

**ARRANGEMENT DE MADRID CONCERNANT L'ENREGISTREMENT INTERNATIONAL
DES MARQUES ET PROTOCOLE RELATIF À CET ARRANGEMENT**

REFUS PROVISOIRE DE PROTECTION

notifié au Bureau international de l'Organisation Mondiale de la Propriété Intellectuelle (OMPI)
conformément à la règle 17.1) du règlement d'exécution commun à
l'Arrangement et au Protocole de Madrid

I.	Office qui notifie le refus : Office National de la Propriété Intellectuelle (NOIP) 384-386 Nguyen Trai, Hanoi, VIETNAM
II.	No de l'enregistrement international faisant l'objet du refus : 1232192
III.	Nom et adresse du titulaire de l'enregistrement international faisant l'objet du refus : Gorokhovskaya Tatyana Germanovna Krasnyi prospekt, d. 49, kv. 58 RU-630091 Novosibirsk, Russian Federation
IV.	Motifs du refus : La marque internationale antérieure citée: "SIBERIAN HEALTH" 1084511 10 Juin 2011 SIBERIAN HEALTH s.r.o. Blanická 590/3, CZ-120 00 Vinohrady, Praha 2, Czech Republic Cl. 03,05,16,29,32
V.	Dispositions de la loi nationale applicables en la matière : Art. 74.2e de la Loi de la PI
VI.	☒ Refus pour la totalité des produits et services ☐ Refus pour les produits et/ou services suivants :
VII.	Recours contre la décision de refus provisoire : a) délai de recours: 3 mois à partir de l'envoi de ce refus par l'OMPI b) autorité à laquelle le recours sera adressé: Office National de la Propriété intellectuelle 384-386 Nguyen Trai, Hanoi, VIETNAM c) assistance d'un mandataire local obligatoire: un mandataire en propriété industrielle au Vietnam
VIII.	Date à laquelle le refus a été prononcé : 08 Janvier 2016 2015/02 HBN15
IX.	Signature ou sceau officiel de l'Office qui notifie le refus : Directeur Général  Tran Viet Thanh

	1084511	11.1.2016
151	Date of the registration	10.06.2011
180	Expected expiration date of the registration/renewal	10.06.2021
270	Language of the application	French
	Current Status	
732	Name and address of the holder of the registration	SIBERIAN HEALTH s.r.o. Blanická 590/3, CZ-120 00 Vinohrady, Praha 2 Czech Republic
811	Contracting State of which the holder is a national	CZ (Czech Republic)
841	State of which the holder is a national	CZ
842	Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized	limited liability company
740	Name and address of the representative	O.V. Shterz P.O. box 242 RU-630132 Novosibirsk Russian Federation
770	Name and address of the previous holder	Obchtchestvo s ogranichennoi otvetstvennostiou "Korporatsia "Sibirskoe zdorovie" ul. Lenina, 48, Novosibirsk, Russian Federation
540	Mark	SIBERIAN HEALTH
541	Reproduction of the mark where the mark is represented in standard characters	
566	Translation of the mark or of words contained in the mark	santé sibérienne
511	International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(9)	
03	Cosmetic creams; cosmetics; dentifrices; oils for cosmetic purposes; cleansing milk for toilet purposes; lotions for cosmetic purposes; cosmetic kits; pomades for cosmetic purposes; potpourris; cosmetic preparations for baths; sunscreen preparations; perfumery; toiletries; cosmetic preparations for skin care; soap; tissues impregnated with cosmetic lotions; shampoos.	
05	Albuminous foodstuffs for medical purposes; dietetic foods adapted for medical purposes; food for babies; dietetic beverages adapted for medical purposes; confectionery, medicated; nutritional additives for medical purposes; lacteal flour for babies; hematogen; cod liver oil; medicinal herbs; albuminous preparations for medical purposes; biological preparations for medical purposes; vitamin preparations; preparations to facilitate teething; dietetic substances adapted for medical use; mineral food-supplements.	
16	Stationery; pamphlets; note books; inkstands; writing materials; printed matter; newspapers; books; booklets; teaching materials [except apparatus]; credit card imprinters, non-electric; bags [envelopes, pouches] of paper or plastics, for packaging.	
29	Albumen for food; broth; caviar; mushrooms, preserved; broth concentrates; jams; fruits, tinned; vegetables, tinned; fish, tinned; meat, tinned; crustaceans, not live; weed extracts for food; meat extracts; potato flakes; cheese; frozen fruits; fruit, preserved; crystallized fruits; fruit, stewed;	
450	Publication number and date	2012/7 Gaz, 08.03.2012
	Opposition end date	01.06.2012
	Statement of grant of protection made under Rule 18ter(1)	GB (United Kingdom)
450	Publication number and date	2011/47 Gaz, 15.12.2011
	Statement of grant of protection made under Rule 18ter(1)	MN (Mongolia)
450	Publication number and date	2011/51 Gaz, 12.01.2012
	Statement of grant of protection made under Rule 18ter(1)	PL (Poland)
450	Publication number and date	2012/3 Gaz, 09.02.2012
	Statement of grant of protection made under Rule 18ter(1)	CZ (Czech Republic)
450	Publication number and date	2012/4 Gaz, 16.02.2012
	Statement of grant of protection made under Rule 18ter(1)	CN (China)
450	Publication number and date	2012/9 Gaz, 22.03.2012
861	Total provisional refusal of protection	KR (Republic of Korea)
450	Publication number and date	2012/9 Gaz, 22.03.2012
580	Date of notification	15.03.2012
	Date of receipt by the International Bureau	29.02.2012
	Statement of grant of protection made under Rule 18ter(1)	LV (Latvia)
450	Publication number and date	2012/10 Gaz, 29.03.2012
	Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1)	UA (Ukraine)

