



Judiciary

Registration Organization of Deeds And Properties of I.R. of Iran Industrial Property Office

Office Ref: 139750940001164203

Trademark Office

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

PROVISIONAL REFUSAL OF PROTECTION

Notified to the International Bureau of the World Intellectual Property Organization (WIPO)
In accordance with Article 5 of the Madrid Agreement and Protocol

<p>I- Office notifying the provisional refusal: <i>I.R. of Iran</i> <i>Tel: 0098 21- 66755702</i> <i>Fax: 0098 21- 66755701</i> No. 5, State Registration Organization of Deeds and Properties, Fayaz Bakhsh Str. , Khayyam Str., Imam Khomeini Sq., Tehran, I.R. of Iran.</p>
<p>II- Number of the international registration which is the subject of the provisional refusal: 1392686</p>
<p>III-Name of the holder of the international registration which is the subject of the provisional refusal: TUI AG, Karl-Wiechert-Allee 4 30625 Hannover Germany .</p>
<p>IV- Grounds for provisional refusal: According to the Article 32(b) Iranian Trademarks Registration Act (2008) Trademarks covering goods for alcoholic beers and other alcoholic drinks in international class 32 and class 33 are not registrable in Iran.</p>
<p>V- Applicable provisions of the national law [(see text under X)] Article 32 (b), article 32 (f),</p>
<p>VI- <input checked="" type="checkbox"/> Provisional refusal for all goods and / or services: class 33.</p> <p><input checked="" type="checkbox"/> Provisional refusal for a part of goods and services : beers in class 32 and Services in class 35 which are related to beers and class 33.</p> <p>Note: Also it must be noted that your request for the remaining goods in class 32 and all goods in classes 3-5-6-8-9-11-12-14-16-18-20-21-22-24-25-26-27-28- 29-30 and services 35-36-37-38-39-41-42-43-44-45 will be published in Official Gazette, if there is no opposition it will proceed to registration.</p>

VII- In cases where the International Application is rejected by the Iranian Trademark Office, the applicant may, under Articles 121 and 158 of the Executive 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: **16/2/2019**

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

Examiner: Zahra Eivazi (Ms)

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

X- Relevant provisions of national Law:

Article 121 of Regulations for Execution of Patents ,Industrial Designs and Trademarks Registration Law (2009)

In cases where the application for trademark registration is rejected based on Article 30 (a) and (b) and Article 32 of the law, the Registrar is required to notify the Applicant the grounds of refusal in writing .As for the indicated cases, the mark may be considered identical to or similar with another mark and thus rejected that the said mark has been registered or applied for in the name of a different person or the similarity thereof in terms of appearance , pronunciation or writing or other characteristics with a mark previously registered or applied for as to such an extent that would mislead ordinary consumers.

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 know 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 know mark and that its registration is likely to damage interests of the owner of the well-know 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.

Note: Also it must be noted that your request for the remaining goods in class 32 and all goods in classes 3-5-6-8-9-11-12-14-16-18-20-21-22-24-25-26-27-28-29-30 and services 35-36-37-38-39-41-42-43-44-45 will be published in Official Gazette, if there is no opposition it will proceed to registration.

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