

Model Form 3

MADRID AGREEMENT AND PROTOCOL
PROVISIONAL REFUSAL OF PROTECTION

Rule 17(1)

This form is to be used in the following situation: the Office considers that protection cannot be granted in the Contracting Party concerned (ex officio provisional refusal) or protection cannot be granted in the Contracting Party concerned because an opposition has been filed, or both. In due course, once all the procedures before the Office have been completed, the Office shall send to the International Bureau a statement regarding the final disposition on the status of the mark, using Model Forms 5 or 6, as the case may be.

I. Office making the notification: Ministry of Internal Trade and Consumer Protection Directorate of Commercial and Industrial Property Protection Address: Roukneddin Ibn AL-Nafees, Damascus, Syrian Arab Republic	
II. Number of the international registration: / 1 103 380 /	
III. Name of the holder (or other indication enabling the identity of the international registration to be confirmed): Dotchirne pidpriemstvo "Konditerska korporatzia "Roshen" vul. Pavla Usenka, 8 Kyiv 02105 (Ukraine).	
IV.	<input checked="" type="checkbox"/> Provisional refusal based on an <i>ex officio</i> examination <input type="checkbox"/> Provisional refusal based on an opposition ¹ <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 <u>services which are affected</u> or are not affected] ²
VI. Grounds for refusal [(where applicable, see item VII)]: Misleading	
<p>Note : The appeal will freeze to three monthes as from the filing date of the appeal to submit the requested legalized power of attorney that appoint the local agent, Please inform the Syrian Office of your desire to appeal within 30 days from the date of received by the holder of this notification.</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.

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VII. Information relating to an earlier mark³:

- (i) Filing date and number, and, if any, priority date:
- (ii) Registration date and number (if available):
- (iii) Name and address of the owner:
- (iv) Reproduction of the mark:
- (v) List of all or relevant goods and/or services:

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

Article 4(C) : From national law No 8/2007 on the protection of trademarks, Geographical signs and Industrial Drawing and Model.

IX. Information relating to subsequent procedure:

- (i) Time limit for requesting review or appeal:
30 days from the date of received by the holder of the notification of provisional refusal.
- (ii) Authority to which such request for review or appeal should be made:
Directorate of Commercial and Industrial Property protection, Ministry of Economy and Trade, Syria.
- (iii) Indications concerning the appointment of a representative:
If the holder wishes to request a review of the provisional refused, he must appoint a representative in Syria.

X. Date of the notification of provisional refusal: 8/1/2013

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

Minister of Internal Trade and

Consumer Protection

Dr. Kadri JAMIL

بالتفويض

معاون وزير التجارة الداخلية وحماية المستهلك

اسامد سميح علوش

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.