

80/2.



REPUBLIC OF ALBANIA
MINISTRY OF FINANCE AND ECONOMY
GENERAL DIRECTORATE OF INDUSTRIAL PROPERTY

MADRID AGREEMENT AND PROTOCOL
PROVISIONAL REFUSAL OF PROTECTION

Rule 17(1)

I.	Office making the notification: DIRECTORATE GENERAL OF INDUSTRIAL PROPERTY Bulevardi "Zhan D'Ark" Prona Nr. 33 Shtëpia e Ushtarakëve Tiranë ALBANIA
II.	Number of the international registration: 1420001
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): DANVISTANO TRADING LTD/Corner Hutson & Eyre Street, Blake Building, Suite 302 Belize City
IV.	<input checked="" type="checkbox"/> Provisional refusal based on an opposition
V.	<input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services
VI.	Grounds for refusal [(where applicable, see item VII)]: Conflict with the earlier rights.

VII. Information relating to earlier marks :

- Filing date and number, and, if any, priority date:**
(i) **Registration number (if available):**

1. National registration number 1676

- (ii) **Name and address of the owner:**

AIWA CO., LTD
1-6-3, Higashi-gotanda, Shinagawa-ku, Tokyo

- (iii) **Reproduction of the mark:**

aiwa

- (iv) **List of all or relevant goods and/or services:**
Class 9

VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:

Article 143 (2) b; article 152; article 175 of Law 9947 dated 07.07.2008 “On Industrial Property”

Chapter V of Decision of Council of Ministers No. 315, dated 31.05.2018

IX. Information relating to subsequent procedure:

The applicant should file its arguments against the opposition within 2 months from the date of notification.

- (i) **Authority to which such request for review or appeal should be made:**
Opposition Division of General Directorate of Industrial Property
(ii) **Indications concerning the appointment of a representative:**

An Albanian authorized representative should be appointed in order to participate in the proceedings before the Opposition Division. The list of authorized representatives

can be found in the official web page of GDIP: www.dppm.gov.al

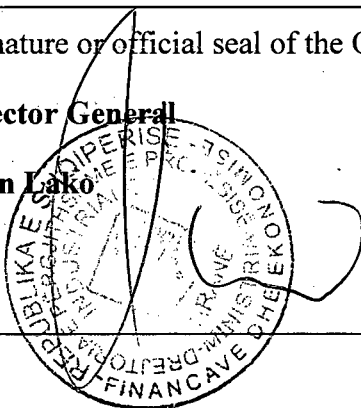
X. Date of the notification of provisional refusal:

02/04/2019

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

Director General

Elvin Lako



XII. Corresponding essential provisions of the applicable law:

Albanian Law "On Industrial Property" No 9947 dated 07.07.2008.

- Article 143

Refusal on a Relative Basis

1. A mark is not protected if its use is against prior rights.
2. A mark shall not be registered or, if registered, shall be liable to be declared invalid:
 - a) if it is identical with an earlier mark, and the goods or services for which the mark is applied for or is registered are identical with the goods or services for which the earlier mark is protected;
 - b) if it is identical with, or similar to, an earlier mark which is protected for identical or similar goods or services, and if, because of the identity or similarity of the marks and the goods or services covered by them, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier mark.

- Article 152

Opposition to a Published Mark

1. An opposition to a published mark is filed in GDIP within a three month period from the date of publication, against the payment of the respective tariff by:
 - a) the applicant of an earlier mark filed in the GDIP or the owner of an earlier mark registered in conformity with the definitions of points 1 and 2 of article 143 of this Law;

- Article 175

4. The time period for filing an opposition to an international registration of a mark in the Republic of Albania begins from the date of publication of the mark in the official gazette of WIPO.

- Article 195

Representation before the GDIP

1. Representation of Persons before GDIP may only be undertaken by authorized representatives registered with the GDIP.
2. Persons may authorize one or more representatives for all or for some acts before the GDIP, by an authorization of representation.