

**MADRID AGREEMENT AND PROTOCOL  
PROVISIONAL REFUSAL OF PROTECTION  
Rule 17(1)**

<p>I. Office making the notification:</p> <p style="text-align: center;"><b>National Center for Patents and Information of the Republic of Tajikistan</b></p> <p style="text-align: center;"><b>Dushanbe 14a Ayni street.</b></p>
<p>II. Number of the international registration: <b>1 196 253</b></p>
<p>III. Name of the holder (or other indication enabling the identity of the international registration to be confirmed):</p> <p style="text-align: center;"><b>Obschestvo s ogranichennoy otvetstvennostyu "Laboratoriya sovremennogo zdorovya"</b> <b>ul. Khimzavodskaya 11/20,</b> <b>Berdsk</b> <b>RU-633004 Novosibirskaya oblast' (RU)</b></p>
<p>IV. <input checked="" type="checkbox"/> Provisional refusal based on an <i>ex officio</i> examination</p> <p><input type="checkbox"/> Provisional refusal based on an opposition</p> <p><input type="checkbox"/> Provisional refusal based on both an <i>ex officio</i> examination and an opposition<sup>1</sup></p>
<p>V. <input type="checkbox"/> Provisional refusal for all the goods and/or services</p> <p><input checked="" type="checkbox"/> Provisional refusal for some of the goods and/or services: in class 05 of NCL [followed by an indication of the goods and/or services which are affected or are not affected]</p> <p><b>05</b></p> <p>Albumin dietary supplements; albuminous foodstuffs for medical purposes; albuminous preparations for medical purposes; alginate dietary supplements; aloe vera preparations for pharmaceutical purposes; antioxidant pills; appetite suppressant pills; balms for medical purposes; bath preparations, medicated; biocides; biological preparations for medical purposes; by-products of the processing of cereals for dietetic or medical purposes; casein dietary supplements; decoctions for pharmaceutical purposes; diabetic bread adapted for medical use; dietary fiber; dietetic beverages adapted for medical purposes; dietetic substances adapted for medical use; digestives for pharmaceutical purposes; enzyme dietary supplements; enzyme preparations for medical purposes; flaxseed dietary supplements; flaxseed oil dietary supplements; flour for pharmaceutical purposes; food for babies; glucose dietary supplements; hematogen; herbal teas for medicinal purposes; lacteal flour for babies; lecithin dietary supplements; lotions for pharmaceutical purposes; liniments; malted milk beverages for medical purposes; medicinal herbs; medicinal infusions; medicinal oils; medicinal roots; medicinal tea; milk ferments for pharmaceutical purposes; mineral food supplements; nervines; nutritional supplements; pharmaceutical preparations for skin care; pollen dietary supplements; preparations of trace elements for human and animal use; propolis dietary supplements; protein dietary supplements; royal jelly dietary supplements; royal jelly for pharmaceutical purposes; slimming pills; syrups for pharmaceutical purposes; vitamin preparations; wheat germ dietary supplements; yeast dietary supplements; yeast for pharmaceutical purposes.</p>
<p>VI. Grounds for refusal [(where applicable, see item VII)]:</p> <p>The sign shall not be registered because it's confusingly similar to trademarks of another person protected in the Republic of Tajikistan with an earlier priority.</p>

VII. Information relating to an earlier mark :

- (i) Filing date and number, and, if any, priority date:
- (ii) Registration date and number (if available): 10.12.2001 IR 772361
- (iii) Name and address of the owner: "EUROSTOCK" S.A. 1, rue Dragalevska, Office No 2,  
Lozenetz BG-1407 Sofia (BG)

**MEGABIT**

- (iv) Reproduction of the mark: **MEGAVIT**

List of all or relevant goods and/or services:

05

Pharmaceutical, veterinary and sanitary products, vitamins, dietetic products for medical purposes, baby food, disinfectants, dietetic beverages for medical use, dietetic substances for medical use, lozenges for pharmaceutical purposes, chewing gum for medical purposes, medicinal drinks, starch for dietetic or pharmaceutical purposes, chemical pharmaceuticals, reducing tea for medical purposes.

30

Coffee, tea, cocoa, tapioca, coffee substitutes, pastry and confectionery, edible ice, honey, molasses, mustard, baking powder, sauces (condiments), spices.

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Beers, mineral and aerated waters and other non-alcoholic beverages, fruit drinks and fruit juices, syrups and other preparations for making beverages.

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

**Article 9.1 of the Law of the Republic of Tajikistan on Trademarks and service marks.**

IX. Information relating to subsequent procedure:

- (i) Time limit for requesting review or appeal:

**In the event of disagreement of the applicant with the examiner's decision, he shall have the right, within two month of the date of receipt of the decision from International Bureau, to file with the Patent Office a request for reexamination.**

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

**National Center for Patents and Information of the Republic of Tajikistan.**

- (iii) Indications concerning the appointment of a representative:

<http://www.ncpi.tj/index2.php?show=patentnie-poverennie&lang=ru&mId=34>

X. Date of the notification of provisional refusal: **17.02.2015**

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



**Head of Division of  
international registration  
of trademarks**

Mr. 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;**

[...]