

**MADRID AGREEMENT**  
**CONCERNING THE INTERNATIONAL REGISTRATIONS OF MARKS AND**  
**THE PROTOCOL RELATING TO THE MADRID AGREEMENT**  
**PROVISIONAL REFUSAL OF PROTECTION**

notified to the International Bureau of the World Property Organization (WPO)  
in accordance with Article 5 of the Madrid Agreement and the Protocol Relating to the Madrid Agreement

**1. Office notifying the Provisional Refusal**

Intellectual Property Agency, Government House 3, Central Avenue, Yerevan, 375010, Republic of Armenia

**2. Number of the international registration, which is the subject of the refusal:****822075**

(540) Mark VASOCARDIN

(821/822) Basic app. or reg. 1939.01.05 100 370

**3. Name and address of the holder of the international registration, which is the subject of the refusal:***Zentiva, a.s., Nitrianska 100, SK-920 27 Hlohovec (SK)***4. The grounds on which the provisional refusal is based (See text overleaf):****12.1.b**

Cannot be registered as trademark because it is similar to a degree of leading in confusion to the mark for similar goods belonging to the holder of the trademark "Valocordin" (Krewel Meuselbach GmbH, Krewelstraße 2 ) in respect to similar and identical goods, which confusingly compels to imply a connection between them, and provided that such use may damage the interests of the international registrations IR 211157 which is protected without registration in conformity with international treaties to which the Republic of Armenia is a party (See annexe N 1).

5.

- ☒ Refusal for all goods and/or services.  
☐ Refusal for the following goods and/or services:

- ☐ Refusal for the non-protected elements of the mark:

**6.[Time Limit for appeal provided for the national law against the declaration of refusal pronounced by Intellectual Property Agency of the Republic of Armenia]:**

In accordance with Article 10 of the Law, within a period of two months following the date of receiving of the decision of refusing the registration of a mark, the applicant may file an application requesting to carry out a re-examination by submitting founded grounds.

In accordance with Article 13 of the Law, in case of disagreement with the decisions of preliminary examination and re-examination, the applicant has the right to file an appeal with the Board of Appeal within the period of three months after receiving the decisions of preliminary or re-examination. The Board of Appeal examines the appeal in conformity with the approved procedure. In case of disagreement with the decisions of the preliminary examination and re-examination or the Board of Appeal, the applicant has the right to apply to a Court.

In accordance with Article 6 of the Law, foreign legal entities and natural persons shall deal with the registration of trademarks through patent attorney registered with the Office. The authority of a patent attorney shall be validated by a power of attorney given by the person in the name of whom the registration of trademark is sought.

**7. Date on which the refusal was pronounced 04.03.2005****8. Signature or official seal of the Office notifying the provisional refusal:**


### **Refuse of the Protection of the mark**

#### **Article 11. Exclusive grounds for refusal of trademark registration.**

1. A trademark cannot be registered if it consists solely of signs that:

- a) Are devoid of distinctive features;
- b) Reproduce state Emblems, flags and national symbols, official names of States, full or abbreviated names of international organizations, official emblems and hallmarks denoting control and guarantee, seals, rewards and other signs or confusingly similar marks. Such signs may be included in the trademark as a non-protectable element by the consent of the owner or competent body;
- c) Entered into general use as sign characterizing a definite type of products,
- d) Are well-known symbols and terms;
- e) Indicate the kind, quality, quantity, properties and value of goods, the object set forth for the creation of goods, as well as the area and period of their production and marketing;
- f) Specify exclusively the outward appearance of a product, which:
  - Derives essentially from the nature of the product;
  - Is necessary to realize some technical effect;
  - Conveys a substantial value to the product.

2. The signs specified in the sub-paragraphs "a" to "f" of the paragraph 1 of this article may be included in the trademark as non-protectable elements, if they do not constitute an essential part of the mark,

3. As trademark cannot be registered also signs imparting or containing:

- a) Information that leads or is susceptible to lead the consumer in confusion with regard to the product or the manufacturer,
- b) A geographical indication and are filed for goods that are not originated from the area bearing this indication, if the use of the said indication is susceptible to lead the consumer in confusion as for the real origin of the product;
- c) A geographical indication ascertaining wines, for wines not originated from the area bearing the geographical indication specified or a geographical indication ascertaining spirits, for spirits not originated from the area bearing the geographical indication specified, even if the real origin of the product is indicated or the geographical indication is used in a translated version or in conjunction with such expressions as "sort", "type", "style", "imitation" and others.

