



MADRID PROTOCOL

TOTAL PROVISIONAL REFUSAL OF PROTECTION

Rule 17(1)

I.	Office making the notification:  Patent Office of the Republic of Bulgaria 52b, boul. Dr.G.M.Dimitrov, BG-1040 SOFIA, Bulgaria www.bpo.bg
II.	Number of the international registration: 1 513 287
III.	Name of the holder: Hanyuan County Sichuan Pepper Association
IV.	Information concerning the type of provisional refusal: <input checked="" type="checkbox"/> Total provisional refusal based on an <i>ex officio</i> examination <input type="checkbox"/> Total provisional refusal based on an opposition ¹ <input type="checkbox"/> Total provisional refusal based on both an <i>ex officio</i> examination and an opposition ¹
V.	Information concerning the scope of the provisional refusal: Total provisional refusal affects all the goods.
VI.	Grounds for refusal [(where applicable, see item VII)]: Motives for refuse: 39 (3) The association shall adopt rules for the use of the collective trademark, which shall contain: particulars of the persons, who can use the trademark; conditions for membership in the association; conditions for use of the trademark, the penalties to be imposed in case of infringement of the rules of use and the reasons, why a member of the association may prohibit the use of the collective trademark. The rules of use shall entitle any person, whose goods or services originate in the geographical area concerned, to become a member of the association, who is holder of the trade mark, provided that the person fulfils all the other requirements, included in the rules. 40(2) The holder of the trade mark must adopt rules for the use of the certification trademark, which shall contain: instructions on the quality, material or other characteristics of the goods or services; the control measures, which the holder of the certification trademark exercises and the penalties which are to be imposed. 41(2) In the case of an international registration of a collective or certification trademark, the rules for use shall be presented in translation.

¹ Where the refusal is based on an opposition, please indicate the name and address of the opponent.

<p>VII. Information relating to an earlier mark² :</p> <ul style="list-style-type: none">(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 all or relevant goods and/or services:
<p>VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:</p> <p>Art. 39(3) / Art. 40(2) / Art. 41(2)</p>
<p>IX. Information relating to subsequent procedure:</p> <ul style="list-style-type: none">(i) Time limit for requesting review or appeal: Deadline for filing a request for review: The holder of the international registration may submit its request for review against this refusal to the Patent Office of the Republic of Bulgaria (at the address in item I above) within one month from the date of receipt of this refusal. During this period, the refusal is provisional. In the absence of a request for review, this refusal will become final without further notice (Art. 46(4)). After this period the holder may lodge an appeal against this final refusal to the Patent Office of the Republic of Bulgaria (at the address in item I above) within two months (Art. 70(1)). The persons, which do not have a permanent address or registered office in the Republic of Bulgaria, shall perform activity before the Patent Office through an industrial property representative (Art. 43(2)). WARNING: International registrations, to which the Republic of Bulgaria is designated shall not be published in the Official Bulletin of the Patent Office, where there is a final decision to refuse recognition of the effect of the international registration, in accordance with the rules under Art. 39, Para. 3 and Art. 40, Para. 2 and the requirements of Art. 41, Para. 2 and Art. 43 (Art. 49(4)5).(ii) Authority to which such request for review or appeal should be made: the Patent Office of the Republic of Bulgaria The official language for correspondence with the Patent Office of the Republic of Bulgaria is the Bulgarian language.(iii) Indications concerning the appointment of a representative: See the list of representatives in Bulgaria – Internet page of the Office www.bpo.bg
<p>X. Signature or official seal of the Office making the notification:</p> <div style="text-align: center;"></div>
<p>XI. Date of the notification to the International Bureau: 15/05/2020</p>

² Where the grounds on which the provisional refusal is based relate to an earlier mark, as indicated under item VI. The indication required under this item may be given by annexing a printout from the register or database.

XII. Corresponding essential provisions of the applicable law:

LAW ON MARKS AND GEOGRAPHICAL INDICATIONS

Prom. SG. 98/13 Dec 2019

Collective measures

Art. 39. (3) The association shall adopt rules for the use of the collective trademark, which shall contain: particulars of the persons, who can use the trademark; conditions for membership in the association; conditions for use of the trademark, the penalties to be imposed in case of infringement of the rules of use and the reasons, why a member of the association may prohibit the use of the collective trademark. The rules of use shall entitle any person, whose goods or services originate in the geographical area concerned, to become a member of the association, who is holder of the trade mark, provided that the person fulfils all the other requirements, included in the rules.

Certificate trademarks

Art. 40. (2) The holder of the trade mark must adopt rules for the use of the certification trademark, which shall contain: instructions on the quality, material or other characteristics of the goods or services; the control measures, which the holder of the certification trademark exercises and the penalties which are to be imposed.

Special provisions

Art. 41. (1) The applicant, respectively the holder, of a collective or certification trademark shall submit to the Patent Office the rules of use and any changes thereto. These changes shall have effect in relation to third parties from their registration in the State Register of Trade marks.

(2) In the case of an international registration of a collective or certification trademark, the rules for use under Para. 1 shall be presented in translation.

Description and classification of goods and/or services

Art. 43. (2) The goods and/or services shall be described in such a way, as to permit sufficient clarity and precision to determine the scope of protection. The use of general terms shall be deemed to include only the goods and/or services, clearly covered by the literal meaning of the term.

Continuation of terms

Art. 80. The terms under Art. 46, Para. 2, sentence three, Art. 47, Para. 2, Art. 55, Para. 3, Art. 57, Para. 4 and Art. 58, Para. 5 may be extended once, with the same duration, at the request of the applicant or the holder submitted before their expiry. The request shall not be considered, where a state fee payment document has not been attached to it, if it is paid by a bank transfer.