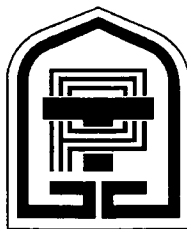


TÜRKMENISTANYŇ
YKDYSADYYET WE MALIÝE
MINISTRLOGI

PATENT MÜDIRLIGI

744000, Türkmenistan, Aşgabat, ş.,
2008 köç., 4



MINISTRY OF
ECONOMY AND FINANCE
OF TURKMENISTAN

PATENT DEPARTMENT

2008 Str., 4, Ashgabat,
Turkmenistan, 744000

Tel. (Phone): (99312) 51-00-42

Faks (Fax): (99312) 51-14-50

E-mail: tmpatent@online.tm

“ 2005 ” ý “ 18.07 ” № 19/10

Your ref: 828

Ashgabat, 18/07/2005

THE PROTOCOL RELATING TO THE MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

PROVISIONAL REFUSAL OF PROTECTION

notified to the International Bureau of the World Intellectual Property Organization (WIPO)
According to Article 5 of the Madrid Protocol

I. Office refusing protection:

MINISTRY OF ECONOMY AND FINANCE OF TURKMENISTAN

PATENT DEPARTMENT

No. 4, 2008 str.

744000, Ashgabat, Turkmenistan

Telephone: + (99 312) 51 00 42

Telefax: + (99 312) 51 14 50

II. Number of international registration which is the subject of refusal: **832140**

III. Name of the holder of international registration which is the subject of refusal:

BAŞER KIMYA SANAYI VE TICARET ANONİM ŞİRKETİ

Saniye Ermutlu Sokak, Baser Han No: 2 Erenkoy, KOZYATAGI/ISTANBUL (Turkey).

The denomination “bello” of the mark.

IV. The grounds for this decision are the following:

- a) ☒ Conflict with an earlier international mark: number and date of filing of the earlier mark, reproduction of the mark, name and address of the holder of the earlier mark: list of all the goods or services, or the relevant goods or services of the earlier mark.

1. Torunskie Zakłady Materialow Opatrunkowych. Spolka Akcyjna (PL)

ul. Zolkiewskiego 20/26, PL-87-100 Torun (Poland).

number of registration: 825036; filing date: 28/06/2004 (dd/mm/yyyy).

The verbal mark “bella”. Applied for identical kinds of goods in class – 05.

2. Torunskie Zakłady Materialow Opatrunkowych. Spolka Akcyjna (PL)

ul. Zolkiewskiego 20/26, PL-87-100 Torun (Poland).

number of registration: 828429; filing date: 16/08/2004 (dd/mm/yyyy).

The verbal mark “bella NOVA”. Applied for identical kinds of goods in class – 05

3. Torunskie Zaklady Materialow Opatrunkowych. Spolka Akcyjna (PL)
ul. Zolkiewskiego 20/26, PL-87-100 Torun (Poland).
number of registration: 726301; filing date: 07/07/2003 (dd/mm/yyyy).
The verbal mark "BELLA". Applied for identical kinds of goods in class – 05.

b) ☐ Other grounds

V. Provisions of the Patent Law of Turkmenistan applicable on the subject (enclosed):
Art.6 item 5; Art.20 item 7; Art.30 item 3

VI.

☒ Refusal for the all indicating goods in class 05, namely: sanitary preparations for medical purposes and for personal hygiene.

☐ Refusal for the following goods and/or services

☐ Refusal for unprotected elements of the mark

VII. The holder of the registration may request a review of the refusal. The request will be received by the Ministry of Economy and Finance of Turkmenistan (Patent Department) no later than within 3 months from the date of the refusal. The time limit expires /18/10/2005 (dd/mm/yyyy).

The indicated term will be extended at the request of the holder of the registration on condition that said request is filed before expiration of the term and the payment to the Ministry of Economy and Finance of Turkmenistan of the corresponding fees, the amount of which is \$ 50 per month (Article 30 (3)).

The request has to be filed through the intermediary of a representative resident in Turkmenistan (Patent Attorney of Turkmenistan) (Article 20(7)).

VIII. Date on which the refusal was pronounced: 18/07/2005 (dd/mm/yyyy).

IX. Signature of the Office

MINISTRY OF ECONOMY AND FINANCE OF TURKMENISTAN

PATENT DEPARTMENT

Expert on International Registrations



Kurbanova S.

Extract from the Patent Law of Turkmenistan

Article 6: Requirements for the Protectability of the Trade Marks and Service Marks Item № 5.

Designations cannot be registered as trade marks if they are identical or similar to the extent of confusion with:

- trade marks filed or applied for earlier of at Ministry of Economy and Finance of Turkmenistan in the name of another person relating to homogeneous goods;
- trade marks belonging to the other persons, protected in the Turkmenistan on the basis of international treaties;
- firm names (or part thereof), belonging to the other persons having obtained the right on these names prior to the filing of an application for a trade mark relating to homogeneous goods;
- designations of places of manufacture of goods/ protected in Turkmenistan/ unless they are included in the marks as unprotectable elements registered in the name of the person who has the right to use the designation.

Article 20: Filing an Application for the Grant of Protective Documents Item № 7.

An application for the grant of protective documents may be filed through a patent attorney. Ministry of Economy and Finance of Turkmenistan registers patent attorneys and defines their functions.

Article 30: Examination of an Application for the Registration of a Trade Mark Item № 3.

