

**MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS
AND THE PROTOCOL RELATING TO THAT AGREEMENT**

PROVISIONAL REFUSAL OF PROTECTION

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

I. Office notifying the provisional refusal:

**THE DEPARTMENT OF REGISTRAR OF COMPANIES AND OFFICIAL RECEIVER,
KARPENISIOU & MAKARIOU STR., XENIOS BLDG., 1427 NICOSIA, CYPRUS.**

**II. Number of the international registration which is the subject of the provisional refusal: 839 972
(SMIRNOV, TORGovy DOM, PO VOZROZHDENIYU TRADITSYI, P.A. SMIRNOVA, VEDRA,
SDELANO V ROSSII, TORGovy DOM PO VOZROZHDENIYU TRADITSYI P.A. SMIRNOVA)**

**III. Name of the holder of the international registration which is the subject of the provisional refusal:
OBSHESTVO S ORGANICHENNOI OTVETSTVENNOSTYU "TORGovy DOM PO
VOZROZHDENIYU TRADITSYI POSTAVSCHIKA DVORA EGO IMPERATORSKAGO
VELICHESTVA P.A. SMIRNOVA", M. TATARSKYI PER., 5, STR. 1, RU-113184 MOSCOW, RUSSIAN
FEDERATION**

IV. Grounds for provisional refusal *

**Section 14(1) of the National Law, which states that such Trademarks cannot be registered, or if they are
registered they shall be cancelled.**

V. Applicable provisions of the national law:

**Section 14(1)(b) - Trade Marks which are same or similar with an existing Trade Mark, and at the same
class.**

**VI. Information concerning the mark with which the mark is the subject of the international application appears to
be in conflict:**

- National Registration Number: 59671 (SMIRNOFF ICE & LABEL)
- Filing Date: 22.03.2001
- Name of the Owner: DIAGEO NORTH AMERICA, INC.,
- Address of the Owner: SIX LANDMARK SQUARE, STAMFORD, CONNECTICUT 06901-2704, U.S.A
- Goods and services: Class 33 – WINES, ALCOHOLIC BEVERAGES, LIQUERS.

- National Registration Number: 63502 (SMIRNOFF)
- Filing Date: 08.07.2002
- Name of the Owner: DIAGEO NORTH AMERICA INC.
- Address of the Owner: 6 LANDMARK SQUARE, STAMFORD CT 06901, U.S.A
- Goods and services: Class 33 – VODKA

- National Registration Number: 60595 (SMIRNOFF)
- Filing Date: 06.07.2001
- Name of the Owner: DIAGEO NORTH AMERICA INC.
- Address of the Owner: 6 LANDMARK SQUARE, STAMFORD CONNECTICUT 06901-2704, U.S.A
- Goods and services: Class 33 – Alcoholic beverages, namely, wines, spirits and liqueurs

- National Registration Number: 67579 (SMIRNOFF & DEVICE)
 - Filing Date: 09.07.2003
 - Name of the Owner: DIAGEO NORTH AMERICA INC.
 - Address of the Owner: 6 LANDMARK SQUARE, STAMFORD CONNECTICUT 06901-2704, U.S.A
 - Goods and services: Class 33 – Alcoholic beverages, namely, wines, spirits and liquers
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- National Registration Number: 59670 (SMIRNOFF ICE)
 - Filing Date: 22.03.2001
 - Name of the Owner: DIAGEO NORTH AMERICA INC.
 - Address of the Owner: 6 LANDMARK SQUARE, STAMFORD CONNECTICUT 06901-2704, U.S.A
 - Goods and services: Class 33 – Alcoholic beverages, namely, wines, spirits and liquers

VII. ☐ Provisional refusal for all the goods and/or services

☒ Provisional refusal for the following goods and/or services: Class 33 (for the goods mentioned in part VI above)

VIII. [Time limit for requesting review or appeal; authority to which such request for review or appeal should be made; indications concerning the appointment of a representative]

Three (3) months from the Registrar's decision. The Registrar shall hear the applicant, or the applicant can submit a written statement containing his position within the above time limit of 3 months. If the applicant fails to appear/request for a hearing before the Registrar or if he fails to submit a written statement (considered reply) within the above time period, then his application is considered abandoned. On the other hand, if the Registrar agrees with the applicant (during a hearing or after considering his written statement), he gives instructions for the Trademark to be published in the Official Gazette of the Republic.

A Cypriot advocate should be appointed.

VIII. Date on which the provisional refusal was pronounced (Registrar's Decision): **October 18, 2005**

IX. Signature or official seal of the Office notifying the provisional refusal:


C. STYLIANOU
For Registrar of Trademarks

* If the space available is insufficient, please use a continuation sheet.

59671



63502

SMIRNOFF

60595

SMIRNOFF

67579

