


**MADRID AGREEMENT AND PROTOCOL
PROVISIONAL REFUSAL OF PROTECTION
Rule 17(1)**

I.	Office making the notification: National Center for Patents and Information of the Republic of Tajikistan Dushanbe 14a Ayni street.
II.	Number of the international registration: 1 318 138
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): Aktsionernoe obshchestvo "Essen production AG" Avtozavodsky district, new passage 3, of. 95, Samara Region RU-445037 Tolyatti (RU)
IV.	<input checked="" type="checkbox"/> Provisional refusal based on an <i>ex officio</i> examination <input type="checkbox"/> Provisional refusal based on an opposition <input type="checkbox"/> Provisional refusal based on both an <i>ex officio</i> examination and an opposition ¹
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]
VI.	Grounds for refusal [(where applicable, see item VII)]: The sign shall not be registered because it's confusingly similar to trademarks of another person protected in the Republic of Tajikistan with an earlier priority.
VII.	Information relating to an earlier mark : (i) Filing date and number, and, if any, priority date: 04.07.2008 (ii) Registration date and number (if available): TJ 8906 Name and address of the owner: (RU) Open Joint-Stock Company "Confectionary Concern Babaevsky" 107140, Russian Federation, Moscow, Malaya Koasnoselskaya, 7. <div style="text-align: center;"> БЕЛОЧКА</div> Reproduction of the mark: List of all or relevant goods and/or services: 30 confectionery; waffles; confectionery products from sweet dough predominantly with filling; grain products; flakes from cereals; pastry confectionery products; confectionery products based on peanuts and / or almonds; pies products; cocoa; cocoa products; caramels; candies; candy mints; crackers; mealy foods; lollipops; marmalade; marzipans; ice cream; beverages cocoa-milk, chocolate-milk, chocolate; beverages - cocoa; pastilles; biscuit; Sweets; praline;

gingerbread; sweets, including pastilles, marshmallows, wafer cakes, fruit pastes, chocolate, chocolate - nut; crackers; fruit and berry cakes; halva; chocolate; bakery products.

VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:
Article 9.1 of the Law of the Republic of Tajikistan on Trademarks and service marks.

IX. Information relating to subsequent procedure:

(i) Time limit for requesting review or appeal:

In the event of disagreement of the applicant with the examiner's decision, he shall have the right, within two month of the date of receipt of the decision from International Bureau, to file with the Patent Office a request for reexamination.

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

National Center for Patents and Information of the Republic of Tajikistan.

(iii) Indications concerning the appointment of a representative:

<http://www.ncpi.tj/index2.php?show=patentnie-poverennie&lang=ru&mId=34>

X. Date of the notification of provisional refusal: **22.09.2017**

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

**/Head of Division of
international registration
of trademarks
Mr. P. Miraliev**



XII. Corresponding essential provisions of the applicable law:

Article 9. Other grounds for denial of registration.

The following designations shall not be registered as trademarks if they are identical with or confusingly similar to:

- **trademarks of other persons, applied for registration (provided applications for them have not been withdrawn) or protected in the Republic of Tajikistan by virtue of an international treaty recognized by the Republic of Tajikistan, in respect of similar goods and with an earlier priority;**

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