

# MADRID AGREEMENT AND PROTOCOL

## NOTIFICATION OF INVALIDATION

### RULE 19 OF THE REGULATIONS UNDER THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

---

I. Office notifying the invalidation: **National Center of Intellectual Property**  
**20, ul. Kozlova, Minsk 220034, Belarus**  
**Telephone (Department of Trademarks): (+375 17) 392 51 97**  
**Fax: (+375 17) 272 98 34, <https://ncip.by/>**

---

II. Number of the international registration: 1519107

---

III. Name and address of the holder of the international registration:

Hanskell Trading, SIA  
Ainavas iela 2A - 28  
Riga  
LV-1084 (Latvia).

---

IV. Authority that has pronounced invalidation:

Administrative  Judicial

---

V. Indications as to the character of invalidation:

Grant of legal protection to the trademark has been recognized null and void, partially, on the grounds established by subpoint 1.1 of point 1 of Article 5 of the Law on Trademarks and Service Marks of the Republic of Belarus of February 5, 1993.

The decision is final and no longer subject to review.

---

VI. Applicable provisions of the national law (see the annex under IX): 5.1.1, 25.1.4.

---

VII. Scope of invalidation:

- Invalidation for all the goods and/or services.
- Invalidation for the following goods and/or services:  
Cl. 05: pharmaceutical preparations, medical and veterinary preparations for diagnostic purposes.  
Cl. 10: medical and veterinary apparatus and instruments used in conducting research by means of test systems for detection of DNA and/or RNA of various agents of infectious diseases.
- 

VIII. Date on which invalidation was pronounced: 2021.10.22  
Date on which invalidation takes effect: 2020.02.04

---

Law on Trademarks and Service Marks of the Republic of Belarus of February 5, 1993  
(Edition of January 5, 2016)  
(Extract)

**Article 2. Legal Protection of a Trademark**

1. In the Republic of Belarus, legal protection is granted to a trademark by means of its registration at the State Institution "National Center of Intellectual Property" (hereafter referred to as 'patent authority') according to the procedure established by the legislation on trademarks, or by virtue of the international treaties to which the Republic of Belarus is party.

**Article 4. Absolute Grounds for Refusal of Registration**

1. Those signs may not be registered as trademarks:

- 1.1. that are devoid of any distinctive character;
- 1.2. that have become a generic designation of products of a particular type;
- 1.3. that are symbols or terms in common use;
- 1.4. a dominant position in which are taken by signs and/or indications which are used to designate the kind, quality, quantity, properties, intended purpose or value of the goods, or the time, place or manner of their manufacture or sale;
- 1.5. that are the shape of the goods or their packaging which results exclusively or mainly from the nature of the goods themselves or which is necessary to obtain a technical result or which gives substantial value to the goods.

2. The signs or indications referred to in subpoints 1.1 to 1.3 and subpoint 1.5 of point 1 of this Article may be incorporated in the trademark as unprotected elements, insofar as they do not take a dominant position in the trademark.

2-1. Conditions on which designations, signs and/or indications take a dominant position are established by the Council of Ministers of the Republic of Belarus.

3. The dispositions stipulated by point 1 of this Article might not be applied to designations which on date of the filing of application for registration of a trademark have actually acquired distinctiveness as a result of use.

4. Those trademarks may not be registered that consist exclusively of signs or indications which constitute armorial bearings, flags or emblems of States, official names of States, flags, emblems or abbreviated or full names of international intergovernmental organizations, official control signs, assay marks or hallmarks indicating control or warranty, or decorations or other honorary insignia, or that are confusingly similar to such signs or indications. Such signs or indications may be included in a trademark as unprotected elements, subject to the consent of their owner or the competent body.

5. Those signs or indications may not be registered as trademarks:

- 5.1. that are false or liable to mislead the consumer as to the product or its place of origin or its producer;
- 5.2. that consist in or include an appellation of origin of wines or spirits which is protected under international treaties to which the Republic of Belarus is party, for identifying wines or spirits not originating in the place indicated by the appellation of origin in question;
- 5.3. that are contrary to public interest, humanitarian principles or morality.

**Article 5. Other Grounds for Refusal of Registration**

1. Those signs or indications may not be registered as trademarks that are identical or confusingly similar to:

- 1.1. trademarks that are registered or for which an application for registration in the Republic of Belarus has been filed on behalf of a third party, and which benefit from an earlier priority date, for goods of the same type;
- 1.2. trademarks of third parties that are protected in the Republic of Belarus by virtue of international treaties to which the Republic of Belarus is party, for goods of the same type;
- 1.3. trademarks of third parties that have been recognized as well known in the Republic of Belarus according to the procedure established by the State Committee on Science and Technology of the Republic of Belarus, for goods of any type.

3. Those signs may not be registered as trademarks for goods of any type that are identical or confusingly similar to an appellation of origin of goods protected in the Republic of Belarus or to a sign filed for registration as an appellation of origin and having an earlier priority date, except in cases where this appellation or a sign confusingly similar thereto is included as an unprotected element in the trademark to be registered in the name of a person having an exclusive right to this appellation, if registration of the trademark is fulfilled in respect of the goods for the distinguishing of which the appellation of origin is registered.

## Article 25. Recognition of Grant of Protection to a Trademark Null and Void

1. Grant of legal protection to a trademark can be recognized null and void, fully or partially:
    - 1.1. during the term of legal protection, if it was granted in breach of the requirements stipulated by point 1 of Article 2, Article 4, points 4 and 5 of Article 5 of the present Law;
    - 1.2. deleted;
    - 1.3. during the term of legal protection, if actions of the trademark holder connected with registration are recognized by the antimonopoly body or court as unfair competition;
    - 1.4. within five years from the date of publication of data on registration of a trademark in the official bulletin, on the grounds established by points 1 and 3 of Article 5 of the present Law.
  2. The recognition of grant of legal protection to a trademark null and void based on receipt of an application having earlier priority according to Article 7 of the present Law shall be made irrespective of whether such application was received before or after the affected registration.
  3. Any person can within the term stipulated by point 1 of the present Article submit objection against grant of legal protection to a trademark to the Board of Appeals if legal protection was granted in breach of the requirements set in Article 4 of the present Law. The order of consideration of objections by the Board of Appeals is established by the Council of Ministers.

An interested person or a representative thereof can within the term stipulated by point 1 of present Article submit objection against grant of legal protection to a trademark to the Board of Appeals if legal protection was granted in breach of the requirements set in point 1 of Article 2, Article 5 of the present Law and also on the ground set on subpoint 1.3 of point 1 of the present Article.

The order in which objections are considered by the Appeal council shall be established by the Council of Ministers of the Republic of Belarus.
  4. A decision made by the Board of Appeals on the results of the consideration of an objection against grant of legal protection to a trademark can be appealed to the Supreme Court of the Republic of Belarus within six months from the date of receipt of the decision.
- 

X. Signature or official seal of the Office notifying the invalidation:

Director General



Uladzimir RABAVOLAU

Head of the Examination Division  
of Trademarks Department



Andrew SHELEG

