

MADRID PROTOCOL

Model Form 3B: Partial Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)

I.	Office making the notification: Patent and Trademarks Office of the Republic of Azerbaijan AZ 1009, square 422, Mirza Ibrahimov-53, Baku, Azerbaijan Fax: (+99412) 5943775
II.	Number of the international registration: 1340038
III.	Name of the holder: Obshchestvo s ogranichennoy otvetstvennostyu "Zeldis" ul. Komsomolskaya, dom 1 g. Podolsk RU-142100 Moskovskaya obl. (RU)
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 checked="" type="checkbox"/> Partial provisional refusal based on an <i>ex officio</i> examination</p> <p><input type="checkbox"/> Partial provisional refusal based on an opposition</p> <p><input type="checkbox"/> Partial 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:</p> <p>(ii) Address of the opponent:</p>
V.	<p>Information concerning the scope of the provisional refusal:</p> <p><i>Please indicate the scope of the refusal, by choosing one of the two listed options below and, where applicable, list the relevant goods and/or services:</i></p> <p><input checked="" type="checkbox"/> Partial provisional refusal affects only the following goods and/or services:</p> <p><input type="checkbox"/> Partial provisional refusal does NOT affect the following goods and/or services:</p> <p>List of goods and/or services: Class 05 Pharmaceutical, plasters, materials for dressings; material for stopping teeth, teeth filling material, dental impression materials.</p>

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

Similarity of the trademark

VII. Information relating to an earlier mark:

(i) Filing date and number, and, if any, priority date:

(ii) Registration date and number (if available): 10.05.2001 № 757211

(iii) Name and address of the owner:

"BIOFARM" SPÓŁKA Z O.O.
ul. Wałbrzyska 13
PL-60-198 Poznań
(PL)

(iv) Reproduction of the mark:

BIOFARM

(v) List of the relevant goods and/or services (this list may be in the language of the earlier application or registration):

Class 05

Pharmaceutical and hygienic products, plasters, dressing materials, materials for tooth filling and masses for dental impression purposes, disinfecting agents.

VIII. Corresponding essential provisions of the applicable law:

Paris Convention for the Protection of Industrial Property. Article 6quinquies. B.

(i) Trademarks covered by this Article may be neither denied registration nor invalidated except in the following cases:

when they are of such a nature as to infringe rights acquired by third parties in the country where protection is claimed.

Law "On Trademarks and Geographical Indications" of the Republic of Azerbaijan

Article 6. Other grounds for the refusal of trademark registration

It is not permitted to register the below-mentioned:

b) trademarks, earlier protected in the Republic of Azerbaijan in accordance with international agreements in which the Republic of Azerbaijan takes part in.

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

(i) Time limit for requesting review or appeal:

Within 3 months from the date of refusal reception by the applicant

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

**Appeal Council under the State Committee for Standardization,
Metrology and Patent of the Republic of Azerbaijan**

- (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:

Patent Attorney

(For list of patent attorneys please visit web site: www.azstand.gov.az)

- (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: 23.02.2018

Leading examiner:

S.Mirzamatov