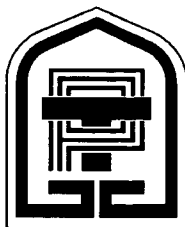


**TÜRKMENISTANYŇ
YKDYSADYÝET WE MALIÝE
MINISTRLOGI**

PATENT MÜDIRLIGI

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



**MINISTRY OF
ECONOMY AND FINANCE
OF TURKMENISTAN**

PATENT DEPARTMENT

2008 Str., 4, Ashgabat,
Turkmenistan, 744000

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“ 2005 ” ý “ 05.11 ” № 19/15

Your ref: 828

Ashgabat, 05/11/2005

**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: 842268
III.	Name of the holder of international registration which is the subject of refusal: Obchtchestvo s ogranichennoi otvetstvennostiou "Marta-M" OOO "Marta-M" Krasnyi prospekt 79, RU-630049 Novosibirsk (Russian Federation). All verbal elements except “КИРИЕШКИ” and “Сибирский БЕРЕГ” of the mark.
IV.	The grounds for this decision are the following: a) <input type="checkbox"/> 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. b) <input checked="" type="checkbox"/> Other grounds: According to item 4 of Article 6 of the Patent Law of Turkmenistan the registration of marks will not be admissible: marks which indicate the kind, quality, quantity, properties, destination and value of goods as well as the place of manufacture or sale thereof. All verbal elements except “КИРИЕШКИ” and “Сибирский БЕРЕГ” of the mark have a descriptive nature and indicates the kind of the good.

V. Provisions of the Patent Law of Turkmenistan applicable on the subject (enclosed):
Art.6 item 4; Art.20 item 7; Art.30 item 3

VI.

- ☐ Refusal for all the goods and/or services
- ☐ Refusal for the following goods and/or services
- ☒ Refusal for unprotected elements of the mark: the mark is protected with the following disclaimer: the registration does not confer any exclusive rights to all verbal elements except "КИРИЕШКИ" and "Сибирский БЕРЕГ" (see Item IV(b)).

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 /05/02/2006 (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: 05/11/2005 (dd/mm/yyyy).

IX. Signature of the Office

MINISTRY OF ECONOMY AND FINANCE OF TURKMENISTAN

PATENT DEPARTMENT

Expert on International Registrations



S.Kurbanova

Extract from the Patent Law of Turkmenistan

Article 6: *Requirements for the Protectability of the Trade Marks and Service Marks* **Item #4**

The registration of mark consisting only of signs or symbols shall not be admissible:

- marks without distinguishing features;
- marks depicting state seals, flags or emblems; official designation of states; emblems and abbreviations or full denominations of international and intergovernmental organizations; official inspection stamps, guarantee seals and hallmarks, stamps and seals; decorations and other awards. Such designations may be included in the trade mark in the form of unprotected elements, if the consent was given by the respective competent authority or by the owner thereof;
- marks having become generally used as designations of a certain kind of goods;
- marks which are generally accepted symbols and terms;
- marks which indicate the kind, quality, quantity, properties, destination and value of goods as well as the place of manufacture or sale thereof;
- marks which are false or deceptive; misleading the consumer with respect to the goods, services or the production of the goods;
- marks contradicting by their content the public interest, the principles of humanity and standards of morality.

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 applicant shall be deemed withdrawn, whereof the Applicant shall be notified.