

MADRID AGREEMENT AND 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 making the notification: Antigua and Barbuda
II.	Number of the international registration: 1 261 461
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed): SWATCH AG (SWATCH SA) (SWATCH LTD)
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(1) A mark cannot be validly registered if it is incapable of distinguishing the goods or services of one enterprise from those of the other enterprises. Registry states that the list of goods and services mentioned in class 9 and 14 are too general.

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) Reproduction of the mark:
- (iv) 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 Trade Marks 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 Barbuda Intellectual Property & Commerce Office**

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

Section 31 of the Antigua and Barbuda Trademark Regulations states that a local attorney at law or agent admitted to represent clients before the Intellectual Property & Commerce Office may appointed.

X. Date of the notification of provisional refusal: April 18th 2016

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

[Handwritten signature] R3615

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.

XII. Corresponding essential provisions of the applicable law:

Section 3 2(1) A mark cannot be validly registered if it is incapable of distinguishing the goods or services of one enterprise from those of the other enterprises.

Registry states that the list of goods and services mentioned in class 9 and 14 are too general.