

**MADRID AGREEMENT AND PROTOCOL**  
**PROVISIONAL REFUSAL OF PROTECTION**

**RULE 17.1) OF THE COMMON REGULATIONS UNDER THE MADRID AGREEMENT  
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS  
AND THE PROTOCOL RELATING TO THAT AGREEMENT**

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I. Office notifying the refusal: **National Center of Intellectual Property**  
**20, ul. Kozlova, Minsk 220034, Belarus**  
**Telephone (Department of Trademarks): (+375 17) 392 51 97, (+375 17) 272 87 22**  
**Fax: (+375 17) 272 98 34, <http://www.belgospatent.by>**

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II. Number of the international registration: 788 486

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III. Name and address of the holder of the international registration:

SGS Group Management SA

Place des Alpes 1, CH-1201 Genève (Switzerland)

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IV. Provisional refusal based on an *ex-officio* examination

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V. Grounds for refusal:

The holder is invited to submit the Regulations of the collective mark.

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VI. Applicable provisions of the national law (see text under X): 19.1.

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VII.

☒ Refusal for all the goods and/or services: Cl. 42.

☐ Refusal for the following goods and/or services:

☐ Protection for the following goods and/or services:

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VIII. Appeal against the decision of refusal:

- a) time limit for requesting appeal: 3 months from the date on which the notification was received by the holder of the international registration;
  - b) authority to which request for appeal should be made: National Center of Intellectual Property (see address under I);
  - c) for applicants with permanent location or permanent residence in the territory of foreign states, representation by a patent attorney of the Republic of Belarus is mandatory if international treaties to which the Republic of Belarus is party do not provide otherwise (a list of the registered patent attorneys is available at [http://www.belgospatent.org.by/index.php?option=com\\_content&view=article&id=136&Itemid=54](http://www.belgospatent.org.by/index.php?option=com_content&view=article&id=136&Itemid=54)).
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IX. Date: 2020.07.10

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Law on Trademarks and Service Marks of the Republic of Belarus of February 5, 1993  
(Latest Edition of January 5, 2016)

(Extract)

**1. Trademarks and Service Marks**

1. Trademarks and service marks (hereinafter referred to as «trademarks») are signs which serve to distinguish the goods, works and/or services (hereinafter referred to as «goods», if not provided for otherwise) of one person from goods of the same type of other persons.
2. Signs which may be registered as trademarks are words including personal names, combinations of colors, letters, numerals, figurative elements, three-dimensional signs including the shape of goods or their packaging as well as combinations of such signs. Other signs may be registered as trademarks in cases defined by the legislative acts of the Republic of Belarus.
3. A trademark may be registered in any color or combination of colors.

**2. Legal Protection of Trademarks**

3. The right to the trademark is protected by the State. The registration of a trademark shall give rise to the issue of a trademark certificate. The trademark certificate shall attest the priority date of the trademark and the owner's exclusive rights in the trademark in relation to the goods specified in the certificate; it shall contain a representation of the trademark.

**18. Right to a Collective Mark**

An association of entities, the establishment and activity of which are not contrary to the law of its country of origin, is entitled to registration in the Republic of Belarus of a collective mark the purpose of which is to designate goods, works and/or services manufactured or marketed by those entities, those goods, works and/or services having common qualitative or other characteristics.

**19. Registration and Use of a Collective Mark**

1. The application for registration of a collective mark shall be accompanied by the Regulations of the said mark, which shall specify the name of the entity authorized to file the application for registration of the collective mark, the list of entities authorized to use the mark, the purpose of the registration thereof, the list, together with the common qualitative or other characteristics, of the goods that are to be marked by the collective mark, the conditions governing and the means of supervising the use thereof, and also the sanctions applicable in the event of violation of the Regulations of the collective mark.
2. In addition to the particulars specified in paragraph 1 of Article 12 of this Law, information on the entities authorized to use the collective mark shall be entered in the Register and on the collective mark certificate. That information, together with an extract from the Regulations of the collective mark specifying the common qualitative or other characteristics of the goods for which the mark is registered, shall be published in the Official Bulletin by the Patent Authority. The entity that is indicated in the certificate as the owner of the collective mark shall notify the Patent Authority of any amendment of the Regulations of the collective mark.
3. The collective mark and the right to use it shall not be transferable.  
If a collective mark is used on goods that do not have any common qualitative or other characteristics, the validity of its registration may be terminated, either in whole or in part, on a decision of the Supreme Court of the Republic of Belarus, taken at the request of any third party.
4. The collective mark or the application for registration of the collective mark may be converted into the trademark belonging to one of the entities authorized to use the collective mark in accordance with the Regulations of the collective mark, or into the trademark application. The conditions governing such a conversion shall be laid down by the Council of Ministers of the Republic of Belarus.

**20. Use of the Trademark and Consequences of Failure to Use the Trademark**

5. Legal entities authorized to use the collective mark shall have the right to use at the same time their own trademarks on the goods they manufacture.

**26. Cancellation of Legal Protection of the Trademark**

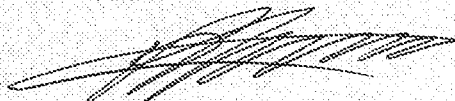
1. The legal protection of the trademark shall be cancelled on the following grounds:  
1.3 in the case of use of the collective mark in respect of goods that do not have common qualitative or other characteristics (paragraph (3) of Article 19 of this Law).

XI. Annexes (tick if necessary)

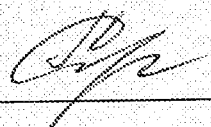
- ☐ Reproduction(s) of the presumably conflicting trademark(s) containing a figurative element or having a special graphic representation

- ☐ List indicating the goods and/or services to which each of the presumably conflicting trademarks is applied

XII. Signature or official seal of the Office sending the notification  
First Deputy Director General  
Aliaksei KURMAN



Head of the Department of Trademarks  
Natalia SINISHOVA



Examiner: Katsiaryna LAPITSKAYA (+375 17) 272 87 22