

MADRID PROTOCOL

Model Form 3B: Partial 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 Tel/Fax: (+99412) 4498489
II.	Number of the international registration: 1491293
III.	Name of the holder: Individual entrepreneur Tiutkova Alina Andreevna ulitsa imeni Marshala Chuykova, d. 39, kv. 84, RU-400005 Volgograd, (RU)
IV.	Information concerning the type of provisional refusal: <i>Please indicate the type of refusal by checking only one of the following options:</i> ☒ Partial provisional refusal based on an <i>ex officio</i> examination ☐ Partial provisional refusal based on an opposition ☐ Partial provisional refusal based on both an <i>ex officio</i> examination and an opposition <i>Where the refusal is based on an opposition, please indicate the name and address of the opponent:</i> (i) Name of the opponent: (ii) Address of the opponent:
V.	Information concerning the scope of the provisional refusal: <i>Please indicate the scope of the refusal, by choosing one of the two listed options below and, where applicable, list the relevant goods and/or services:</i> ☒ Partial provisional refusal affects only the following goods and/or services: ☐ Partial provisional refusal does NOT affect the following goods and/or services: List of goods and/or services: Class 30 As indicated in IR.
VI.	Grounds for refusal [(where applicable, see item VII)]: Similarity of the trademark

VII. Information relating to an earlier mark:

- (i) Filing date and number, and, if any, priority date:
- (ii) Registration date and number (if available): 26.08.2010 № 1059308
- (iii) Name and address of the owner:

Obshchestvo s ogranichennoy otvetstvennostyu KTS "Merletto"
Novaya ulitsa, 16, S. Kosyrevka,
Lipetskiy rayon
RU-398516 Lipetskaya oblast (RU)

- (iv) Reproduction of the mark:

**ANGEL
SWEETS**

- (v) List of the relevant goods and/or services (this list may be in the language of the earlier application or registration):

Class 30

Aromatic preparations for food; flavorings for beverages, other than essential oils; flavorings for cakes, other than essential oils; flavorings, other than essential oils; flavorings, other than essential oils, for beverages; flavorings, other than essential oils, for cakes; flavourings, other than essential oils; flavourings, other than essential oils, for beverages; flavourings, other than essential oils, for cakes; star aniseed; cookies; pancakes; buns; bread rolls; bread rolls; vanillin (vanilla substitute); vanilla (flavoring) (flavouring); waffles; vermicelli (noodles); coffee flavorings (flavourings); natural sweeteners; sausage binding materials; binding agents for ice cream (edible ices); binding agents for ice cream; binding agents for edible ices; sea water for cooking; sea water for cooking; glucose for food; mustard; baking powder; thickening agents for cooking foodstuffs; rice-based snack food; rice-based snack food; cereal-based snack food; cereal-based snack food; artificial coffee; artificial coffee; vegetal preparations for use as coffee substitutes; vegetal preparations for use as coffee substitutes; pastries; confectionery for decorating Christmas trees; confectionery for decorating Christmas trees; fruit jellies (confectionery); fruit jellies (confectionery); cakes; peanut confectionery; almond confectionery; farinaceous food pastes; macaroni; pasta; farinaceous food pastes; pasty; pate (pastries); frozen yoghurt (confectionery ices); frozen yogurt (confectionery ices); frozen yoghurt (confectionery ices); frozen yogurt (confectionery ices); cocoa; cocoa products; capers; caramels (candy); gruel, with a milk base, for food; quiches; gluten for food; sweetmeats (candy); liquorice (confectionery); stick liquorice (confectionery); peppermint sweets; peppermint sweets; coffee; unroasted coffee; starch for food; crackers; hominy grits; crushed barley; husked barley; groats for human food; husked barley; sago; semolina; corn, milled; maize, milled; corn, roasted; maize, roasted; meat pies; meat pies; turmeric for food; couscous (semolina); farinaceous foods; farinaceous foods; noodles; ribbon vermicelli; ribbon vermicelli; ice for refreshment; ice, natural or artificial; edible ices; candy for food; rice cakes; rice cakes; maltose; hominy; marzipan; custard; honey; royal jelly for human consumption, not for medical purposes; royal jelly for human consumption, not for medical purposes; ice cream; ice cream; sherbets (ices); sorbets (ices); barley meal; bean meal; corn flour; corn meal; flour for food; maize flour; maize meal; meal; mustard meal; oatmeal; potato flour

