

## Israeli Patent Office, Trademarks Department

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### NOTIFICATION OF PROVISIONAL REFUSAL

According to Madrid protocol, Rule 17(1)

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| I.   | Date of the notification of provisional refusal: 30/08/2020  |
| II.  | International Registration Number: 1531791   |
| III. | Name of the holder: Individual entrepreneur Vasily Bogatyrev Alexandrovich   |
| IV.  | <div><input checked="" type="checkbox"/> Provisional refusal based on an <i>ex officio</i> examination</div> <div><input type="checkbox"/> Provisional refusal based on an opposition</div>  |
| V.   | <div><input type="checkbox"/> Provisional refusal for all the classes</div> <div><input checked="" type="checkbox"/> Provisional refusal for some of the classes:<br/><br/>Class 5: Acaricides; aconitine; alkaloids for medical purposes; alginates for pharmaceutical purposes; algicides; aldehydes for pharmaceutical purposes; dental amalgams of gold; dental amalgams; amino acids for veterinary purposes; amino acids for medical purposes; analgesics; anaesthetics; antibiotics; antiseptics; medicine cases, portable, filled; first-aid boxes, filled; aluminium acetate for pharmaceutical purposes; acetates for pharmaceutical purposes; germicides; balms for medical purposes; bandages for dressings; diagnostic biomarker reagents for medical purposes; biocides; bracelets impregnated with insect repellent; bromine for pharmaceutical purposes; paper for mustard plasters; fly catching paper; reagent paper for veterinary purposes; reagent paper for medical purposes; mothproofing paper; petroleum jelly for medical purposes; vaccines; oxygen baths; antiseptic cotton; aseptic cotton; absorbent cotton; wadding for medical purposes; cotton for medical purposes; dietetic substances adapted for medical use; radiological contrast substances for medical purposes; nutritive substances for microorganisms; radioactive substances for medical purposes; melissa water for pharmaceutical purposes; sea water for medicinal bathing; mineral waters for medical purposes; thermal water; dietary fiber; molding wax for dentists; gases for medical purposes; guaiacol for pharmaceutical purposes; sexual stimulant gels; hematogen; hemoglobin; hydrastine; hydrastinine; glycerine for medical purposes; glycerophosphates; glucose for medical purposes; gentian for pharmaceutical purposes; hormones for medical purposes; mustard for pharmaceutical purposes; mustard plasters; mud for baths; medicinal mud; gamboge for medical purposes; gurjun balsam for</div> |

medical purposes; disinfectants; air deodorising preparations; deodorants, other than for human beings or for animals; deodorants for clothing and textiles; diastase for medical purposes; digitalin; vitamin supplement patches; mineral food supplements; nutritional supplements; albumin dietary supplements; dietary supplements for animals; yeast dietary supplements; alginate dietary supplements; glucose dietary supplements; casein dietary supplements; lecithin dietary supplements; linseed oil dietary supplements; propolis dietary supplements; protein dietary supplements; protein supplements for animals; royal jelly dietary supplements; pollen dietary supplements; wheat germ dietary supplements; linseed dietary supplements; acai powder dietary supplements; dietary supplements with a cosmetic effect; enzyme dietary supplements; yeast for pharmaceutical purposes; gelatine for medical purposes; cod liver oil; isotopes for medical purposes; immunostimulants; insecticides; iodine for pharmaceutical purposes; iodides for pharmaceutical purposes; alkaline iodides for pharmaceutical purposes; iodoform; calomel [fungicide]; tartar for pharmaceutical purposes; camphor for medical purposes; capsules for medicines; cachets for pharmaceutical purposes; capsules made of dendrimer-based polymers, for pharmaceuticals; hemostatic pencils; wart pencils; caustic pencils; carbolineum [parasiticide]; caustics for pharmaceutical purposes; cachou for pharmaceutical purposes; quassia for medical purposes; quebracho for medical purposes; oxygen for medical purposes; gallic acid for pharmaceutical purposes; acids for pharmaceutical purposes; adhesives for dentures; surgical glues; stem cells for veterinary purposes; stem cells for medical purposes; cocaine; collagen for medical purposes; collodion for pharmaceutical purposes; corn rings for the feet; medicated sweets; barks for pharmaceutical purposes; cedar wood for use as an insect repellent; croton bark; mangrove bark for pharmaceutical purposes; myrobalan bark for pharmaceutical purposes; quinquina for medical purposes; medicated animal feed; medicinal roots; rhubarb roots for pharmaceutical purposes; lint for medical purposes; starch for dietetic or pharmaceutical purposes; creosote for pharmaceutical purposes; blood for medical purposes; cultures of microorganisms for medical or veterinary use; curare; dental lacquer; liquorice for pharmaceutical purposes; lactose for pharmaceutical purposes; adhesive plasters; medicines for alleviating constipation; lecithin for medical purposes; lotions for veterinary purposes; medicated hair lotions; lotions for pharmaceutical purposes; medicated after-shave lotions; personal sexual lubricants; lupulin for pharmaceutical purposes; magnesia for pharmaceutical purposes; liniments; ointments for pharmaceutical purposes; sunburn ointments; mercurial ointments; frostbite salve for pharmaceutical purposes; gauze for dressings; medicinal oils; mustard oil for medical purposes; camphor oil for medical purposes; castor oil for medical purposes; oil of turpentine for pharmaceutical purposes; dill oil for medical purposes; dental mastics; dental abrasives; dental impression materials; teeth filling material; dressings, medical; surgical dressings; drugs for medical purposes; medicines for veterinary purposes; serotherapeutic medicines; medicines for human purposes; medicines for dental purposes; menthol; medicinal drinks; moleskin for medical purposes; almond milk for pharmaceutical purposes; powdered milk for babies; royal jelly for pharmaceutical purposes; milk ferments for pharmaceutical purposes; Irish moss for medical purposes; flour for pharmaceutical purposes; linseed meal for pharmaceutical purposes; fish meal for pharmaceutical purposes; fly glue; antibacterial soap; disinfectant soap; medicated soap; freeze-dried meat

