

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: 1 097 449 No of the basic national application: M201018032
III.	Name and address of the holder of the international registration, being the object of the refusal: Dochirnie pidpriemstvo "Kondyterska korporatsiia "Roshen" Elektrykiv vul., 26/9, Kyiv, Ukraine 04176
IV.	Motives for the refusal: <p style="margin-top: 20px;">All verbal designations, figures except verbal elements "ROSHEN" and "Elegance" of the combined trademark "ROSHEN Elegance TEMNIY MOLOCHNIY SHOKOLAD Z PODRIBNENYM MYGDALEM" have no distinctiveness, since they are descriptive designations, used to characterize the presented goods of the class 30.</p>
V.	Articles of the national law applicable on the matter (see extracted law to the back): 10.08;
VI.	<input type="checkbox"/> Refusal for all goods and/or services: <input type="checkbox"/> Refusal for the following goods and/or services: <input checked="" type="checkbox"/> Decision about the disclamation: class 30;
VII.	The supply of objections against the decision about the provisional refusal a) period of the supply :6 months from the date of 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 : 18.04.2013

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

