

MADRID AGREEMENT AND PROTOCOL

PROVISIONAL REFUSAL OF PROTECTION

Rule 17(1)

I. Office making the notification:

FEDERAL SERVICE FOR INTELLECTUAL PROPERTY (ROSPATENT)

30-1, Berezhkovskaya nab., 125993, Moscow, G-59, GSP-3, Russian Federation

Fax: +7 (495) 531-63-53 / phone: +7 (499) 240-60-15

II. Number of the international registration: **1660970**

III. Name of the holder:

Juraj Králik

IV. Reproduction of the mark:

ZAJO

V. Provisional refusal based on an ex officio examination

VI. **PARTIAL** provisional refusal concerning **SOME** of the goods and/or services.

Following goods and/or services are **NOT** affected by refusal:

Cl. 05: "Nutritional supplements; pharmaceutical preparations; medicines for veterinary use; albumin dietary supplements; alginates for pharmaceutical use; analgesics; anesthetics; antibiotics; antibacterial soaps; balms for medical use; albuminous foodstuffs for medical use; sugar for medical use; digestives for pharmaceutical use; dietetic substances for medical use; dietetic beverages for medical use; dietetic foods for medical use; enzymes for medical use; medicinal tea; medicinal herbs; capsules for medicines; medicines for human medicine; mint for pharmaceutical use; mineral waters for medical use; mineral food supplements; milking grease; food for babies; preparations of trace elements for human and animal consumption; aloe vera preparations for pharmaceutical use; protein supplements for animals; protein food supplements; plant extracts for pharmaceutical use; slimming pills; vitamin preparations; veterinary products; deodorants for textiles; deodorants for footwear; insecticides; herbicides; fungicides; biocides; products against rodents; insect repellents; antiparasitic collars for animals; animal washing products (insecticides); products for destroying vermin; cannabis for medical use."

Cl. 11: "Cooking rings; boilers other than machine parts; electric boilers; electric water heaters; electric cookers; electric heating filaments; burners; instantaneous water heaters; stoves (heating apparatus); wood-burning stoves; steam boilers, other than parts of machines; domestic fireplaces; blowtorches for culinary use; alcohol burners; gas generators; gas burners; gas boilers; reheating stoves; heating installations using fuel gas; water heaters; immersion heaters; air reheaters; furnace grates; solar furnaces; solar water-heaters; sauna bath installations; incinerators; coils being parts of heating installations; heat pumps; heat accumulators; heat exchangers other than parts of machines; hot air apparatus; heating boilers; heating plates; heating elements; heating apparatus for solid, liquid or gaseous fuels; water cooling installations; electric heaters for feeding bottles; barbecues; automatic installations for making coffee; automatic bread-making machines for household purposes; refrigerated beverage dispensers; refrigerated display cases for displaying foods; rotisseries (electric) for domestic use; extractor hoods for cookers; beverage refrigerators for motor cars; electric coffee percolators; electric roasters; electric toasters for sandwiches; electric cooking pots for household use; electric kettles; electric hot plates (cooking apparatus); electric food

warmers; electric food steamers; electric coffee roasters; electric apparatus for making panini; electric appliances for making yogurt; electric apparatus for cooking rice; electric heating apparatus; electric woks; bread toasters; hot plates; electric induction plates; electric coffee filters; commercial cooking ovens; convection ovens; water filtration jugs; bakers' ovens; electric samovars; roasting spits; roasters; gas grills; gas ovens; gas stoves; rotisseries; pizza ovens; ovens, other than for laboratory use; heating and cooling apparatus for dispensing hot and cold beverages; freezers for ice-cream; multi-cookers; microwave cooking apparatus; lava rocks for use in barbecue grills; kitchen ranges [ovens]; milk sterilizers; table ovens; bread-making machines; ice-cream making machines; air fryers; USB-operated cup warmers; heating apparatus; bread baking machines; roasting jacks; heating installations; garment steamers; air driers; drying apparatus; electric cold boxes; refrigerating machines; refrigerating cabinets; refrigerators; chest freezers; beverage-cooling apparatus; ice-cube machines and apparatus; portable refrigerators; lighters for grills; gas lighters for household use; contactless hand drying apparatus; footwarmers, electric or non-electric; electrically heated pads, not for medical use; electric bed warmers; electric blankets, not for medical use; electric fans for personal use; foot muffs, electrically heated; electrically heated clothing; electrically heated socks; USB-operated hand warmers; warming pans; bed warmers; pocket warmers; hot water bottles; hair dryers; air filters for air conditioning; filters for drinking water; apparatus for filtering drinking water; air filtering installations; regulating and safety accessories for water apparatus; electric chimneys; tanning apparatus; ultraviolet ray lamps not for medical use; Portable stoves; electric flashlights; gas lamps; lamps for camping; apparatus and installations for lighting, heating, cooling, cooking, ventilating, water distribution, electrics and sanitary installations."

