

**MADRID AGREEMENT AND PROTOCOL**  
**PROVISIONAL REFUSAL OF PROTECTION**

I.	Office making the notification:	<b>INTELLECTUAL PROPERTY OFFICE OF MONGOLIA</b> <b>BAGA TOIRUU-49, ULAANBAATAR-46, MONGOLIA</b>	
II.	Number of the international registration:	<b>1269362</b>	
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed):	<b>"VINPROM PESHTERA" S.A.</b> <b>5 "Dunav" bul. BG-4000 Plovdiv (BG)</b>	
IV.	<input checked="" type="checkbox"/> Provisional refusal based on an <i>ex officio</i> examination		
	<input type="checkbox"/> Provisional refusal based on an opposition		
	<input type="checkbox"/> Provisional refusal based on both an <i>ex officio</i> examination and an opposition <sup>1</sup>		
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:		
VI.	Grounds for refusal :	<b>According to Trademark and Geographical Indication law, Article 5.2.6, 5.2.7 applied trademark (SENSE) is identical or confusingly similar with a trademark registered earlier or with earlier filing date for registration in respect identical or same type product or services.</b>	
VII.	Information relating to an earlier mark :		
	(i) Filing date and number, and, if any, priority date:		
	(ii) Registration date and number (if available):	<b>16.03.2004</b>	<b>822288</b>
	(iii) Name and address of the owner:		
		<b>EDNOLITCHNO DRUJESTVO S OGRANITCHENA</b> <b>OTGOVORNOST "FINANSKONSULT" Altzeko str. 16 BG-4000 PLOVDIV (BG)</b>	
	(iv) Reproduction of the mark:		
		<b>SIXTH SENSE</b>	
	(v) List of all or relevant goods and/or services:		

29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats.  
30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.  
31. Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt.  
32. Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.  
**33. Alcoholic beverages (except beers).**  
34. Tobacco; smokers' articles; matches.

VIII. Information relating to subsequent procedure:

(i) Time limit for requesting review or appeal:

**Within 3 months from the date of the notification by WIPO to the holder**

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

**INTELLECTUAL PROPERTY OFFICE OF MONGOLIA  
BAGA TOIRUU-49, ULAANBAATAR-46, MONGOLIA**

(iii) Indications concerning the appointment of a representative:

IX. Date of the notification of provisional refusal:

**31 March 2016**

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



XII. Corresponding essential provisions of the applicable law:

5.2. The following shall not be registered as trademark:

5.2.6. it is identical with a trademark registered or applied for registration in Mongolia in respect of identical goods or services;

5.2.7. it is identical with, or similar to, a trademark registered or applied for registration in Mongolia in respect of similar goods or services where its use would result in a likelihood of confusion on the part of consumers.