

MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATIONS 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

<p>I. Office Making the notification:</p> <p>National Intellectual Property Center of Georgia "SAKPATENTI" 5, Antioch Str., 3300 Mtskheta GEORGIA</p>
<p>II. Number of the International Registration: 1076327</p> <p>International Mark which is the subject of the statement:</p> <p>CHEMPIOIL</p>
<p>III. Name of the holder (or other indication enabling the identity of the international registration to be confirmed): UAB "SCT Lubricants" ; Silutes pl. 119, LT-95112 Klaipeda, Lithuania</p>
<p>IV. <input checked="" type="checkbox"/> Provisional refusal based on an ex officio examination</p> <p><input type="checkbox"/> Provisional refusal based on an opposition</p> <p>The name and address of the opponent:</p> <p><input type="checkbox"/> Provisional refusal based on both an ex officio examination and an opposition: The name and address of the opponent:</p>
<p>V. <input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services</p> <p><input type="checkbox"/> Provisional refusal for some of the goods and/or services:</p>
<p>VI. Grounds for refusal: The trademark is similar and liable to be confused with the</p> <p>1. international trademarks "CHAMPION" and design, "CHAMPION" and design, "CHAMPION" and design, "CHAMPION" and design registered 05/09/2000, 12/10/2010, 24/05/2012, 24/05/2012 under the numbers 744686, 1059799, 1121573, 1121574 for the goods in classes 01, 04;</p> <p>2. national trademark "CHAMPION" and design, registered 01/10/2010 (application date 15/06/2009) under the number 20793 for the goods in class 01, 03, 04.</p>

VII. Information relating to earlier mark:

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

VIII. Corresponding essential provisions of the applicable law: Article 5 (c).

IX. Information relating to subsequent procedure:

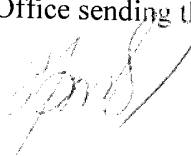
- (i) Time limit for requesting review or appeal: **This statement can be appealed at Sakpatenti Chamber of Appeals no later than 3 months or Mtskheta City Court no later than 1 month from the date of its publication in the WIPO Gazette of International Marks.**
- (ii) Authority to which such request for review or appeal should be made: **This statement can be appealed at Sakpatenti Chamber of Appeals or Mtskheta City Court.**
- (iii) Indications concerning the appointment of a representative:

The request may be filed through the intermediary of a patent attorney of Georgia or if the party to an administrative proceeding is not domiciled in Georgia, he/she shall appoint a representative with a registered address in Georgia

X. Date of notification of provisional refusal: **15-03-2016**

XI. Signature or official seal of the Office sending the statement:

Acting Head of the Department



Medea Tchitchinadze

IX. Extract from the Trademark Law of Georgia

Article 3. TRADEMARK

1. A trademark is a sign or combination of signs that can be represented graphically and is capable of distinguishing the goods or services or both (hereinafter referred to as "goods") of one undertaking from those of other undertakings.
2. The sign may be a word or words, including proper names, letters, figures, sounds, a design or a three-dimensional figure, including the shape of goods or their wrapping and also other packaging, including colors or combination of colors.
3. The trademark is protected by registration at «Sakpatenti» or by virtue of international agreement.
4. Well-known trademarks in Georgia are protected without registration, under Article 6^{bis} of the Paris Convention. The trademark is recognized as well-known by the Chamber of Appeals of «Sakpatenti» or by the court, in its competence, upon the request of an interested person.

Article 4. ABSOLUTE GROUNDS FOR REFUSAL OF REGISTRATION

1. A sign, or combination of signs shall not be registered as a trademark where it:
 - (a) does not comply with the requirements of Article 3 (1) of this Law;
 - (b) represents a single non-stylized (standard) letter or figure, or a single colour taken separately;
 - (c) is not capable of distinguishing the relevant goods;
 - (d) is descriptive in respect of the goods for which its registration is requested, consists exclusively of the kind, quality, quantity, feature, value, intended purpose, geographical origin, place of sale, time or other characteristics of the goods or can be regarded as such;
 - (e) is widely used as a generic term for the particular type of goods;
 - (f) represents a widely established trade term or sign, characteristic of goods, for which registration is sought;
 - (g) insults or is contrary to national dignity, religious sentiment and traditions and moral standards;
 - (h) is likely to deceive the public (as to the feature, quality, geographical origin or other characteristics of the goods);
 - (i) completely or in any of its constituent elements coincides with the national emblems or the flags, emblem or full or abbreviated names of foreign states; the emblems of intergovernmental or other international organizations or their abbreviated or full names; official control, warranty and test hallmarks, signs (including certification marks of goods) seals, orders and medals; the official or historical names, emblems and State flags of the constituent parts of Georgia; the banknotes of Georgia or the imitation of the foregoing: such a sign may be included in a trademark, as a feature not qualifying for protection, if the permission of the Ministry of Culture or the holder has been obtained.
2. A three-dimensional sign shall not be registered as a trademark, where its shape:
 - (a) is established exclusively by the nature of the goods;
 - (b) is necessary for a technical result to be achieved.
3. The provisions of paragraph 1(c), (d), (e), (f), and (h) above shall not apply if, before a decision is taken on its registration, a trademark has become distinctive through use in the course of trade in relation to the goods specified in the application.

