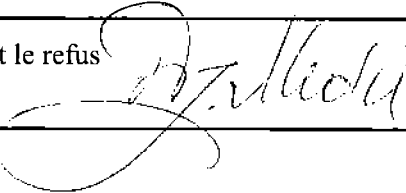


**ARRANGEMENT DE MADRID
CONCERNANT L'ENREGISTREMENT INTERNATIONAL DES MARQUES
ET PROTOCOLE RELATIF À CET ARRANGEMENT**

REFUS PROVISOIRE

Notifié au Bureau international de l'Organisation Mondiale de la Propriété Intellectuelle (OMPI)
selon l'article 5 de l'Arrangement de Madrid et du Protocole de Madrid

I.	Office qui notifie le refus OFFICE DES BREVETS DE LA REPUBLIQUE DE LETTONIE Citadeles iela 7/70 LV 1010, Riga LETONIE	Téléphone +371 67099605 Télécopie +371 67099650
II.	N° de l'enregistrement international faisant l'objet du refus : 1557838	
III.	Nom du titulaire de l'enregistrement international faisant l'objet du refus VINĀRIA BOSTAVAN S.R.L., întreprindere mixtă Etulia, Vulcănești, MD-5352 UTA Găgăuzia MD	
IV.	Motifs du refus Refus provisoire fondé sur un examen d'office: La marque figurative en forme de bouteille ne présente pas de caractère distinctif. Ce type de forme est habituel pour les bouteilles destinées aux boissons indiquées sur la liste des produits. La marque déposée ne donne pas la possibilité de distinguer les produits de ceux provenant d'une autre entreprise.	
V.	Dispositions de la Loi sur les marques (PZL) ou les autres règlements applicables en la matière: Article PZL 6.(1)2	
VI.	Refus pour la totalité des produits et services	
VII.	Possibilités de réclamations et de recours Le titulaire a le droit, dans un délai de trois mois à compter de la date à laquelle le Bureau international a notifié le refus provisoire, de soumettre un recours motivé auprès de l'Office des brevets par l'intermédiaire d'un mandataire professionnel local. A défaut d'aucune réponse, l'Office prendra la décision négative, qui n'est pas susceptible de réexamen.	
VIII.	Date à laquelle le refus a été prononcé	21.04.2021
IX.	Signature ou sceau officiel de l'Office qui émet le refus  Dzintra Medne	
X.	Dispositions pertinentes de la loi nationale Section 6. Absolute Grounds for Refusal and Invalidation of Trade Mark Registration (1) The following sign shall not be registered as a trade mark or, if registered, shall be liable to be declared invalid, if:	

- 1) it does not comply with the provisions of the Section 4, Paragraph one, Clause 2 of this Law;
 - 2) it is devoid of any distinctive character with respect to the goods or services applied for;
 - 3) it consists solely of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose (functional task), value, geographical origin, or the time of production of the goods or of providing the services, or other characteristics of the goods or services;
 - 4) it consists exclusively of signs or indications (general signs) which have become customary in the current language or in fair and established practices of the trade to designate the goods or services applied for;
 - 5) it consists exclusively of the shape or another characteristic:
 - a) which results from the nature of the goods themselves;
 - b) is necessary to obtain a technical result;
 - c) gives substantial value to the goods;
 - 6) it is contrary to public policy or to accepted principles of morality;
 - 7) it is of such a nature as to deceive the public, including, as to the nature, quality or geographical origin of the goods or service;
 - 8) it contains a sign, which would be refused or invalidated pursuant to Article 6-ter of the Paris Convention, including coats of arms and flags of the member countries of the Paris Union, their official hallmarks (assay marks), control and warranty marks, as well as the emblems, flags, and names of international organisations and the abbreviations thereof, without authorization;
 - 9) it contains symbols, which are of public interest, national decorations, Official Service insignia, as well as signs for official hallmarks (assay marks), control, quality, warranty, and safety of using goods which are used with respect to identical or similar goods or services in Latvia or the European Union, without authorization;
 - 10) it contains other sign of high symbolic value, including, religious symbol, if it has a meaning to the public in Latvia;
 - 11) it is excluded from registration pursuant to European Union legislation, to the national law of Latvia, or to international agreements to which the European Union or Latvia is a party, providing for the protection of designations of origin and geographical indications;
 - 12) it is excluded from registration pursuant to European Union legislation or to international agreements to which the European Union or Latvia is party, providing for the protection of traditional terms for wine;
 - 13) it is excluded from registration pursuant to European Union legislation or international agreements to which the European Union or Latvia is party, providing for the protection of traditional specialities guaranteed;
 - 14) it consists of, or reproduces in its essential elements, an earlier plant variety denomination registered in accordance with European Union legislation or the national law of Latvia, or international agreements to which the European Union or Latvia is party, providing protection for plant variety rights, and which are in respect of plant varieties of the same or closely related species.
- (2) A trade mark shall not be registered or, if registered, may be liable to be declared invalid if the applicant (proprietor of the trade mark) does not comply with the provisions of the Section 13, Paragraph one of this Law.
- (3) A trade mark shall not be registered or, if registered, may be liable to be declared invalid if the application for registration of the trade mark was made in bad faith by the applicant.
- (4) A trade mark registration may not be refused on the basis of the provisions of the Paragraph one, Clauses 2, 3 or 4 of this Section, following the use which has been made of it, it has acquired a distinctive character in the perception of the relevant consumers in Latvia to the goods and services for which registration has been applied prior to the date of application for registration of the trade mark.
- (5) A trade mark shall not be declared invalid on the basis of the provisions of the Paragraph one, Clauses 2, 3 or 4 of this Section, if it has acquired a distinctive character prior to the date of submitting the respective application to the Industrial Property Board of Appeal or a statement of claim to the court.

* Si l'espace disponible est insuffisant, veuillez utilisier une feuille supplémentaire.