	jellies for food; fruit jellies; game, not live; edible fats; edible oils; vegetable juices for cooking; milk; vegetables, preserved; vegetables, cooked; vegetables, dried; marmalade; fatty substances for the manufacture of edible fats; fat-containing mixtures for bread slices; nuts, prepared; eggs; fish, not live; salted fish; potato chips; soups; milk products; fruit pulp; raisins; fruit salads; vegetable salads; sausages; tofu; fruit chips; meat; poultry, not live.	
32	Whey beverages; non-alcoholic fruit juice beverages; non-alcoholic beverages; waters (beverages); cocktails, non-alcoholic; fruit juices; vegetable juices (beverages); lemonades.	
822	Basic registration	RU (Russian Federation), 04.05.2006, 306133
832	Designation(s) under the Madrid Protocol	EE (Estonia), GB (United Kingdom), GE (Georgia), GR (Greece), KR (Republic of Korea), LT (Lithuania), MX (Mexico), TR (Turkey), US (United States of America), UZ (Uzbekistan)
834	Designation(s) under the Madrid Protocol by virtue of Article 9sexies	AM (Armenia), AZ (Azerbaijan), BG (Bulgaria), BY (Belarus), CN (China), CZ (Czech Republic), DE (Germany), ES (Spain), KG (Kyrgyzstan), KZ (Kazakhstan), LV (Latvia), MD (Republic of Moldova), MK (The former Yugoslav Republic of Macedonia), MN (Mongolia), PL (Poland), PT (Portugal), RO (Romania), RS (Serbia), SI (Slovenia), SK (Slovakia), TJ (Tajikistan), UA (Ukraine), VN (Viet Nam)
527	Indications regarding use requirements	GB (United Kingdom), US (United States of America)
	Registration	
450	Publication number and date	2011/29 Gaz, 11.08.2011
831	Designation(s) under the Madrid Agreement	TJ (Tajikistan)
832	Designation(s) under the Madrid Protocol	EE (Estonia), GB (United Kingdom), GE (Georgia), GR (Greece), KR (Republic of Korea), LT (Lithuania), TR (Turkey), UZ (Uzbekistan)
834	Designation(s) under the Madrid Protocol by virtue of Article 9sexies	AM (Armenia), AZ (Azerbaijan), BG (Bulgaria), BY (Belarus), CN (China), CZ (Czech Republic), DE (Germany), KG (Kyrgyzstan), KZ (Kazakhstan), LV (Latvia), MD (Republic of Moldova), MN (Mongolia), PL (Poland), UA (Ukraine), VN (Viet Nam)
527	Indications regarding use requirements	GB (United Kingdom)
580	Date of recording (date of notification from which the time limit to notify the refusal starts)	04.08.2011
	The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)	AZ (Azerbaijan)
	The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)	UZ (Uzbekistan)
	Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1)	BG (Bulgaria)

450	Publication number and date	2012/14 Gaz, 26.04.2012
	Opposition end date	04.07.2012
	Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1)	TR (Turkey)
450	Publication number and date	2012/20 Gaz, 07.06.2012
	Opposition end date	14.08.2012
861	Total provisional refusal of protection	DE (Germany)
450	Publication number and date	2012/23 Gaz, 28.06.2012
580	Date of notification	06.06.2012
	Date of receipt by the International Bureau	25.05.2012
	Statement of grant of protection made under Rule 18ter(1)	KG (Kyrgyzstan)
450	Publication number and date	2012/24 Gaz, 05.07.2012
	Statement of grant of protection made under Rule 18ter(1)	AM (Armenia)
450	Publication number and date	2012/26 Gaz, 19.07.2012
	Statement of grant of protection made under Rule 18ter(1)	MD (Republic of Moldova)
450	Publication number and date	2012/27 Gaz, 26.07.2012
	Statement of grant of protection made under Rule 18ter(1)	TJ (Tajikistan)
450	Publication number and date	2012/32 Gaz, 30.08.2012
	Statement of grant of protection made under Rule 18ter(1)	UA (Ukraine)
450	Publication number and date	2012/28 Gaz, 02.08.2012

Statement of grant of protection made under Rule 18ter(1)
BG (Bulgaria)
450 Publication number and date
2012/31 Gaz, 23.08.2012

