

## MADRID PROTOCOL

### Model Form 3B: Partial Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)

I.	Office making the notification:  <b>Intellectual Property Agency of the Republic of Azerbaijan AZ 1078, Mardanov qardashlari -124, Baku, Azerbaijan Tel/Fax: (+99412) 4498489</b>
II.	Number of the international registration: 1491293
III.	Name of the holder: <b>Individual entrepreneur Tiutkova Alina Andreevna ulitsa imeni Marshala Chuykova, d. 39, kv. 84, RU-400005 Volgograd, (RU)</b>
IV.	<p>Information concerning the type of provisional refusal:</p> <p><i>Please indicate the type of refusal by checking only one of the following options:</i></p> <p><input checked="" type="checkbox"/> Partial provisional refusal based on an <i>ex officio</i> examination</p> <p><input type="checkbox"/> Partial provisional refusal based on an opposition</p> <p><input type="checkbox"/> Partial provisional refusal based on both an <i>ex officio</i> examination and an opposition</p> <p><i>Where the refusal is based on an opposition, please indicate the name and address of the opponent:</i></p> <p>(i) Name of the opponent:</p> <p>(ii) Address of the opponent:</p>
V.	<p>Information concerning the scope of the provisional refusal:</p> <p><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></p> <p><input checked="" type="checkbox"/> Partial provisional refusal affects only the following goods and/or services:</p> <p><input type="checkbox"/> Partial provisional refusal does NOT affect the following goods and/or services:</p> <p>List of goods and/or services: <b>Class 30 As indicated in IR.</b></p>
VI.	<p>Grounds for refusal [(where applicable, see item VII)]:</p> <p><b>Similarity of the trademark</b></p>

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; 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