Article 5. RELATIVE GROUNDS FOR REFUSAL OF REGISTRATION

- A trademark shall not be registered if it:
- (a) is identical to another trademark registered for the same goods;
 - (b) is identical to the trademark of a third party and the goods are so similar as to create a risk of confusion between the marks, including confusion based on association;
 - (c) is similar to the trademark of a third party and the goods are identical or so similar as to create a risk of confusion between the marks, including confusion based on association;
 - (d) is identical or similar to a trademark well known in Georgia, existing before filing the application, so that there is a risk of confusion with it, including confusion based on association; this rule shall apply even where the lists of goods are different;
 - (e) is identical or so similar to an appellation of origin or geographical indication protected in Georgia that there is a risk of confusion with it, including confusion based on association and the registration of trademark is requested for the identical or similar goods, or using such a trademark will result in using the reputation of the protected appellation of origin or geographical indication. This provision shall not apply if an appellation of origin or geographical indication is involved as a feature not qualifying for protection in the trademark of a person entitled to use it.
 - (f) is identical to an industrial design protected in Georgia except where registration of the trademark is sought by the holder of the exclusive rights in the industrial design;
 - (g) is identical or similar to registered trademark a third party enjoying good reputation in Georgia, and if the use of that trademark creates unfair advantages for its applicant or damages the reputation of the protected trademark; this rule shall apply where there are different lists of goods;
 - (h) includes names, pseudonyms, facsimiles, portraits of persons famous in Georgia without the consent of these persons or their legatees, and if they belong to the history and culture of Georgia without the permission of the Ministry of Culture, Monuments Protection and Sport of Georgia;
 - (i) includes the names of historical monuments of Georgia or of reproductions thereof without the permission of the Ministry of Culture, Monuments Protection and Sport of Georgia.

744686 - CHAMPION

151

Date of the registration

05.09.2000

180

Expected expiration date of the registration/renewal

05.09.2020

270

Language of the application

French

732

Name and address of the holder of the registration

"WOLF OIL CORPORATION"

naamloze vennootschap

Georges Gilliotstraat 52

B-2620 HEMIKSEM

(BE)

812

Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment

BX

740

Name and address of the representative

Novagraaf Belgium S.A./N.V.

Chaussée de la Hulpe 187, Terhulpensesteenweg 187

B-1170 BRUXELLES/BRUSSEL, (BE)

540

Mark



591

Information concerning colors claimed

Red and white.

Chemical products for industrial use; chemical additives to lubricants and **fuels; chemical additives used for preventing oil loss, rinsing oil, cleaning diesel engines and petrol engines, preventing soot, rinsing radiators and**
01 sealing cooling systems; antifreeze products and compositions; brake fluids.

Cleaning, polishing, scouring and abrasive preparations; soaps; bleaching preparations and other substances for
03 laundry use.

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including petrols
04 for engines) and illuminants.

BX, 07.02.2000, 668552

- GE -

1059799 - CHAMPION

151

Date of the registration

12.10.2010

180

Expected expiration date of the registration/renewal

12.10.2020

270

Language of the application

French

732

Name and address of the holder of the registration

WOLF OIL CORPORATION N.V.

Georges Gilliotstraat 52

B-2620 Hemiksem

(BE)

812

Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment

BX

842

Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized

Naamloze vennootschap, Belgium

740

Name and address of the representative

Novagraaf Belgium S.A./N.V.

Chaussée de la Hulpe 187, Terhulpensesteenweg 187

B-1170 BRUXELLES/BRUSSEL, (BE)

540

Mark



Red and white.

CHAMPION

01 Antifreeze and antifreeze compositions.

Cleaning, polishing, scouring and abrasive preparations; soaps, rinsing oils; stain removers; polishing paper;
03 cleaning fluids for car windows.

04 Industrial oils and greases; lubricants; dust laying compositions; fuels, including motor spirit, and illuminants.

BX, 24.06.2010, 1205355

BX, 11.10.2010, 886176

BX, 24.06.2010, 1205355

GE -

1121573 - CHAMPION

24.05.2012

24.05.2022

English

Wolf Oil Corporation N.V.
Georges Gilliotstraat 52
B-2620 Hemiksem
(BE)

BX

Naamloze Vennootschap, Belgium

Novagraaf Belgium S.A./N.V.
Terhulpensesteenweg 187, B-1170 BRUSSELS, (BE)



550

Three-dimensional mark

Black, red, white and grey.

