

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

<p>I. Office making the notification: National Center for Patents and Information of the Republic of Tajikistan Dushanbe 14a Ayni street.</p>
<p>II. Number of the international registration: 1 473 256</p>
<p>III. Name of the holder (or other indication enabling the identity of the international registration to be confirmed): CROSTALIA TRADING LIMITED Totalserve Trust Company Limited, Trust Offices, P.O. Box 3540, Road Town Tortola VG1110 (VG)</p>
<p>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 opposition¹</p>
<p>V. <input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services <input type="checkbox"/> Provisional refusal for some of the goods and/or services: [followed by an indication of the goods and/or services which are affected or are not affected]</p>
<p>VI. Grounds for refusal [(where applicable, see item VII)]: The sign shall not be registered because it's confusingly similar to trademark of another person protected in the Republic of Tajikistan with an earlier priority.</p>
<p>VII. Information relating to an earlier mark :</p> <p>(i) Filing date and number, and, if any, priority date: 14.11.2014</p> <p>(ii) Registration date and number (if available): 19.03.2015 TJ: 11397</p> <p>Name and address of the owner: The Limited Liability Company «King Lion Foods», str. Krasnoproletarskaya, d. 16, p. 2. Moscow, Russian Federation</p> <p>Reproduction of the mark: БИЗНЕС МЕНЮ Business Menu</p> <p>List of all or relevant goods and/or services:</p> <p>29 Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats. Ajvar [preserved peppers]; albumen for culinary purposes; albumin milk; alginates for culinary purposes; almonds, ground; aloe vera</p>

prepared for human consumption; anchovy; animal marrow for food; apple puree; bacon; beans, preserved; black pudding; blood sausage; bone oil, edible; bouillon; bouillon concentrates; bouillon (preparations for making —); broth; broth concentrates; butter; butter (chocolate nut —); butter (cocoa —); butter (coconut —); butter (peanut —); buttercream; caviar; charcuterie; cheese; chips (fruit -); chips (potato —); chocolate nut butter; clams [not live]; cocoa butter; coconut butter; coconut, desiccated; coconut fat; coconut oil; colza oil for food; concentrates (bouillon —); concentrates (broth —); corn oil; cranberry sauce [compote]; crayfish, not live; cream [dairy products]; cream (whipped —); crisps (potato —); croquettes; crustaceans, not live; crystallized fruits; curd; dates; edible birds' nests; edible fats; edible oils; egg nog (non-alcoholic —); eggs *; eggs (powdered —); eggs (snail —)for consumption; fat (coconut—); fat-containing mixtures for bread slices; fatty substances for the manufacture of edible fats; fermented vegetable foods [kimchi]; ferments (milk—) for culinary purposes; fillets (fish -); fish fillets; fish (food products made from —); fish meal for human consumption; fish, not live; fish, preserved; fish (salted-); fish spawn (processed —); fish, tinned [canned (am.)]; flakes (potato—); flaxseed oil for culinary purposes; foods prepared from fish: frosted fruits; frozen fruits; fruit chips; fruit jellies; fruit peel; fruit, preserved; fruit preserved in alcohol; fruit pulp; fruit salads; fruit, stewed; fruit-based snack food; fruits (crystallized —); fruits (frosted —): fruits, tinned [canned (am.)]; game, not live; garlic (preserved —); gelatine*; gherkins; ginger jam; ham; herrings; hummus [chickpea paste]; isinglass for food; jams; jellies for food; juices (vegetable —) for cooking; kefir [milk beverage]; kephir [milk beverage]; koumiss [kumiss] [milk beverage]; kumys [kumyss] [milk beverage]; lard for food: laver (toasted —); lecithin for culinary purposes; lentils, preserved: linseed oil for culinary purposes; liver; liver pate; lobsters, not live: lobsters (spiny—), not live; low-fat potato chips; maize oil: margarine; marmalade; marrow (animal —) for food; meat; meat extracts; meat jellies; meat, preserved; meat, tinned [canned (am.)]; meats (salted —); milk; milk (albumin —); milk beverages, milk predominating: milk products; milk shakes; mousses (fish —); mousses (vegetable —);mushrooms, preserved; mussels, not live; nuts, prepared; olive oil for food; olives, preserved; onions, preserved; oysters, not live; palm kernel oil for food; palm oil for food; pastes (liver—); pate (liver—); peanut butter; peanuts, processed; peas, preserved; pectin for culinary purposes; peel (fruit —); piccalilli; pickles; pollen prepared as foodstuff; pork; potato chips; potato crisps; potato flakes; potato fritters; poultry, not live; powdered eggs; prawns, not live; protein milk; pudding (black—) [blood sausage]; pulp (fruit —); raisins; rape oil for food; rennet; salads (fruit—); salads (vegetable—); salmon; salted fish; salted meats; sardines; sauerkraut; sausages; sausages in batter; sea-cucumbers, not live; seeds (processed —); seeds (processed sunflower—); sesame oil; shellfish, not live; shrimps, not live; silkworm chrysalis, for human consumption; snack food (fruit-based —); snail eggs for consumption; soup (preparations for making

