

Model Form 3

MADRID AGREEMENT AND PROTOCOL

PROVISIONAL REFUSAL OF PROTECTION

Rule 17(1)

*This form is to be used in the following situation: the Office considers that protection cannot be granted in the Contracting Party concerned (ex officio provisional refusal) or protection cannot be granted in the Contracting Party concerned because an opposition has been filed, or both. In due course, once all the procedures before the Office have been completed, the Office shall send to the International Bureau a statement regarding the final disposition on the status of the mark, using Model Forms 5 or 6, as the case may be.*

I. Office making the notification: <b>Ministry of commerce &amp; industry / Intellectual property department / Sultanate of Oman.</b>
II. Number of the international registration: <b>1281481</b>
II. 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>
IV. <input type="checkbox"/> Provisional refusal based on an ex officio examination <input checked="" type="checkbox"/> Provisional refusal based on an opposition <sup>1</sup> <input type="checkbox"/> Provisional refusal based on both an ex officio examination and an opposition <sup>1</sup>
V. <input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services <input type="checkbox"/> Provisional refusal for some of the goods and/or services: [followed by an indication of the goods and/or services which are affected or are not affected] <sup>2</sup>
VI. Grounds for refusal [(where applicable, see item VII)]:  (VI) article No.36/2 (VII) regulation of the industrial property Law No. 67/2008

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

<sup>2</sup> Where all the goods or services included in a given class are to be mentioned, the indication should read "all goods (or all services) in class X". In all cases, a clear indication should be given as to whether those goods and/or services are affected, or are NOT affected.

VII. Information relating to an earlier mark<sup>3</sup> :

- (i) Filing date and number, and, if any, priority date:
- (ii) Registration date and number (if available):
- (iii) Name and address of the owner:  
**Apple Inc.**
- (iv) Reproduction of the mark:
- (v) List of all or relevant goods and/or services:

**All**

IX. Information relating to subsequent procedure:

- (i) Time limit for requesting review or appeal:  
90 days
- (ii) Authority to which such request for review or appeal should be made:  
Omani Intellectual Property Directorate
- (iii) Indications concerning the appointment of a representative:  
A local agent must be appointed to defend the application and a list of registered agents is attached.

X. Date of the notification of provisional refusal:  
**29.11.2016**

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



<sup>3</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.

**XII. Corresponding essential provisions of the applicable law:**

**Article no. 38/2/(B)(C)(D):**

**(b) Any interested person may, within the period of ninety (90) days and in the prescribed manner, give notice to the Registrar of opposition, which shall be reasoned and in writing, to the registration of the mark on the grounds that one or more of the requirements of Sections 1 and 37(2) and the Regulations pertaining thereto are not fulfilled.**

**(d) If the applicant sends a counter-statement, the Registrar shall furnish a copy thereof to the person giving notice of opposition and, after hearing the parties, if either or both wish to be heard, and considering the merits of the case, shall decide whether the mark should be registered.**