Containers.

01 Antifreeze and antifreeze compositions; antifreeze additives for oils; antifreeze additives for motor fuels.

Cleaning, polishing, scouring and abrasive products; soap, oils for cleaning purposes; stain removers; polishing
03 paper; windshield cleaning liquids.

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions fuels, including motor
04 spirit, and illuminants.

BX, 23.05.2012, 1248109

BX, 24.05.2012, 919926

BX, 23.05.2012, 1248109

- GE -

1121574 - CHAMPION

24.05.2012

24.05.2022

English

Wolf Oil Corporation N.V.
Georges Gilliotstraat 52
B-2620 Hemiksem
(BE)

BX

Naamloze Vennootschap, Belgium

Novagraaf Belgium S.A./N.V.
Terhulpensesteenweg 187, B-1170 BRUSSELS, (BE)



550

Three-dimensional mark

Black, red, white and grey.

Containers.

01 Antifreeze and antifreeze compositions; antifreeze additives for oils; antifreeze additives for motor fuels.

Cleaning, polishing, scouring and abrasive products; soap, oils for cleaning purposes; stain removers; polishing
03 paper; windshield cleaning liquids.

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions fuels, including motor
04 spirit, and illuminants.

BX, 23.05.2012, 1248111

BX, 24.05.2012, 919927

BX, 23.05.2012, 1248111

- GE -

საქართველოს ინტელექტუალური საკუთრების ეროვნული ცენტრი
„საქპატენტი“
ანტიოქიის ქ. 5, 3300 მცხეთა ტ. (995 32) 225 25 33

ინფორმაცია სასაქონლო ნიშნის შესახებ

/111/ რეგისტრაციის № **M 2010 20793**
/151/ რეგისტრაციის თარიღი **2010-10-01**
/181/ რეგისტრაციის ვადის
გასვლის თარიღი **2020-10-01**
/540/ სასაქონლო ნიშნის გამოსახულება

CHAMPION

/591/ ფერი: წითელი, თეთრი
/526/ დისკლამაცია:

/210/ განაცხადის №: **AM 053800**
/220/ განაცხადის მიღების თარიღი: **2009-06-15**
/230/ საგამოფენო მონაცემები:
/310/ პირველი განაცხადის №:
/320/ პირველი განაცხადის
მიღების თარიღი:
/330/ პირველი განაცხადის მიმღები
ქვეყნის (უწყების) კოდი:
/740/ წარმომადგენელი:
თამაზ ანდროს ძე შილაკაძე
პოლიტკოვსკაიას ქ. N8ა, 0186, თბილისი, GE

/732/ მფლობელი და მისი მისამართი
კულფ ოილ კორპორეიშენ, ნაამლოზ ვენნოტშაპ
ჯორჯის ჯილიოტსტრაატ 52, 2620 ჰემიკსემი, ბელგია
Wolf Oil Corporation, naamloz vennootschap
Georges Gilliotstraat 52, 2620 Hemiksem, Belgium

/511/ საქონლისა და/ან მომსახურების ჩამონათვალი კლასიფიცირებული ნიშნის
საერთაშორისო კლასიფიკაციის მიხედვით

1 - სამრეწველო დანიშნულების ქიმიური ნაწარმი; ქიმიური დანამატები საპოხი მასალების, მანქანის ზეთისა და საწვავისათვის; ქიმიური დანამატები ზეთის კარგვის თავიდან აცილების, ზეთის გამორეცხვის, დიზელისა და ბენზინის ძრავების წმენდის, ნაწვის გაჩენის თავიდან აცილების, რადიატორების გამორეცხვისა და გაცივების სისტემების პერმეტიზაციისათვის; მოყინვის საწინააღმდეგო საშუალებები და შედგენილობები; სამუხრუჭო სითხეები.

3 - პრეპარატები წმენდის, გაპრიალების, გაუცნიმოვნებისა და აბრაზიული დამუშავებისათვის; საპნები, საწმენდი ზეთები; ლაქების ამოსაყვანი საშუალებები; საპრიალებელი ქაღალდი; მინების, მათ შორის, საქარე მინების საწმენდი სითხეები.

4 - ტექნიკური ზეთები და საპოხები; ნავთობროდუქტები; საპოხი მასალა; მტვრის შთამნთქმელი, დამსველებელი და შემკვრელი შედგენილობები; საწვავი (მათ შორის ძრავას ბენზინი) და გასანათებელი ნივთიერებები.