



Judiciary
Registration Organization of Deeds
And Properties of I.R. of Iran
Int. Reg. of Marks and G.I Office

Office Ref:139950940001248074

Int. Reg. of Marks and G.I Office

MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS
AND THE PROTOCOL RELATING TO THAT AGREEMENT

*Notified to the International Bureau of the World Intellectual Property Organization (WIPO)
 In accordance with Article 5 of the Madrid Agreement and Protocol and Rules 9(3), 9(5)C and 13
 Common Regulations under the Madrid Agreement and Protocol*

I- Office notifying the provisional refusal : I.R . of Iran

Tel: 009821-66755702 Fax: 009821-66755701

No. 5, State Registration Organization of Deeds and Properties, Fayaz Bakhsh Str., Khayam Str.,
 Emam Khomainsi Sqr., Tehran, I.R.of Iran

II- Number of the international registration which is the subject of the provisional refusal:
1574744

III-Name of the holder of the international registration which is the subject of the provisional refusal : Biosoft (Australia) Pty Ltd

IV- Grounds for provisional refusal:

The subject Trademark is not registrable in Iran because it is similar to a previously registered mark.
 The word mark " MDerma BY Dermapen" in Latin character has already been registered in Iran **in class 10** under InterNational Registration No. 1513095

V- Applicable provisions of the national law [(see text under X)]

Article 121 of Regulations for Execution of Patents ,Industrial Designs and Trademarks Registration Law (2009) & article 32 (e), (f) or (g) of Iranian Trademarks Registration Act (2008)

VI- ☐ Provisional refusal for the following goods / or services:

☒ Provisional refusal for all goods and / or services: class 10

VII- In cases where the International Application is rejected by the Iranian Trademark Office, the applicant may, under Articles 121 and 158 of the Executive Regulations Iranian Patents, Industrial Designs and Trademarks Registration Act , file an appeal with the Commission stipulated in Article 170 of the said Regulations against the rejection within 60 days from the date of the notification of Provisional Refusal. Under Article 172 of the said Regulations, an appeal may be filed against the said Commission's decision with the Public Court of Tehran within 60 days from the date of the notification of the said decision .

VIII- Date on which the provisional refusal was pronounced: **21/02/2021**

LX- Signature or official seal of the Office notifying the provisional refusal :

Examiner: Narges Esmaili (Mrs)

International Reg. of Marks and G.I. Office

Article 121 of Regulations for Execution of Patents, Industrial Designs and Trademarks Registration, Law (2009)

In cases where the application for trademark registration is rejected based on Article 30 (a) and (b) and Article 32 of the law, the Registrar is required to notify the Applicant the grounds of refusal in writing. As for the indicated cases, the mark may be considered identical to or similar with another mark and thus rejected that the said mark has been registered or applied for in the name of a different person or the similarity thereof in terms of appearance, pronunciation or writing or other characteristics with a mark previously registered or applied for as to such an extent that would mislead ordinary consumers.

Article 32 - A Mark is not registerable in the following cases:

- a) If it is not capable of distinguishing the goods or service of one enterprise from those belonging to another enterprise.
- b) If it is contrary to Rules of Sharia, public order or morality.
- c) If it is likely to mislead the public or trade centers, in particular as regards the geographical origin of the goods or services concerned or their nature or characteristics.
- d) If it is identical with, or is an imitation of or contains as an element, an armorial bearing, flag or other emblem, a name or abbreviation or initials of the name of, or official sign or hallmark adopted by, any State, intergovernmental organization created under an international convention, unless authorized by the competent authority of that State or organization.
- e) If it is identical with, or confusingly similar to, or constitutes a translation of, a mark or trade name which is well known in Iran for identical or similar goods or services of another enterprise.
- f) If an identical or similar mark has been registered or become well known for services that are not similar provided that customarily there is a connection between the use of the mark and the owner of the well known mark and that its registration is likely to damage interests of the owner of the well-known mark.
- g) If it is identical with a mark registered in the name of a different proprietor with an earlier filing date or a priority right in respect of the same goods or services or for goods and services that, due to connection or resemblance, is likely to deceive or cause confusion.

The requested information according the Rules 17(2)(v) , 18(1)(c) :

1-Name and Address of the owner: Dermapen IP Holdings, LLC
11 Baymont St. #1104 Clearwater FL 33767 United States

International Registration No.: 1513095

Date of International Registration: 06/02/2020

Reproduction of the Mark: The mark "MDerma BY Dermapen" in Latin characters.

GOODS AND SERVICES: All goods in class 10.