

**MADRID AGREEMENT AND PROTOCOL
PROVISIONAL REFUSAL OF PROTECTION
Rule 17(1)**

I.	Office making the notification: National Center for Patents and Information of the Republic of Tajikistan Dushanbe 14a Ayni street.
II.	Number of the international registration: 1 407 613
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): Obshchestvo s ogranichennoi otvetstvennost'yu "Laboratoriya sovremennogo zdorov'ya" ul. Khimzavodskaya, 11/20, Berdsk RU-633004 Novosibirskaya oblast' (RU)
IV.	<input checked="" type="checkbox"/> Provisional refusal based on an <i>ex officio</i> examination <input type="checkbox"/> Provisional refusal based on an opposition <input type="checkbox"/> Provisional refusal based on both an <i>ex officio</i> examination and an opposition ¹
V.	<input type="checkbox"/> Provisional refusal for all the goods and/or services <input checked="" type="checkbox"/> Provisional refusal for some of the goods and/or services which are affected in class 03 of NCL 03 Abrasives; abrasive cloth; adhesives for cosmetic purposes; after-shave lotions; air fragranc- ing preparations; almond milk for cosmetic purposes; aloe vera preparations for cosmetic purposes; ammonia [volatile alkali] [detergent]; antiperspirant soap; antiperspirants [toiletries]; antistatic preparations for household purposes; aromatics [essential oils]; astringents for cosmetic purposes; balms, other than for medical purposes; bases for flower perfumes; bath preparations, not for medical purposes; bath salts, not for medical purposes; beauty masks; bleaching preparations [decolorants] for cosmetic purposes; breath freshening sprays; breath freshening strips; cake flavorings [essential oils]; cakes of toilet soap; canned pressurized air for cleaning and dusting purposes; cleaning chalk; cleansing milk for toilet purposes; cleansers for intimate personal hygiene purposes, non medicated; cleaning preparations; cloths impregnated with a detergent for cleaning; collagen preparations for cosmetic purposes; color-brightening chemicals for household purposes [laundry]; color-removing preparations; cosmetics; cosmetic creams; cosmetic dyes; cosmetic kits; cosmetic pencils; cosmetic preparations for baths; cosmetic preparations for eyelashes; cosmetic preparations for skin care; cosmetic preparations for slimming purposes; cotton sticks for cosmetic purposes; cotton wool for cosmetic purposes; decorative transfers for cosmetic purposes; degreasers, other than for use in manufacturing processes; dental bleaching gels; dentifrices*; deodorants for human beings or for animals; deodorant soap; depilatories; depilatory wax; descaling preparations for household purposes; detergents, other than for use in manufacturing operations and for medical purposes; dry-cleaning preparations; dry shampoos*; eau de Cologne; essential oils; ethereal essences; eyebrow cosmetics; eyebrow pencils; eye-washes, not for medical purposes; fabric softeners for laundry use; false eyelashes; false nails; flavorings for beverages [essential oils]; food flavourings [essential oils]; fumigation preparations [perfumes]; furbishing preparations; geraniol; greases for

cosmetic purposes; hair conditioners; hair dyes; hair lotions*; hair spray; hair straightening preparations; hair waving preparations; heliotropine; herbal extracts for cosmetic purposes; joss sticks; lacquer-removing preparations; laundry glaze; laundry bleaching preparations; laundry preparations; laundry soaking preparations; leather bleaching preparations; lip glosses; lipsticks; lotions for cosmetic purposes; make-up powder; make-up preparations; make-up removing preparations; mascara; massage gels, other than for medical purposes; mint for perfumery; mouthwashes, not for medical purposes; mustache wax; nail art stickers; nail care preparations; nail polish; nail varnish removers; neutralizers for permanent waving; non-slipping liquids for floors; non-slipping wax for floors; oils for cleaning purposes; oils for cosmetic purposes; oils for perfumes and scents; oils for toilet purposes; oil of turpentine for degreasing; paint stripping preparations; perfumery; perfumes; petroleum jelly for cosmetic purposes; phytocosmetic preparations; polishing creams; polish for furniture and flooring; polishing paper; polishing preparations; polishing stones; polishing wax; pomades for cosmetic purposes; potpourris [fragrances]; preservatives for leather [polishes]; preparations to make the leaves of plants shiny; sachets for perfuming linen; safrol; scented water; scented wood; scouring solutions; shampoos*; shaving preparations; shaving soap; shaving stones [astringents]; shining preparations [polish]; shoe cream; shoe wax; shoemakers' wax; smoothing preparations [starching]; soap*; soap for brightening textile; stain removers; starch glaze for laundry purposes; sunscreen preparations; sun-tanning preparations [cosmetics]; tailors' wax; teeth whitening strips; tissues impregnated with cosmetic lotions; tissues impregnated with make-up removing preparations; toiletry preparations*; toilet water; vaginal washes for personal sanitary or deodorant purposes; volcanic ash for cleaning; waxes for leather; windshield cleaning liquids.