adapted for medical purposes; mint for pharmaceutical purposes; dietetic beverages adapted for medical purposes; malted milk beverages for medical purposes; injectable dermal fillers; narcotics; medicinal infusions; tincture of iodine; eucalyptol for pharmaceutical purposes; tinctures for medical purposes; opium; opodeldoc; decoctions for pharmaceutical purposes; antiparasitic collars for animals; stick liquorice for pharmaceutical purposes; sulfur sticks [disinfectants]; pastilles for pharmaceutical purposes; medicated dentifrices; pectin for pharmaceutical purposes; pepsins for pharmaceutical purposes; peptones for pharmaceutical purposes; hydrogen peroxide for medical purposes; pesticides; food for babies; leeches for medical purposes; blood plasma; nicotine patches for use as aids to stop smoking; eyepatches for medical purposes; poultices; compresses; scapulars for surgical purposes; babies' diapers; diapers for pets; diapers for incontinence; bunion pads; breast-nursing pads; pomades for medical purposes; powder of cantharides; pyrethrum powder; anti-uric preparations; bacterial preparations for medical and veterinary use; bacteriological preparations for medical and veterinary use; balsamic preparations for medical purposes; albuminous preparations for medical purposes; biological preparations for veterinary purposes; biological preparations for medical purposes; veterinary preparations; bismuth preparations for pharmaceutical purposes; vitamin preparations; diagnostic preparations for medical purposes; bath preparations for medical purposes; therapeutic preparations for the bath; hemorrhoid preparations; preparations for callouses; lice treatment preparations [pediculicides]; acne treatment preparations; preparations to facilitate teething; preparations for the treatment of burns; fumigation preparations for medical purposes; opotherapy preparations; air purifying preparations; bronchodilating preparations; preparations for reducing sexual activity; sterilising preparations; soil-sterilising preparations; corn remedies; pharmaceutical preparations for treating dandruff; preparations for destroying noxious animals; herbicides; preparations for destroying dry rot fungus; larvae exterminating preparations; fly destroying preparations; preparations for destroying mice; slug exterminating preparations; vermin destroying preparations; pharmaceutical preparations for skin care; contact lens cleaning preparations; preparations of microorganisms for medical or veterinary use; lime-based pharmaceutical preparations; medicated eye-washes; medicinal hair growth preparations; nutraceutical preparations for therapeutic or medical purposes; opiates; anticryptogamic preparations; aloe vera preparations for pharmaceutical purposes; preparations of trace elements for human and animal use; sulfonamides [medicines]; pharmaceutical preparations; pharmaceutical preparations for treating sunburn; enzyme preparations for veterinary purposes; enzyme preparations for medical purposes; phytotherapy preparations for medical purposes; chemico-pharmaceutical preparations; chemical preparations for veterinary purposes; chemical preparations for the diagnosis of pregnancy; chemical preparations for medical purposes; chemical preparations for treating diseases affecting cereal plants; chemical preparations for treating wheat blight; chemical preparations for treating diseases affecting vine plants; chemical preparations for treating mildew; chemical preparations for treating phylloxera; chemical preparations for pharmaceutical purposes; chilblain preparations; mothproofing preparations; collyrium; lead water; chemical conductors for electrocardiograph electrodes; albuminous foodstuffs for medical purposes; dietetic foods adapted for medical purposes; by-products of the processing of cereals for

