

**MADRID AGREEMENT AND PROTOCOL**  
**PROVISIONAL REFUSAL OF PROTECTION**

**RULE 17.1) OF THE COMMON REGULATIONS UNDER THE MADRID AGREEMENT  
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS  
AND THE PROTOCOL RELATING TO THAT AGREEMENT**

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I. Office notifying the refusal: **National Center of Intellectual Property**  
**20, ul. Kozlova, Minsk 220034, Belarus**  
**Telephone (Department of Trademarks): (+375 17) 392-51-97, (+375 17) 294 81 99**  
**Fax: (+375 17) 294 36 56**

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II. Number of the international registration: 1 406 563

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III. Name and address of the holder of the international registration:

**LANDTOURER AUTOMOBILE CO., LTD**

**No. 1 Yuanquan Road, Shangrao Economic & Technological Development Zone Jiangxi Province (China)**

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IV. Provisional refusal based on an *ex-officio* examination

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V. Grounds for refusal:

The trademark is confusingly similar to the:

- trademark "FERRARI, fig." being the object of international registration No. 649 112 registered on 1995.12.29 in the name of FERRARI S.p.A. (address: Via Emilia Est, 1163 I-41100 MODENA, Italy) for the goods of cl. 12: véhicules; appareils de locomotion par terre, par air ou par eau;

- trademark "SF, fig." being the object of international registration No. 1 320 496 (date of subsequent designation of BY: 2018.05.03) registered in the name of FERRARI S.p.A. (address: Via Emilia Est, 1163 MODENA, Italy) for the goods of cl. 12: automobiles; cars; motor cars; racing cars; sports cars; structural parts for cars; racing cars, sports cars, land vehicles, water vehicles; spare parts and accessories for cars, racing cars, sports cars, vehicles, land vehicles; vehicle seats; racing seats for automobiles; seat covers for vehicles; vehicle covers [shaped]; covers for vehicle steering wheels; upholstery for vehicles; sun-blinds adapted for automobiles; ski carriers for cars; luggage carriers for vehicles; head-rests for vehicle seats; arm rests for vehicle seats; steering wheels for vehicles; bodies for vehicles; vehicle chassis; hoods for vehicles; vehicle bumpers; engines for land vehicles; hoods for vehicle engines; motors for land vehicles; motors, electric, for land vehicles; driving motors for land vehicles; mudguards; rearview mirrors; windows for vehicles; windscreens; brakes for vehicles; caps for vehicle petrol [gas] tanks; horns for vehicles; gear boxes for land vehicles; crankcases for land vehicle components, other than for engines; transmissions, for land vehicles; automobile wheels; vehicle wheels; rims for vehicle wheels; vehicle wheel tires; pneumatic tires [tyres]; casings for pneumatic tires [tyres]; automobile tires; inner tubes for pneumatic tires [tyres]; automobile sunroofs; convertible tops for vehicles; soft tops for vehicles; tops for land vehicles; sun visors for automobiles; ashtrays for automobiles; glass holders for automobiles; dashboards for automobiles; fitted dashboard covers for automobiles; dashboard drawers for automobiles; dashboard hatches for automobiles; glove compartments for automobiles; glove boxes for automobiles; covers for baggage compartments for automobiles; freewheels for land vehicles; windscreen wipers; cigar lighters for automobiles; adhesive rubber patches for repairing inner tubes; repair outfits for inner tubes; direction signals for vehicles; automobile seat cushions; seat back organizers for toys specially adapted for use in cars; remote control vehicles, other than toys; bicycles; structural parts and accessories for bicycles included in class 12; tricycles; structural parts and accessories for tricycles included in class 12; cycles; structural parts and accessories for cycles included in class 12; motorised bicycles; racing bicycles; motorcycles; mopeds; scooters [vehicles]; push scooters [vehicles]; non-motorized push scooters; non-motorized scooters [vehicles]; bicycle chains; chains for cycles; cranks for cycles; bicycle bells; cycle bells; brakes for bicycles; brakes for cycles; cycle hubs; direction indicators for bicycles; dress guards for bicycles; dress guards for cycles; inner tubes for bicycle tires; inner tubes for cycle tires; gears for cycles; cycle mudguards; audible warning systems for cycles; pumps for bicycles; pumps for cycle tires; bicycle frames; cycle frames; bicycle handlebars; cycle handlebars; motors for cycles; panniers adapted for cycles; bicycle rims; cycle rims; spokes for bicycle wheels; spokes for cycle wheels; bicycle

