



Judiciary
Registration Organization of Deeds
And Properties of I.R. of Iran
Int. Reg. of Marks and G.I Office

Office ref: 139850940001041399

Trademark Office

MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS
AND THE PROTOCOL RELATING TO THAT AGREEMENT

PROVISIONAL REFUSAL OF PROTECTION

*Notified to the International Bureau of the World Intellectual Property Organization (WIPO)
 In accordance with Article 5 of the Madrid Agreement and Protocol*

<p><i>I- Office notifying the provisional refusal : I.R . of Iran</i> Tel: 009821-66755702 Fax: 009821-66755701 No. 5, State Registration Organization of Deeds and Properties, Fayaz Balhsh Str., Khayam Str., Emam Khomainsi Sqr., Tehran, I.R.of Iran</p>
<p><i>II- Number of the international registration which is the subject of the provisional refusal</i> 1409709</p>
<p><i>III-Name of the holder of the international registration which is the subject of the provisional refusal: Harry Winston, Inc.,718 Fifth Avenue New York, NY 10019 United States</i></p>
<p><i>IV- Grounds for provisional refusal:</i> According to Article 32 (e &f) of Iranian Trademarks Registration Act (2008) and Article 6bis (1) of Paris convention Well-Known marks are not registrable.</p>
<p><i>V- Applicable provisions of the national law [(see text under X)]</i> Article 32 (e &f) of Iranian Trademarks Registration Act (2008) and Article 6bis (1) of Paris convention.</p>
<p><i>VI- <input checked="" type="checkbox"/> Provisional refusal for all goods and / or services:In class 14</i></p> <p style="margin-left: 40px;"><input type="checkbox"/> <i>Provisional refusal for partial of goods and services</i></p>

VII- In cases where the International Application is rejected by the Iranian Trademark Office, the applicant may, under Articles 121 and 158 of Regulations for Iranian Patents, Industrial Designs and Trademarks Registration Act, file an appeal with the Commission stipulated in Article 170 of the said Regulations against the rejection within 60 days from the date of the notification of Provisional Refusal. Under Article 172 of the said Regulations, an appeal may be filed against the said Commission's decision with the Public Court of Tehran within 60 days from the date of the notification of the said decision.

VIII- Date on which the provisional refusal was pronounced: **17/06/2019**

LX- Signature or official seal of the Office notifying the provisional refusal:

Examiner: Tathiri Moghaddam(Ms.)

**Zahra Bahraini (Mrs)
Head of**

International Reg. of Marks and G.I. Office

X-Relevant provisions of national Law:

Article 121 of Regulations for Execution of Patents ,Industrial Designs and Trademarks Registration Law (2009)

In cases where the application for trademark registration is rejected based on Article 30 (a) and (b) and Article 32 of the law, the Registrar is required to notify the Applicant the grounds of refusal in writing .As for the indicated cases, the mark may be considered identical to or similar with another mark and thus rejected that the said mark has been registered or applied for in the name of a different person or the similarity thereof in terms of appearance , pronunciation or writing or other characteristics with a mark previously registered or applied for as to such an extent that would mislead ordinary consumers.

Article 32 - A Mark is not registerable in the following cases:

a) If it is not capable of distinguishing the goods or service of one enterprise from those belonging to another enterprise.

b) If it is contrary to Rules of Sharia, public order or morality.

c) If it is likely to mislead the public or trade centers, in particular as regards the geographical origin of the goods or services concerned or their nature or characteristics.

d) If it is identical with, or is an imitation of or contains as an element, an armorial bearing, flag or other emblem, a name or abbreviation or initials of the name of, or official sign or hallmark adopted by, any State, intergovernmental organization created under an international convention, unless authorized by the competent authority of that State or organization.

e) If it is identical with, or confusingly similar to, or constitutes a translation of, a mark or trade name which is well known in Iran for identical or similar goods or services of another enterprise.

f) If an identical or similar mark has been registered or become well know for services that are not similar provided that customarily there is a connection between the use of the mark and the owner of the well know mark and that its registration is likely to damage interests of the owner of the well-know mark.

g) If it is identical with a mark registered in the name of a different proprietor with an earlier filing date or a priority right in respect of the same goods or services or

for goods and services that, due to connection or resemblance, is likely to deceive or cause confusion

X- Relevant provisions of national Law:

Article 32 of Iranian Patents ,Industrial Designs and Trademarks Registration

Law (2008)

- A Mark is not registerable in the following *cases*:

e- If it is identical with, or confusingly similar to, or constitutes a translation of, a mark or trade name which is well known in Iran for identical or similar goods or services of *another* enterprise.

f- If an identical or similar mark has been registered or become well-known for services that are not similar provided that customarily there is a connection between the use of the mark and the owner of the well-known mark and that its registration is likely to damage interests of the owner of the well-known mark.

Note (1): Article 6bis (1) of Paris Convention:

1) The countries of the Union undertake, *ex officio* if their legislation so permits, or at the request of an interested party, to refuse or to cancel the registration, and to prohibit the use, of a trademark which constitutes a reproduction, an imitation, or a translation, liable to create confusion, of a mark considered by the competent authority of the country of registration or use to be well known in that country as being already the mark of a person entitled to the benefits of this Convention and used for identical or similar goods. These provisions shall also apply when the essential part of the mark constitutes a reproduction of any such well-known mark or an imitation liable to create confusion therewith.