Statement of grant of protection made under Rule 18ter(1)
VN (Viet Nam)
450 Publication number and date
2012/31 Gaz, 23.08.2012

Statement of grant of protection made under Rule 18ter(1)
KZ (Kazakhstan)
450 Publication number and date
2012/32 Gaz, 30.08.2012

Confirmation of total provisional refusal under Rule 18ter(3)
KR (Republic of Korea)
450 Publication number and date
2012/32 Gaz, 30.08.2012

Ex Officio examination completed but opposition or observations by
third parties still possible, under Rule 18bis(1)
GE (Georgia)
450 Publication number and date
2012/39 Gaz, 18.10.2012
Opposition end date
27.11.2012

Statement of grant of protection made under Rule 18ter(1)
BY (Belarus)
450 Publication number and date
2012/38 Gaz, 11.10.2012

Statement of grant of protection made under Rule 18ter(1)
LT (Lithuania)
450 Publication number and date
2012/49 Gaz, 27.12.2012

Opposition possible after the 18 months time limit
GR (Greece)
450 Publication number and date
2013/8 Gaz, 14.03.2013

Confirmation of total provisional refusal under Rule 18ter(3)
DE (Germany)
450 Publication number and date
2012/52 Gaz, 17.01.2013

	Statement of grant of protection made under Rule 18ter(1) EE (Estonia)
450	Publication number and date 2012/50 Gaz, 03.01.2013
	Opposition possible after the 18 months time limit GR (Greece)
450	Publication number and date 2013/8 Gaz, 14.03.2013
	Statement of grant of protection made under Rule 18ter(1) GE (Georgia)
450	Publication number and date 2013/10 Gaz, 28.03.2013
862	Partial provisional refusal of protection GR (Greece)
450	Publication number and date 2013/7 Gaz, 07.03.2013
862	Partial provisional refusal of protection As from November 14, 2005, provisional refusals indicate only whether they are total or partial, without listing the goods and services, or the classes, affected or not affected.
580	Date of notification 12.02.2013 Date of receipt by the International Bureau 04.02.2013
	Statement of grant of protection made under Rule 18ter(1) TR (Turkey)
450	Publication number and date 2013/11 Gaz, 04.04.2013
	Subsequent designation Publication number and date 2013/25 Gaz, 11.07.2013
832	Designation(s) under the Madrid Protocol MX (Mexico)
834	Designation(s) under the Madrid Protocol by virtue of Article 9sexies ES (Spain), MK (The former Yugoslav Republic of Macedonia), PT (Portugal), RO (Romania), RS (Serbia), SI (Slovenia), SK (Slovakia)
580	Date of recording (date of notification from which the time limit to notify the refusal starts) 04.07.2013
891	Date of subsequent designation (Rule 24(6) of the Common Regulations) 08.04.2013 The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

MK (The former Yugoslav Republic of Macedonia)	
Statement of grant of protection made under Rule 18ter(1)	
ES (Spain)	
450	Publication number and date 2013/42 Gaz, 07.11.2013
Statement of grant of protection made under Rule 18ter(1)	
PT (Portugal)	
450	Publication number and date 2013/44 Gaz, 21.11.2013
Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1)	
RO (Romania)	
450	Publication number and date 2014/2 Gaz, 23.01.2014
Statement of grant of protection made under Rule 18ter(1)	
SI (Slovenia)	
450	Publication number and date 2013/51 Gaz, 09.01.2014
861	Total provisional refusal of protection
MX (Mexico)	
450	Publication number and date 2014/7 Gaz, 27.02.2014
580	Date of notification 13.02.2014
Date of receipt by the International Bureau 31.01.2014	
Statement of grant of protection made under Rule 18ter(1)	
SK (Slovakia)	
450	Publication number and date 2014/13 Gaz, 10.04.2014
Statement of grant of protection made under Rule 18ter(1)	
RO (Romania)	
450	Publication number and date 2014/20 Gaz, 29.05.2014
Subsequent designation	
450	Publication number and date 2014/28 Gaz, 24.07.2014
832	Designation(s) under the Madrid Protocol US (United States of America)

527	Indications regarding use requirements US (United States of America)
580	Date of recording (date of notification from which the time limit to notify the refusal starts) 24.07.2014
891	Date of subsequent designation (Rule 24(6) of the Common Regulations) 05.05.2014
Statement of grant of protection made under Rule 18ter(1)	
	RS (Serbia)
450	Publication number and date 2014/24 Gaz, 26.06.2014
881	Total provisional refusal of protection
	US (United States of America)
450	Publication number and date 2014/38 Gaz, 02.10.2014
580	Date of notification 22.09.2014 Date of receipt by the International Bureau 25.08.2014
861	Total provisional refusal of protection
	US (United States of America)
450	Publication number and date 2015/6 Gaz, 19.02.2015
580	Date of notification 05.02.2015 Date of receipt by the International Bureau 22.01.2015
Statement of grant of protection made under Rule 18ter(1)	
	SI (Slovenia)
450	Publication number and date 2016/2 Gaz, 21.01.2016