pedals; pedals for cycles; bicycle saddles; cycle saddles; motorcycle saddles; bicycle stands; cycle stands; bicycle tires; cycle tires; tubeless tires for bicycles; tubeless tires for cycles; bicycle wheels; cycle wheels; bicycle trailers; saddlebags adapted for bicycles; saddlebags adapted for motorcycles; saddle covers for bicycles; saddle covers for motorcycles; baskets adapted for bicycles; baskets adapted for cycles; luggage carriers for bicycles; bicycle chains covers; bicycle racks for vehicles; fitted bicycle covers; baby carriages; strollers; covers for baby carriages; hoods for baby carriages; stroller covers; parasols to be affixed to baby strollers; prams [baby carriages]; covers for prams; baby carry cots [parts of prams]; fitted footmuffs for prams; bags adapted for prams; pushchairs; pushchair covers; fitted footmuffs for pushchairs; bags adapted for pushchairs; pushchair hoods; shopping trolleys [carts]; two-wheeled trolleys; safety seats for children, for vehicles; safety belts for vehicle seats; pet safety seats for use in vehicles; child restraints for vehicle seats; air bags [safety devices for automobiles]; anti-theft devices for vehicles; security harness for vehicle seats; non-skid devices for vehicle tires; kick sledges; sleighs [vehicles]; electric vehicles; trucks; lorries; vans [vehicles]; all-terrain vehicles; quad bikes; go carts; buses; side cars; caravans; water vehicles; water scooters; water bikes; canoes; paddles for canoes; dinghies; tenders [small boats]; boats; ships; yachts; trailers [vehicles]; two-wheeled personal transporters; snowmobiles; aircraft; parachutes; golf buggies [vehicles]; golf carts [vehicles]; human-powered trolleys and carts; civilian drones; military drones; hoverboards [self-balancing scooters], being vehicles.

