

MADRID AGREEMENT AND PROTOCOL

**NOTIFICATION OF PROVISIONAL REFUSAL
OF PROTECTION**

Rule 17(1)

I.	Office making the notification: INTELLECTUAL PROPERTY OFFICE OF VIETNAM (IP VIETNAM) 384 - 386 Nguyen Trai St., Thanh Xuan Dist., Hanoi, Vietnam
II.	Number of international registration: 1574596
III.	Name and address of the holder: Limited Liability Company "Elfa laboratory" vul. Simi Sosninykh, 9 Kyiv 03148, Ukraine
IV.	Information concerning the type of provisional refusal: ☒ Provisional refusal based on an <i>ex officio</i> examination ☐ Provisional refusal based on an opposition ☐ Provisional refusal based on both an <i>ex officio</i> examination and an opposition (i) Name of the opponent: (ii) Address of the opponent:
V.	The scope of refusal: ☒ Total provisional refusal affects all the goods and/or services ☐ Partial provisional refusal affects only the following goods and/or services:
VI.	Grounds for refusal: The applied-for mark is refused because it is devoid of distinctiveness. In addition, it is confusingly similar to the mark in national application No. 4-2019-24834 and the mark in international registration No. 679007. 1.  4-2019-24834 5 July 2019 Trần Mai Lan P219 - CT1 - đô thị Mỹ Đình Mễ Trì, phường Mỹ Đình 1, quận Nam Từ Liêm, thành phố Hà Nội (VN) Cl. 03,05,35 2. <i>Bionatural</i> 679007 30 November 2007 LABORATOIRES BIONATURAL (Société par actions simplifiée) 406 route de la Madeleine, TOURRETTES SUR LOUP (FR) Cl. 03,05

VII. Applicable provisions of the national law:

Art. 74.2c, 74.2h, 90.2 of the Intellectual Property Law

VIII. Information relating to subsequent procedure:

- a) Time limit for requesting review: 3 months from the sending date of this notification by IP VIETNAM
- b) Authority to which review should be made:
Intellectual Property Office of Vietnam (IP VIETNAM)
384 - 386 Nguyen Trai St., Thanh Xuan Dist., Hanoi, Vietnam
- c) The application for requesting review shall be filed through an authorized representative in Vietnam

IX. Signature or official seal by the Office:

Deputy Director General 



Tran Le Hong

X. Date: **26** January 2022

2021/04 LVII164

INID	Tên mục dữ liệu	Nội dung
(210)	SỐ ĐƠN	4-2019-24834
(220)	NGÀY NỘP ĐƠN	05/07/2019
(441)	CÔNG BỐ A	378 (25/09/2019)
(540)	NHÃN HIỆU	bio naturell, hình
	TỪ KHÓA	BIO NATURELL
(550)	LOẠI NHÃN HIỆU	Thông thường
(591)	MÀU SẮC	Xanh lá cây.
(731)/ (732)	NGƯỜI NỘP ĐƠN/ CHỦ GCN	Trần Mai Lan P219 - CT1 - đô thị Mỹ Đình Mễ Trì, phường Mỹ Đình 1, quận Nam Từ Liêm, thành phố Hà Nội (VN)
(531)	PHÂN LOẠI HÌNH	26.11.12
	TL. TRUNG GIAN	221(05/08/2019)



(511) NHÓM SP/DV: **03, 05, 35**

- 03** Các sản phẩm mỹ phẩm như: kem dưỡng da, sữa rửa mặt, sữa dưỡng da, dầu gội đầu, nước hoa, phấn trang điểm.
- 05** Thực phẩm chức năng (dùng cho mục đích y tế); thực phẩm cho em bé; chất bổ sung dinh dưỡng dùng cho mục đích y tế; đồ uống y tế; dược phẩm.
- 35** Mua bán, kinh doanh các sản phẩm như: mỹ phẩm (kem dưỡng da, sữa rửa mặt, sữa dưỡng da, sữa tắm, dầu gội đầu, dầu xả, nước hoa, phấn trang điểm, son môi), thực phẩm như: bánh kẹo; mua bán trang thiết bị cụ thể là: ống nghe, ống thủy, cân, máy siêu âm, máy điện tim, máy điện não, máy điện cơ; mua bán dược phẩm, thực phẩm chức năng dùng cho mục đích y tế, thực phẩm cho em bé, chất bổ sung dinh dưỡng dùng cho mục đích y tế, đồ uống y tế.

679007-Bionatural

Full details / English

Current Status

180 Expected expiration date of the registration/renewal
04.09.2017

151 Date of the registration
04.09.1997

270 Language of the application
French

732 Name and address of the holder of the registration
LABORATOIRES BIONATURAL (Société par actions simplifiée)
406 route de la Madeleine
TOURNETTES SUR LOUP (FR)

812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment
FR

740 Name and address of the representative
Cabinet LAURENT & CHARRAS
"Le Contemporain"
50 chemin de la Bruyère
F-69574 DARDILLY Cedex (FR)

540 Mark
Bionatural

511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(7)

03 Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery products, essential oils, cosmetics, hair lotions; dentifrices.

05 Pharmaceutical, veterinary products, sanitary products for medical use and for intimate hygiene; plasters, materials for dressings (excluding instruments); medical or sanitary disinfectants (excluding soaps).

822 Basic registration
FR, 04.11.1996, 95 650 269

832 Designation(s) under the Madrid Protocol
AU - DK - GB - GR - LT - NO - SE - SG - TR - US

834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies

AT - BX - CH - CN - CZ - DE - ES - HU - IR - IT - KP - LV - MA - PL - PT - RO - RU - UA - VN

527 Indications regarding use requirements
GB - SG - US

Transaction History

expand

VN

Subsequent designation : 2007/49 Gaz, 10.01.2008, AT, AU, CN, CZ, DK, GB, GR, HU, IR, LT, LV, MA, NO, PL, RO, RU, SE, SG, TR, UA, US, VN

450 Publication number and date
2007/49 Gaz, 10.01.2008

831 Designation(s) under the Madrid Agreement

AT - CN - CZ - HU - IR - LV - MA - PL - RO - RU - UA - VN

832 Designation(s) under the Madrid Protocol

AU - DK - GB - GR - LT - NO - SE - SG - TR - US

<https://www3.wipo.int/madrid/monitor/en/showData.do?ID=ROM-6679007>

527 Indications regarding use requirements
GB - SG - US

851 Limitation of the list of goods and services

AT - AU - CN - CZ - DK - GB - GR - HU - IR - LT - LV - MA - NO - PL - RO - RU - SE - SG - TR - UA - US - VN
List limited to:

03 Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumes, essential oils, cosmetics, hair lotions; dentifrices.

581 Date of notification by the International Bureau to the designated Contracting Parties (from which the time limit to notify the refusal starts)
20.12.2007

891 Date of subsequent designation (Rule 24(6) of the Common Regulations)
30.11.2007

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)
DK - GR - IR - LT - MA - RU - VN