

**Notification of *ex-officio* provisional total refusal of protection (Article 5 of the Madrid Protocol, Rule 17(1) and (2) of the Common Regulations under the Madrid Agreement and Protocol, and Article 33 EUTMR)**

Alicante, 17/04/2019

*International registration number:* **1457502**  
*Name of the holder:* **Chapter 4 Corp.**  
*Trade mark:* **Supreme**

Protection of the abovementioned mark is provisionally refused for the European Union for **all the goods and services** covered by the designation of the European Union.

**I. REASONS**

The Office has examined your application for a European Union trade mark, to ensure that it complies with the legal requirements for registration as established in Article 7 EUTMR.

- **The sign**



The application consists of the figurative mark

**Legal basis Article 7(1)(b) EUTMR**

The sign you have applied for is ineligible for registration under Article 7(1)(b) and Article 7(2) EUTMR, because it is devoid of any distinctive character in relation to the goods for which protection is sought.

*Lack of distinctiveness*

The goods to which this objection applies are:

Class 9: *Eyewear; sunglasses; spectacles; sports eyewear; frames, lenses, cases, chains, cords, head straps and parts for eyewear, sunglasses, spectacles and sports eyewear; sports goggles; cases for mobile phones; cell phone backplates; cell phone cases; cell phone covers; cell phone faceplates; cell phone straps; downloadable graphics for mobile phones;*

*vinyl covers specially adapted for cell phones, MP3 players, laptops, computers, portable satellite radios, personal digital assistants, remote controls, and television satellite recorders.*

Class 28: *Skateboard decks.*


The distinctive character of a trade mark is assessed in relation to the goods or services for which protection is sought and the perception of the relevant public. In the present case, the English and French-speaking consumer would understand the sign as meaning of the highest quality, importance.

The abovementioned meanings of the word composing the trade mark can be supported by the following dictionary references:

SUPREME ‘1: of highest quality, importance.’ (Information extracted from the *Collins English Dictionary* on 17/04/2019 at <https://www.collinsdictionary.com/dictionary/english/supreme>).

SUPRÊME ‘*Qui est au-dessus de tous et de tout dans une hierarchie. Qui ne saurait être dépassé.*’ In English: supreme (Information extracted from *Dictionnaire Larousse* on 17/04/2019 at <https://www.larousse.fr/dictionnaires/francais/supr%C3%A2me/75572?q=supreme#74711> and <https://www.larousse.fr/dictionnaires/francais-anglais/supr%C3%A2me/74711?q=SUPREME>)



The sign for which protection is sought, , would simply be perceived by the relevant public as a non-distinctive statement providing information about the goods applied for. Moreover, in the present case, the relevant public will not tend to perceive any particular indication of commercial origin in the sign beyond the information conveyed, which merely serves to highlight some characteristics of the goods in question, namely that they are of the highest quality.

Although the sign for which protection is sought contains certain stylised elements, these merely consist in the presentation of the word element of the mark in white standard italic characters set against a red rectangular background. Both the type of characters and the colours in the mark are commonly use in trade. These elements, therefore, are so negligible in nature that they do not endow the trade mark as a whole with any distinctive character. Those elements do not possess any feature regarding the way in which they are combined that allows the mark to fulfil its essential function in relation to the goods for which protection is sought.

Therefore, the sign in question is devoid of any distinctive character within the meaning of Article 7(1)(b) and Article 7(2) EUTMR.

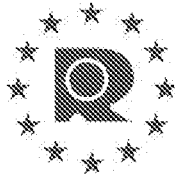
## II. Representation

The holder of the international registration is obliged to be represented before the EUIPO by a legal practitioner or professional representative that is entitled to

represent third parties before the EUIPO (Articles 119(2) and 120(1) EUTMR). Protection of the international registration for the European Union will be refused in whole if a representative is not appointed within the time limit indicated below.

### III. Deadline for a reply

The holder of the international registration is hereby given a time limit of two months to overcome the ground for refusing protection indicated. Failure to do so will mean that after expiry of the time limit, the EUIPO will render a decision in which it refuses the protection **in its entirety**. Said decision may be appealed. **The time limit of two months to reply to the present refusal will start on the day the present notification was issued by the EUIPO (Article 193(2), (3) and (4) EUTMR)**. Any such reply of the holder of the international registration shall be addressed to the EUIPO only.



**Isabel DE ALFONSETI HARTMANN**