



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

Nr. 6 Prot.

Tirana, on: 30/01/2017

Provisional refusal of protection

According to Rule 17.1) of the Common Regulations under the Madrid Agreement and Protocol

I. Number of the international registration:

1289123

II. Name of the holder

KERTEN / 221-223 Lower Rathmines Road, Rathmines, Dublin 6

III. Provisional refusal based on an ex officio examination

IV. Provisional refusal for all the goods and/or services

V. Grounds for refusal

The trademark of this application falls under Article 142 (1) (b) of the Intellectual Property Law of the State of Albania, because the trademark contains the word "HOTELS", which describes a feature of applicant's services, and for this reason is an unregistrable component of the mark.

VI. Corresponding essential provisions of the applicable law:

Art.142, item 1 (b)

VII. Information relating to subsequent procedure

i) Time limit for filing a request for submitting observations on the provisional refusal

3 months counting from the date of getting the notification of provisional refusal.referring on the Art. 175 item 2, Art.150 item a), and Chapter XVII item 2.1 of Trademark Regulation of the domestic law.

ii) Authority to which such a request for submitting observations on the provisional refusal shall be made:



GENERAL DIRECTORATE OF PATENTS AND TRADEMARKS OF THE REPUBLIC OF ALBANIA

iii) Indications concerning the appointment of a representative

The holder of an international trademark registration may file observations on the present provisional refusal and on the grounds for refusal only by the intermediary of a representative established in the Republic of Albania referring on Art. 195 item 1 of the domestic law.



VII. Corresponding essential provisions of the applicable law:
Grounds for refusal – Article 142 of the Industrial Property Law:

Refusal on an Absolute Basis

1. A sign is not registered as a mark if:
 - a) it does not have a distinguishing nature;
 - b) it consists exclusively of elements or indicators that may serve in the market to show the kind, quality, amount, purpose, value, geographical origin or time of production of the goods or the performance of the services, or other characteristics of the goods or services;**
 - c) it consists exclusively of elements or indicators that have become customary in daily language or have turned into fixed practices in commerce;
 - ç) it consists of forms or lines imposed by the very nature of the goods or services and/or forms or lines essential to achieve a technical result;
 - d) it consists of forms that give a fundamental value to the goods;
 - dh) it consists of elements that violate public interests or are in conflict with public morals and order;
 - e) it consists of elements tending to disorient the public, principally so far as concerns the nature, quality or geographical origin of the goods and/or services that they have the purpose of distinguishing;
 - ë) it consists of geographical indications, for wines or alcoholic beverages, that do not originate from the place indicated by the geographical indication in question, even if the true origin of the products has been indicated or the geographical indications have been translated and are accompanied by such expressions as: “kind,” “type,” “style,” “imitation” or other similar ones];
 - g) it consists of:
 - the names of countries (complete or abbreviated);
 - state emblems, medals, honors of distinction;
 - official seals and signs approved by the country;
 - the emblems of recognized international organizations or abbreviations of them;
 - religious symbols;
 - national flags;
 - gj) it consists of elements which contradict Article 6 *bis* of the Paris Convention, except when the competent authorities have authorised their use.
 - h) it does not constitute a mark, pursuant to Article 140 of this law;
 - i) it includes or it is constituted by a designation of origin or a geographical indication effective in the territory of the Republic of Albania, if the application for mark registration has been submitted after the date of submission of the application for the registration of the designation of origin or geographical indication and for the purpose of their protection, provided by the legislation under which they have been registered and which are related to the same kind of products
2. A sign is not excluded from registration as a mark within the meaning of letters “a,” “b,” and “c” of point 1 of this article if the sign in question has gained a distinguishing nature in the process of use before the date of application.