4. As trademark cannot be registered as well signs that are contrary to public interest, principles of humanity and morality or to regulations for preventing unfair competition (usages of business circulation).

5. The provisions of this article, paragraph 1, sub-paragraph "f", as for the production area of products (geographical indication), do not apply to collective marks registered according to article 21 of the present Law.

#### **Article 12. Other grounds for refusal of trademark registration.**

1. Cannot be registered as trademark signs that are identical or similar to a degree of leading in confusion:

- a) To trademarks for identical or similar products previously filed or registered in the Republic of Armenia and enjoying an earlier priority;
- b) To marks for identical or similar products belonging to third persons and protected without registration in conformity with international treaties to which the Republic of Armenia is a party;
- c) To well-known marks for identical or similar products in the Republic of Armenia, which are determined by the competent State Body;
- d) To the appellation of origin of a product protected by the Law of the Republic of Armenia, with the exception of cases when this appellation is included as non protected element in a trademark registered on behalf of a person having the right to use said appellation;
- e) To certification marks registered in a prescribed procedure.

2. Cannot be registered as trademark signs reproducing:

- a) Trade names, totally or partially, which are known in the Republic of Armenia or belong to third persons when the right to use that trade name was acquired prior to filing of the trademark;
- b) Industrial designs of an earlier priority, the right for the use of which belongs to other persons;
- c) Titles of works of science, literature, or art well known in the Republic of Armenia or citations from them, works of art or parts of them without the consent or authorization of the authors or of their heirs;
- d) Names, surnames, pseudonyms and their derivatives, portraits or facsimile of known personalities, without an authorization duly delivered by these personalities, their heir or the Government of the Republic of Armenia.

3. For the recognition of a trademark well-known in the Republic of Armenia, to which reference is made in the present article, paragraph 1, sub-paragraph "c", should be taken into consideration the faithful use of this trademark in one of the countries member of the Convention of Paris or its well-known character acquired in concerned groups of society in the Republic of Armenia as a result of advertising activities.

4. The provisions of this article, paragraph 1, sub-paragraphs "a" to "c", apply also to trademarks that have been filed for non identical products, if these trademarks may mislead the consumer and give reason to suppose a relation between these products and the owner of a trademark registered or protected without registration or considered as well-known in the Republic of Armenia, taking into consideration therewith the prejudicial effects that this fact may cause to the interests of the owner of the said trademark.

5. The provisions of the paragraph 1 of this article do not applied to identical geographical appellations for ascertainment of wines, if these are used in conjunction with complementary distinctive elements, provided the provisions set forth in the article 11, paragraph 3, sub-paragraph "b", of this Law are respected.

**211157**

151 Date of the registration  
10.07.1958

180 Expected expiration date of the registration/renewal  
10.07.2008

270 Language of the application  
French

Current Status

732 Name and address of the holder of the registration  
Krewel Meuselbach GmbH  
Krewelstraße 2  
D-53783 Eitorf (DE)

811 Contracting State of which the holder is a national  
DD

740 Name and address of the representative  
Rechtsanwälte  
Meyer-Götz, Diem & Partner  
64, Louisenstrasse  
D-01099 DRESDEN (DE)

770 Name and address of the previous holder  
PHARMA GMBH MEUSELBACH  
59-65, Hauptstrasse,  
MEUSELBACH (DE)

540 Mark  
**Valocordin**

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

01 Food preserving products.  
Produits pour conserver les aliments.

05 Medicines, chemical products for medical and sanitary use, pharmaceutical drugs and preparations, plasters, surgical dressings, pesticides and herbicides, disinfectants.  
Médicaments, produits chimiques pour la médecine et l'hygiène, préparations et drogues pharmaceutiques, emplâtres, étoffes pour pansements, produits pour la destruction d'animaux et de végétaux, désinfectants.

822 Basic registration  
DD, 05.04.1934, 464 795

822 Basic registration  
DD, 02.02.1954, 4758

831 Designation(s) under the Madrid Agreement  
AM - AT - AZ - BA - BY - CZ - EG - HR - HU - KG - KP - KZ - MA - MD - MK - RO - RU - SI - SK - UA - UZ - YU

832 Designation(s) under the Madrid Protocol  
EE - GE - TM

Continuation of effect

450 Publication number and date