

ANNEX

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

PROVISIONAL REFUSAL OF PROTECTION

Notified to the International Bureau of the World Intellectual Property Organization (WIPO) in accordance with Rule 17(1) of the Common Regulations under the Madrid Agreement and Protocol

I.	Office making the notification: <p align="center">State Committee on Standardization, Metrology and Patents Patent Office Mardanov Qardashlary str. 124, AZ 1147, Baku, Azerbaijan Fax: (+99412) 40-52-24</p>
II.	Number of the international registration: 999 045
III.	Name of the holder of the international registration: <p align="center">Zentiva, a.s. Nitrianska 100 SK-920 27 Hlohovec (SK)</p>
IV.	<input type="checkbox"/> Provisional refusal based on an <i>ex-officio</i> examination <input checked="" type="checkbox"/> Provisional refusal based on an opposition ¹ BAYER AG Bayerwerk, 51368 LEVERKUSEN (DE) <input type="checkbox"/> Provisional refusal based on both an <i>ex-officio</i> examination and an opposition ¹
V.	<input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services <input type="checkbox"/> Provisional refusal for some of the goods and/or services: [followed by an indication of the goods and/or services which are affected or are not affected] ²
VI.	Grounds for refusal [(where applicable, see item VII)]: <p align="center">Similarity of the trademark</p>

¹ The name and address of the opponent should also be provided.

² Where all the goods or services included in a given class are to be mentioned, the indication should read "all goods (or all services) in class X". In all cases, a clear indication should be given as to whether those goods and/or services are affected, or are NOT affected.

VII. Information relating to an earlier mark³

- (i) Filing date and number, and, if any, priority date:
- (ii) Registration date and number (if available): **04.12. 1991 № 950 429**
- (iii) Name and address of the owner:
BAYER AG
Bayerwerk,
51368 LEVERKUSEN (DE)
- (iv) Reproduction of the mark:
Aspirin
- (v) List of all or relevant goods and/or services:
Class 05: Pharmaceutical preparations.

VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:
Law "On Trademarks and Geographical Indications" of the Republic of Azerbaijan
Article 6. Other grounds for refusal of registration of trademark

IX. Information relating to subsequent procedure

- (i) Time limit for requesting review or appeal:
Within 3 months from the date on which provisional refusal was pronounced
(From the date of refusal reception by the holder of the international registration)
- (ii) Authority to which such request for review or appeal should be made:
Appeal Council under the State Committee on Standardization,
Metrology and Patents
- (iii) Indications concerning the appointment of a representative:
Patent Attorney

X. Date of the notification of provisional refusal: **01.10.2009**

XI. Signature or official seal of the Office making the notification:



³ Where the grounds on which the provisional refusal is based relate to an earlier mark, as indicated under item VI. The indication required under this item may be given by annexing a printout from the register or database.

XII. Corresponding essential provisions of the applicable law:

Law “On Trademarks and Geographical Indications” of the Republic of Azerbaijan
Article 6. Other grounds for refusal of trademark registration

Signs may not be registered or field for registration if they are identical or similar, to the point of misleading:

- a) trademarks, registered earlier in the name of another person or requiring registration in the Republic of Azerbaijan on identical goods and services