



Judiciary
Registration Organization of Deeds
And Properties of I.R. of Iran
Int. Reg. of Marks and G.I Office

Office Ref: 139750940001097365

Int. Reg. of Marks and G.I Office

MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS
AND THE PROTOCOL RELATING TO THAT AGREEMENT

*Notified to the International Bureau of the World Intellectual Property Organization (WIPO)
 In accordance with Article 5 of the Madrid Agreement and Protocol and Rules 9(3), 9(5)C and 13
 Common Regulations under the Madrid Agreement and Protocol*

I- Office notifying the provisional refusal: I.R. of Iran

Tel: 0098 21- 66755702

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No. 5, State Registration of Deeds and Properties, Fayyaz Bakhsh Street, Khayam Str., Emam Khomainsi Sqr, Tehran, Iran..

II- Number of the international registration which is the subject of the provisional refusal:
1396784

III- Name and address of the holder of the international registration which is the subject of the provisional refusal: **Grupa Topex Sp. z o.o. Sp. k**

IV- Grounds for provisional refusal:

According to the Article 30(a) and Article 32(a) of Iranian Trademarks Registration Act (2008) and Article 6 quintuplicate (B)(ii) Paris Convention, marks consisting of non-distinctiveness mark are not registrable in Iran.

According to the Article 10bis of Paris Convention, any descriptive mark which misleads the consumers is not registrable in Iran.

The subject Trademark is not registrable in Iran because it is similar to a previously registered mark. The Word “**TOP TOOL**” in English character has already been registered in Iran in class 8 under application no. **139550140001007011**

V- Applicable provisions of the national law [(see text under X)]

Article 30(a) and Article 32(a) & Article 6 quintuplicate (B)(ii) .

VI- ☐ Provisional refusal for the following goods / or services :

☒ Provisional refusal for all goods and / or services: **CLASSES 6, 7, 8, 9, 11 and 16**

VII- In cases where the International Application is rejected by the Iranian Trademark Office, the applicant may, under Articles 121 and 158 of the Execution Regulations of Iranian Patents, Industrial Designs and Trademarks Registration Act, file an appeal with the Commission stipulated in Article 170 of the said Regulations against the rejection within 60 days from the date of the notification of Provisional Refusal. Under Article 172 of the said Regulations, an appeal may be filed against the said Commission's decision with the Public Court of Tehran within 60 days from the date of the notification of the said decision.

VIII- Date on which the provisional refusal was pronounced: **2018-10-10**

LX- Signature or official seal of the Office notifying the provisional refusal :

Examiner: Mehrdad Karimzadeh (Mr)

Zahra Bahraini (Mrs)
Head of
International Reg. of Marks and G.I. Office

X- Relevant provisions of national law:

Article 30(a)

a) "Mark" means any visible sign capable of distinguishing the goods or services of legal entities or of natural persons.

Article 32 - A Mark is not registerable in the following cases:

a) If it is not capable of distinguishing the goods or service of one enterprise from those belonging to another enterprise.

b) If it is contrary to Rules of Sharia, public order or morality.

c) If it is likely to mislead the public or trade centers, in particular as regards the geographical origin of the goods or services concerned or their nature or characteristics.

d) If it is identical with, or is an imitation of or contains as an element, an armorial bearing, flag or other emblem, a name or abbreviation or initials of the name of, or official sign or hallmark adopted by, any State, intergovernmental organization created under an international convention, unless authorized by the competent authority of that State or organization.

e) If it is identical with, or confusingly similar to, or constitutes a translation of, a mark or trade name which is well known in Iran for identical or similar goods or services of another enterprise.

f) If an identical or similar mark has been registered or become well-known for services that are not similar provided that customarily there is a connection between the use of the mark and the owner of the well known mark and that its registration is likely to damage interests of the owner of the well-known mark.

g) If it is identical with a mark registered in the name of a different proprietor with an earlier filing date or a priority right in respect of the same goods or services or for goods and services that, due to connection or resemblance, is likely to deceive or cause confusion.

Article 6 quintuplicate (B)(ii) Paris Convention

When they are devoid of any distinctive character, or consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, place of origin, of the goods, or the time of production, or have become customary in the current language or in the bona fide and established practices of the trade of the country where protection is claimed.

Name and Address of the owner: Mr. Ali Moeeni Nezhad

No 26, Mozafar St, Tehranpars, Tehran, I. R. Iran

Application No: 139550140001007011

Date of Application: 2016/04/26

Reproduction of the Mark: the word "**TOP TOOL**" in English character.

GOODS AND SERVICES: All goods in class 8