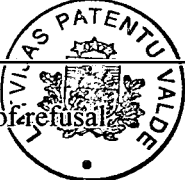



**MADRID AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF MARKS
AND PROTOCOL RELATING TO THAT AGREEMENT**

PROVISIONAL REFUSAL OF PROTECTION

notified to the World Intellectual Property Organisation (WIPO)
according to Article 5 of the Madrid Agreement and Madrid Protocol

I. Office making the notification of refusal PATENT OFFICE OF THE REPUBLIC OF LATVIA 7/70, Citadeles iela, PO Box 824 LV 1010, Rīga LATVIA		phone 371 67099602 Fax 371 67099650
II. Number of the international registration which is the subject of refusal		WO 1 063 796
III. Name of the holder of the international registration concerning the subject of refusal Dotchirne pidpriemstvo "Konditerska korporatzia "Roshen" vul. Pavla Usenka, 8, Kyiv 02105 (Ukraine).		
IV. The grounds of refusal: Following sign "ТУРОНЧИКИ" shall not be registered as trademark because this sign lacks any distinctive character, designates the kind of goods and deceives consumers of the geographical origin of the goods, <i>turroón (Spanish) or torrone (Italian)</i> – traditional Christmas dessert in Spain and Italy (typically made of honey, sugar, egg white, toasted almonds or other nuts). Even though the sign is in Cyrillic (<i>deminutivum</i>), it is well understood by Latvian customers as they know Russian quite well.		
V. Reference to the corresponding essential provisions of the law (see materials attached) LATVIAN LAW ON TRADE MARKS AND INDICATIONS OF GEOGRAPHICAL ORIGIN, Article 6.(1)2); 6.(1)3); 6.(1)7)		
VI. <input checked="" type="checkbox"/> Refusal for all goods and services <input type="checkbox"/> Accepted for the following goods:		
VII. Possibilities to review or appeal The holder of the mark has the right, within 3 months from the date of reception of present decision, to submit his objections to the Patent Office of the Republic of Latvia through a professional local patent attorney. After expiration of the said period the Patent Office shall take a final decision.		
VIII. Date on which the present decision was pronounced		19.01.2012.
IX. Signature and seal of the office making the notification of refusal		  Maira Egle

LATVIAN LAW ON TRADEMARKS AND INDICATIONS OF GEOGRAPHICAL ORIGIN

Has been adopted:

16.06.1999

Come into force:

15.07.1999

Published:

Vēstnesis, 01.07.1999, Nr. 216

Article 6. Absolute Grounds for Refusal and Invalidation of a Trademark Registration

(1) The following signs shall not be registered as trademarks (if they have been registered, these registrations may be declared invalid pursuant to the provisions of this Law):

- 1) those which cannot constitute a trademark, that is, which do not comply with the provisions of Article 3 of this Law;
- 2) those which lack any distinctive character with respect to the applied goods or services;
- 3) those which consist solely of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, or the time of production of the goods or of providing the services, or other characteristics of the goods or services;
- 4) those which consist solely of signs or indications which have become customary in the current language or in fair and established practices of the trade to designate the goods or services applied for (general designations);
- 5) those which consist solely of a shape which is directly determined by the kind of goods (which results directly from the nature of the goods themselves), or which is necessary to obtain a particular technical result, or which gives substantial value to the goods;
- 6) those which are contrary to public policy or to socially accepted principles of morality;
- 7) those which are of such a nature as to mislead the consumers, for example, as to the nature, quality or geographical origin of the goods or services;
- 8) those which contain signs, the registration of which would be refused or invalidated pursuant to Article 6-ter of the Paris Convention, including coats of arms and flags of the member countries of the Paris Union, their official marks indicating control, quality, and warranty, and hallmarks, as well as emblems, flags, names of international organisations and their abbreviations, without authorization by the competent authorities;
- 9) those which, without authorization by the competent authorities given pursuant to the procedures set out in the statutory enactments of Latvia, contain the official heraldry approved by the State, national decorations, official Service insignia, as well as official marks indicating control, quality and warranty, official hallmarks, and signs indicating the safety of utilising goods which are used with respect to identical or similar goods or services in Latvia, or any other marks of high symbolic value, as well as religious symbols;
- 10) with respect to wines - those which contain or consist of an indication of geographical origin identifying wines of particular origin, or with respect to spirits which contain or consist of an indication of geographical origin identifying spirits of particular origin, if such is not the genuine place of origin of the wines or spirits for which the trademark registration has been applied for.