



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: 1 376 060 FAENZA Number of the basic registration and country of origin: China, 28.07.2004, 3371539
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): FOSHAN CITY FAENZA SANITARY WARE CO., LTD Sanzhou Park, East Zone, Cangjiang Ind. Zone, Gaoming District, Foshan City 528511 Guangdong province (China)
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 class 19 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)]:

As the mark consists of the word "FAENZA" consumers are to believe that the products under the class 19 were produced in Italy. This is deceptive, if the goods were not made in Italy.

The objection can be overcome by agreeing to the following clarifying restriction: "All goods are of Italian origin".

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. c) Markenschutzgesetz (MSchG) [Trademark Act]

Art. 45

IX. Information relating to subsequent procedure:

- (i) Time limit for requesting review or appeal: **23 April 2019**
- (ii) Authority to which such request for review or appeal should be made:

AMT FÜR VOLKSWIRTSCHAFT

OFFICE OF ECONOMIC AFFAIRS

Liechtenstein National Administration Intellectual Property

P.O. Box 684

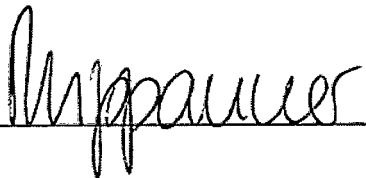
9490 Vaduz

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

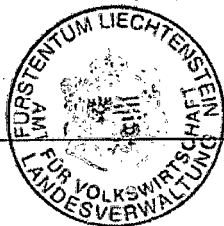
In case of the acceptance of the above suggested restriction a written declaration of consent may be sent by post directly to the Office of Economic Affairs, Liechtenstein, without appointing an agent as representative.

X. Date of the notification of provisional refusal: **Vaduz, 21 November 2018**

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



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.

Indications of Source

Art. 45

Principle

- 1) Indications of source are direct or indirect references to the geographical origin of goods or services, including references to their characteristics or the quality associated with their origin.**
- 2) Geographical names and signs that are not understood by the relevant public as indicating a certain origin of the goods or services are not considered indications of source within the meaning of paragraph 1.**
- 3) It is prohibited to use:**
 - a) incorrect indications of source;**
 - b) designations that may be confused with an incorrect indication of source;**
 - c) a name, a company name, an address or a trade mark associated with goods or services of a different origin where this could be misleading.**
- 3a) Where indications of source are used with additions such as «kind», «type», «style» or «imitation», the same requirements must be fulfilled that apply to the use of indications of source without these additions.**
- 3b) Indications regarding research or design or other specific activities associated with the product may only be used if this activity takes place entirely at the specified location.**
- 4) Regional or local indications of source for services are considered to be correct if such services satisfy the criteria of origin for the country concerned as a whole.**