CL 18: "Traveling trunks; traveling bags; suitcases; fanny packs; backpacks; beach bags; backpacks for mountaineers; slings for carrying infants; sports backpacks; sports bags; carry-all bags; bags for campers; all-purpose carrying bags; hiking bags; wrist-mounted wallets; briefcases (leather goods); wheeled suitcases; garment bags for travel; backpacks for carrying babies; handbags; vanity cases, not fitted; empty cases for cosmetic products; suitcases [carrying cases]; flight bags; shopping bags of textile; shopping bags; wallets; music cases; key cases; purses; felt pouches (bags); hand luggage; business card cases; randels (Japanese school satchels); suitcase handles; handles for carrying shopping bags; net bags for shopping; school satchels; bags for sports clothing; handles for bags; pouches for holding make-up, keys and other personal items; umbrellas; frames for umbrellas; umbrella covers; parasols; patio umbrellas; umbrella sticks; umbrella or parasol ribs; mountaineering sticks; hiking sticks; walking-stick seats; walking-stick handles; wading staffs; unworked or semi-worked leather; imitation leather; girths of leather; trimmings of leather for furniture; leathercloth; moleskin (imitation leather); reins for controlling children; animal hides; collars for pets; halters; guides (reins); muzzles; clothing for pets; nose bags [feed bags]; whips; coats for dogs; coats for cats; blinkers (harness); leather for harnesses; covers [clothing] for animals; saddlery; bridloons; stirrups; walking sticks; valves of leather; trunks [luggage]; game bags; straps for skates; sling bag for carrying babies; boxes of leather or leatherboard; leather cord; key rings of leather (trinkets); coverings of skins (furs); shoulder belts [straps] of leather; straps of leather (saddlery); harness straps; pouches of leather for packaging; harnesses for animals."

CL 20: "Furniture (furnishings); benches (furniture); outdoor furniture; garden furniture; tent pegs not of metal; mattresses; air mattresses not for medical use; camping mats; inflatable mattresses for camping; camping furniture; mattress toppers; footrests; baby changing mats; floor mats (cushions or mattresses); valet stands; beds; bed bases; bed rails; box springs; transportable beds; dog beds; baskets for cats; bedsteads of wood; bedding except linen; beds for household pets; water beds other than for medical use; pillows; neck pillows; cushions; busts of wood, wax, plaster or plastic; miniature animal models (ornaments) made of wood; art objects of wood, wax, plaster or plastic; wind chimes (decoration); wax figures; statues of wood, wax, plaster or plastic materials; transport or storage containers not of metal; packaging containers of plastic materials; Capsules (non-metallic receptacles); wooden lids for packaging containers for industrial use; wooden stoppers for industrial packaging containers; bottle closures not of metal; stoppers, not of metal; stoppers neither of glass nor of metal nor of rubber; bottle racks; cases not of metal; chests for food; kitchen cupboards, not of metal; luggage lockers; placards of wood or plastics; display boards; magazine racks; inflatable publicity objects; portable ground mattresses; deck chairs; camp beds; bolsters; deck chairs, not for medical use."

