

MINISTRY OF SCIENCE AND TECHNOLOGY
NATIONAL OFFICE OF INTELLECTUAL PROPERTY

SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom - Happiness

No. 3107/SHTT-NH2

Hanoi, August 3, 2010

Re: Opposition to Registration of Trademark
Filed under Application No. 4-2009-04621

To: Cong ty luat Ambys Ha Noi

In regard to Opposition No. PD4-2009-00570 you filed on October 20, 2009 opposing to the registration of the trademark filed under Application No. 4-2009-04621 dated March 17, 2009, by its Official Letter No. 6307/SHTT-NH2 dated December 3, 2009, the National Office of Intellectual Property (“NOIP”) notified the Applicant of this Opposition and has received the Applicant’s Response dated December 24, 2009.

Having examined the Application and the available documents and information, the NOIP is of the following opinion:

Your arguments raised in the Opposition are in conformity with the results of the Substantive Examination of this Application by the NOIP and the NOIP intends to refuse the registration of this trademark in accordance with Notification No. 40240/SHTT-NH2 dated July 29, 2010.

With respectful regards,

PP. DIRECTOR
Head of Trademark Department No. 2

Nguyen Thi Minh Hien (*Signed and sealed*)

Recipients:

- As above (accompanied by a copy of the Notification);
- Ageless Co., Ltd.;
- Archived in File No. 4-2009-04621;
- Filed.

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SOCIALIST REPUBLIC OF VIETNAM
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No. 40240/SHTT-NH2

Hanoi, July 29, 2010

Re: Results of Substantive Examination

To: **Ageless Co., Ltd.**
7th Floor, No. 121, Bui Thi Xuan Street, Bui Thi Xuan Ward
Hai Ba Trung District, Hanoi

Based on the result of the Substantive Examination of the application for trademark registration:

Application No.:	4-2009-04621	Application Date: March 17, 2009
Applicant (*):	Cong ty co phan lien doanh Viet-Nhat (VN)	
Address:	No. 359, Hamlet 17, Xuan Phuong Commune, Tu Liem District, Hanoi	
IP Agent:	AGELESS CO., LTD.	
Trademark:	PairSONIC Pair SONIC	
Classes:	7, 11	

The National Office of Intellectual Property is of the following opinions:

1. The trademark under the above Application contains elements not satisfying the criteria of protection and will be refused in respect of:

The whole trademark and products/services

In particular, this trademark is not protectable because it is confusingly similar to the National Trademarks under Registration No. 106 dated September 10, 1985, No. 18491 and No. 18493 dated October 17, 1995, No. 46951 dated May 26, 2003, No. 55020 dated June 22, 2004, and No. 133401 dated September 21, 2009.

2. Basis and grounds for the refusal:

Article 74.2(e) of the Law on Intellectual Property: A trademark shall not be considered to be distinctive if it is not an associated mark, but is identical with or confusingly similar to a trademark registered in respect of identical or similar goods or services on the basis of a trademark application having an earlier filing date or, where priority is claimed, earlier priority date, including the application filed under international treaties to which the Socialist Republic of Vietnam is a party.

Article 74.2(i) of the Law on Intellectual Property: A trademark shall not be considered to be distinctive if it is identical with or confusingly similar to another person's mark recognized as well-known in respect of the goods or services that are identical with or similar to those bearing the well-known mark, or in respect of dissimilar goods or services if the use of such mark may prejudice the distinctiveness of the well-known mark or the registration of such sign is aimed at taking advantage of goodwill of the well-known mark.

3. Cited documents:

National Trademark Registration No.: 106
National Trademark Registration No.: 18491
National Trademark Registration No.: 18493
National Trademark Registration No.: 46951
National Trademark Registration No.: 55020
National Trademark Registration No.: 133401

The Applicant is entitled to oppose the Provisional Refusal referred to in point 1 of this Notification within 02 months from the date of the Notification. If the Applicant fails to oppose or its opinions are not justified, the National Office of Intellectual Property will refuse to grant a Certificate of Registration for this Trademark.

In the case, a certain part of the trademark is not protectable, the remaining part will be considered for protection when the National Office of Intellectual Property receives a response from the Applicant accepting this provisional refusal and 10 samples of the revised trademark wherein the non-protectable part has been removed.

PP. DIRECTOR

Head of Trademark Department No. 2

Nguyen Thi Minh Hien (*Signed and sealed*)

Recepients:

- Applicant/ IP Agent;
- Archives and filed.