

MADRID PROTOCOL

Model Form 3A: Total Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)

I.	Office making the notification: Intellectual Property Agency of the Republic of Azerbaijan AZ 1078, Mardanov qardashlari -124, Baku, Azerbaijan Fax: (+99412) 4498489
II.	Number of the international registration: 1455136
III.	Name of the holder: Barilla G. e R. Fratelli - Società per Azioni Via Mantova, 166 Parma (PR) (IT)
IV.	<p>Information concerning the type of provisional refusal:</p> <p><i>Please indicate the type of refusal by checking only one of the following options:</i></p> <p><input checked="" type="checkbox"/> Total provisional refusal based on an <i>ex officio</i> examination</p> <p><input type="checkbox"/> Total provisional refusal based on an opposition</p> <p><input type="checkbox"/> Total provisional refusal based on both an <i>ex officio</i> examination and an opposition</p> <p><i>Where the refusal is based on an opposition, please indicate the name and address of the opponent:</i></p> <p>(i) Name of the opponent:</p> <p>(ii) Address of the opponent:</p>
V.	<p>Information concerning the scope of the provisional refusal:</p> <p>Total provisional refusal affects all the goods and/or services.</p>
VI.	<p>Grounds for refusal [(where applicable, see item VII)]:</p> <p>The mark "MASTERS OF PASTA", represented in standard characters, is devoid of any distinctive character, it may serve in trade, to designate the filed, the kind, the quality and the other characteristics of the goods and services. The mark should be available for the other manufacturers in the relevant field to use and cannot be monopolized though registration as a trademark.</p>

VII. Information relating to an earlier mark:

- (i) Filing date and number, and, if any, priority date:
- (ii) Registration date and number (if available):
- (iii) Name and address of the owner:
- (iv) Reproduction of the mark:
- (v) List of the relevant goods and/or services (this list may be in the language of the earlier application or registration):

VIII. Corresponding essential provisions of the applicable law:

Paris Convention for the Protection of Industrial Property. Article 6 quinquies. B. Trademarks covered by this Article may be neither denied registration nor invalidated except in the following cases:

(ii) when they are devoid of any distinctive character, or consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, place of origin, of the goods, or the time of production, or have become customary in the current language or in the bona fide and established practices of the trade of the country where protection is claimed.

Paris Convention for the Protection of Industrial Property. Article 10ter

(1) The countries of the Union undertake to assure to nationals of the other countries of the Union appropriate legal remedies effectively to repress all the acts referred to in Articles 9, 10, and 10bis.

(2) They undertake, further, to provide measures to permit federations and associations representing interested industrialists, producers, or merchants, provided that the existence of such federations and associations is not contrary to the laws of their countries, to take action in the courts or before the administrative authorities, with a view to the repression of the acts referred to in Articles 9, 10, and 10bis, in so far as the law of the country in which protection is claimed allows such action by federations and associations of that country.

Law "On Trademarks and Geographical Indications" of the Republic of Azerbaijan
Article 5. Other grounds for the refusal of trademark registration

It is not permitted to register the below-mentioned:

- b) trademarks, that haven't any differing element, i.e. signs, not differing on basic factors.
- h) trademarks, that can mislead consumers in the determination of peculiarities of goods or services, their quality or geographical origin.

IX. Information relating to the possibility to request a review or file an appeal:

- (i) Time limit for requesting review or appeal:

Within 3 months from the date of refusal reception by the applicant

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

**Appeal Council under the relevant executive body
of the Republic of Azerbaijan**

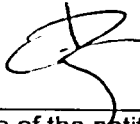
- (iii) Whether the request for review or appeal has to be filed in a specific language and/or through the intermediary of a representative whose address is within the territory of the Contracting Party:

Patent Attorney

(For list of patent attorneys please visit web site: <http://patent.gov.az>)

- (iv) Other requirements, if any:

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



XI. Date of the notification to the International Bureau: 10.06.2020

Leading specialist-examiner:



S.Mirzamatov

