

MADRID PROTOCOL

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

I. Office making the notification:

**The Intellectual Property Agency of the Republic of Azerbaijan
Patent and Trademarks Examination Office
AZ1078, Mardanov Qardashlary 124, Baku, Azerbaijan
Tel: (+99412) 449-84-89**

II. Number of the international registration: 1477912

III. Name of the holder:

TALAGAEVA ELENA VLADIMIROVNA
Kommunisticheskaya St, d. 3,
kv. 145, Ramenskoye
RU-140002 Moskovskaya oblast (RU)

IV. Information concerning the type of provisional refusal:

- ☒ Total provisional refusal based on an *ex officio* examination
- ☐ Total provisional refusal based on an opposition
- ☐ Total provisional refusal based on both an *ex officio* examination and an opposition

(i) Name of the opponent:

(ii) Address of the opponent:

V. Information concerning the scope of the provisional refusal:

Total provisional refusal affects all the goods and/or services.

VI. Grounds for refusal [(where applicable, see item VII)]:

The trademark is considered to be devoid of any distinctive character and/or it can be used in trade to designate the goods in question. It consists of sign "FITOHENNA color", which may serve to describe significant characteristics of the goods claimed in the international registration.

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 6quinquies. B. (ii)
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;

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

It is not permitted to register the below-mentioned:

- b) because of their character cannot constitute trademarks;
- c) trademarks, characterizing kinds of goods and services, their quality, quantity, purpose, cost, as well as place and date of their production and other peculiarities;

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: www.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: 13.07.2020

Head of Sector:

N. Hajiyeva