- figurative trademark being the object of international registration No. 1 381 879 (date of subsequent designation of BY: 2018.06.28) in the name of FERRARI S.p.A. (address: Via Emilia Est, 1163 MODENA, Italy) for the goods of cl.12: automobiles; cars; motor cars; racing cars; sports cars; structural parts for cars, racing cars, sports cars, vehicles, land vehicles, spare parts and accessories for cars, racing cars, sports cars, vehicles, land vehicles; vehicle seats; racing seats for automobiles; seat covers for vehicles; vehicle covers [shaped]; covers for vehicle steering wheels; upholstery for vehicles; sun-blinds adapted for automobiles; ski carriers for cars; luggage carriers for vehicles; head-rests for vehicle seats; arm rests for vehicle seats; steering wheels for vehicles; bodies for vehicles; vehicle chassis; hoods for vehicles; vehicle bumpers; engines for land vehicles; hoods for vehicle engines; motors for land vehicles; motors, electric, for land vehicles; driving motors for land vehicles; mudguards; rearview mirrors; windows for vehicles; windscreens; brakes for vehicles; caps for vehicle petrol [gas] tanks; horns for vehicles; gear boxes for land vehicles; crankcases for land vehicle components, other than for engines; transmissions, for land vehicles; automobile wheels; vehicle wheels; rims for vehicle wheels; vehicle wheel tires; pneumatic tires [tyres]; casings for pneumatic tires [tyres]; automobile tires; inner tubes for pneumatic tires [tyres]; automobile sunroofs; convertible tops for vehicles; soft tops for vehicles; tops for land vehicles; sun visors for automobiles; ashtrays for automobiles; glass holders for automobiles; dashboards for automobiles; fitted dashboard covers for automobiles; dashboard drawers for automobiles; dashboard hatches for automobiles; glove compartments for automobiles; glove boxes for automobiles; covers for baggage compartments for automobiles; freewheels for land vehicles; windscreen wipers; cigar lighters for automobiles; adhesive rubber patches for repairing inner tubes; repair outfits for inner tubes; direction signals for vehicles; automobile seat cushions; seat back organizers for toys specially adapted for use in cars; clips adapted for fastening automobile parts to automobile bodies; lug nuts for vehicle wheels; remote control vehicles, other than toys; bicycles; structural parts and accessories for bicycles included in class 12; tricycles; structural parts and accessories for tricycles included in class 12; cycles; structural parts and accessories for cycles included in class 12; motorised bicycles; racing bicycles; motorcycles; mopeds; scooters [vehicles]; push scooters [vehicles]; non-motorized push scooters; non-motorized scooters [vehicles]; bicycle chains; chains for cycles; cranks for cycles; bicycle bells; cycle bells; brakes for bicycles; brakes for cycles; cycle hubs; direction indicators for bicycles; dress guards for bicycles; dress guards for cycles; inner tubes for bicycle tires; inner tubes for cycle tires; gears for cycles; cycle mudguards; audible warning systems for cycles; pumps for bicycles; pumps for cycle tires; bicycle frames; cycle frames; bicycle handlebars; cycle handlebars; motors for cycles; panniers adapted for cycles; bicycle rims; cycle rims; spokes for bicycle wheels; spokes for cycle wheels; bicycle pedals; pedals for cycles; bicycle saddles; cycle saddles; motorcycle saddles; bicycle stands; cycle stands; bicycle tires; cycle tires; tubeless tires for bicycles; tubeless tires for cycles; bicycle wheels; cycle wheels; bicycle trailers; saddlebags adapted for bicycles; saddlebags adapted for motorcycles; saddle covers for bicycles; saddle covers for motorcycles; baskets adapted for bicycles; baskets adapted for cycles; luggage carriers for bicycles; bicycle chains covers; bicycle racks for vehicles; fitted bicycle covers; baby carriages; strollers; covers for baby carriages; hoods for baby carriages; stroller covers; parasols to be affixed to baby strollers; prams [baby carriages]; covers for prams; baby carry cots [parts of prams]; fitted footmuffs for prams; bags adapted for prams; pushchairs; pushchair covers; fitted footmuffs for pushchairs; bags adapted for pushchairs; pushchair hoods; shopping trolleys [carts]; two-wheeled trolleys; safety seats for children, for vehicles; safety belts for vehicle seats; pet safety seats for use in vehicles; child restraints for vehicle seats; air bags [safety devices for automobiles]; anti-theft devices for vehicles; security harness for vehicle seats; non-skid devices for vehicle tires; kick sledges; sleighs [vehicles]; electric vehicles; trucks; lorries; vans [vehicles]; all-terrain vehicles; quad bikes; go carts; buses; side cars; caravans; water vehicles; water scooters; water bikes; canoes; paddles for canoes; dinghies; tenders [small boats]; boats; ships; yachts; trailers [vehicles]; two-wheeled personal transporters; snowmobiles; aircraft; parachutes; golf buggies [vehicles]; golf carts [vehicles]; human-powered trolleys and carts; civilian drones; military drones; hoverboards [self-balancing scooters], being vehicles.

For the reproductions of the above mentioned figurative trademarks see the annex.

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VI. Applicable provisions of the national law (see text under X): 5.1.2.

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VII.

☒ Refusal for all the goods and/or services: cl. 12.

☐ Refusal for the following goods and/or services:

☐ Protection for the following goods and/or services:

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VIII. Appeal against the decision of refusal:

a) time limit for requesting appeal: 3 months from the date on which the notification was received by the holder of the international registration;

b) authority to which request for appeal should be made: National Center of Intellectual Property (see address under I);

c) appeal may be filed through a patent attorney registered with the National Center of Intellectual Property (a list of the registered patent attorneys is available at [http://www.belgospatent.org.by/index.php?option=com\\_content&view=article&id=136&Itemid=54](http://www.belgospatent.org.by/index.php?option=com_content&view=article&id=136&Itemid=54))

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IX. Date: 2019.04.26

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## Law on Trademarks and Service Marks of the Republic of Belarus of February 5, 1993

(Latest Edition of January 5, 2016)

(Extract)

**1. Trademarks and Service Marks**

1. Trademarks and service marks (hereinafter referred to as «trademarks») are signs which serve to distinguish the goods, works and/or services (hereinafter referred to as «goods», if not provided for otherwise) of one person from goods of the same type of other persons.

2. Signs which may be registered as trademarks are words including personal names, combinations of colors, letters, numerals, figurative elements, three-dimensional signs including the shape of goods or their packaging as well as combinations of such signs. Other signs may be registered as trademarks in cases defined by the legislative acts of the Republic of Belarus.

3. A trademark may be registered in any color or combination of colors.

**2. Legal Protection of Trademarks**

3. The right to the trademark is protected by the State. The registration of a trademark shall give rise to the issue of a trademark certificate. The trademark certificate shall attest the priority date of the trademark and the owner's exclusive rights in the trademark in relation to the goods specified in the certificate; it shall contain a representation of the trademark.

