

**MADRID AGREEMENT AND PROTOCOL  
PROVISIONAL REFUSAL OF PROTECTION  
Rule 17(1)**

<p>I. Office making the notification: <b>National Center for Patents and Information of the Republic of Tajikistan Dushanbe 14a Ayni street.</b></p>
<p>II. Number of the international registration: <b>1 396 784</b></p>
<p>III. Name of the holder (or other indication enabling the identity of the international registration to be confirmed):  <b>Grupa Topex Sp. z o.o. Sp. k. ul. Pograniczna 2/4 PL-02-285 Warszawa (PL)</b></p>
<p>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<sup>1</sup></p>
<p>V. <input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services  <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]</p>
<p>VI. Grounds for refusal [(where applicable, see item VII)]:  The sign shall not be registered because it's confusingly similar to trademarks of another person protected in the Republic of Tajikistan with an earlier priority.</p>
<p>VII. Information relating to an earlier mark :</p> <p>(i) Filing date and number, and, if any, priority date: <b>27.09.2005</b></p> <p>(ii) Registration date and number (if available): <b>24.03.2006 IR 906 993</b></p> <p><b>Name and address of the owner: Emil Lux GmbH &amp; Co. KG Emil-Lux-Straße 1 42929 Wermelskirchen (DE)</b></p> <p>Reproduction of the mark: <b>LUX-TOOLS</b></p> <p>List of all or relevant goods and/or services:</p> <p><b>07</b> Ironmongery, small items of metal hardware of common metals and their alloys, in particular nails, brads, screws, washers, nuts, rivets, staples, hooks, grommets, dowels; metal wire and cable (not for electric purposes); rope wires, metal chains and accessories therefore as far as included in this class; metal cable clips; padlocks; tool cabinets, magazines for small items, tote boxes, sorting boxes, tool holders, machine tables, tool stands, work benches (all the above goods made of metal and for use in/as equipment of workshops, not adapted to the apparatus to receive); tool boxes and chests (empty) of metal; shafts and handles of metal for tools and gardening devices; straps of metal; load and transport rollers, rollers and wheels, as</p>

far as included in this class; oil cans, funnels, special containers, as far as included in this class (all the above goods made of metal); posts (of metal); installation material (of metal); fastening material (of metal); darbies.

**07**

Machine tools and accessory parts and spare parts therefore, as far as included in this class; machines for tile laying, gas concrete and drywall construction, stone, screed and concrete work, electric and sanitary installation, brick laying, parquet, laminate and carpet laying, plaster work; electric tools for construction and do-it-yourself, including tool bits thereof; cordless screwdrivers, power saws, grinding machines, motor-driven polishing apparatus; hammer drills, power drills, electric planers, tile cutting machines, compressors, small electric tools, electric staplers, electric mills; mechanically operated gardening tools including lawn mowers and lawn trimmers; choppers, motor-driven hedge clippers and chainsaws as well as accessories for mechanically operated gardening tools, namely collectors and covers for machines; spare parts for mechanically operated gardening tools, as far as included in this class; engines for tools; mobile generators; glue guns; soldering and welding apparatus (gas-operated), electric welding machines; pneumatic machines.

**08**

Hand tools for tile laying, gas concrete and drywall construction, stone, screed and concrete work, electric and sanitary installation, brick laying, parquet, laminate and carpet laying, plaster work; hand tools including cutting, separating, embossing and hammering tools, especially axes, hatchets, chisels, drills, files, rasps, tappers, hammers, planers, clips, trowels, spatulas, saws, wrenches, screwdrivers, socket wrenches and socket wrench bits, vices, pliers, tool holders, manually operated gripping and carrying devices, including stone carrying devices, sanding blocks, clamps, riveting tongs, eyelet-closing pliers, hand-held staplers and staples and nails therefore; manually operated tile cutting devices, knives, especially pocket knives, cutter lames, glass cutters, carpet cutters, blades; scissors, including household scissors, gardening scissors, pruning shears, lopping shears, hedge shears, manually operated gardening tools, including forks, hoes, spades, shovels, rakes, sickles, scythes, trimmers and manually operated lawn mowers; snow shovels; manually operated air assisted sprayers; manually operated pneumatic apparatus; tool boxes and tool holders (the above goods adapted to the tools to receive); hand-held air assisted sprayers for releasing liquids; scribing tools; spatulas and scrapers (hand tools).

**09**

Measuring apparatus and tools; measuring tapes, yardsticks, rulers, plumbs, angles, goniometers, compasses, and leveling rods, leveling rods with bubble level, water levels, also with laser technology, gauges, calipers; electric measuring instruments; thermometers; metal detectors; material for electric lines (cables, wires), electric installation material, as far as included in this class; soldering and welding apparatus (electric); industrial safety garment as far as included in this class, goggles, protective masks, dust masks, filters for protective masks, hearing protectors, as far as included in this class, working and protective gloves as far as included in this class, hard hats, kneepads, accessories for protection during welding, namely protective garment, gloves, aprons, sleeves, face protecting masks, face protecting shields, welding glasses; safety belts and fastening belts except for vehicle seats, as far as included in this class.

**11**

Parts of water conducting apparatus with a rain effect; garden sprinklers for plants and showers, garden showers.

**16**

Painters' materials; paint trays and paint stripping lattices; protective papers for protection against paint splashes and dirt; marking chalk, chalk holders, carpenter's pencils; rulers; adhesives and adhesive tapes for paper and stationery as well as for household purposes;

artists' materials.

VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:  
**Article 9.1 of the Law of the Republic of Tajikistan on Trademarks and service marks.**

IX. Information relating to subsequent procedure:

(i) Time limit for requesting review or appeal:

**In the event of disagreement of the applicant with the examiner's decision, he shall have the right, within two month of the date of receipt of the decision from International Bureau, to file with the Patent Office a request for reexamination.**

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

**National Center for Patents and Information of the Republic of Tajikistan.**

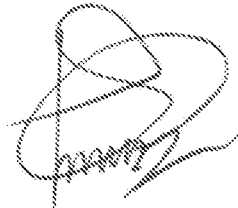
(iii) Indications concerning the appointment of a representative:

<http://www.ncpi.tj/index.php/ru/patentnyj-poverennyj>

X. Date of the notification of provisional refusal: **08.01.2019**

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

**Head of Division of  
international registration  
of trademarks  
Mr. P. Miraliev**



XII. Corresponding essential provisions of the applicable law:

**Article 9. Other grounds for denial of registration.**

**The following designations shall not be registered as trademarks if they are identical with or confusingly similar to:**

- **trademarks of other persons, applied for registration (provided applications for them have not been withdrawn) or protected in the Republic of Tajikistan by virtue of an international treaty recognized by the Republic of Tajikistan, in respect of similar goods and with an earlier priority;**

[...]