dietetic or medical purposes; homogenized food adapted for medical purposes; freeze-dried food adapted for medical purposes; pharmaceuticals; sanitary towels; panty liners [sanitary]; propolis for pharmaceutical purposes; pearl powder for medical purposes; radium for medical purposes; hydrated chloral for pharmaceutical purposes; solvents for removing adhesive plasters; vaginal washes for medical purposes; solutions for contact lenses; chemical reagents for medical or veterinary purposes; gum for medical purposes; rubber for dental purposes; chewing gum for medical purposes; nicotine gum for use as an aid to stop smoking; insect repellents; insect repellent incense; repellents for dogs; tissues impregnated with pharmaceutical lotions; sarsaparilla for medical purposes; sugar for medical purposes; asthmatic tea; fumigating sticks; massage candles for therapeutic purposes; linseed for pharmaceutical purposes; tobacco-free cigarettes for medical purposes; siccatives [drying agents] for medical purposes; syrups for pharmaceutical purposes; turpentine for pharmaceutical purposes; greases for veterinary purposes; greases for medical purposes; lacteal flour for babies; infant formula; soporifics; bicarbonate of soda for pharmaceutical purposes; bath salts for medical purposes; salts for mineral water baths; salts for medical purposes; potassium salts for medical purposes; sodium salts for medical purposes; smelling salts; mineral water salts; malt for pharmaceutical purposes; semen for artificial insemination; alcohol for pharmaceutical purposes; medicinal alcohol; alloys of precious metals for dental purposes; ergot for pharmaceutical purposes; cooling sprays for medical purposes; antibacterial handwashes; adjuvants for medical purposes; astringents for medical purposes; vermifuges; disinfectants for hygiene purposes; disinfectants for chemical toilets; appetite suppressants for medical purposes; medical preparations for slimming purposes; parasiticides; mouthwashes for medical purposes; febrifuges; depuratives; animal washes [insecticides]; detergents for medical purposes; cattle washes [insecticides]; dog washes [insecticides]; insecticidal veterinary washes; vesicants; purgatives; remedies for perspiration; remedies for foot perspiration; chemical contraceptives; antiparasitic preparations; sedatives; laxatives; tonics [medicines]; medicated toiletry preparations; digestives for pharmaceutical purposes; nervines; media for bacteriological cultures; steroids; strychnine; serums; tanning pills; appetite suppressant pills; slimming pills; jujube, medicated; antioxidant pills; sanitary tampons; vulnerary sponges; thymol for pharmaceutical purposes; biological tissue cultures for veterinary purposes; biological tissue cultures for medical purposes; smoking herbs for medical purposes; medicinal herbs; surgical implants comprised of living tissues; pants, absorbent, for incontinence; sanitary panties; babies' diaper-pants; charcoal for pharmaceutical purposes; fennel for medical purposes; porcelain for dental prostheses; phenol for pharmaceutical purposes; enzymes for veterinary purposes; enzymes for medical purposes; ferments for pharmaceutical purposes; formic aldehyde for pharmaceutical purposes; phosphates for pharmaceutical purposes; fungicides; quinine for medical purposes; chinoline for medical purposes; diabetic bread adapted for medical use; chloroform; flowers of sulfur for pharmaceutical purposes; cement for animal hooves; bone cement for surgical and orthopaedic purposes; dental cements; medicinal tea; herbal teas for medicinal purposes; insecticidal animal shampoos; medicated shampoos; medicated shampoos for pets; pediculicidal shampoos; medicated dry shampoos; pre-filled syringes for medical purposes; eucalyptus for pharmaceutical purposes; herbal extracts

for medical purposes; plant extracts for pharmaceutical purposes; tobacco extracts [insecticides]; extracts of hops for pharmaceutical purposes; elixirs [pharmaceutical preparations]; ethers for pharmaceutical purposes; esters for pharmaceutical purposes; cellulose esters for pharmaceutical purposes; rat poison; poisons; bacterial poisons; jalap; cotton sticks for medical purposes.

