



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

I.	Office making the notification: DIRECTORATE GENERAL OF PATENTS AND TRADEMARKS Bulevardi "Zhan D'Ark" Prona Nr. 33 Shtëpia e Ushtarakëve Tiranë ALBANIA
II.	Number of the international registration: 1290457
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): Ilona Olejniczak Stare Bielice 142c-2 PL-75-039 Biesiekierz (PL)
IV.	<input checked="" type="checkbox"/> Provisional refusal based on an opposition ¹
V.	<input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services

¹ The name and address of the opponent should also be provided.

<p>VI. Grounds for refusal [(where applicable, see item VII)]:</p> <p>Conflict with the earlier rights of two registered trademarks.</p>
<p>VII. Information relating to two earlier marks² :</p> <p>(i) Filing date and number, and, if any, priority date:</p> <p>(ii) Registration date and number (if available):</p> <p>IR 961854 IR 1287822</p> <p>(iii) Name and address of the owner:</p> <p>Red Bull GmbH Am Brunnen 1 A-5330 Fuschl am See (AT)</p> <p>(iv) Reproduction of the marks:</p> <p>IR 961854 - RED BULL</p> <p>IR 1287822 - BULL</p> <p>(v) List of all or relevant goods and/or services:</p> <p>32. Non alcoholic beverages including refreshing drinks, energy drinks, whey beverage isotonic, hypertonic and hypotonic drinks (for use and/or as required by athletes); beer, malt beer, wheat beer, porter, ale; stout and lager; non alcoholic malt beverages; mineral water and aerated waters; fruit drinks and fruit juices; syrups, essences and other preparations for making beverages as well as effervescent tablets and effervescent powders for drinks and non-alcoholic cocktails.</p>

² 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.

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.alpto.gov.al.

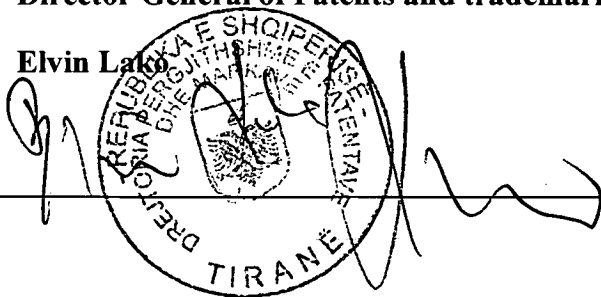
X. Date of the notification of provisional refusal:

03.09.2016

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

Director General of Patents and trademarks

Elvin Lako



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.