

## MADRID PROTOCOL

### TOTAL PROVISIONAL REFUSAL OF PROTECTION

Rule 17(1) of the Regulations

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <b>I. Name of the Office:</b><br>Intellectual Property Agency of the Republic of Azerbaijan<br>Patent and Trademarks Examination Office<br>AZ 1078, Mardanov qardashlari 124, Baku, Azerbaijan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>II. International registration number: 1574744</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>III. Name of the holder:</b><br>Biosoft (Australia) Pty Ltd 14/13a<br>Narabang Way, Belrose, NSW,<br>2085 (AU)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>IV. Information concerning the type of provisional refusal:</b><br><br><i>Please indicate the type of refusal by checking <u>only one</u> of the following options:</i><br><br><input checked="" type="checkbox"/> Total provisional refusal based on an <i>ex officio</i> examination.<br><br><input type="checkbox"/> Total provisional refusal based on an opposition.<br><br><input type="checkbox"/> Total provisional refusal based on both an <i>ex officio</i> examination and an opposition.<br><br><i>Where the refusal is based on an opposition or on both an ex officio examination and an opposition, please indicate:</i><br><br>(i) Name of the opponent:<br><br>(ii) Address of the opponent: |
| <b>V. Information concerning the scope of the provisional refusal:</b><br><br><i>The provisional refusal affects <u>all</u> the goods and services.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>VI. Grounds for refusal (where applicable, see item VII):</b><br><br>The trademark is considered to be devoid of any distinctive character and it can be used in trade to designate intended purpose of the goods.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

**VII. Information relating to an earlier mark:**

- ☐ Printout from the register or database containing details of earlier mark attached.
- ☐ Details of earlier mark indicated below:
  - (i) Filing date and number, and, if any, priority date:
  - (ii) Registration date and number (if available):
  - (iii) Name and address of the owner:
  - (iv) Reproduction of the mark:
  - (v) List of the relevant goods and services (this list may be in the language of the earlier application or registration):

**VIII. Provisions of the applicable law:**

Paris Convention for the Protection of Industrial Property. Article 6 quinquies. B.  
Trademarks covered by this Article may be neither denied registration nor invalidated except in the following cases:

(ii) when they are devoid of any distinctive character, or consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, place of origin, of the goods, or the time of production, or have become customary in the current language or in the bona fide and established practices of the trade of the country where protection is claimed.

Law "On Trademarks and Geographical Indications" of the Republic of Azerbaijan

Article 5. Absolute grounds for the refuse to register trademark

It is not permitted to register the below-mentioned:

- b) because of their character cannot constitute trademarks;
- c) signs that are to designate the kind, quality, quantity, intended purpose, value of the goods or services or other their characteristics and also place of origin of the goods and the time of their production;

**IX. Information relating to the possibility to request a review, file an appeal or otherwise respond to the opposition:**

- (i) Time limit to request a review, file an appeal or otherwise respond to the opposition:  
**Within 3 months from the date of refusal reception by the applicant**
- (ii) Authority to which such request for review, appeal or response should be made:  
**Appeal Council under the relevant executive body of the Republic of Azerbaijan**
- (iii) Whether the request for review, appeal or response has to be filed in a specific language or through a local representative:  
**Patent Attorney (For list of patent attorneys please visit web site: [www.patent.copat.gov.az](http://www.patent.copat.gov.az))**
- (iv) Other requirements, if any:

**X. Date and signature of the Office: 12.11.2021**

**Nargiz Hajiyeva**

**Lamiya Hagverdiyeva**