CL 22: "Tents; tent ropes; awnings for tents; tents (awnings) for caravans; tents (awnings) for vehicles; floor cloths; bivouac bags; storage bags; bags (covers, pouches) of textile for packaging; textile storage bags other than luggage or travel bags; gift bags of fabric; packing materials (stuffing) not of rubber or plastics, not of paper or cardboard; combed wool; jute; coconut fibers; raw linen (flax); ropes; packing rope; car towing ropes; strings; nets for camouflage; camouflage tarpaulins; packing string; shorn wool; sails (rigging); straps, not of metal, for handling loads; braces, not of metal, for handling loads; twine for nets; nets; fleeces (animals hair); snares (nets); straw for upholstering; raw fibrous textile materials; textile fibers; raw or treated wool; raw cotton; vehicle covers, not fitted; padding and stuffing materials not of rubber or plastics, not of paper or cardboard; large-capacity bags for the transport and storage of materials in bulk; cocoons; awnings of textile or

synthetic materials; rope ladders; tarpaulins (not adapted for vehicles)."

Cl. 24: "Sleeping bags; baby sleeping bags; sleeping bags for camping; sleeping bag liners; large bivouac bags as sleeping bag protectors; mosquito nets; bolting cloth; insecticide treated mosquito nets; insect protection nets; calico; fustian; cloth for furniture; damask (fabric); traveling rugs [lap robes]; blankets for household pets; baby bunting [snuggle suits]; elastic fabrics; gauze (cloth); silk fabrics; hemp fabrics; linen cloths; bath linen except clothing; non-woven textile fabrics; adhesive fabrics for application by heat; mattress covers; pillowcases; tablecloths not of paper; moleskin (fabric); eiderdowns (down coverlets); picnic blankets; plastic materials (fabric substitutes); sheets; felt; knitted fabrics; bed linen; bed covers; shrouds; lingerie fabric; fabrics for footwear; banners made of textile or plastic materials; pennants of textile materials or plastic materials; flags made of textile or plastic materials; curtains of textile or plastic materials; fabrics for textile use; textile materials; linings (textile); lining fabrics for footwear articles; place mats made of textile materials; towels of textile materials; handkerchiefs of textile; fabrics; tulle; woolen fabrics; glass cloths; net curtains (curtains); velvet; door curtains; bed canopies."

Cl. 25: "Clothing; footwear; headwear; sports clothing other than golf gloves; wedge-heeled sports footwear; sports headgear other than helmets; jerseys for sports; moisture-wicking sports shirts; moisture-wicking sports pants; moisture-wicking sports bras; sports caps; jackets for sports; shirts for sports; sports socks; cycling footwear; cyclists' clothing; cycling shorts; cyclists' jerseys; cyclists' caps; mountaineering footwear; climbing boots; stuff jackets; winter jackets; ski jackets; safari jackets; hooded fleece shirts; fleece pullovers; tee-shirts; running singlets and tank tops; sports tank tops; singlets (vests); ready-made clothing; dresses; jumper dresses; suits; jackets; overcoats; coats; parkas; pelerines; ponchos; skirts; skorts; trousers; sashes for wear; neckties; shirts; short-sleeve shirts; clothing (garments); outerclothing; spats; leg warmers; leggings (trousers); clothing for gymnastics; beach clothes; bathing suits; underwear; brassieres; slips (underwear); petticoats; teddies (underwear); garters; boxer shorts; pajamas; panties (underwear); pants for children; bodices [lingerie]; dressing gowns (robes); sweaters; pullovers; knitwear (clothing); layettes [clothing]; shoes; boots; lace boots; sports footwear; gymnastic shoes; slippers (bedroom slippers); sandals; clogs (wooden shoes); beach shoes; esparto shoes or sandals; metal fittings for footwear; stockings; tights; socks; belts (clothing); money belts (clothing); furs (clothing); headbands (clothing); caps; visors being headgear; skull caps; baseball caps; ear muffs (clothing); hats; leather clothing; clothing of imitations of leather; motorists' clothing; waterproof clothing; combinations (clothing); neck scarves; Ascots; fur stoles; pockets for clothing; gloves (clothing); muffs (clothing); ski gloves; mittens; hiking boots; hiking clothing; sweat-absorbent underclothing; non-slip devices for footwear; underpants; shower caps; uniforms; vests; hoods (clothing); collars [clothing]; bath slippers; bathrobes; dress shields; scarves; shawls."

