

MADRID PROTOCOL

Model Form 3A: Total Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)

I.	Office making the notification: Intellectual Property Agency of the Republic of Azerbaijan AZ 1078, Mardanov qardashlari -124, Baku, Azerbaijan Fax: (+99412) 4498489
II.	Number of the international registration: 1312321
III.	Name of the holder: Tobacco International Enterprises Limited Dalton House, 60 Windsor Avenue London SW19 2RR (GB)
IV.	Information concerning the type of provisional refusal: <i>Please indicate the type of refusal by checking only one of the following options:</i> ☒ Total provisional refusal based on an <i>ex officio</i> examination ☐ Total provisional refusal based on an opposition ☐ Total provisional refusal based on both an <i>ex officio</i> examination and an opposition <i>Where the refusal is based on an opposition, please indicate the name and address of the opponent:</i> (i) Name of the opponent: (ii) Address of the opponent:
V.	Information concerning the scope of the provisional refusal: Total provisional refusal affects all the goods and/or services.
VI.	Grounds for refusal [(where applicable, see item VII)]: Similarity of the trademark

VII. Information relating to an earlier mark:

- (i) Filing date and number, and, if any, priority date:
- (ii) Registration date and number (if available): 22.05.2012 № 2012 0411
- (iii) Name and address of the owner:

Best Tobacco Ltd., 12 Peikrebi Str.,
Tbilisi, Georgia (GE)

- (iv) Reproduction of the mark:

OSCAR
OCKAP
OSKAR

- (v) List of the relevant goods and/or services (this list may be in the language of the earlier application or registration):

Class 34

Tütün; tütün çəkmək üçün ləvazimatlar; kibrit.

VIII. Corresponding essential provisions of the applicable law:

Paris Convention for the Protection of Industrial Property. Article 6quinquies. B.

(i) Trademarks covered by this Article may be neither denied registration nor invalidated except in the following cases:

when they are of such a nature as to infringe rights acquired by third parties in the country where protection is claimed.

Law "On Trademarks and Geographical Indications" of the Republic of Azerbaijan

Article 6. Other grounds for the refusal of trademark registration

It is not permitted to register the below-mentioned:

a) trademarks, registered earlier in the name of another person or requiring registration in the Azerbaijan Republic on identical goods and services.

IX. Information relating to the possibility to request a review or file an appeal:

- (i) Time limit for requesting review or appeal:

Within 3 months from the date of refusal reception by the applicant

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

**Appeal Council under the relevant executive body
of the Republic of Azerbaijan**

- (iii) Whether the request for review or appeal has to be filed in a specific language and/or through the intermediary of a representative whose address is within the territory of the Contracting Party:

Patent Attorney

(For list of patent attorneys please visit web site: <http://patent.gov.az>)

(iv) Other requirements, if any:

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



XI. Date of the notification to the International Bureau: **12.02.2019**

Leading specialist-examiner:



S.Mirzamatov