—); soup preparations (vegetable —); soups; soya beans, preserved, for food; soya milk [milk substitute]; spiny lobsters, not live; suet for food; sunflower oil for food; tahini [sesame seed paste]; toasted laver; tofu; tomato juice for cooking; tomato puree; tripe; truffles, preserved; tuna fish; vegetable juices for cooking; vegetable salads; vegetable soup preparations; vegetables, cooked; vegetables, dried; vegetables, preserved; vegetables, tinned [canned (am.)]; weed extracts for food; whey; whipped cream; white of eggs; yoghurt; yogurt; yolk of eggs.

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Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice. Allspice; almond confectionery; almond paste; aniseed; aromatic preparations for food; artificial coffee; baking powder; baking soda [bicarbonate of soda for cooking purposes]; barley (crushed—); barley (husked—); barley meal; bean meal; bee glue*: beer vinegar; beverages (chocolate-based —); beverages (cocoa-based —); beverages (coffee-based —); beverages (flavorings [flavourings], other than essential oils, for — -); beverages (tea-based —); bicarbonate of soda for cooking purposes [baking soda]; binding agents for ice cream [edible ices]; biscuits; bread; bread (ginger—): bread rolls; breadcrumbs; buns; cake paste; cake powder; cakes; cakes (flavorings [flavourings], other than essential oils, for—); cakes (rice —); candy*: capers; caramels [candy]; celery salt; cereal preparations; cereal-based snack food; cheeseburgers [sandwiches]; chewing gum*; chicory [coffee substitute]; chips [cereal products]; chocolate; chocolate beverages with milk; chocolate-based beverages; chow-chow [condiment]; Christmas trees (confectionery for decorating —I: chutneys [condiments]; cinnamon [spice]; cloves [spice]; cocoa; cocoa beverages with milk; cocoa products; cocoa-based beverages; coffee; coffee (artificial —): coffee beverages with milk; coffee flavorings [flavourings]; coffee substitutes < vegetal preparations for use as —); coffee (unroasted—); coffee-based beverages; condiments; confectionery; confectionery for decorating; Christmas trees: cookies; cooking salt; corn flakes; corn flour; corn meal; corn, milled; corn (pop-): corn, roasted; coulis (fruit—) [sauces]; couscous [semolina]; crackers; cream (ice —); cream of tartar for cooking purposes; cream of tartar for culinary purposes; curry [spice]; custard; dressings for salad; edible ices; essences for foodstuffs, except etheric essences and essential oils; farinaceous food pastes; farinaceous foods; ferments for pastes; flakes (corn—); flakes (maize —); flakes (oat -): flavorings, other than essential oils; flavorings, other than essential oils, for beverages; flavorings, other than essential oils, for cakes; flavourings, other than essential oils, for beverages; flavourings, other than essential oils, for cakes; flaxseed for human consumption; flour*; flour-milling products; fondants [confectionery]; foods (farinaceous —);