Cl. 30: "Cereal bars; cereal-based snacks; breakfast cereals; high-protein cereal bars; cereal-based energy bars; aniseed; peanut-based confectionery; tea; tea-based beverages; gluten-free bread; baking dough; bread; condiments; pepper; chocolate; sugar; croissants; crèmes brûlées; chocolate-based beverages; chocolate-based spreads; yeast; confectionery; mustard; hot dogs; spring rolls; noodle-based prepared meals; instant rice; hominy; cocoa; cocoa-based beverages; pastry; ketchup (sauce); petits fours (biscuits); coffee; coffee substitutes; coffee-based beverages; spices; seasonings; cooking salt; tortillas; turmeric; couscous; leaven; iced tea; natural or artificial ice; mayonnaise; marinades; marzipan; honey; molasses for food; peppermint sweets; meat gravies; macaroni; flours; muesli; vinegars; waffles; nougat; nut flours; chocolate milk (beverage); coffee beverages with milk; cocoa beverage with milk; fruit-based confectionery; oat flakes; pancakes; chocolate-coated nuts; pizzas; bread rolls; cereal preparations; food flavorings, other than essential oils; chewing gum; edible ices; cakes; tarts; tapioca; petit-beurre biscuits; tacos; sushi; rusks; spaghetti; breadcrumbs; salted biscuits; sandwiches; starch for food; cinnamon (spice); malt for human consumption; rice; quiches; puddings; ravioli; noodles; spicy soya sauce; salt for preserving foodstuffs; cheeseburgers (sandwiches); vanillin (vanilla substitute); royal jelly; thickening agents for cooking foodstuffs."

Cl. 32: "Soft drinks; sports beverages; protein-enriched sports beverages; beverages containing electrolytes for sportsmen and women; energy drinks; mineral waters (beverages); waters (beverages); table waters; bottled water; syrups and other non-alcoholic preparations for making beverages; preparations for making aerated water; non-alcoholic tea-flavored beverages; non-alcoholic cocktails; non-alcoholic aperitifs; flavored water (beverages); non-alcoholic fruit juice beverages; lemonades; soda water; seltzer water; carbonated water; lithia waters; isotonic beverages; rice-based beverages, other than milk substitutes; soy-based beverages, other than milk substitutes; non-alcoholic fruit extracts; beverages based on fruit and fruit juices; syrups for beverages; malt beer; beer wort; non-alcoholic beer; extracts of hops for manufacturing beer; malt wort; ginger beer; kvass; beer-based cocktails; non-alcoholic essences for making beverages; fruit nectars; mixed fruit or vegetable beverages (smoothies); must; sherbets (beverages); fruit juices; vegetable juices (beverages); malt syrups for making beverages; beers."

Cl. 35: "Retail and wholesale services for nutritional supplements, insecticides, products for destroying vermin, cooking rings, kitchen utensils, food cans, mountaineering equipment, walking

