


## MADRID PROTOCOL

### Model Form 3A: Total Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)

<p>I. Office making the notification:</p> <div style="text-align: center;"><p><b>HELLENIC REPUBLIC</b> <b>MINISTRY OF DEVELOPMENT &amp; INVESTMENTS</b> <b>GENERAL SECRETARIAT OF COMMERCE</b> <b>&amp; CONSUMER'S PROTECTION</b> <b>DIRECTION OF TRADEMARKS</b></p><p>Address: KANINGOS SQUARE GR - 10181 ATHENS</p></div> <p>Examiner: Giagtzidis Dimitrios</p>
<p>II. Number of the international registration: 1574744 / 55908</p>
<p>III. Name of the holder: Biosoft (Australia) Pty Ltd 14/13a Narabang Way, Belrose, NSW, 2085 (AU)</p>
<p>IV. Information concerning the type of provisional refusal:</p> <p><i>Please indicate the type of refusal by checking only one of the following options:</i></p> <p><input checked="" type="checkbox"/> Total provisional refusal based on an <i>ex officio</i> examination</p> <p><input type="checkbox"/> Total provisional refusal based on an opposition</p> <p><input type="checkbox"/> Total provisional refusal based on both an <i>ex officio</i> examination and an opposition</p> <p><i>Where the refusal is based on an opposition, please indicate the name and address of the opponent:</i></p> <p>(i) Name of the opponent:</p> <p>(ii) Address of the opponent:</p>
<p>V. Information concerning the scope of the provisional refusal:</p> <p>Total provisional refusal affects all the goods and/or services.</p>

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

Provisional refusal based on absolute grounds (law 4679/2020 – article 4b/c)

VII. Trademarks cannot be signs which are devoid of any distinctive character and also consist exclusively of signs or indications which may serve in trade to designate the kind, quality, attributes, quantity, destination, value, geographical origin or the time of the goods production or of the service rendering or other characteristics of the goods or service. There is direct reference to the goods claimed.

VIII. Corresponding essential provisions of the applicable law:

Corresponding essential provisions of the applicable law:

**LAW 4679/2020 -Article 4 : Absolute grounds for refusal**

1. The following signs shall not be registered as trademarks:

- a. signs which do not conform to the requirements of Article 2, paragraph 1.
- b. trademarks which are devoid of any distinctive character,
- c. trademarks which consist exclusively of signs or indications which may serve in trade to designate the kind, quality, attributes, quantity, destination, value, geographical origin or the time of the goods production or of the service rendering or other characteristics of the goods or service,
- d. trademarks which consist exclusively of signs or indications which have become customary in the everyday language or in the bona fide and established practices of the trade,
- e. signs which consist exclusively of the shape imposed by the nature of the product or it is necessary to obtain a technical result or gives substantial value to the product,
- f. signs which are contrary to public order or to principles of morality,
- g. signs which are of such a nature as to deceive the public, for instance as to the nature, quality or geographical origin of the goods or service.

Similarly, the following signs shall not be registered as trademarks:

- h. signs which are intended to distinguish wines or spirits that contain or consist of protected by EU legislation, geographical indication, designating wines or spirits, if these wines or spirits do not have the specific origin,
- i. signs which contain or consist of a designation of origin or a geographical indication registered in accordance with the EU legislation and regarding the same type of product, on condition that the application for registration of the trade mark has been submitted after the date of filing of the application for registration of the designation of origin or geographical indication of agricultural products and foodstuffs.

- j. signs of great symbolic importance and specific public interest and particularly religious symbols, expressions and words.
- k. Signs the filing of which is contrary to good faith or was made in bad faith.
- l. Notwithstanding the provisions of the cases b, c and d of the paragraph 1, a sign is being accepted for registration, if up to the date of its filing has acquired distinctiveness due to its use.

IX. Information relating to the possibility to request a review:

- (i) Time limit for requesting review:  
Time limit is 3 months from the date of receipt by WIPO of the present Notification (Art. 78 & 79 L.4679/2020).
- (ii) Authority to which such request for review should be made:  
Directorate of Trademarks, Address: Kanning Square – Athens Greece
- (iii) Whether the request for review 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:

A Greek lawyer is needed to be appointed for attending in order to answer in Greek language (information: Athens Bar Association tel: +30210 3398251 ,e-mail [info@dsa.gr](mailto:info@dsa.gr) & Piraeus Bar Association tel: 210-4176251, e-mail: [secretary@dspeir.gr](mailto:secretary@dspeir.gr))

- (iv) Other requirements, if any: -

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

**Head of the Control and Admission of Trademarks Dpt.**

**Mrs Athanasopoulou Georgia**

XI. Date of the notification to the International Bureau:

**Athens, 08.11.2021**

0

[End of Model Form 3A]



HELLENIC REPUBLIC  
MINISTRY OF  
DEVELOPMENT AND INVESTMENTS  
GENERAL SECRETARY OF COMMERCE  
AND CONSUMER'S PROTECTION  
DIRECTORATE OF  
TRADEMARKS

Athens, 08/11/2021  
R.N. 120808

KANNING SQUARE  
10181-ATHENS  
HELLAS  
Tel: +302103893469  
Fax : 210- 3846523  
E-mail: [giagtzidis@gge.gr](mailto:giagtzidis@gge.gr)

TO:

**WIPO**

**SUBJECT: PROVISIONAL REFUSAL OF PROTECTION**

Dear sir /madam,

We send you by mail the correspondent forms of provisional refusal of protection:

1	1574744	55908	DERMAPEN	10
---	---------	-------	----------	----

Yours Sincerely

Head of the Control and Admission of Trademarks Dpt.

**Mrs Athanasopoulou Georgia**