VI. The application does not conform to the requirements of the Israeli trademarks law under article/s: **1 & 10 (a)** (see text under XV).

VII. Grounds for refusal:

In class **5** - the identification of goods "lotions for pharmaceutical purposes; ointments for pharmaceutical purposes; drugs for medical purposes; medicines for human purposes; pastilles for pharmaceutical purposes; bacteriological preparations for medical and veterinary use; biological preparations for medical purposes; pharmaceutical preparations; chemico-pharmaceutical preparations; chemical preparations for medical purposes; chemical preparations for pharmaceutical purposes; pharmaceuticals; syrups for pharmaceutical purposes; pre-filled syringes for medical purposes; elixirs [pharmaceutical preparations]" is indefinite and must be clarified. The applicant must indicate the diseases or treatments for which the pharmaceuticals are used.

According to article **1 & 10 (a)** of the trademark ordinance

VIII. If the applicant does not respond within the time limit (3 months of the issue date) :

- ☐ The international registration shall be considered abandoned in Israel.
- ☒ The goods protected in class 5- won't include the items indicated in this office action.
- ☐ Class/es \_\_\_\_\_ - will be omitted from the application.
- ☐ The mark shall be accepted according to the stipulations stated above.

IX. Information relating to an earlier registered mark/s :

X. Information relating to the identical or similar trade mark application/s :

XI. Time limit for requesting review or appeal begins: 30/08/2020.  
Time limit for requesting review or appeal end: 30/11/2020.

XII. Authority to which such request for review or appeal should be made:

Israeli Patent Office, Trademarks Department  
1 Agudat Sport Hapoel St., Technological Garden, Building No. 5,  
Jerusalem, 9695101, Israel  
Phone: 972-73-3927290, Fax: 972-2-6467026  
E-mail: trademarks@justice.gov.il

XIII. Indications concerning the appointment of a representative:

In order to file a request for review or appeal, you will need to appoint a representative domiciled in Israel.

XIV. Signature:



Orit Meiri, Trademarks examiner

## XV. Corresponding essential provisions of the applicable law:

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| <b>Definition</b>                        | 1.  | In this Ordinance -“Trademark” – means a mark used, or intended to be used, by a person in relation to goods he manufactures or deals in;   |
| <b>Marks eligible for registration</b>   | 8.  | <p>(a) No mark is eligible for registration as a trademark unless it is adapted to distinguish the goods of the proprietor of the mark from those of other persons (a mark so adapted being hereinafter referred to as a “distinctive mark”).</p> <p>(b) In determining whether a trademark is distinctive, the Registrar or the Court may, in the case of a trademark in actual use, take into consideration the extent to which such use has rendered such trademark in fact distinctive for goods in respect of which it is registered or intended to be registered.</p>   |
| <b>Limitation to certain colors</b>      | 9.  | A trademark may be limited in whole or in part to one or more specified colors, and in such a case the fact that it is so limited shall be taken into consideration by the Registrar or Court having to decide as to the distinctive character of such trademark. If and so far as a trademark is registered without limitation of color, it shall be deemed to be registered for all colors.   |
| <b>The scope of registration</b>         | 10. | <p>(a) A trademark must be registered in respect of particular goods or classes of goods.</p> <p>(b) Any question as to the class within which any goods fall shall be determined by the Registrar, whose decision shall be final.</p>  |
| <b>Marks ineligible for registration</b> | 11. | <p>The following marks are not eligible for registration:</p> <p>(1) A mark referring to some connection with the President of the State or his household or to presidential patronage or a mark from which any such connection or patronage might be inferred;</p> <p>(2) Flags and emblems of the State or its institutions, flags and emblems of foreign states or international organizations, and any mark resembling any of these;</p> <p>(3) Public armorial bearings, official signs or seals used by any State to indicate control or warranty, and any sign resembling any of these and any sign from which it might be inferred that its proprietor enjoys the patronage of or supplies goods or renders services to a head of State or a Government, unless it is proved to the Registrar that the proprietor of the mark is entitled to use it;</p> <p>(4) Marks in which the following words appear – “patent”, “patented”, “by royal letters patent”, “registered”, “registered design”, “copyright”, “to counterfeit this is forgery” or words to like effect;</p> <p>(5) Marks which are or may be injurious to public policy or morality;</p> <p>(6) Marks likely to deceive the public, marks which contain false indications of origin and marks which encourage unfair trade competition;</p> <p>(6A) A mark containing a geographical marking in relation to goods that do not originate in the geographical area indicated, or a geographical marking that could be misleading in relation to the genuine geographical area of the origin of the goods;</p> <p>(6B) A mark containing a geographical marking that is verbally correct but contains a false representation to the effect that the goods originate in another geographical area;</p> |