sticks, rucksacks, suitcases, leatherware, mattresses, furniture, pieces of furniture, tent pegs, tents, camping mats, camping equipment, cloths, bed linen, mosquito nets, clothing, footwear, textile accessories, sporting articles, tourism and mountaineering articles, raincoats, headgear, cereal bars, beverages; retail and wholesale services for nutritional supplements, insecticides, products for destroying vermin, cooking rings, kitchen utensils, food cans, mountaineering equipment, walking sticks, rucksacks, suitcases, leatherware, mattresses, furniture, pieces of furniture, tent pegs, tents, camping mats, camping equipment, cloths, bed linen, mosquito nets, clothing, footwear, textile accessories, sporting articles, tourism and mountaineering articles, raincoats, headgear, cereal bars, beverages provided via the Internet; import-export agency services; cost price analysis; commercial business appraisal; price comparison services; commercial administration of the licensing of the goods and services of others; procurement services for others (purchasing goods and services for other businesses); sales promotion for third parties; distribution of advertising material (leaflets, prospectuses, printed matter, samples); public relations; advertising; dissemination of advertisements; online advertising on a computer network; rental of advertising time on all communication media; layout services for advertising purposes; publication of advertising texts; personnel recruitment; advertising by mail order; marketing; business investigations; demonstration of goods; modeling services for advertising or sales promotion purposes; organization of fashion shows for promotional purposes; organization of exhibitions for commercial or advertising purposes; organization of trade fairs for commercial or advertising purposes; presentation of goods on all communication media for retailing; bill-posting; rental of advertising space; rental of advertising material; radio advertising; television advertising; production of advertising films; data search in computer files for others; providing commercial information and advice to consumers regarding choice of goods and services; professional business consultancy; computerized file management services; administrative processing of purchase orders; compilation of information into computer databases; systematization of information in computer databases; providing business information; shop window dressing; rental of sales stands; business organization consultancy."

CL 39: "Travel agency services for arranging travel; agency services for travel reservation; travel consulting services; travel information; travel ticket reservation services; travel tour guide services; providing driving directions for travel purposes; preparation of visas and travel documents for persons going abroad; Providing information with respect to tourist travel via the Internet; route planning services; transport organization in the framework of sightseeing tours; travel reservations; organization of cruises; transport services for sightseeing tours; transport of travelers; booking of seats for travel; transport reservations; passenger transport; bus transport; car transport; air transport; boat transport; ferry-boat transport; shipbrokerage; freighting; aircraft rental; information with respect to transport; information relating to transport timetables; delivery of newspapers; courier services (mail or merchandise); portage; garage rental; rescue operations (transport); transport; packaging and storage of merchandise."

CL 40: "Dressmaking; tailoring services; providing information with respect to tailoring services; 3D printing to order for third parties; applying finishes to textiles; fabric bleaching; photocomposition; photographic printing; shoe staining; textile dyeing; cloth dyeing; leather staining; bookbinding; laminating; offset printing; metal casting; sawing of materials; metal plating; woodworking; air freshening; framing of works of art; recycling of trash and waste; saddlery work; printing services; pattern printing; warping [looms]; textile treating; fabric waterproofing; bread-making upon request; embroidery services; custom assembly of materials for third parties; rental of generators; rental of air conditioning apparatus; knitting machine rental; rental of space heating apparatus; abrasion."

CL 41: "Coaching (training); instruction; education; education services for adults in the field of finance; teaching; tutoring; educational services provided by schools; vocational retraining; organization and conducting of non-virtual educational forums; organization and conducting of conferences; organization and conducting of congresses; organization and conducting of colloquiums; organization and conducting of seminars; organization and conducting of symposiums; publication of books; providing non-downloadable electronic publications online; online publication of specialized electronic books and journals; electronic desktop publishing; correspondence courses; writing of texts other than advertising texts; layout services other than for advertising purposes; practical training (demonstration); providing information with respect to education; educational examination services; vocational guidance (education or training advice); translation services; language interpreter services; rental of sound recordings; rental of audio equipment; organization of shows (impresario services); physical education services; entertainment; sporting and cultural activities; organization of exhibitions for cultural or educational purposes; organization of competitions (education or entertainment)."

