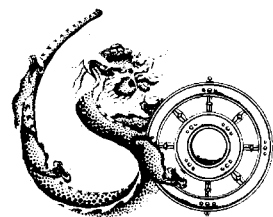




དཔལ་ལྷན་འབྲུག་གཞུང་། བསྐྱར་རྒྱུ་ལྷན་ཁག་།  
སློ་རིག་རྒྱ་དངོས་ལས་ཁུངས་།

DEPARTMENT OF INTELLECTUAL PROPERTY  
MINISTRY OF ECONOMIC AFFAIRS  
ROYAL GOVERNMENT OF BHUTAN  
THIMPHU



MADRID AGREEMENT AND PROTOCOL  
PROVISIONAL REFUSAL OF PROTECTION  
Rule 17(1)

BT/M/0001/1515221

October 21, 2020

**1. Office making the notification:**

Department of Intellectual Property  
Ministry of Economic Affairs (MoEA)  
Thimphu, Bhutan  
Tel: 009752335233, Fax: 009752321145

**2. Number and date of international registration:**

BT/M/0001/1515221, 05/08/2019

**3. Mark**



长白山人参

CBM GINSENG, CBM GINSENG

**4. Name of the holder (or other indication enabling the identity of the international registration to be confirmed):**

JILIN GINSENG ASSOCIATION (Room 2013, Building 2, Global Trade Center,  
Changchun City Jilin Province, China)

**5. Type of refusal:**

- ☒ Provisional refusal based on an ex officio examination  
☐ Provisional refusal based on an opposition

- ☐ Provisional refusal based on both an ex officio examination and an opposition

**6. Goods/services affected:**

- ☒ Provisional refusal for all the goods and/or services
- ☐ Provisional refusal for some of the goods and/or services: [followed by an indication of the goods and/or services which are affected or are not affected]

**7. Grounds for refusal:**

- ☒ Lack of distinctiveness
- ☐ Conflict with another person's earlier mark
- ☐ Other grounds

**8. Information relating to an earlier mark:** Attached as Annexure I  
N/A

**9. Corresponding essential provisions of the applicable law [(see text under 13)]:**

The applicant should disclaim the exclusive right to use the word "Ginseng".

If you are applying for a Collective mark, An application for registration of a collective Mark shall be accompanied by a copy of the Rules governing the use of the collective mark.

**10. Information relating to subsequent procedure:**

Where the holder receives this notification, the protection of the international registration is to be refused for goods/services mentioned in item 6; unless holder submits to the DoIP through the representative whose address is available at [www.ipbhutan.gov.bt](http://www.ipbhutan.gov.bt). Written opinion (amendment) within two months from the issuing date of this document should be submitted to the DoIP, MoEA, Thimphu, Bhutan.

The holder may request the extension of time to submit a written opinion (amendment) to DoIP. The extension will be granted only once and for a period of 1 month. This request should be made within the given time limit.

If a request for Limitation (MM6) is presented to the International Bureau so as to get over the ground for refusal mentioned above, we wish that it could be informed by [ipd@druknet.bt](mailto:ipd@druknet.bt) or [yelhaa@gmail.com](mailto:yelhaa@gmail.com)

**11. Date of the notification of provisional refusal:**  
October 21, 2020

**12. The refusal is issued by**

Yeshi Lhamo  
Trademark Examiner  
Trademark Registry  
IPD, MoEA, BHUTAN  
Tel: 009752335233, Fax: 009752321145

**13. Corresponding essential provisions of the applicable law:**

Extracts from the Industrial Property Act of Kingdom of Bhutan, 2001

30. (1) Subject to subsections (2) and (3), Sections 25 to 29 shall apply to collective marks, except that references therein to section 24(i) shall be read as reference to Section 24(ii).
- (2) (a) An application for registration of a collective mark shall designate the mark as a collective mark and shall be accompanied by a copy of the Rules governing the use of the collective mark.
- (b) The registered owner of a collective mark shall notify the Registrar of any changes made in respect of the Rules referred to in paragraph (a).
- (3) In addition to the grounds provided in Section 29(1), the Court or the Registrar shall invalidate the registration of a collective mark if the person requesting the invalidation proves that only the registered owner uses the mark, or that he uses or permits its use in contravention of the Rules referred to in subsection (2)(a) or that he uses or permits its use in a manner liable to deceive trade circles or the public as to the origin or any other common characteristics of the goods or services concerned