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|   |     | (7) Marks identical with or similar to emblems of exclusively religious significance;  |
|   |     | (8) A mark on which the representation of a person appears, unless the consent of such person has been obtained; in the case of the representation of a deceased person, the Registrar shall request the consent of his survivors unless, in his opinion, reasonable grounds exist for not doing so;   |
|   |     | (9) A mark identical with one belonging to a different proprietor, which is already on the register in respect of the same goods or description of goods, or so nearly resembling such a mark as to be calculated to deceive;  |
|   |     | (10) A mark consisting of numerals, letters or words which are in common use in trade, to distinguish or describe goods or classes of goods or which bear direct reference to their character and quality, unless the marks have a distinctive character within the meaning of Section 8(b) or 9;  |
|   |     | (11) A mark whose ordinary signification is geographical or a surname, unless represented in a special manner or unless having a distinctive character within the meaning of Section 8(b) or 9;  |
|   |     | (12) A mark that identifies wine or an alcoholic drink containing a geographical signification, if the origin of the wine or alcoholic drink is not in that same geographical area;  |
|   |     | (13) A mark that is identical to or resembles so as to deceive, a well known mark even if it is not a registered trademark, in relation to goods in respect of which the mark is well known or in respect of goods of the same description;  |
|   |     | (14) A mark that is identical to or resembles a well known trademark that is a registered trademark, and this even if it is in respect of goods that are not of the same description, if the mark whose registration is being requested could indicate a connection between the goods in respect of which the mark is required and the proprietor of the registered mark, and the proprietor of the mark is liable to be adversely affected as a result of the use of the requested mark.  |
| <b>Mark identical with name of other person</b> | 12. | The Registrar may refuse an application for registration of a trademark identical or resembling the name or business name of another person, or containing a name identical or resembling as aforesaid, if the mark is likely to deceive the public or to cause unfair competition.  |
| <b>Name or description of goods</b>             | 13. | Where a mark also contains a name or description of any goods, the Registrar may refuse to register it in respect of other goods; but he may so register it if in actual use the mark varies according to the goods for which it is used, and the applicant adds a note to such effect on his application.   |
| <b>Registration of certification mark</b>       | 14. | (a) The Registrar may register a certification mark if he is satisfied that the proprietor of the mark is competent to certify the characteristics to be designated by the mark.<br><br>(b) A certification mark is capable of registration even if it lacks distinctiveness as required by Section 8(a).<br><br>(c) A certification mark may only be transferred with the permission of the Registrar.  |
| <b>Registration of collective mark</b>          | 15. | (a) The Registrar may register a collective mark if he is satisfied that it is intended for use by the members of the body of persons concerned and that such body has control over the use of the mark by its members.<br><br>(b) For all purposes of this Ordinance, the use of a collective mark by a member of the body shall be deemed to be the use thereof by such body, whether or not the body itself uses or intends to use it.<br><br>(c) A collective mark may only be transferred with the permission of the Registrar. |
| <b>Registration of marks</b>                    | 16. | (a) Notwithstanding the provisions of Section 8-11, the Registrar shall not refuse to register a trademark that is registered as a trademark in its country of origin unless any of the following apply  |