CL 42: "Design services; fashion designer services; computer system design; technical design; design of fashion accessories; software development (design); computer programming; software installation; updating of software; rental of computer software; maintenance of computer software; computer system analysis; computer data recovery; duplication of computer programs; electronic data storage; conversion of data or documents from physical to electronic media; conversion of computer programs and data, other than physical conversion; software consultancy; computer virus

protection services; off-site data backup; cloud computing; Software as a Service (SaaS); remote monitoring of computer systems; information technology (IT) consultancy; information technology consultancy services; outsourced services relating to information technology; computer rental; consultant services with respect to computer hardware design and development; Internet site creation and maintenance for third parties; hosting of computer sites (web sites); rental of web servers; hosting of servers; provision of Internet search engines; digitization of documents (scanning); providing information with respect to computer technology and programming via Internet sites; telecommunication technology consultancy services."

VII. Grounds for refusal

Absolute grounds: **The following term "electric roasters" repeats in the list of goods in class 11, terms "garment bags for travel; saddlery" repeat in the list of goods in class 18, terms "belts (clothing); waterproof clothing" repeat in the list of goods in class 25 and term "travel information" repeats in the list of services in class 39. We inform you that the duplicates (reiterations) of terms in the list of goods/services is deemed as a technical error in accordance with the Civil Code of the Russian Federation. The duplicate (reiteration) will be deleted in the list of goods/services in the Final decision following by provisional refusal after time limit expiring (six month). If you do not agree with the deletion of duplicate, you have to present your response with arguments through a trademark attorney registered on the territory of the Russian Federation.**

VIII. Corresponding essential provisions of the applicable law [(see text under XII and Annex 1)]:
1497 (3).

IX. Information relating to subsequent procedure:

(i) TIME LIMIT for submitting your response and requesting review: **SIX (6) MONTHS** from the date of the notification of provisional refusal indicated under X. Please note that the extension of the time period established for response is **NOT** permitted.

(ii) Authority to which such request for review or appeal should be made: **Federal Service for Intellectual Property (ROSPATENT)**

(iii) Indications concerning the appointment of a representative:

Under Article 1247 of Part IV of the Civil Code of the Russian Federation "citizens permanently residing out of the territory of the Russian Federation and foreign legal entities shall exercise proceedings with the federal executive authority for the intellectual property through **patent attorneys**, registered by this federal authority, unless otherwise provided for by an international treaty of the Russian Federation".

Information Search for Russian Patent Attorneys: http://www.fips.ru/sitedocs/patpov_en.htm

X. Date of the notification of provisional refusal: **22/08/2022**

XI. Signature of the Office making the notification:



Filippova Anna

XII. Corresponding essential provisions of the applicable law:

Civil Code of the Russian Federation (as amended up to Federal Law No. 35-FZ of March 12, 2014)

(for excerpts see Annex 1)

**Civil code of the Russian Federation
(excerpts)**

Article 1477. The Trademark and the Service Mark

1. An exclusive right certified by a trademark certificate (Article 1481) is recognized for the trademark, i.e. a designation serving for individualizing goods of legal entities or individual entrepreneurs.
2. The rules of the present Code concerning trademarks are applicable to service marks, i.e. to designations serving for individualizing the works or services performed/provided by legal entities or individual entrepreneurs respectively.

Article 1479. The Effect of Exclusive Right to a Trademark on the Territory of the Russian Federation

An exclusive right to a trademark registered by the federal executive governmental body charged with intellectual property matters is effective on the territory of the Russian Federation as well as in the other cases envisaged by an international treaty of the Russian Federation.

Article 1482. The Types of Trademarks

1. Word, image, 3-dimensional and other designations or combinations thereof may be registered as trademarks.
2. A trademark may be registered in any color or in any color-combination.

Article 1483. Grounds for Refusing State Registration to a Trademark

1. No trademark state registration shall be granted to designations not having a distinguishing capability or composed only of elements:

- 1) that have come into general usage as designations for goods of a certain kind;
- 2) being generally-accepted symbols and terms;
- 3) that characterizes goods, for instance indicating their kind, quality, quantity, properties, intended purpose, value, and the time, place and method of their manufacture or sale;
- 4) representing a form of goods that is defined exclusively or mainly by the properties or intended purpose of the goods.

The said elements may be included in a trademark as non-protected elements, unless they dominate therein.

