



Model Form 3

MADRID PROTOCOL

PROVISIONAL REFUSAL OF PROTECTION

Rule 17(1)

This form is to be used in the following situation: the Office considers that protection cannot be granted in the Contracting Party concerned (ex officio provisional refusal) or protection cannot be granted in the Contracting Party concerned because an opposition has been filed, or both. In due course, once all the procedures before the Office have been completed, the Office shall send to the International Bureau a statement regarding the final disposition on the status of the mark, using Model Forms 5 or 6, as the case may be.

I.	Office sending the statement:	RWANDA DEVELOPMENT BOARD OFFICE OF THE REGISTRAR GENERAL (RW)
II.	Number of the international registration:	1500529
III.	Name of the holder (or other information enabling the identity of the international registration to be confirmed):	SCALE AVIATION MANAGEMENT DESIGNATED ACTIVITY COMPANY 25-28 North Wall Quay, IFSC Dublin 1 D01H104, Ireland
IV.	☒ Provisional refusal based on an ex officio examination ☐ Provisional refusal based on an opposition ¹ ☐ Provisional refusal based on both an ex officio examination and an opposition	
V.	☒ 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] ²	
VI.	Grounds for refusal [(where applicable, see item VII)]: its a descriptive mark The sought mark contains descriptive wording "STRATEGIC COMMERCIAL AIRCRAFT LIQUIDITY ENTERPRISE" in relation to the goods and services in which it is representing. Therefore it is devoided of distinctive character under article 135 of the IP Law.	

¹ The name and address of the opponent should also be provided.

² Where all the goods or services included in a given class are to be mentioned, the indication should read "all goods (or all services) in class X". In all cases, a clear indication should be given as to whether those goods and/or services are affected, or are NOT affected.

VII. Information relating to an earlier mark³ : 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 all or relevant goods and/or services:
VIII. Corresponding essential provisions of the applicable Act [(see text under XII)]:
IX. Information relating to subsequent procedure: i) Time limit for requesting review or appeal: 3 months from Date of Notification by WIPO ii) Authority to which such request for review or appeal should be made: RDB Office of the Registrar General Kigali Rwanda iii) Indications concerning the appointment of a representative: All Foreign applicants need to engage the services of an agent domiciled in Rwanda
X. Date of the notification of provisional refusal: 10th day of November, 2020
XI. Signature or official seal of the Office communicating the information:   KAYIBANDA Richard Registrar General

³ Where the grounds on which the provisional refusal is based relate to an earlier mark, as indicated under item VI. The indication required under this item may be given by annexing a printout from the register or database.

XII. Corresponding essential provisions of the applicable Act:

The LAW 31/2009 of 26/10/2009 on the protection of intellectual property stipulates that:

Article 135: A mark is distinctive if it allows, by nature, the products or services of one company for which it is used to be distinguished from those of other companies Article 138: A mark is descriptive if it contains, among its components, essential characteristics of the finished product or service under consideration

Article 139: Notwithstanding the provisions of Article 135 of this Law, the Minister, or where appropriate, the competent court shall have the authority to decide whether a mark has acquired secondary meaning or distinctiveness through continued use. In that event the mark shall be register.