



AMT FÜR VOLKSWIRTSCHAFT
FÜRSTENTUM LIECHTENSTEIN

MADRID AGREEMENT AND PROTOCOL

PROVISIONAL REFUSAL OF PROTECTION

Notified to the International Bureau of the World Intellectual Property Organization (WIPO)
according to article 5 of the Madrid Agreement

I.	Office making the notification: AMT FÜR VOLKSWIRTSCHAFT OFFICE OF ECONOMIC AFFAIRS Liechtenstein National Administration Intellectual Property P.O. Box 684 9490 Vaduz
II.	Number of the international registration: 1 346 067 SWEET BOX Number of the basic application and country of origin: Russian Federation, 13.05.2016, 2016716742
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): DIPLAZOR LIMITED 124, 1st floor, office 101, Strovolos CY-2042 Nicosia (Cyprus)
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
V.	<input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services of the classes 28 and 30 as indicated in the IR <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 trademark is considered to be devoid of any distinctive character and/or can be used in trade to designate the goods in question. The mark consists of the words SWEET and BOX. SWEET is "candy or any food with a lot of sugar in it" and BOX is "a container with a flat base and sides, typically square or rectangular and having a lid". The mark describes a kind of goods claimed and is considered to be devoid of any distinctive character. The figurative element (a single grey square) which serves as a background is not enough to provide the necessary distinctiveness. Therefore, it must be refused.

VII. Information relating to an earlier mark :

- (i) Filing date and number, and, if any, priority date:
- (ii) Registration date and number (if available):
- (iii) Name and address of the owner:
- (iv) Reproduction of the mark:
- (v) List of all or relevant goods and/or services:

VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:

Art. 2 lit. a) Markenschutzgesetz (MSchG) [Trademark Act]

IX. Information relating to subsequent procedure:

- (i) Time limit for requesting review or appeal: **25 October 2018**
- (ii) Authority to which such request for review or appeal should be made:

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OFFICE OF ECONOMIC AFFAIRS

Liechtenstein National Administration Intellectual Property

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- (iii) Indications concerning the appointment of a representative:

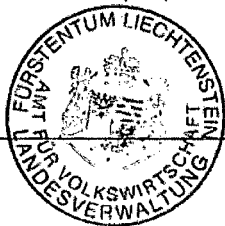
The holder may submit his objections exclusively through an agent registered in Liechtenstein, who will act as the applicant's representative before the Office (Art. 39 MSchG).

X. Date of the notification of provisional refusal: **25 May 2018**

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

Ruppanner

Jolanda Ruppanner
Bureau of Intellectual Property



XII. Corresponding essential provisions of the applicable law:

Gesetz vom 12. Dezember 1996 über den Schutz von Marken und Herkunftsangaben (Markenschutzgesetz)¹

Law of 12 December 1996 regarding the Protection of Trademarks and Geographical Indications (Trademark Act)

**Article 1
(Definition)**

1. The trademark is a sign which is capable of distinguishing the goods or services of one undertaking from those of other undertakings.
2. Trademarks may be, in particular, words, letters, numbers, graphic representations, 3-dimensional shapes or combinations of such elements with each other or with colours.

**Article 2
(Absolute grounds for exclusion)**

The following are excluded from trademark protection:

- a) signs which are common property, unless they have become recognised as the trademark for the goods or services for which they are claimed;
- b) shapes which constitute the nature of the goods themselves and shapes of goods or of their packaging which are technically necessary;
- c) misleading signs;
- d) signs which contravene public order, public morality or applicable law.

¹¹ The German wording of legal texts is binding, courtesy English translation only.