1.1. The provisions of paragraph 1 of this article are not applicable to designations which:

- 1) have acquired a distinctive capability as the result of the use thereof;
- 2) consist only of the elements referred to in subparagraphs 1 - 4 of paragraph 1 of this article and forming a combination that has the distinctive capability.

2. No trademark state registration shall be granted to designations that are related to objects that are not subject of legal protection in accordance with Article 1231.1 of the present Code, or that are confusingly similar to them.

3. No trademark state registration shall be granted to designations which are or comprise elements:

- 1) which are false or capable of misleading the consumer concerning goods or the manufacturer of goods;
- 2) which conflict with the public interest and with humanity and moral principles.

4. No trademark state registration shall be granted to designations identical or similar to the extent of confusion with the official names and images of especially-precious objects of cultural heritage of the peoples of the Russian Federation or objects of world cultural or natural heritage, and also with images of cultural valuables preserved in collections, collected items and stocks if registration is sought in the names of persons not being owners without the consent of the owners or persons authorized by the owners for these designations to be registered as trademarks.

5. In accordance with an international treaty of the Russian Federation, no trademark state registration shall be granted to designations which are or which comprise elements protected in a member state of that international treaty as designations allowing identification of wines or alcoholic beverages as originating from its territory (produced within the borders of a geographical object of that state) and having a special quality, reputation or other characteristics predominantly defined by the origin thereof, if the trademark is intended for designating wines or alcoholic beverages not originating from the territory of the given geographical object.

6. No trademark registration shall be granted to designations identical or confusingly similar with:

- 1) other persons' trademarks, which were applied for registration (article 1492) with respect to similar goods and having an earlier priority, if the application for state registration of the said trademark has not been withdrawn, deemed withdrawn or no decision has been taken with respect to the refusal in its state registration;
- 2) other persons' trademarks protected in the Russian Federation, including under an international treaty of the Russian Federation for similar goods and having an earlier priority;
- 3) other persons' trademarks that have been recognized in the procedure established by the present

Code as well-known trademarks in the Russian Federation, in respect of similar goods from earlier date than the priority of the claimed designation.

The registration of a designation as trademark for similar goods confusingly similar to any of the trademarks indicated in sub-points 1 and 2 of the present point is allowed with the consent of the right holder provided that such a registration shall not cause confusion to a consumer. The consent can not be withdrawn by the right holder.

The provisions provided by the fifth paragraph of this point shall not apply in respect of designations confusingly similar to collective marks.

7. No trademark registration shall be granted to designations identical or confusingly similar to an appellation of origin of goods, protected in accordance with the present Code, as well as to a designations, that were applied for registration as such until the priority date of the trademark, except for the case when such an appellation or a designation confusingly similar to it is included as a non-protected element into a trademark registered in the name of a person having the exclusive right for such an appellation, if the registration of the trademark is carried out with respect to the same goods for the individualization of which the appellation of origin is registered.

8. No trademark registration shall be granted for similar goods to designations identical or confusingly similar to a company name or a commercial name (specific elements of such names) protected in the Russian Federation or with the name of a selection invention registered in the State Register of Protected selection inventions to which rights has emerged owned by other persons in the Russian Federation prior to the priority date of the trademark being registered.

9. No trademark registration shall be granted to designations identical to:

- 1) the title/name of a scientific, literary or artistic work, a character or quotation from such work, known in the Russian Federation as of the date of filing of the trademark state registration application (Article 1492) or to an artistic work or a fragment thereof without the consent of the right holder, if rights to the relevant work emerged prior to the priority date of the trademark being registered;
- 2) the name (article 19), pseudonym (paragraph 1 of article 1265 and subparagraph 3 of paragraph 1 of article 1315) or designations that are derived from them, a portrait or a facsimile of a person known in the Russian Federation on the date of filing of the application, without the consent of that person or his successor;
- 3) an industrial design, mark of compliance, in respect of which rights has emerged prior to the priority date of the trademark being registered.

The provisions of this paragraph shall also apply in respect of designations confusingly similar to the objects indicated therein.

