

MADRID PROTOCOL

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

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| I. | Office making the notification: Intellectual Property Agency of the Republic of Azerbaijan AZ 1147, Mardanov qardashlary str. 124, Baku, Azerbaijan Fax: (+99412) 4499959 |
| II. | Number of the international registration: 1400991 |
| III. | Name of the holder: OCTOVISIO GMBH Kurfuerstendamm 224 10719.Berlin (DE) |
| IV. | Information concerning the type of provisional refusal: <input checked="" type="checkbox"/> Partial provisional refusal based on an <i>ex officio</i> examination <input type="checkbox"/> Partial provisional refusal based on an opposition <input type="checkbox"/> Partial provisional refusal based on both an <i>ex officio</i> examination and an opposition (i) Name of the opponent: (ii) Address of the opponent: |
| V. | Information concerning the scope of the provisional refusal: <input checked="" type="checkbox"/> Partial provisional refusal affects only the following goods and/or services: <input type="checkbox"/> Partial provisional refusal does NOT affect the following goods and/or services: List of goods and/or services: Class 25 : Clothing, including underwear and outerclothing, other than special purpose protective clothing; socks, mufflers [clothing], shawls, bandanas, scarves, belts [clothing], footwear, shoes, slippers, sandals, headgear, hats, caps with visors, berets, caps [headwear], skull caps. Class 28 : Games and toys; arcade video game machines; game apparatus and machines for use with an external display screen and monitor, including those coin-operated; toys for animals; toys for outdoor playgrounds, parks and game parks; gymnastic and sporting articles not included in other classes; fishing tackle, artificial fishing bait, decoys for hunting and fishing; Christmas trees of artificial material, ornaments for Christmas trees, artificial snow for Christmas trees; rattles (playthings), novelties for parties, dances (party favors), paper party hats. Class 35 : Advertising, marketing and public relations; organization of exhibitions and trade fairs for commercial or advertising purposes; design for advertising; provision of an online marketplace for buyers and sellers of goods and services; office functions; secretarial services; arranging newspaper subscriptions for others, compilation of statistics; rental of office machines; systemization of information into computer databases; telephone answering for unavailable subscribers; business management, business administration and business consultancy; accounting; commercial consultancy services; personnel recruitment, personnel placement, employment agencies, import-export agencies; temporary personnel placement services; auctioneering; the bringing together, for the benefit of others, of a variety of goods enabling customers to conveniently view and purchase those goods, such services may be provided by retail stores, wholesale outlets, by means of electronic media or through mail order catalogues. |

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): 12.04.2012 № 1115888

(iii) Name and address of the owner:

DECATHLON
4 boulevard de Mons
F-59650 VILLENEUVE D'ASCQ
(FR)

(iv) Reproduction of the mark:

DECATHLON

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

Class 25: Clothing, footwear (excluding orthopedic footwear), headgear.

Class 28: Games and playthings; gymnastic and sporting articles (excluding clothing, footwear, mats).

Class 35: Advertising; business management; business administration; office functions; retail (or wholesale) store services and retail store services provided on any on-line (the Internet), mobile, wireless or remote (mail order, teleshopping) communication media, of clothing, clothing accessories, footwear, footwear accessories, headgear, optical goods and accessories, sports articles and equipment, multi-purpose sports bags, sports and fitness goods and accessories; bringing together, for the benefit of others, of goods (excluding the transportation thereof), namely clothing, clothing accessories, footwear, footwear accessories, headgear, optical goods and accessories, sports articles and equipment, multi-purpose sports bags, sports and fitness goods and accessories, enabling customers to view and purchase them conveniently; presentation for retail sale, on any communication media, of clothing, clothing accessories, footwear, footwear accessories, headgear, optical goods and accessories, sports articles and equipment, multi-purpose sports bags, sports and fitness goods and accessories; marketing activity; publication of publicity texts; direct mail advertising; bill-posting; demonstration of goods; sales promotion for others; commercial information and advice for consumers; administrative processing of purchase orders; services of sales promotion for others by means of customer loyalty schemes, loyalty scheme services involving or not involving the use of a card; organization of exhibitions and tests of sports goods for commercial or advertising purposes; small advertisements; personnel recruitment.

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:

b) trademarks, earlier protected in the Republic of Azerbaijan in accordance with international agreements in which the Republic of Azerbaijan takes part in

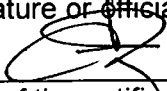

IX. Information relating to the possibility to request a review or file an appeal:

(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

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| <p>(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 <i>(For list of patent attorneys please visit web site: http://patent.gov.az)</i></p> <p>(iv) Other requirements, if any:</p> |
| <p>X. Signature or official seal of the Office making the notification:</p>  |
| <p>XI. Date of the notification to the International Bureau: 04.03.2019</p> <p>Senior consultant-expert:  E.Hamidova</p> |