



INSTITUTO DA PROPRIEDADE INDUSTRIAL

PROVISIONAL REFUSAL OF PROTECTION

Notification to the International Bureau of the World Intellectual Property Organization (WIPO) in accordance with Rule 17(1) of the Common Regulations under the Madrid Agreement and Protocol.

I. Office making the notification: INDUSTRIAL PROPERTY INSTITUTE OF MOZAMBIQUE
II. Number of the International Registration: 1 290 457
III. Name of the holder (or other indication enabling the identity of the international registration to be confirmed): ILONA OLEJNICZAK
IV. <input type="checkbox"/> Provisional refusal based on <i>ex-officio</i> examination <input type="checkbox"/> Provisional refusal based on an opposition <input type="checkbox"/> Provisional refusal on both an <i>ex-officio</i> examination and an opposition
V. <input 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]
VI. Grounds for refusal [(where applicable, see item VII)] Similarity to registered and well known marks.

<p>VII. Information relating to an earlier mark</p> <p>(i) Filing date and number, and, if any, priority date:</p> <p>(ii) Registration date and number if available July 28, 2005 – 871 248 February 27, 2014 – 1 215 743</p> <p>(iii) Name and address of the Owner: IREB BULL GMBH AM BRUNNEN 1, A-5330, FUSCHHL AM SEE AUTRIA</p> <p>(iv) Reproduction of the mark Red Bull</p> <p>(v) List of all or relevant goods and/or services: Class 32: Non-alcoholic beverages including refreshing drinks, energy drinks, whey beverages, 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>	<p>VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:</p> <p>Article 110 of the Industrial Property Code of Mozambique</p> <p>1...The requirements for protection of a mark are:</p> <p>a) "It shall not be identical or similar to a mark of high renown or a mark that is well-known in Mozambique";</p> <p>Article 119 of the foresaid diploma (Grounds for refusal):</p> <p>The following shall be grounds for refusal:</p> <p>a) "If any of the elements indicated in articles 110, 113 and 114 of this diploma are lacking".</p>
<p>IX. Information relating to subsequent procedure</p> <p>(i) Time limit for requesting review or appeal: Review: Not applicable. An applicant may only seek this type of remedy when the final decision has been taken by the IP Office. Appeal: Not applicable. An applicant may only appeal against the final refusal, not against the provisional refusal.</p> <p>Response to Opposition: The applicant is required to respond to the opposition within</p>	

30 days from the notification date by the International Bureau. However, if he so wishes, the applicant may request an extension period of 60 days to respond to the notification. If the applicant fails to respond, then the application is deemed to have been abandoned or withdrawn.

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

(ii) Indication concerning appointment of a representative:

Its mandatory and it's required that the representative be a Mozambican.

X Date of notification of Provisional refusal:

March 01, 2017

XI. Signature or official seal of the office making the notification

Industrial Property Institute

Director General

José Joaquim Meque