In the process of examination of the trade mark application the Applicant may be requested to introduce alterations or correction into application. Additional materials requested by the Examiner shall be submitted within a term of two months from the date of receipt of the respective official action. The indicated term shall be extended at the request of the Applicant on condition that said request is filed before expiration of the term. If the Applicant fails to keep to the deadline or leaves the official action of the Examiner unanswered, then the application shall be deemed withdrawn, whereof the Applicant shall be notified.

WORLD INTELLECTUAL
PROPERTY ORGANIZATION

Madrid Union (Marks)



Registrations

Designated Contracting Party:
Turkmenistan

ENN/2004/23

Notification

825 036

Registration date: December 10, 2003

Date next payment due: December 10, 2013

Toruńskie Zakłady Materiałów
Opatrunkowych Spółka Akcyjna
ul. Żółkiewskiego 20/26
PL-87-100 Toruń
(Poland).

Name and address of the representative: Genowefa
Borezykowska, ul. Zbożowa 55 A m 12, PL-87-100 Toruń
(Poland).



Classification of figurative elements:

25.1; 27.5; 29.1.

Colours claimed: Dark navy blue and white.

List of goods and services - NCL(8):

- 3 Cotton wool and cotton wool products for cosmetic purposes, hygienic hankies impregnated with cosmetic liquid shampoo.
- 5 Sanitary towels, panty liners, hygienic and gynaecological towels, hygienic tissue, dressing gauze, compresses dressing, supporting dressing, diapers for incontinents hygienic bandages, dressing bandages, cotton and wool and cotton products for hygienic and medical purposes hygienic towels, hygienic panties, hygienic panties for incontinents, sticking plasters, self-adhesive plasters maternity inserts, surgical fabrics, sterility tests disposable packaging (filled) used for sterilization purposes: menstruation tampons.
- 16 Disposable paper tissue, toilet paper, disposable diapers made from paper and cellulose, disposable diapers for babies and children made from paper and cellulose, paper towels, paper napkins for make-up removal, paper napkins, paper pouches, adhesive tapes, disposable tape reels for stationery, for packaging.

Basic registration: Poland, 11.08.2003. 146402.

Designations under the Madrid Agreement: Albania, Armenia, Austria, Azerbaijan, Belarus, Benelux, Bosnia and Herzegovina, Bulgaria, China, Croatia, Czech Republic, France, Germany, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Mongolia, Republic of Moldova, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, Tajikistan, The former Yugoslav Republic of Macedonia, Uzbekistan.

Designations under the Madrid Protocol: Denmark, Estonia, Finland, Georgia, Iceland, Ireland, Lithuania, Norway, Singapore, Sweden, Turkey, Turkmenistan, United Kingdom, United States of America.

Date of notification: 17.06.2004

Language of the international application: English

WORLD INTELLECTUAL
PROPERTY ORGANIZATION

Madrid Union (Marks)



04321060
Registrations

Designated Contracting Party:
Turkmenistan

ENN/2004/30

Notification

828 429

Registration date: June 24, 2004

Date next payment due: June 24, 2014

Toruńskie Zakłady Materiałów
Opatrunkowych Spółka Akcyjna
ul. Żółkiewskiego 20/26
PL-87-100 Toruń
(Poland).

Name and address of the representative: Genowefa
Borczykowska, ul. Zbożowa 55 A m 12, PL-87-100 Toruń
(Poland).



Classification of figurative elements:

25.1; 26.4; 27.5; 29.1.

Colours claimed: Dark navy blue, white.

List of goods and services - NCL(8):

5 Sanitary towels, panty liners.

Basic registration: Poland, 17.12.2003, 149786.

Designations under the Madrid Agreement: Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Germany, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Republic of Moldova, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, Tajikistan, The former Yugoslav Republic of Macedonia, Ukraine, Uzbekistan.

Designations under the Madrid Protocol: Estonia, Georgia, Lithuania, Turkey, Turkmenistan.

Date of notification: 05.08.2004

Language of the international application: English



Notification

726 301

Désignations postérieures selon l'Arrangement de Madrid:
Mongolie.

Désignations postérieures selon le Protocole de Madrid:
Géorgie, Turkménistan.

Date de désignation postérieure: 12.05.2003

Date de notification: 26.06.2003

Enregistrement international concerné

726 301

Date d'enregistrement: 30 septembre 1999

Date d'échéance: 30 septembre 2009

Toruńskie Zakłady Materiałów
Opatrunkowych, Spółka Akcyjna
ul. Żółkiewskiego 20/26
PL-87-100 Toruń
(Pologne).

Nom et adresse du mandataire: Genowefa Borczykowska, ul.
Bażyńskich 31 m 23, PL-87-100 Toruń (Pologne).

B E L L A

*Indication relative à la nature de la marque ou au type de
marque:* caractères standard.

Liste des produits et services:

- 5 Serviettes périodiques, couches hygiéniques pour incontinents, protège-slips, produits hygiéniques, supports hygiéniques et gynécologiques, ouate et produits en ouate à usage médical, tampons pour la menstruation, serviettes hygiéniques.
- 16 Mouchoirs de poche en papier, papier hygiénique, couche-culottes en papier ou en cellulose à jeter, langes en papier ou en cellulose à jeter, essuie-mains en papier.
- 24 Serviettes à démaquiller en matières textiles, mouchoirs de poche en matières textiles.
- 25 Couches en matières textiles.

Enregistrement de base: Pologne, 30.09.1999, 113867.

Langue de la demande internationale: Français
