

MADRID PROTOCOL

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

I. Office making the notification:
<p style="text-align: center;">Patent and Trademarks Office of the Republic of Azerbaijan AZ 1009, square 422, Mirza Ibrahimov-53, Baku, Azerbaijan Fax: (+99412) 594-37-75</p>
II. Number of the international registration: 1359193
III. Name of the holder:
<p style="text-align: center;">Amaza Pharma LTD 72 Hammersmith Road London W14 8TH (GB)</p>
IV. Information concerning the type of provisional refusal:
<p><input checked="" type="checkbox"/> Total provisional refusal based on an <i>ex officio</i> examination</p> <p><input type="checkbox"/> Total provisional refusal based on an opposition</p> <p><input type="checkbox"/> Total provisional refusal based on both an <i>ex officio</i> examination and an opposition</p> <p>(i) Name of the opponent:</p> <p>(ii) Address of the opponent:</p>
V. Information concerning the scope of the provisional refusal:
<p>Total provisional refusal affects all the goods and/or services.</p>
VI. Grounds for refusal [(where applicable, see item VII)]:
<p style="text-align: center;">Similarity of the trademark</p>

VII. Information relating to an earlier mark:

- (i) Filing date and number, and, if any, priority date:
- (ii) Registration date and number (if available): 19.12.1997 № 971835
- (iii) Name and address of the owner:

MERCK & CO., Inc., New Jersey Ştainin Koiporasiyası. ABŞ , One Merck Drive, Wintehouse Station,
N.J.08889-0100

- (iv) Reproduction of the mark

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

Sınıf 05 - əczaçılıq, baytarlıq və gigiyena preparatları, tibbi məqsədlər üçün diyetə maddələri, uşaq qidası, plastirlər, sarğı materialları, dişlərin ploblanması və diş qalıbları üçün materiallar, dezinfeksiyaedici dərmanlar (vasitələr), zərərverici həşəratları məhv etmək üçün işlədilən preparatlar, funqisidlər, herbisidlər.

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:

a) trademarks, registered earlier in the name of another person or requiring registration in the Republic of Azerbaijan on identical goods and services;

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 relevant executive body 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.patent.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: 28.06.2018

Head of Division :

A.Huseynov