



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:	1515221
III.	Name of the holder (or other information enabling the identity of the international registration to be confirmed):	JILIN GINSENG ASSOCIATION Room 1013, Building 2, Global Trade Center, Changchun City Jilin Province, Peoples Republic of China
IV.	<input checked="" type="checkbox"/> Provisional refusal based on an ex officio examination <input type="checkbox"/> Provisional refusal based on an opposition ¹ <input type="checkbox"/> Provisional refusal based on both an ex officio examination and an opposition	
V.	<input type="checkbox"/> X Provisional refusal for all the goods and/or services <input type="checkbox"/> 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)]: Others The sought mark is indicating to be a Collective mark, certification mark or guarantee mark, therefore, the applicant is requested to submit a copy of regulation determining the condition of the regulation of use of this certification or collective mark as per the article 157 or 162 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.

<p>VII. Information relating to an earlier mark³ :</p> <ul style="list-style-type: none"> 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:
<p>VIII. Corresponding essential provisions of the applicable Act [(see text under XII)]:</p>
<p>IX. Information relating to subsequent procedure:</p> <ul style="list-style-type: none"> 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
<p>X. Date of the notification of provisional refusal: 18th day of February, 2021</p>
<p>XI. Signature or official seal of the Office communicating the information:</p> <div style="text-align: right;">   KAYIBANDA Richard Registrar General </div>

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:

Intellectual Property Law no 31/2009 of 26/10/2009

Article 157 stipulates that “the application for registration of a collective mark shall indicate that the mark in question is collective and shall be accompanied by a copy of the regulations determining the conditions of use of this collective mark.

The owner of the registration of a collective mark shall notify the empowered authority of any amendment made to the requirements of paragraph (1) of this Article.”

Article 162 stipulates that ” the application for the registration of a certification mark must designate the sign as a certification mark and shall be accompanied by the rules governing its use. These provisions apply to all certification marks, including those that are owned by governmental agencies.

The owner of a certification mark may not use the sign to identify or certify his/her own products or services.

Any person who has proved to comply with the technical standards and other conditions of the rules mentioned in paragraph one of this article shall request and obtain the right to use the certification mark in the same conditions as those established by those rules.”