

MADRID 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 sending the statement: Antigua and Barbuda
II.	Number of the international registration: 1 204 795
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): Phillip Morris Brands Sarl
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 services which are affected or are not affected] ²
VI.	Grounds for refusal [(where applicable, see item VII)]: Section 3(2)(i) of the trademark act states that a mark cannot be validly registered if it is incapable of distinguishing the goods or services of one enterprise from those of other enterprises. Registry would like a disclaimer of "SELECTED PREMIUM TOBACCOS"

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.

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:

List of all or relevant goods and/or services:

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

Section 3(2)(i) of the Antigua and Barbuda Trademark Act

IX. Information relating to subsequent procedure:

(i) Time limit for requesting review or appeal: **Two months from the date of notification sent to the IB.**

(ii) Authority to which such request for review or appeal should be made: **Antigua and Barbuda Intellectual Property & Commerce Office.**

(iii) Indications concerning the appointment of a representative: **The Trademark Act section 18 of the states that where an applicant's ordinary residence or principal business place is outside Antigua, he shall be represented by a registered agent resident and practicing in Antigua & Barbuda before the Registrar of the Intellectual Property Office. The procedure for the registration of agent shall be prescribed in the regulations.**

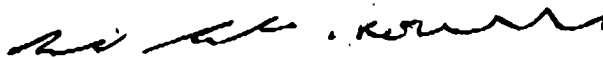
Section 31 of the Antigua & Barbuda regulations states that a local attorney at law or agent admitted to represented clients before the Intellectual Property Office may be appointed as an agent.

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.

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X. Date of the notification of provisional refusal: March 25th, 2015

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



XII. Corresponding essential provisions of the applicable law:

Section 3(2)(i) of the trademark act states that a mark cannot be validly registered if it is incapable of distinguishing the goods or services of one enterprise from those of other enterprises.

Registry would like a disclaimer of "SELECTED PREMIUM TOBACCOS"