



REPUBLIC OF CYPRUS
 MINISTRY OF
 COMMERCE, INDUSTRY
 AND TOURISM



DEPARTMENT OF REGISTRAR OF COMPANIES
 AND OFFICIAL RECEIVER
 INTELLECTUAL AND INDUSTRIAL PROPERTY SECTION
 TRADE MARKS
 1427 NICOSIA CYPRUS

**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: MINISTRY OF COMMERCE, INDUSTRY AND TOURISM, THE DEPARTMENT OF REGISTRAR OF COMPANIES AND OFFICIAL RECEIVER, KARPENISIOU & MAKARIOU STR., XENIOS BLDG., 1427 NICOSIA, CYPRUS
II.	Number of the international registration: 1 031 791(4 MOVE)
III.	Name of the holder of the international registration: FOODCARE SPÓLKA Z O.O. ul.. Spokojna 4 PL-32-080 Zabierzów (Poland).
IV.	<input checked="" type="checkbox"/> Provisional refusal based on an ex-officio examination <input type="checkbox"/> Provisional refusal based on an opposition <input type="checkbox"/> Provisional refusal based on both an ex-officio examination and an opposition
V.	<input type="checkbox"/> Provisional refusal for all the goods and services: <input checked="" type="checkbox"/> Provisional refusal for some of the goods and/or services: as indicated in the Notification of the International Registration under class 32. Conditional acceptance – The applicant is required to accept protection under the following

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

condition:

- a) Registration of this trade mark shall give no right to the exclusive use of the number "4" and of the word "move" apart from the mark.

VI. Grounds for refusal [(where applicable, see item VII)]; Conditional acceptance**VII. Information relating to an earlier mark³**

- (i) Filing date and number:
- (ii) Registration date and number (if available):
- (iii) Name and address of the owner:
- (iv) Reproduction of the mark; please, see the attached
- (v) List of all goods and services:

VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:

Section 19(2) of the National Law Cap.268, which states that the Registrar may refuse the application, or may accept it absolutely or subject to such amendments, modifications, conditions or limitations, if any, as he may think right.

Rule 32 of the National Trade Mark Regulation 1951, which states that after such search, and consideration of the application, and of any evidence of use or of distinctiveness or of any other matter which the applicant may or may be required to furnish, the Registrar may accept the application absolutely or he may object to it or he may express his willingness to accept it subject to such conditions, amendments, disclaimer, modifications or limitations as he may think right to impose.

IX. Information relating to subsequent procedure:

Within two (2) months from the date of this communication,

- (a) If the applicant does not object to the imposed conditions, disclaimers, limitations, c.t.c., his authorized representative shall forthwith notify the Registrar in writing (a simple letter)
- (b) If the applicant objects to the imposed conditions, disclaimers, limitations, c.t.c., his authorized representative shall apply for a hearing or shall communicate his considered objections in writing (considered reply).

If the applicant's representative fails to act in either way, as above, he shall be deemed to have withdrawn his application.

An advocate – practicing Law in Cyprus – needs to be appointed by you, who will act as the applicant's representative before our Office.

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.

Since we do not keep or issue any lists of lawyers, we give you below details of the CYPRUS Bar Association, who you may contact for further Information and a list of advocates:

Cyprus Bar Association

11, Florinis Street,

1st Floor, Office 101

1065 Nicosia-Cyprus

P.O. Box 21446, 1508 Nicosia

Tel. No.:+357 22873300

Fax No.:+357 22873013

Email: cybar@cytanet.com.cy / cybar2@cytanet.com.cy

Website: www.cyprusbarassociation.org

However, in case you are an advocate practicing Law overseas, you are required to obtain a license for practicing Law in Cyprus, by applying to the LAW COUNCIL OF THE CYPRUS REPUBLIC (fax no. +22665080), who will certify that you comply with the Cyprus Advocates Law CAP.2.

X. Date of the notification of provisional refusal: July 29, 2010

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



(Sgd.) R. EPIPHANIOU

For the Registrar of Trademarks