**4. Absolute Grounds for Refusal of Registration**

1. Those signs may not be registered as trademarks:

1.1. that are devoid of any distinctive character;

1.2. that have become the generic designation of products of a particular type;

1.3. that are symbols or terms in common use;

1.4. a dominant position in which are taken by signs and/or indications which are used to designate the kind, quality, quantity, properties, intended purpose or value of the goods, or the time, place or manner of their manufacture or sale;

1.5. that are the shape of the goods or their packaging which results exclusively or mainly from the nature of the goods themselves or which is necessary to obtain a technical result or which gives substantial value to the goods.

2. The signs or indications referred to in subparagraphs 1.1 to 1.3 and subparagraph 1.5 of paragraph 1 of this Article may be incorporated in the trademark as unprotected elements, insofar as they do not take a dominant position in the trademark.

2.1. Conditions on which designations, signs and/or indications take a dominant position are established by the Council of Ministers of the Republic of Belarus.

3. The dispositions stipulated by point 1 of this Article might not be applied to designations which on date of the filing of application for registration of a trademark have actually acquired distinctiveness as a result of use.

4. Those trademarks may not be registered that consist exclusively of signs or indications which constitute armorial bearings, flags or emblems of States, official names of States, flags, emblems or abbreviated or full names of international intergovernmental organizations, official control signs, assay marks or hallmarks indicating control or warranty, or decorations or other honorary insignia, or that are confusingly similar to such signs or indications. Such signs or indications may be included in the trademark as unprotected elements, subject to the consent of the relative competent body or of their owner.

5. Those signs or indications may not be registered as trademarks:

5.1. that are false or liable to mislead the consumer as to the product or its place of origin or its producer;

5.2. that consist in or include an appellation of origin of wines or spirits which is protected under international treaties to which the Republic of Belarus is party, for identifying wines or spirits not originating in the place indicated by the appellation of origin in question;

5.3. that are contrary to public interest, humanitarian principles or morality.

**5. Other Grounds for Refusal of Registration**

1. Those signs or indications may not be registered as trademarks that are identical or confusingly similar to:

1.1. trademarks that are registered or for which an application for registration in the Republic of Belarus has been filed on behalf of a third party, and which benefit from an earlier priority date, for goods of the same type;

1.2. trademarks of third parties that are protected in the Republic of Belarus by virtue of international treaties to which the Republic of Belarus is party, for goods of the same type;

1.3. trademarks of third parties that are considered to be well known in the Republic of Belarus according to the procedure established by the State Committee on Science and Technology of the Republic of Belarus, for goods of any type.

3. Those signs may not be registered as trademarks for goods of any type that are identical or confusingly similar to an appellation of origin of goods protected in the Republic of Belarus or to a sign filed for registration as an appellation of origin and having an earlier priority date, except in cases where this appellation or a sign confusingly similar thereto is included as an unprotected element in the trademark to be registered in the name of a person having an exclusive right to this appellation, if registration of the trademark is fulfilled in respect of the goods for the distinguishing of which the appellation of origin is registered.

XI. Annexes (tick if necessary)

☒ Reproduction(s) of the presumably conflicting trademark(s) containing a figurative element or having a special graphic representation

☐ List indicating the goods and/or services to which each of the presumably conflicting trademarks is applied

XII. Signature or official seal of the Office sending the notification

Head of the Department of Trademarks

  
Natallia Sinishova

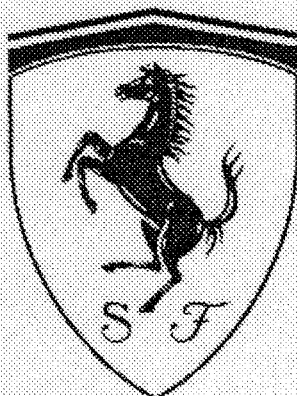
Examiner: Biarezina Nadzeya (+375 17) 294-81-99



INTERNATIONAL REGISTRATION No. 649 112  
REPRODUCTION OF THE TRADEMARK



INTERNATIONAL REGISTRATION No.1 320 496  
REPRODUCTION OF THE TRADEMARK



INTERNATIONAL REGISTRATION No.1 381 879  
REPRODUCTION OF THE TRADEMARK