for food; soya flour; tapioca flour for food; wheat flour; muesli; mint for confectionery; cocoa beverages with milk; coffee beverages with milk; coffee-based beverages; coffee-based beverages; tea-based beverages; tea-based beverages; chocolate beverages with milk; chocolate-based beverages; chocolate-based beverages; cocoa-based beverages; cocoa-based beverages; infusions, not medicinal; crushed oats; husked oats; husked oats; nutmegs; lozenges (confectionery); pastilles (confectionery); golden syrup; molasses for food; pepper; petits fours (cakes); biscuits; macaroons (pastry); malt biscuits; petit-beurre biscuits; pies; pizzas; fondants (confectionery); pop corn; popcorn; powder for edible ices; powders for ice cream; pralines; chow-chow (condiment); chutneys (condiments); condiments; dressings for salad; meat gravies; ketchup (sauce); mayonnaise; meat gravies; relish (condiment); dressings for salad; tomato sauce; sauces (condiments); soya sauce; tomato sauce; weeds (condiment); meat tenderizers, for household purposes; cereal preparations; flour-milling products; oat-based food; bee glue (propolis) for human consumption; propolis (bee glue) for human consumption; ginger bread; gingerbread; allspice; cinnamon (spice); cloves (spice); curry (spice); ginger (spice); spices; puddings; cake powder; cake powder; ravioli; chewing gum, not for medical purposes; chewing gum, not for medical purposes; rice; spring rolls; sugar; aniseed; cake paste; cake paste; pastry; confectionery; sugar confectionery; baking soda (bicarbonate of soda for cooking purposes); bicarbonate of soda for cooking purposes (baking soda); malt for human consumption; salt for preserving foodstuffs; salt for preserving foodstuffs; cooking salt; cooking salt; celery salt; spaghetti; peppers (seasonings); saffron (seasoning); seasonings; preparations for stiffening whipped cream; preparations for stiffening whipped cream; rusks; breadcrumbs; sushi; sandwiches; yeast in pill form, not for medical use; tabbouleh; tacos; tapioca; soya bean paste (condiment); soya bean paste (condiment); almond paste; almond paste; tortillas; tarts; garden herbs, preserved (seasonings); edible decorations for cakes; edible decorations for cakes; beer vinegar; vinegar; ferments for pastes; leaven; yeast; halvah; bread; unleavened bread; chips (cereal products); corn flakes; corn flakes; maize flakes; oat flakes; maize flakes; oat flakes; chicory (coffee substitute); tea; iced tea; iced tea; chocolate; malt extract for food; essences for foodstuffs, except etheric essences and essential oils; essences for foodstuffs, except etheric essences and essential oils.

VIII. Corresponding essential provisions of the applicable law:

Paris Convention for the Protection of Industrial Property. Article 6quinquies. B.

(i) Trademarks covered by this Article may be neither denied registration nor invalidated except in the following cases:

when they are of such a nature as to infringe rights acquired by third parties in the country where protection is claimed.

Law "On Trademarks and Geographical Indications" of the Republic of Azerbaijan

Article 6. Other grounds for the refusal of trademark registration

It is not permitted to register the below-mentioned:

b) trademarks, earlier protected in the Republic of Azerbaijan in accordance with international agreements in which the Republic of Azerbaijan takes part in.

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**

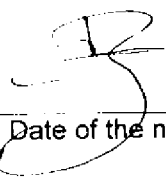
- (iii) Whether the request for review or appeal has to be filed in a specific language and/or through the intermediary of a representative whose address is within the territory of the Contracting Party:

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: 28.09.2018

Leading specialist-examiner:



S.Mirzamatov