

MADRID AGREEMENT AND PROTOCOL
PROVISIONAL REFUSAL OF PROTECTION

Rule 17(1)

<p>I. Office making the notification: National Center for Patents and Information of the Republic of Tajikistan, Dushanbe, 14a Ayni street</p>
<p>II. Number of the international registration: 1101 767</p>
<p>II. Name of the holder (or other indication enabling the identity of the international registration to be confirmed): Obschestvo s ogranichennoy otvetstvennost'yu "Vetra net" ul. Blyukhera, 40 RU-630073 Novosibirsk (RU)</p>
<p>IV. <input checked="" type="checkbox"/> Provisional refusal based on an <i>ex officio</i> examination <input type="checkbox"/> Provisional refusal based on an opposition <input type="checkbox"/> Provisional refusal based on both an <i>ex officio</i> examination and an opposition</p>
<p>V. <input type="checkbox"/> Provisional refusal for all the goods and/or services <input checked="" 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] <input type="checkbox"/> Provisional refusal for some of the elements of the mark based on an <i>ex officio</i> examination</p>
<p>VI. Grounds for refusal [(where applicable, see item VII)]: The declared designation shall not be registered as mark because it is misleadingly similar to marks that were earlier registered in Tajikistan on behalf of another person for similar goods. Refused for all goods in classes 25</p>
<p>VII. Information relating to an earlier mark: International registration IR 11071857 of 10.03.2011 on the name Xie Huiwei No.19 Group Four, Sheda Village, Tiancun Town, Gan District, Ganzhou City 341102 Jiangxi Province China (CN) International mark № 1064 501 MOCK · UP International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(9) 25 Clothing: layettes (clothing); theatrical costume; shoes; hats; hosiery; girdles; neckties; raincoats; wedding garments.</p>

VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:
Article 9.1.1

IX. Information relating to subsequent procedure:

(i) Time limit for requesting review or appeal:

The holder of the international registration may lodge the request against this provisional refusal. The request has not be lodged through the intermediary of a representative who must be registered as a trademark agent at NCPIT and who domiciled in Tajikistan. The request must be received by the National Centre for Patent and Information of the Republic of Tajikistan not later than 2 month after the notification date of this provisional refusal by WIPO to the applicant or his representative. If the request is not received within this time limit, the designation will be considered as refusal of protection in Tajikistan in accordance with this provisional refusal.

(ii) Authority to which such request for review or appeal should be made:

(iii) Indications concerning the appointment of a representative:

X. Date of the notification of provisional refusal: **26.09.2012**

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

Head of the Department of
International Registration
Trademarks

 / **B. Azonov**

XII. Corresponding essential provisions of the applicable law:

Article 9 Other grounds for denial of registration

The following designations shall not be registered as trademarks if they are identical with or confusingly similar to:

- trademarks of other persons, applied for registration (provided applications for them have not been withdrawn) or protected in the Republic of Tajikistan by virtue of an international treaty recognized by the Republic of Tajikistan, in respect of similar goods and with an earlier priority;