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| <b>registered<br/>abroad</b>           | —    | <p>Registration of the mark in Israel will infringe rights acquired in Israel by another person;</p> <p>The mark lacks any dimension that gives it a distinctive characteristic; a trade mark will not be disqualified for registration if it is distinct from the trademark registered in its country of origin in respect of details that do not alter its distinctive characteristic and do not adversely affect the identification of the registered mark in its country of origin.</p> <p>The mark consists exclusively of signs or indications which may serve in trade to designate the kind, quality, quantity place of origin, intended purpose, time of production or value of the goods;</p> <p>The mark is customary in current language or bona fide and established trade practices in Israel;</p> <p>The mark is contrary to public policy or to normality;</p> <p>The mark is likely to deceive the public.</p> <p>(b) "Country of origin", in relation to a trademark whose registration is requested under this Section – means a Member State in which the Applicant has an effective or serious industrial or commercial establishment, and if he has no such establishment within the territory of such State – a Member State in which he is domiciled, and if he does not have a domicile within the territory of such State – the Member State of which he is a national.</p> <p>(c) Where the Registrar accepts for registration a mark which would not have been registered but for the provisions of subsection (a), such fact shall be indicated in the publication of the application and in the Register.</p> |
| <b>Application</b>                     | 17.  | Any person claiming to be the proprietor of a trademark being used by or intended to be used by him and who wishes to register it, shall submit an application to that effect to the Registrar in the prescribed manner   |
| <b>Division of the<br/>application</b> | 17A. | <p>(a) A person who has submitted an application as stated in Section 17(a) in respect of several classes of goods, may, as long as no trade mark in the subject matter of the application has been registered under Section 26, apply to the Registrar for a division of the</p> <p>application into separate applications, according to classes of the goods, in the prescribed manner (referred to in this section as – an application for division); the Registrar having decided on such a division, that date of each of the applications that have been so separated shall be the date on which the original application was submitted.</p> <p>(b) Where an application for division has been submitted, after publication of receipt of the original application under Section 23, any objection submitted under Section 24 to registration of the trademark that is the subject of the original application shall be deemed to have been submitted in respect of each of the separated applications in so far as the objection relates to it.</p>  |
| <b>Powers of<br/>Registrar</b>         | 18.  | <p>(a) Subject to the provisions of this ordinance the Registrar may refuse an application or accept it as it is or subject to conditions, amendments or modifications, or subject to such limitations as he deems it proper to impose as to mode or place of use or otherwise.</p> <p>(b) In relation to an application for registration of a trademark in respect of a number of classes of goods, the Registrar may require its division into several applications, and the date of submission of each of the applications so separated shall be the date of submission of the application that was divided.</p>   |
|  | 19.  | Where the Registrar has refused an application his decision shall be subject to an appeal to the District Court, and the Registrar shall be the Respondent in such an appeal.   |
| <b>Requirement<br/>disclaimer</b>      | 21.  | (a) If a trademark contains matter common to the trade or otherwise of a non-distinctive character and it appears to the Registrar that the proprietor of the mark is not entitled to the exclusive use of  |

