



**REPUBLIC OF ALBANIA**  
**MINISTRY OF ECONOMIC DEVELOPMENT, TOURISM, TRADE AND ENTREPRENEURSHIP**  
**GENERAL DIRECTORATE OF INDUSTRIAL PROPERTY**

70/2.

**MADRID AGREEMENT AND PROTOCOL**  
**PROVISIONAL REFUSAL OF PROTECTION**

**Rule 17(1)**

I.	Office making the notification:  <b>DIRECTORATE GENERAL OF INDUSTRIAL PROPERTY</b> <b>Bulevardi "Zhan D'Ark"</b> <b>Prona Nr. 33</b> <b>Shtëpia e Ushtarakëve</b> <b>Tiranë</b> <b>ALBANIA</b>
II.	Number of the international registration:  <b>1406563</b>
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed):  <b>LANDTOURER AUTOMOBILE CO., LTD</b>  No. 1 Yuanquan Road, Shangrao Economic & Technological Development Zone Jiangxi Province
IV.	<input checked="" type="checkbox"/> Provisional refusal based on an opposition <sup>1</sup>
V.	<input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services
VI.	Grounds for refusal [(where applicable, see item VII)]: <b>Conflict with the earlier rights.</b>

<sup>1</sup>

The name and address of the opponent should also be provided.



**VII. Information relating to earlier marks<sup>2</sup> :**

**Filing date and number, and, if any, priority date:**

(i) **Registration number (if available):**

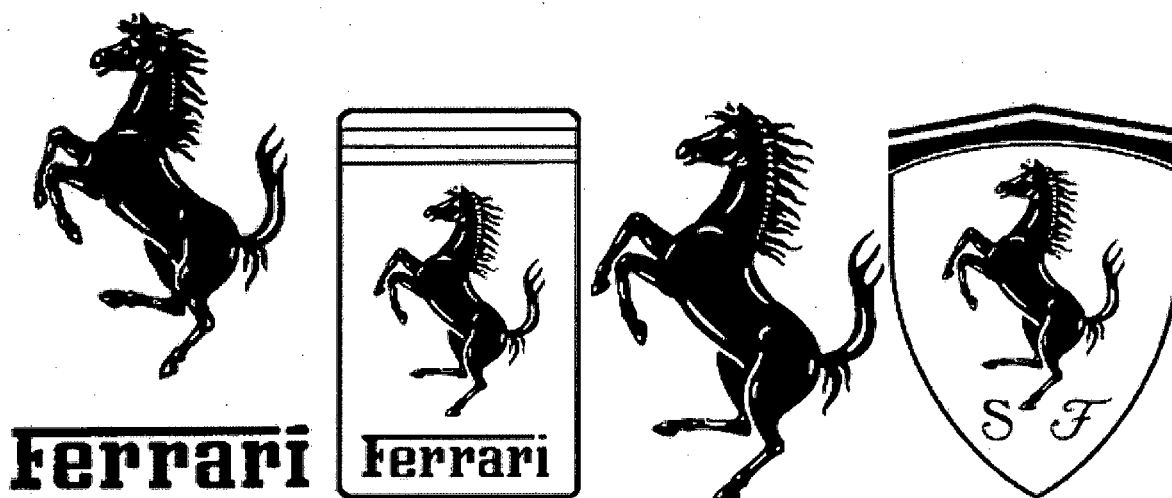
**1. International registration number 649112; 1394907; 1381879; 1320496**

(ii) **Name and address of the owner:**

**FERRARI S.P.A**

**Via Emilia Est 1163, Modena, IT**

(iii) **Reproduction of the mark:**



(iv) **List of all or relevant goods and/or services:**

**12. Automobiles; cars; racing cars; sports cars; structural parts of cars, racing cars, sports cars, land vehicles, water vehicles; spare parts and accessories for cars, racing cars, sports cars, vehicles, land vehicles; hoods for vehicle engines; engines for land vehicles; motors, electric, for land vehicles; electric vehicles; gear boxes for land vehicles; rims for vehicle wheels; seat cover for vehicles; vehicle covers [shaped]; covers for vehicle steering wheels; upholstery for vehicles sun-blinds adapted for automobiles; ski carriers for cars; safety seats for children, for vehicles vehicle seats; head-rests for vehicle seats; safety belts for vehicle seats; steering wheels for vehicles; remote controlled vehicles other than toys; bicycles, parts and accessories thereof included in this class; tricycles, parts and accessories thereof included in this class; cycles, part and accessories thereof included in this class; pneumatic tires [tyres]; casings for pneumatic tires [tyres]; baby carriages; strollers; covers for baby carriages; stroller covers; golf carts;**

<sup>2</sup>

Where the grounds on which the provisional refusal is based related to an earlier mark, as indicated under item VI. The indication required under this item may be given by annexing a printout from the register or database.



trailers [vehicles]; air bags [safety devices for automobiles]; anti-theft devices for vehicles;  
vehicles; apparatus for locomotion by land, air or water.

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

**Article 143 (2) b; article 152; article 175 of Law 9947 dated 07.07.2008 “On Industrial Property”**

**Chapter V of Decision of Council of Ministers No 315 dated 31.05.2018**

**IX.** Information relating to subsequent procedure:

**The applicant should file its arguments against the opposition within 2 months from the date of notification.**

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

**Opposition Division of General Directorate of Industrial Property**

(ii) Indications concerning the appointment of a representative:

**An Albanian authorized representative should be appointed in order to participate in the proceedings before the Opposition Division. The list of authorized representatives can be found in the official web page of GDIP: [www.dppm.gov.al](http://www.dppm.gov.al).**

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

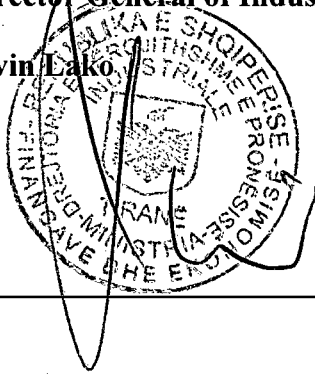
**29.10.2018**



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

**Director General of Industrial Property**

**Elvin Lako**



XII. Corresponding essential provisions of the applicable law:

Albanian Law "On Industrial Property" No 9947 dated 07.07.2008.

- Article 143

Refusal on a Relative Basis

1. A mark is not protected if its use is against prior rights.
2. A mark shall not be registered or, if registered, shall be liable to be declared invalid:
  - a) if it is identical with an earlier mark, and the goods or services for which the mark is applied for or is registered are identical with the goods or services for which the earlier mark is protected;
  - b) if it is identical with, or similar to, an earlier mark which is protected for identical or similar goods or services, and if, because of the identity or similarity of the marks and the goods or services covered by them, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier mark.

- Article 152

Opposition to a Published Mark

1. An opposition to a published mark is filed in GDIP within a three month period from the date of publication, against the payment of the respective tariff by:
  - a) the applicant of an earlier mark filed in the GDIP or the owner of an earlier mark registered in conformity with the definitions of points 1 and 2 of article 143 of this Law;

- Article 175

4. The time period for filing an opposition to an international registration of a mark in the



Republic of Albania begins from the date of publication of the mark in the official gazette of WIPO.

- Article 195

Representation before the GDIP

1. Representation of Persons before GDIP may only be undertaken by authorized representatives registered with the GDIP.
2. Persons may authorize one or more representatives for all or for some acts before the GDIP, by an authorization of representation.

