



REPUBLIC OF ALBANIA
MINISTRY OF FINANCE AND ECONOMY
GENERAL DIRECTORATE OF INDUSTRIAL PROPERTY

Nr. 93.....Prot.

Tirana, on: 18/05/2021

Notification of Provisional Refusal of Protection

According to Rule 17(1) of the Common Regulations under the Madrid Agreement and Protocol:

I. Number of the international registration:

1 538 332

II. Name of the holder

RODA PACKAGING DOO / Ul. Bratstva jedinstva 91 26204 Opovo, RS

III. ☒ Provisional refusal based on an ex officio examination

IV. ☒ Provisional refusal for all the goods and/or services

V. Grounds for refusal

The objection is raised under item 1 (b), (g), of the Article 142 of the Industrial Property Law of the State of Albania.

A disclaimer is required for the following elements:

“Europe”; “100%”; “Paper” for all the goods and/ or services.

N.B. A disclaimer states that the owner will not claim exclusive rights to the specified element or elements that are not protectable in the mark apart from the mark as a whole.

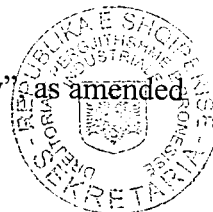
A disclaimer does not physically remove element or elements of a mark that are not protectable from your mark or affect the appearance of it.

If applicant does not provide the required disclaimer, GDIP will refuse the protection of this element/s.

VI. Corresponding essential provisions of the applicable law:

Art. 142, item 1 (b), (g), Law Nr. 9947, dated 07.07.2008, “On Industrial Property” as amended

VII. Information relating to subsequent procedure:



- i) Time limit for submitting the arguments on the provisional refusal

Within 4 months from the date of publication of the notification in the official gazette of WIPO, referring on Art. 175, item 8 of the Domestic Law.

- ii) Authority to which such a request for submitting the arguments on the provisional refusal shall be made:

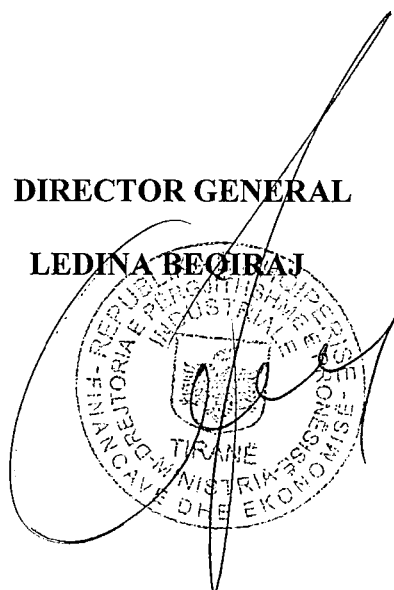
GENERAL DIRECTORATE OF INDUSTRIAL PROPERTY OF ALBANIA

- iii) Indications concerning the appointment of a representative

The holder of an international trademark registration may file the arguments on the present provisional refusal and on the grounds for refusal only by the intermediary of a representative established in the Republic of Albania referring on Art. 195, item 1, of the domestic law.

DIRECTOR GENERAL

LEDINA BEQIRAJ



Article 142

Refusal or cancellation on Absolute Grounds

(Repealed letter "f" in section 1, Law No. 55/2014 dated 29.05.2014, Article 45

Amended letter "k", the Law No. 55/2014 dated 29.05.2014, Article 45

Added the letter "h", with Law No. 55/2014 dated 29.05.2014, Article 45

Added the letter "i" in the Law No. 55/2014 dated 29.05.2014, Article 45

Are made amendments in article, Law No.17/2017, date 16.02.2017))

1. A sign is not registered as or a trademark if it is registered, it may be cancelled when:

- a) It does not have a distinguishing nature;
- b) It consists exclusively of elements or indicators that may serve in the market to show the kind, quality, amount, purpose, value, geographical origin or time of production of the goods or the performance of the services, or other characteristics of the goods or services;
- c) It consists exclusively of elements or indicators that have become generic term in daily language or have turned into fixed practices in commerce;
- ç) It consists of forms or lines imposed by the very nature of the goods or services and/or forms or lines essential to achieve a technical result;
- d) It consists of forms that give a fundamental value to the goods;
- dh) It consists of elements that violate public interests or are in conflict with public morals and order;
- e) It consists of elements that tend to disorient the public about the nature, quality, geographical or commercial origin of goods and/or services that they have the purpose of distinguishing;
- ë) It consists of geographical indications, for wines or alcoholic beverages, that do not originate from the place indicated by the geographical indication in question, even if the true origin of the products has been indicated or the geographical indications have been translated and are accompanied by such expressions as: "kind," "type," "style," "imitation" or other similar ones];
- g) It consists of:
 - The names of countries (complete or abbreviated);
 - State emblems, medals, honors of distinction;
 - Official seals and signs approved by the country;
 - The emblems of recognized international organizations or abbreviations of them;
 - Religious symbols;
 - National flags;
- gj) It consists of elements which contradict Article 6 *bis* of the Paris Convention, except when the competent authorities have authorized their use.
- h) It does not constitute a mark, pursuant to Article 140 of this law;
- i) It includes or it is constituted by a designation of origin or a geographical indication effective in the territory of the Republic of Albania, if the application for mark registration has been submitted after the date of submission of the application for the registration of the designation of origin or geographical indication and for the purpose of their protection, provided by the legislation under which they have been registered and which are related to the same kind of products.

2. A sign cannot be excluded from registration as a trademark, in accordance with letter "a", "b" and "c", of point 1, of this article, if the trademark, subject of review, has gained distinctive character in the process of use before the date of the application. A trademark cannot be invalidate for the same reasons, if, before the date of the revocation request, because of its use, has gained distinctive character.

