

NOTIFICATION ABOUT PROVISIONAL REFUSAL OF PROTECTION

sent to International Bureau of the World Intellectual Property Organization
(WIPO) according to article 5 of the Madrid Protocol

I. Body which notifies the provisional refusal of protection : Agency on Intellectual Property of the Republic of Uzbekistan, 59, Mustakillik avenue, 100000, Tashkent (Uzbekistan). Telephone: (99871) 232-50-50; Fax: (99871) 232-50-05	
II. No of the International registration, being the object of the refusal:	604 678
No of the basic national registration:	521 924
III. Name and address of the holder of the international registration, being the object of the refusal: Koninklijke Douwe Egberts B.V. Oosterdoksstraat 80 Amsterdam (NL) NL-1011 DK	
IV. Motives for the refusal: The presented trademark "CAFITESSE" cannot be registered as a trademark, since it is phonetically similar to the point of confusion with: <ul style="list-style-type: none"> – the trademark "CAFIT" № 971906, registered in the international register in 13.06.2008 by CAFEA GmbH (Am Sandtorkai 2 20457 Hamburg) (DE) for the similar goods of the class 30. – the trademark "COFITOS" № 687504, registered in the international register in 26.01.1998 by PERFETTI VAN MELLE S.P.A. (Via XXV Aprile, 7 I-20020 LAINATE) (IT) for the similar goods of the class 30. 	
V. Articles of the national law applicable on the matter (please turn over):	10.13
VI. <input type="checkbox"/> Refusal for all goods and/or services: <input checked="" type="checkbox"/> Refusal for the following goods and/or services: all goods of the class 30. <input type="checkbox"/> Decision about the disclamation:	
VII. The supply of objections against the decision about the provisional refusal a) period of the supply: 6 months from the date of acceptance of the provisional refusal: b) body where the objection must be addressed: Agency on Intellectual Property of the Republic of Uzbekistan (at the address mentioned in box I); c) assistance of the national patent attorney is obligatory.	
VIII. Date of the acceptance of the refusal:	05.05.2016

LAW OF THE REPUBLIC OF UZBEKISTAN
«ON TRADE MARKS AND SERVICE MARKS AND APPELLATIONS OF ORIGIN»
(entered into force on August 30,2001)

Article 10. Designations not registered as trademarks

The following shall not be registered as trademarks:

- 1) designations serving as illustrations of State coats of arms, flags and State awards;
- 2) official names of States, abbreviated or full names of international or intergovernmental organizations;
- 3) official control, guarantee and hallmarks and seals;
- 4) illustrations of decorations and insignia of State services used in the Republic of Uzbekistan;
- 5) designations which cannot be distinguished;
- 6) designations which have entered into common use as designations of goods of a particular type;
- 7) designations representing generally accepted symbols and terms;
- 8) designations used to characterize goods including types, qualities, quantities, features, purposes, values and also the times and places of their production or sale.
- 9) designations which are false or likely to mislead the user as regards a good or its manufacturer;
- 10) designations formally indicating the true place of production of a good but giving a mistaken perception that the good comes from another territory;
- 11) designations representing or containing geographical names identifying mineral waters, wines or strong spirits, for the designation of goods not originating in the place in question, and also where they are used in translation or in combination with the words "form," "type," "in the style" and so on;
- 12) designations contrary to the interests of society, principles of humanity and morality;
- 13) designations identical or similar to the point of confusion with:
 - trademarks previously registered or filed for registration in the Republic of Uzbekistan on behalf of another person, and also protected without registration under the international agreements to which the Republic of Uzbekistan is a party or enjoying earlier priority in relation to goods of the same type;
 - trademarks of other persons recognized as generally known in accordance with the established procedure, in relation to any goods;
 - appellations of origin protected in accordance with this Law, apart from the cases of their inclusion as an unprotected element in a trademark registered on behalf of a person who has the right to use such an appellation in relation to any goods;
 - certificated signs, registered in accordance with the established procedure;

The designations indicated in paragraphs one to four of the first part of this article may be included as unprotected elements in a trademark, if agreement thereto has been given by the corresponding State body or their owner, and the designations indicated in paragraphs five to eight of the first part of this article may be included as unprotected elements in a trademark, if they do not occupy a dominant position therein.


Registration of the designations indicated in paragraphs five to eight of the first part of this article may be permitted, provided that these designations have become distinguishable in practical terms as a result of their use.

Registration of a designation, similar to the point of confusion with a trademark indicated in sections two and three of paragraph 13 of the first part of this article, may be permitted, provided that the trademark owner has given his consent to the registration of this designation.

IX. Enclosure

- Information about opposed marks
- Information about opposed national marks

X. Signature of the official representative of the body which pronounces the refusal



ENCLOSURE TO THE PROVISIONAL REFUSAL OF
THE INTERNATIONAL REGISTRATION
No 604 678

Extract from the international registration

No 971 906

The list of goods:

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Coffee, coffee extracts, artificial coffee, tea, tea extracts, coffee, tea, cocoa and chocolate-based beverages, including the aforesaid goods with added milk products and fruit products and/or flavourings and/or sweetening substances and/or fructose and/or glucose and/or caffeine and/or vitamins and/or minerals, including all the aforesaid goods in instant form, cocoa, chocolate, chocolate goods and confectionery, in particular bars, including the aforesaid goods with added milk products and fruit products, nuts and/or cereal products; fine pastry and confectionery; natural sweeteners and sweetening substances; coffee, cocoa and chocolate preparations for making non-alcoholic beverages.

CAFIT

ENCLOSURE TO THE PROVISIONAL REFUSAL OF
THE INTERNATIONAL REGISTRATION
No 604 678

Extract from the international registration

No 687 504

The list of goods:

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Café, thé, cacao; sucre; riz; tapioca; sagou; succédanés du café; farines et préparations faites de céréales, pain, pâtisserie et confiserie, glaces comestibles; miel, sirop de mélasse; levure, poudre pour faire lever; sel, moutarde; vinaigre, sauces (condiments); épices; glace à rafraîchir; bonbons, gommes à mâcher.

COFITOS
