



**REPUBLIC OF ALBANIA**  
**MINISTRY OF ECONOMIC DEVELOPMENT, TOURISM, TRADE AND ENTREPRENEURSHIP**  
**GENERAL DIRECTORATE OF PATENTS AND TRADEMARKS**

*Model Form 3*

**MADRID AGREEMENT AND PROTOCOL**  
**PROVISIONAL REFUSAL OF PROTECTION**

**Rule 17(1)**

I.	Office making the notification:  <b>DIRECTORATE GENERAL OF PATENTS AND TRADEMARKS</b> <b>Bulevardi "Zhan D'Ark"</b> <b>Prona Nr. 33</b> <b>Shtëpia e Ushtarakëve</b> <b>Tiranë</b> <b>ALBANIA</b>
II.	Number of the international registration:  <b>1261461- SWATCH ONE MORE THING</b>
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed):  <b>SWATCH AG (SWATCH SA) (SWATCH LTD)</b> <b>Jakob-Stämpfli-Strasse 94</b> <b>CH-2502 Biel/Bienne</b> <b>(CH)</b>

IV. <input checked="" type="checkbox"/>	Provisional refusal based on an opposition <sup>1</sup>
V. <input checked="" type="checkbox"/>	Provisional refusal for all the goods and/or services
VI.	Grounds for refusal [(where applicable, see item VII)]: <b>Conflict with the prior rights of one earlier pretended well known trademark.</b>
VII.	Information relating to two earlier marks <sup>2</sup> : <ul style="list-style-type: none"> <li>(i) <b>Filing date and number, and, if any, priority date:</b></li> <li>(ii) <b>Registration date and number (if available):</b></li> <li>(iii) <b>Name and address of the owner:</b>   <b>Apple Inc.</b>  <b>1 Infinite Loop</b>  <b>Cupertino, CA 95014,</b>  <b>USA</b> </li> <li>(iv) <b>Reproduction of the mark:</b>   <b>ONE MORE THING</b> </li> <li>(v) <b>List of all or relevant goods and/or services:</b>  <b>09. Apparatus for recording, transmission and reproduction of sound or images; electronic payment processing apparatus, apparatus for processing cashless payment transactions; magnetic recording media, sound recording disks; compact disks, DVDs and other digital recording media; apparatus enabling the playing of compressed sound files (MP3); calculating machines and data processing equipment, software; game software for mobile telephones, for computers and for digital personal stereos; electronic game software for mobile telephones, for computers and for digital personal stereos; computers, portable computers, handheld computers, mobile computers, personal computers, wrist computers, electronic tablets and computerized and mobile devices, digital personal stereos, mobile telephones and new-generation mobile telephones featuring greater functionality (smartphones); telecommunication apparatus and instruments; apparatus for recording, transmission, reproduction of sound or images, particularly mobile telephones and new-generation mobile telephones incorporating greater functionality (smartphones); hand-held electronic apparatus for</b> </li> </ul>

<sup>1</sup> The name and address of the opponent should also be provided.

<sup>2</sup> Where the grounds on which the provisional refusal is based relate to an earlier mark, as indicated under item VI. The indication required under this item may be given by annexing a printout from the register or database.

accessing the Internet and sending, receiving, recording and storing short messages, electronic messages, telephone calls, faxes, video conferences, images, sound, music, text and other digital data; handheld electronic apparatus for wireless receiving, storing and transmitting of data or messages; handheld electronic apparatus for monitoring and organizing personal information; handheld electronic apparatus for global positioning [GPS] and displaying maps and transport information; handheld electronic devices for detecting, monitoring, storing, surveillance and transmitting data relating to the user activity, namely position, itinerary, distance traveled, heart rate; covers for computers, portable and mobile telephones; optical apparatus and instruments, particularly spectacles, sunglasses, magnifying glasses; cases for spectacles, magnifying glasses and sunglasses; batteries and cells for computers and electronic and chronometric apparatus.

14-Precious metals and their alloys and goods made of these materials or coated therewith included in this class, namely figurines, trophies; jewelry, namely rings, earrings, cufflinks, bracelets, charms, brooches, chains, necklaces, tie pins, tie clips, jewelry caskets, jewelry cases; precious stones, semi-precious stones; timepieces and chronometric instruments, namely chronometers, chronographs, clocks, watches, wristwatches, wall clocks, alarm clocks as well as parts and accessories for the aforesaid goods, namely hands, anchors, pendulums, barrels, watch cases, watch straps, watch dials, clockworks, watch chains, movements for timepieces, watch springs, watch glasses, presentation cases for timepieces, cases for timepieces.

VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:

Article 143 (2) b; article 152; article 175 of Law 9947 dated 07.07.2008 "On Industrial Property"

Chapter XVII point 2.1 of Council of Ministers Decision No 1706 dated 29.12.2008.9

*(amended)*

**IX. Information relating to subsequent procedure:**

**The applicant should file its arguments against the opposition within 3 months from the date of notification.**

(i) Authority to which such request for review or appeal should be made:

**Board of Appeal of Directorate General of Patents and Trademarks**

(ii) Indications concerning the appointment of a representative:

**An Albanian authorized representative should be appointed in order to participate in the proceedings before the Board of Appeal. The list of authorized representatives can be found in the official web page of GDPT: [www.dppm.gov.al](http://www.dppm.gov.al).**

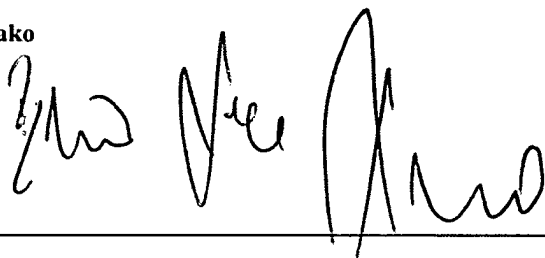
**X. Date of the notification of provisional refusal:**

**20.07.2016**

**XI. Signature or official seal of the Office making the notification:**

**Director General of Patents and trademarks**

**Elvin Lako**

A handwritten signature in black ink, appearing to read 'Elvin Lako', is written over the printed name.

XII. Corresponding essential provisions of the applicable law:

Albanian Law "On Industrial Property" No 9947 dated 07.07.2008.

- Article 143

Refusal on a Relative Basis

1. A mark is not protected if its use is against prior rights.
2. A mark shall not be registered or, if registered, shall be liable to be declared invalid:
  - a) if it is identical with an earlier mark, and the goods or services for which the mark is applied for or is registered are identical with the goods or services for which the earlier mark is protected;
  - b) if it is identical with, or similar to, an earlier mark which is protected for identical or similar goods or services, and if, because of the identity or similarity of the marks and the goods or services covered by them, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier mark.

- Article 152

Opposition to a Published Mark

1. An opposition to a published mark is filed in GDPM within a three month period from the date of publication, against the payment of the respective tariff by:
  - a) the applicant of an earlier mark filed in the GDPT or the owner of an earlier mark registered in conformity with the definitions of points 1 and 2 of article 143 of this Law;

- Article 175

4. The time period for filing an opposition to an international registration of a mark in the Republic of Albania begins from the first day of the month following the month of publication of the mark in the official gazette of WIPO.

- Article 195

Representation before the GDPT

1. Representation of Persons before GDPT may only be undertaken by authorized representatives registered with the GDPT.
2. Persons may authorize one or more representatives for all or for some acts before the GDPT, by an authorization of representation.