

**MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS  
AND PROTOCOL RELATING TO THAT AGREEMENT  
PROVISIONAL REFUSAL OF PROTECTION**

Notified to the International Bureau of the World Intellectual Property Organization (WIPO) in accordance with  
Rule 17(1) of the Common Regulations under the Madrid Agreement and Protocol

I. Office making the notification:

**Institute for Intellectual Property of Bosnia and Herzegovina**

Branch Office of the Institute, Hamdije Ćemerlića 2/IX, 71000 Sarajevo, +387 33 65 27 98  
sarajevo@ipr.gov.ba

II. Number of the international registration: **IR 1269362 - SENSE**

III. Name of the holder (or other indication enabling the identity of the international registration to be confirmed):

**"VINPROM PESHTERA" S.A.  
5 "Dunav" bul.  
BG-4000 Plovdiv  
(BG)**

IV. ☐ Provisional refusal based on an ex-officio examination

☒ Provisional refusal based on an opposition

☐ Provisional refusal based on both an ex-officio examination and an opposition

V. ☒ Provisional refusal for all the goods and/or services

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☐ Provisional refusal for some of the goods and/or services:

VI. Grounds for refusal [(where applicable, see item XII)]:

**Article 7, 1, a), c); Trademark Law, Official Gazette No. 53/10**

VII. VII. Information relating to an earlier mark

- (i) Filing date and number, and, if any, priority date:

15.01.2015.

- (ii) Registration date and number (if available):

15.01.2015. 1174331 - 18 K SENSI

- (iii) Name and address of the owner:

SENSI VIGNE & VINI S.R.L.

Via Cerbaia, 107,

Frazione Cerbaia

I-51035 Lamporecchio (PT)

(IT).

- (iv) Reproduction of the mark:

**18 K SENSI**

- (v) List of all or relevant goods and/or services:

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Wines; aperitifs, sparkling wines, spirits and liqueurs; except beer.

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

**Article 7, 1, a), c); Trademark Law, Official Gazette No. 53/10**

**IX. Information relating to subsequent procedure**

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

(3) The Institute shall, through the International Bureau, send to the holder of an internationally registered trademark a notification of the provisional refusal based on an opposition and shall invite him to appoint a domestic representative.

(4) The representative referred to in paragraph (3) of this Article shall file with the Institute a power of attorney for representation within **four months** from the date of the notification of refusal.

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

**Institute for Intellectual Property of Bosnia and Herzegovina**

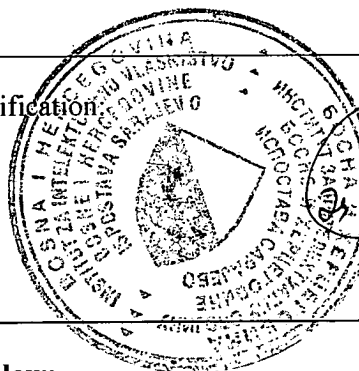
**Branch Office of the Institute, Hamdije Ćemerlića 2/IX, 71000 Sarajevo, +387 33 65 27 98**  
**sarajevo@ipr.gov.ba**

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

Support a mandatory local representative (herewith the list of attorneys).

**X. Date of the notification of provisional refusal: 07-03-2016**

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



*Handwritten signature*  
Acting Director  
Josip Merdžo

**XII. Corresponding essential provisions of the applicable law:**

**Article 7**

**(Relative Grounds for Refusal of a Trademark Application)**

**1. On the grounds of an opposition filed, a trademark shall not protect a sign:**

- a) which is identical with an earlier protected sign of another person for similar goods or services or similar to an earlier protected sign of another person for the identical or similar kind of goods or services if, due to such identity or similarity, there exist a likelihood of confusion in the course of trade, which includes the likelihood of association with an earlier protected trademark;
- b) which is identical or similar to, for the identical or similar kind of goods or services, a sign of another person which is well-known in BiH, within the meaning of Article 6bis of the Paris Convention for the Protection of Industrial Property (hereinafter: a well-known sign);
- c) which, in accordance with Article 16, paragraph 3 of the TRIPS Agreement (the Agreement on Trade-Related Aspects of Intellectual Property Rights), regardless of the goods or services to which it relates, constitutes a reproduction, an imitation or a transliteration of a protected sign of another person or the essential part thereof, which is known beyond any doubt by the participants in the course of trade in BiH as a sign of high reputation (hereinafter: a famous trademark) used by another person to designate his goods or services, if the use of such a

sign would take unfair advantage of the reputation of a famous trademark or be detrimental to its distinctive character or reputation;

d) whose appearance or content infringes an older copyright or geographical indication or an earlier protected industrial design;

e) the use of which would infringe the right to the personal name of a renowned person or the personal portrayal of any person if the came into existence before the date of a trademark application or the date of the granted priority claimed in the trademark application;

f) which is identical with or similar to an earlier trademark which was registered for identical or similar goods or services and which has expired due to the failure to renew the registration if less than two years have elapsed from the expiry of the earlier trademark, unless the holder of the earlier trademark gave his consent for the grant of the later trademark or did not use his trademark.

g) which is filed contrary to the principle of good faith, conscientiousness and honesty.

(2)

The protected sign referred to in paragraph 1 items a) and c) of this Article shall be considered to be a sign which is protected by a trademark for the territory of BiH, whereas the protected sign referred to in item a) of paragraph 1 of this Article shall be considered to be a sign which is the subject matter of the application for the grant of a trademark for the territory of BiH, provided that a trademark applied for in that application is granted.