and the elderly, namely home medical assistance, medical nursing services; medical assistance; emergency medical assistance; provision of medical facilities; medical assistance provided by doctors and other specialized medical personnel.
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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. See the relevant provisions of the Norwegian Trademarks Act regarding the grounds of this provisional refusal on our home page:  
<https://www.patentstyret.no/en/services/trademarks/rules-and-regulations-trademarks/trademarks-act/>

Continuation sheet no: 2

Int. reg. number: 1472618

Guide to the following INID codes:

(111): National registration number/ International registration number
(151): Date of national registration/Date of international registration
(180): Date of expiry
(210): National application number
(220): National application date /Date of notification
(300): Data relating to priority (if any)
(450): Date of publication
(511): List of goods and services
(540): Reproduction of the mark
(541): Indication relating to the nature or kind of mark (in Norwegian)
(546): Indication relating to the nature or kind of mark (in Norwegian)
(551): Collective mark (regulations)
(571): Description of the mark
(731): Name of the applicant
(732): Name of the proprietor
(740): Power of attorney

XIII. Prior marks cited ex officio

(111) Reg.nr.: 1328652  
(151) Reg.dato.: 2016.09.05  
(180) Registreringen utløper: 2026.09.05  
(210) Søknadsnr.: 201700746  
(220) Inndato: 2017.01.19  
(300) Søknadsprioritet: 2016.08.16, CH, 692226  
(450) Kunngjøringsdato: 2018.03.05  
Status: Besluttet gjeldende  
Detaljstatus: Etter forutgående uttalelse (delvis BG)  
(540) Gjengivelse av merket:



- (546) Merketype:  
Merket er et kombinert merke eller et rent figurmerke
- (591) Informasjon om farger som merket kreves vernet for:  
Merket er i farger: ja
- (731) Søker:  
Axanova AG, Ottenhofenstrasse 110, 8738 UETLIBURG, Sveits
- (732) Innehaver:  
Axanova AG, Ottenhofenstrasse 35, 8738 UETLIBURG, Sveits
- (511) Vare-/ tjenestefortegnelse:  
Klasse 3 Non-medicated preparations for soothing sunburns; non-medicated ointments used in sunburn prevention and treatment; bath and shower gels and salts, other than for medical use; non-medicated massage preparations; non-medicated foot lotions; non-medicated lip protection products; non-medicated washes for intimate use; skin care preparations; non-medicated skin-cleansing preparations; cosmetic preparations for body care; skin texture refining products; non-medicated diaper rash ointments and lotions; soaps; perfumery products, essential oils, non-medicated creams for scalp care; hair lotions; medicated shampoos; mouthwashes, not for medical use; breath fresheners other than for medical use; dentifrices.  
Klasse 5 Bandages for dressings; plasters, materials for dressings; compresses; disinfectants; ointments for pharmaceutical

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use; pharmaceutical preparations for wounds; medicated muscle relaxants for the bath; medicinal creams for skin care.

Klasse 44 Hygienic and beauty care for human beings or animals.