

NOTIFICATION ABOUT PROVISIONAL REFUSAL OF PROTECTION

directed to International Bureau of World Intellectual Property Organization
(WIPO) according to article 5 of the Protocol of Madrid

I.	Organization which notifies the provisional refusal of protection : Agency on Intellectual Property of the Republic of Uzbekistan, 59, Mustakillik avenue, 100000, Tashkent (Uzbekistan) Telephone: (99871) 232-50-60 Fax: (99871) 232-50-13
II.	No of the International Registration, being the object of the refusal: 1 076 327 No of the basic national registration: 30 2010 060 748.3/03
III.	Name and address of the holder of the international registration, being the object of the refusal: UAB "SCT Lubricants" Silutes pl. 119, Klaipeda LT-95112 (LT)
IV.	Motives for the refusal: The presented trademark "CHEMPIOIL" cannot be registered as a trademark, since it is phonetically similar to the point of confusion with: - the verbal element "CHAMPION" of the combined trademark "CHAMPION" № 469501 registered in the international register in 23.04.1982 by "WOLF OIL CORPORATION" (naamloze vennootschap Georges Gilliotstraat 52 B-2620 HEMIKSEM) (BE) for the similar goods of the classes 01, 03, 04. - the verbal element "CHAMPION" of the combined trademark "CHAMPION" № 744686 registered in the international register in 05.09.2000 by "WOLF OIL CORPORATION" (naamloze vennootschap Georges Gilliotstraat 52 B-2620 HEMIKSEM) (BE) for the similar goods of the classes 01, 03, 04; - the verbal element "CHAMPION" of the combined trademark "CHAMPION" № 1059799 registered in the international register in 12.10.2010 by "WOLF OIL CORPORATION" (naamloze vennootschap Georges Gilliotstraat 52 B-2620 HEMIKSEM) (BE) for the similar goods of the class 04;
V.	Articles of the national law applicable on the matter (see extracted law to the back): 10.13
VI.	<input checked="" type="checkbox"/> Refusal for all goods and/or services: all goods of the classes 01, 03, 04. <input type="checkbox"/> Refusal for the following goods and/or services: <input type="checkbox"/> Decision about the disclamation:
VII.	The supply of objections against the decision about the provisional refusal a) period of the supply :6 months from the date of the acceptance of the provisional refusal ; b) organization where the objection must be addressed : Agency on Intellectual Property of the Republic of Uzbekistan (at the address mentioned in box I); c) assistance of the national patent attorney is obligatory.
VIII.	Date of the acceptance of the refusal : 08.08.2012

LAW OF THE REPUBLIC OF UZBEKISTAN
«ON TRADE MARKS AND SERVICE MARKS AND APPELLATIONS OF ORIGIN»
(entered into force on August 30, 2001)

Article 10. Designations not registered as trademarks

The following shall not be registered as trademarks:

- 1) designations serving as illustrations of State coats of arms, flags and State awards;
- 2) official names of States, abbreviated or full names of international or intergovernmental organizations;
- 3) official control, guarantee and hallmarks and seals;
- 4) illustrations of decorations and insignia of State services used in the Republic of Uzbekistan;
- 5) designations which cannot be distinguished;
- 6) designations which have entered into common use as designations of goods of a particular type;
- 7) designations representing generally accepted symbols and terms;
- 8) designations used to characterize goods including types, qualities, quantities, features, purposes, values and also the times and places of their production or sale.
- 9) designations which are false or likely to mislead the user as regards a good or its manufacturer;
- 10) designations formally indicating the true place of production of a good but giving a mistaken perception that the good comes from another territory;
- 11) designations representing or containing geographical names identifying mineral waters, wines or strong spirits, for the designation of goods not originating in the place in question, and also where they are used in translation or in combination with the words "form," "type," "in the style" and so on;
- 12) designations contrary to the interests of society, principles of humanity and morality;
- 13) designations identical or similar to the point of confusion with:
 - trademarks previously registered or filed for registration in the Republic of Uzbekistan on behalf of another person, and also protected without registration under the international agreements to which the Republic of Uzbekistan is a party or enjoying earlier priority in relation to goods of the same type;
 - trademarks of other persons recognized as generally known in accordance with the established procedure, in relation to any goods;
 - appellations of origin protected in accordance with this Law, apart from the cases of their inclusion as an unprotected element in a trademark registered on behalf of a person who has the right to use such an appellation in relation to any goods;
 - certificated signs, registered in accordance with the established procedure;

The designations indicated in paragraphs one to four of the first part of this article may be included as unprotected elements in a trademark, if agreement thereto has been given by the corresponding State body or their owner, and the designations indicated in paragraphs five to eight of the first part of this article may be included as unprotected elements in a trademark, if they do not occupy a dominant position therein.

Registration of the designations indicated in paragraphs five to eight of the first part of this article may be permitted, provided that these designations have become distinguishable in practical terms as a result of their use.

Registration of a designation, similar to the point of confusion with a trademark indicated in sections two and three of paragraph 13 of the first part of this article, may be permitted, provided that the trademark owner has given his consent to the registration of this designation.

IX. Enclosure

- ☒ Information about opposed marks
- ☐ Information about opposed national marks

X. Signature of the official representative of the organization which pronounces the refusal



ENCLOSURE TO THE PROVISIONAL REFUSAL OF
THE INTERNATIONAL REGISTRATION
No 1 076 327

Extract from the international registration

No 469501

The list of goods and services:

01

Produits et compositions contre le gel.

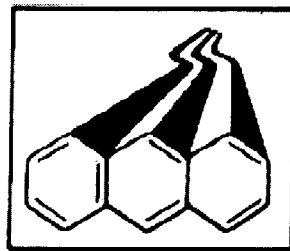
03

Préparations pour blanchir et autres substances pour lessiver; préparations pour nettoyer, polir, dégraisser et abraser; savons; parfumerie, huiles essentielles, cosmétiques, lotions pour les cheveux; dentifrices.

04

Huiles et graisses industrielles (autres que les huiles et les graisses comestibles et les huiles essentielles); lubrifiants; compositions à lier la poussière; compositions combustibles (y compris les essences pour moteurs) et matières éclairantes.

CHAMPION



ENCLOSURE TO THE PROVISIONAL REFUSAL OF
THE INTERNATIONAL REGISTRATION
No 1 076 327

Extract from the international registration

No 744686

The list of goods and services:

01

Chemical products for industrial use; chemical additives to lubricants and fuels; chemical additives used for preventing oil loss, rinsing oil, cleaning diesel engines and petrol engines, preventing soot, rinsing radiators and sealing cooling systems; antifreeze products and compositions; brake fluids.

03

Cleaning, polishing, scouring and abrasive preparations; soaps; bleaching preparations and other substances for laundry use.

04

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including petrols for engines) and illuminants.

CHAMPION

ENCLOSURE TO THE PROVISIONAL REFUSAL OF
THE INTERNATIONAL REGISTRATION
No 1 076 327

Extract from the international registration

No 1059799

The list of goods and services:

- 01 Antifreeze and antifreeze compositions.
- 03 Cleaning, polishing, scouring and abrasive preparations; soaps, rinsing oils; stain removers; polishing paper; cleaning fluids for car windows.
- 04 Industrial oils and greases; lubricants; dust laying compositions; fuels, including motor spirit, and illuminants.

The logo consists of the word "CHAMPION" in a bold, white, sans-serif font. A small registered trademark symbol (®) is located at the top right of the letter "N". The text is centered within a solid black rectangular background.