10. No trademark registration shall be granted in respect of similar goods to designations, elements of which are protected in accordance with present Code, means of individualization of other persons protected, confusingly similar to them, as well as objects referred to in paragraph 9 of this article. The state registration as trademarks of designations is allowed with the appropriate consent under paragraph 6 and subparagraphs 1 and 2 of paragraph 9 of this article.

11. On the grounds provided by present article, no legal protection shall be granted to trademarks registered in accordance with the international treaties of the Russian Federation.

Article 1492 (3). The Trademark Application

3. The trademark application shall comprise the following:

- 1) an application for the state registration of a designation as a trademark with reference to the applicant, his/its place of residence/whereabouts;
- 2) the designation being declared;
- 3) a list of the goods for which the trademark state registration is sought and which are classified under the classes of the International Classification of Goods and Services for Marks Registration;
- 4) a description of the designation being declared.

Article 1496. The Consequences of Coincidence of the Priority Dates of Trademarks

1. If applications were filed by different applicants for identical trademarks in respect of fully coinciding or partially coinciding lists of goods, and these applications have one and the same priority date the trademark so declared for the goods of which lists coincide may be registered only in the name of one of the applicants to be chosen by agreement between them.

2. If applications for identical trademarks for fully or partially coinciding lists of goods have been filed by one and the same applicant, and these applications have one and the same priority date, the trademark for the goods for which the said lists are coincident may be registered only under one of the applications to be chosen by the applicant.

3. If applications for identical trademarks have been filed by different applicants (Item 1 of the present article), then within six months after the receipt of a relevant notice from the federal executive governmental body charged with intellectual property matters they shall notify that federal body of the agreement they have reached in choosing the specific application whereby the state registration will be sought for the trademark. During the same term the applicant that has filed applications for identical trademarks shall notify of his/its choice made (Item 2 of the present article).

Unless during the established term the federal executive governmental body charged with intellectual property matters receives the said notice or a petition for extension of the established term, the trademark applications shall be deemed withdrawn on the basis of a decision of that federal body.

Article 1497 (3). The Expert Examination of a Trademark Application and the Making of Amendments to Application Documents

3. A change in the details of the applicant is a trademark application, for instance in the event of assignment or transfer of the right of registering the trademark or due to a change in the name of the applicant, and also the correction of obvious and technical errors in application documents may be made until the state registration of the trademark (Article 1503).

Article 1511. The State Registration of a Collective Mark

1. The application for registration of a collective mark (collective mark application) filed with the federal executive governmental body charged with intellectual property matters shall be accompanied by a charter of the collective mark comprising the following:

- 1) the name of the association authorized to register the collective mark in its name (right holder);
- 2) a list of the persons entitled to use the collective mark;
- 3) the purpose of registration of the collective mark;
- 4) a list of the uniform characteristics of quality of, or other common characteristics of the goods which are going to be designated by the collective mark;
- 5) terms for using the collective mark;
- 6) provisions on the procedure for monitoring the use of the collective mark;
- 7) provisions on liability for a breach of the charter of the collective mark.

2. In addition to the details required by Articles 1503 and 1504 of the present Code the following shall be entered into the State Register of Trademarks and a certificate of a collective mark: information on the persons entitled to use the collective mark. This information and also an abstract from the charter of the collective mark on the uniform characteristics of the quality, and the common characteristics, of the goods for which this mark is registered shall be published by the federal executive governmental body charged with intellectual property matters in the gazette. The right holder shall notify the federal executive governmental body charged with intellectual property matters of the amendments made to the charter of a collective mark.

3. If a collective mark is used on goods not having uniform quality characteristics or other common characteristics the legal protection of the collective mark may be terminated before due date in full or in part under a court decision adopted at the application of any person concerned.

4. A collective mark and a collective mark application may be transformed into a trademark and a trademark application respectively and vice versa. The procedure for such transformation shall be established by the federal executive governmental body charged with normative legal regulation in the area of intellectual property.

Corresponding essential provisions of the applicable law