VI. Grounds for refusal [(where applicable, see item VII)]:

The sign shall not be registered because it's confusingly similar to trademarks of another person protected in the Republic of Tajikistan with an earlier priority.

VII. Information relating to an earlier mark :

- (i) Filing date and number, and, if any, priority date: **03.01.2014**
- (ii) Registration date and number (if available): **29.05.2014 IR 1 230 366**

Name and address of the owner: Bora Creations S.L. Calle Velázquez, (Pto. de Andratx), 11 E-07157 Andratx Balears (ES)

Reproduction of the mark: **ESSENCE**

List of all or relevant goods and/or services:

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Preparations for cleaning, care and beautification of the skin, nails and hair; hair colorants; hair dyes; hair styling products; hair lotions; hair care products; soaps; perfumery; fragrances; perfumes; eau de toilette; eau de parfum; cosmetics; cosmetic products for decorative purposes; eye make-up removers; make-up removing preparations; nail polish remover; make-up; BB cream (blemish balm); cosmetic powder; rouge; tinted facial cream; tinted body cream; cosmetic concealer; cosmetic blemish stick; highlighter for the beautification of the skin; tattoo pencils; mascara; powder for increasing eyelash volume; eye shadow powder; eye shadow cream; eye shadow foundation; eyebrow powder; eyebrow cream; eyebrow pencils; liquid eye liner, powder eye liner, eye liner pencils, eye liner gel; koyal eye pencils; lip glosses; lip balm; lipstick; lip liner; nail polish; express drying drops for nail polish; artificial

nails; nail pencil for French manicure; nail whitening pencils; nail whiteners; nail polish correction pencils; nail care pencils; nail gel; primer for preparation of gel manicure; cleanser; nail polish base coat; nail polish top coat; nail hardener; oils for treatment of nails and cuticles; stickers for beautification, care and protection of finger nails; french manicure tip guides; products for sculpting and making of false fingernails (cosmetics); nail polish with metallic or other effects; nail decoration glitter; cosmetic powders; gems and accessories for decorating nails; nail care products (included in this class); products for sculpting and making of gel nails (cosmetics); hand creams; glitter spray; body tattoos; false eyelashes.

VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:
Article 9.1 of the Law of the Republic of Tajikistan on Trademarks and service marks.

IX. Information relating to subsequent procedure:

(i) Time limit for requesting review or appeal:

In the event of disagreement of the applicant with the examiner's decision, he shall have the right, within two month of the date of receipt of the decision from International Bureau, to file with the Patent Office a request for reexamination.

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

National Center for Patents and Information of the Republic of Tajikistan.

(iii) Indications concerning the appointment of a representative:

<http://www.ncpi.tj/index.php/ru/patentnyj-poverennyj>

X. Date of the notification of provisional refusal: **15.04.2019**

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

**Head of Division of
international registration
of trademarks
Mr. P. Miraliev**



XII. Corresponding essential provisions of the applicable law:

Article 9. Other grounds for denial of registration.

The following designations shall not be registered as trademarks if they are identical with or confusingly similar to:

- **trademarks of other persons, applied for registration (provided applications for them have not been withdrawn) or protected in the Republic of Tajikistan by virtue of an international treaty recognized by the Republic of Tajikistan, in respect of similar goods and with an earlier priority;**

[...]