

**Antigua and Barbuda Intellectual Property and Commerce Office****MADRID PROTOCOL****Model Form 3A: Total Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)**

I.	Office making the notification: Antigua and Barbuda
II.	Number of the international registration: 1 290 457
III.	Name of the holder: Ilona Olejniczak
IV.	<p>Information concerning the type of provisional refusal:</p> <p><i>Please indicate the type of refusal by checking only one of the following options:</i></p> <p><input type="checkbox"/> Total provisional refusal based on an <i>ex officio</i> examination</p> <p><input checked="" type="checkbox"/> Total provisional refusal based on an opposition</p> <p><input checked="" type="checkbox"/> Total provisional refusal based on both an <i>ex officio</i> examination and an opposition</p> <p><i>Where the refusal is based on an opposition, please indicate the name and address of the opponent:</i></p> <p>(i) Name of the opponent: Red Bull GmbH</p> <p>(ii) Address of the opponent: Am Brunnen 1 5330 Fuschl am See Austria</p>
V.	<p>Information concerning the scope of the provisional refusal:</p> <p>Total provisional refusal affects all the goods and/or services. Yes</p>

VI. Grounds for refusal [(where applicable, see item VII)]:

Section 3(2)(v) of the Trade Marks Act states if it is identical with, or confusingly similar to, or constitutes a translation of, a mark or trade name which is well known in Antigua and Barbuda for identical or similar goods or services of another enterprise, or if it is well-known and registered in Antigua and Barbuda for goods or services which are not identical or similar to those in respect of which registration is applied for, provided, in the latter case, that use of the mark in relation to those goods or services indicate a connection between those goods or services and the owner of the well-known mark and that the interests of the owner of the well-known mark are likely to be damaged by such use;

VII. Information relating to an earlier mark:

- (i) Filing date and number, and, if any, priority date: 3797
- (ii) Registration date and number (if available): April 20th, 1995
- (iii) Name and address of the owner:
GMBH of Am Brunnen1, Fusch1 am See, Austria, A-5330
- (iv) Reproduction of the mark:

RED BULL

- (v) List of the relevant goods and/or services (this list may be in the language of the earlier application or registration): **class 32 in respect of mineral and aerated waters and other non-alcoholic beverages: fruit drinks and fruit juices; syrups and other preparations for making beverages**

OVIII. Corresponding essential provisions of the applicable law:

Section 3(2)(v) of the Antigua and Barbuda Trademark Act

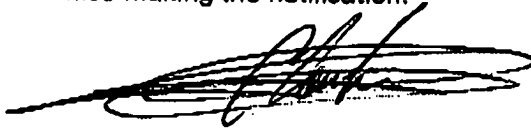
IX. Information relating to the possibility to request a review or file an appeal:

- (i) Time limit for requesting review or appeal: **Two months from the date of notification sent to the IB.**
- (ii) Authority to which such request for review or appeal should be made: **Antigua and Barbuda Intellectual Property & Commerce Office.**

- (iii) Whether the request for review or appeal has to be filed in a specific language and/or through the intermediary of a representative whose address is within the territory of the Contracting Party: The Trademark act at section 18 of the Antigua and Barbuda Trademark act states that where an applicant's ordinary residence or principle of business is outside of Antigua, he shall be represented by a registered agent and practicing in Antigua & Barbuda before the Registrar of Intellectual Property Office. Section 31 of the Antigua and Barbuda Trademark Regulations states that a local attorney at law or agent admitted to represent clients before the Intellectual Property Office may appointed.

- (iv) Other requirements, if any:

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



XI. Date of the notification to the International Bureau:

February 17th, 2017

[End of Model Form 3A]