



MADRID PROTOCOL

Total Provisional Refusal of Protection

(Rule 17(1) of the Regulations under the Protocol)

I. Office making the notification:

Canadian Intellectual Property Office

II. Number of the international registration:

1507435

III. Name of the holder:

Limited Liability Company

IV. Information concerning the type of provisional refusal:

Total provisional refusal based on an ex officio examination

V. Information concerning the scope of the provisional refusal:

Total provisional refusal affects all the goods and/or services.

VI. Grounds for refusal [(where applicable, see item VII)]:

This examiner's report concerns the above identified Protocol application. To avoid abandonment proceedings, a proper response must be received by this office by May 2, 2022. All correspondence respecting this Protocol application must indicate the file number.

This Protocol application has been examined under the provisions of the Trademarks Act and Trademarks Regulations.

Pursuant to paragraph 30(2)(a) of the Trademarks Act, an application for the registration of a trademark must contain a statement in ordinary commercial terms of the associated goods or services. Furthermore, section 29 of the Trademarks Regulations requires that the statement must describe each of those goods or services in a manner that identifies a specific good or service. It is considered that the goods "alcoholic beverages, except beer" are not in specific and ordinary commercial terms.

In view of *Scotch Whisky Association v. Mark Anthony Group Inc.* (1990), 31 C.P.R. (3d) 55, the Office does not consider goods such as "alcoholic beverages, except beer" to be ordinary commercial terms for specific goods within the meaning of paragraph 30(2)(a) of the Trademarks Act and section 29 of the Trademarks Regulations. Please note that the Goods and Services Manual does list "gin", "rum", "vodka" and "whisky" as acceptable goods.

For further guidance on redefining the statement of goods, please refer to the Goods and Services Manual available on our website. This searchable tool is not an

exhaustive list of acceptable terms, but it may be used as a guide to the specificity and ordinary commercial term requirements of the Trademarks Act and its Regulations.

The applicant is required to file an amended Protocol application, using the e-service on the CIPO website at www.cipo.ic.gc.ca, by fax at 819-953-2476 or by mail at the following address:

Registrar of Trademarks
Place du Portage I
50 Victoria Street, room C-114
Gatineau, QC K1A 0C9

Upon satisfactory compliance with the above-mentioned requirement, further office action will be undertaken.

If the applicant has any specific questions in respect of this Office action, please contact the assigned examiner. Please note that for general inquiries, including assistance with filing of the revised Protocol application, queries about the status of an application or receipt of correspondence, you may contact our Client Service Centre toll free at 1-866-997-1936.

Yours truly,

Benjamin Welchner
Examination Section
819-360-9549
fax: 819-953-2476

VII. Information relating to an earlier mark:

-
- (i) Filing date and number, and, if any, priority date:
Not applicable
 - (ii) Registration date and number (if available):
Not applicable
 - (iii) Name and address of the owner:
Not applicable
 - (iv) Reproduction of the mark:
Not applicable
 - (v) List of the relevant goods and/or services (this list may be in the language of the earlier application or registration):
Not applicable

VIII. Corresponding essential provisions of the applicable law:

50, rue Victoria • Place du Portage 1 • Gatineau (Québec) K1A 0C9 • www.opic.ic.gc.ca
50 Victoria Street • Place du Portage 1 • Gatineau (Quebec) K1A 0C9 • www.opic.ic.gc.ca

Canada

IX. Information relating to the possibility to request a review or file an appeal:

- (i) Time limit for requesting review or appeal:
2022-05-02
- (ii) Authority to which such request for review or appeal should be made:
Registrar of Trademarks
- (iii) Whether the request for review or appeal has to be filed in a specific language and/or through the intermediary of a representative whose address is within the territory of the Contracting Party:
Correspondence must be in French or English
- (iv) Other requirements, if any:
Not applicable

X. Signature or official seal of the Office making the notification:

Registrar of Trademarks

XI. Date of notification to the International Bureau:

2021-11-02



2 nov/Nov 2021
Votre référence Your File

Notre référence Our File
2038769
Numéro EI IR Number
1507435

Limited Liability Company "Georgievsky
Factory. Traditions of Quality"
street Stroiteley, 15, Krasnoznamensk
city
RU-143090 Moscow region
RUSSIAN FEDERATION

RE: Trademark: ORTHODOX
Applicant: Limited Liability Company "Georgievsky
Factory. Traditions of Quality"

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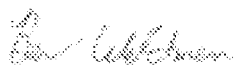
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