foodstuffs (essences for—), except etheric essences and essential oils; frosting [icing] (cake —); frozen yoghurt [confectionery ices]; frozen yogurt [confectionery ices]; fruit jellies [confectionery]; garden herbs, preserved [seasonings]; ginger [spice]; gingerbread; glucose for culinary purposes; gluten additives for culinary purposes; gluten prepared as foodstuff; golden syrup; gravies (meat—); groats for human food; gruel, with a milk base, for food; halvah; ham glaze; high-protein cereal bars; hominy; hominy grits; honey; husked barley; husked oats; ice cream; ice cream (binding agents for—); ice for refreshment; ice, natural or artificial; iced tea; ices (binding agents for edible —); ices (edible —); ices (powder for edible —); infusions, not medicinal; jellies (fruit—) [confectionery]; ketchup [sauce]; leaven; linseed for human consumption: liquorice [confectionery]; lozenges [confectionery]; macaroni; macaroons [pastry]; maize flakes; maize flour; maize meal; maize, milled; maize, roasted; malt biscuits: malt extract for food; malt for human consumption; maltose; marinades; marzipan; mayonnaise; meal *; meat gravies; meat pies; meat tenderizers, for household purposes; mint for confectionery; molasses for food; mousses (chocolate—): mousses (dessert —) [confectionery]; muesli; mustard; mustard meal; noodle-based prepared meals; noodles; nutmegs; oat flakes; oat-based food; oatmeal; oats (crushed -); oats (husked —); pancakes; pasta; paste (almond —); paste (cake-); paste (soya bean —) [condiment]; pastes (farinaceous food —); pasties; pastilles [confectionery]; pastries; pastry; pate [pastries]; peanut confectionery; pepper; peppermint sweets; peppers [seasonings]; pesto [sauce]; petit-beurre biscuits; petits fours [cakes]; pies: pies (meat—); pizzas; popcorn; potato flour for food; powder (cake —); powders for ice cream; pralines; preserving foodstuffs (salt for—); propolis*; puddings; quiches; ravioli; relish [condiment]; ribbon vermicelli; rice; rice cakes; rice-based snack food; rolls (bread-); royal jelly*; rusks; saffron [seasoning]; sago; salad (dressings for—); salt (cooking —); salt for preserving foodstuffs; sandwiches; sauce (tomato—); sauces [condiments]; sausage binding materials; sea water for cooking; seasonings; semolina; sherbets [ices]; snack food (cereal-based —); snack food (rice-based —); sorbets [ices]; soya bean paste [condiment]; soya flour; soya sauce; spaghetti: spices; spring rolls; star aniseed; starch for food; stick liquorice [confectioner]]; stiffening whipped cream (preparations for—); sugar*; sugar confectionery; sushi: sweeteners (natural —); sweetmeats [candy]; sweets (peppermint—); tabbouleh; tacos: tapioca; tapioca flour for food; tarts; tea*; tea (iced —); tea-based beverages: thickening agents for cooking foodstuffs; tomato sauce; tortillas; turmeric for food: unleavened bread; vanilla [flavoring] [flavouring]; vanillin [vanilla substitute]; vegetal preparations for use as coffee substitutes; vermicelli [noodles]; vermicelli (ribbon —); vinegar; waffles; water (sea —) for cooking; weeds [condiment]: wheat flour; wheat germ for human consumption; whipped cream (preparations for stiffening —); yeast*; yoghurt (frozen —) [confectionery ices]; yogurt (frozen —) [confectionery ices].

VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:
Article 9.1.1. 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: **05.05.2020**

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;**

[...]