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|  |        | <p>such matter or part thereof, he may, in deciding whether such trademark shall be entered or shall remain on the Register, as a condition thereof require that the proprietor disclaim any right to the exclusive use of such matter or make other such disclaimer as he may deem necessary in order to define his rights under the registration.</p> <p>(b) A disclaimer under this Section shall not affect any rights of the proprietor of the trademark except such as arise out of the registration of the mark.</p>  |
| <b>Objection</b>   | 24.    | <p>(a) Any person may within three months, from the date of the advertisement file with the Registrar a notice of objection to registration of the trademark.</p> <p>(a1) The following are the grounds for objection to registration of a trademark:</p> <p>(1) There is due cause and by virtue thereof the Registrar is empowered under the provisions of this ordinance to refuse the application for registration;</p> <p>(2) The objector claims to be the proprietor of the mark.</p> <p>(b) The aforesaid notice shall be given in the prescribed manner and shall set out therein details of the grounds of the objection.</p> <p>(c) The Registrar shall send a copy of the notice to the applicant.</p> <p>(d) The applicant shall send to the Registrar, in the prescribed manner and within the prescribed time, a counterstatement to the objection, setting forth the grounds on which he relies for his application.</p> <p>(e) If the applicant does not send a counterstatement as aforesaid he shall be deemed to have abandoned his application.</p> <p>(f) If the applicant sends a counterstatement, the Registrar shall furnish a copy thereof to the person who has notice of objection and shall, after hearing the parties, if so required, consider the evidence and shall decide whether to allow the registration and if so on what conditions.</p> |
| <b>Rival claims to identical marks</b>                           | 29.    | <p>(a) Where separate applications are made by different persons to be registered as proprietors of identical trademarks or those that are similar so as to deceive, in respect of the same goods or description of goods, and the special application was submitted as the previous application was accepted, the Registrar may refrain from accepting any of the applications until their rights are determined by agreement between them approved by the Registrar, and in the absence of such agreement or approval the Registrar shall decide, for reasons that shall be recorded as to which application shall continue to be processed in accordance with this ordinance.</p> <p>(b) An appeal shall lie against the Registrar's decision under subsection (a), to a District Court within 30 days from the date of the Registrar's decision.</p> <p>(c) The appellant shall deliver to the Registrar notice of filing of an appeal under subsection (b) within 30 days of the date of its filing.</p> <p>(d) In an appeal under subsection (b) the Court shall if so required, hear the Registrar.</p>   |
| <b>Restrictions on the registration of variety denominations</b> | 31.(a) | <p>A denomination of a variety shall not be registered in the Register of Rights if - in respect of agricultural crops of the same species - an identical denomination or an identical or similar description under the Trade Marks Ordinance (New Version) 5732-1972 is still registered, and no denomination shall be registered under the said Ordinance in respect of aforesaid crops, if - at any time - an identical or similar denomination of a variety was registered in the Register of Rights.</p>  |
| <b>Un-renewed trademark</b>                                      | 34.    | <p>Where a trademark has been removed from the register for nonpayment of the fee for renewal, such trademark shall, never the less, for the purpose any application for registration for a period of one</p>  |

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| <p><b>Notice of refusal or of filing of objection</b></p>                                     | <p>56F</p>     | <p>year after such removal be deemed to be a registered trademark.</p> <p>(a) Within 18 months of the date on which an Israel-designated application was sent to the Registrar, he shall send notice of each of the following to the International Bureau, pursuant to the provisions of this chapter:</p> <p>(1) A decision that the trademark is not eligible for registration or 30 that an application can only be accepted on conditions, with amendments , modifications or limitations, under the provisions of Section 18;</p> <p>(2) Filing of objections to registration of the trademark, or the existence of a possibility of submitting objections as aforesaid even after the said period of 18 months.</p>  |
| <p><b>Standards law 1953 prohibitions</b></p>   | <p>13. (a)</p> | <p>Persons must not -</p> <p>(1)use the terms Standard, Standard and norm, or words close to them, in any of their declarations (hereafter: protected terms) to describe a specification or technical rules for which no Standard or Official Standard was proclaimed ;</p> <p>(2)use any of the protected terms as a name for their business or for the activities of their business, without a permit from the Minister of Industry and Trade; this provision shall not apply to a person who made aforesaid use before this Law came into effect .</p> <p>(3)describe any commodity - in writing, orally or in any other way whatsoever - in a manner liable to create the impression that a permit to mark it with a Standard mark or with a supervision mark was issued, unless he learned that such a permit actually was issued ;</p> <p>(4)mark a commodity in a manner liable to create the impression that it conforms to a Standard or to an Official Standard, otherwise than by marking it lawfully with a Standard mark ;</p> <p>(5) describe or mark any commodity in a manner liable to create the impression that the Institution supervises its production, if the Institution does not supervise its production</p> |
| <p><b>Restriction on the registration of merchandise marks</b></p>                            | <p>14</p>      | <p>Notwithstanding the provisions of the Merchandise Marks Ordinance 1938, after a Standard mark or a supervision mark has been determined, no merchandise mark shall be registered that is similar to that Standard mark or supervision mark, or is liable to create the impression that its owner was given a permit to use that Standard mark or supervision mark; after this Law comes into effect, a merchandise mark that includes one of the protected terms shall be registered only by permit from the Minister of Industry and Trade.</p>  |
| <p><b>Appellations of origin and geographical indications (protection) law, 5725-1965</b></p> |                | <p>The improper use of a registered appellation of origin is an infringement of the right to an appellation of origin even if the true origin of the goods is indicated beside the appellation of origin and even if the appellation appears in translation or accompanied by expressions such as "kind", "type", "class", "imitation" or the like.</p>  |